



Friday, 17 July 2026

Mr Greg Manning
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Mr Rob Lawrence
Deputy Director, Environmental Services and
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GPO Box 2454
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Dear Mr Manning and Mr Lawrence

Re: CEC submission regarding the Draft Brigalow Belt North Bioregional Guidance Plan

The Clean Energy Council (**CEC**) welcomes the opportunity to provide a submission on the Draft Brigalow Belt North Bioregional Guidance Plan (the **Guidance Plan**). The Guidance Plan focuses on wind farm developments in the Bogie River Hills and the Northern Bowen Basin subregions in Northern Queensland (**Brigalow Belt North Area**).

The CEC is the peak body for the clean energy industry in Australia, representing nearly 1,000 businesses operating across renewable energy generation, energy storage, and the broader clean energy supply chain. Our members include developers, owners, and operators of wind energy facilities, solar energy facilities, battery energy storage systems, investors and associated infrastructure across Queensland and nationally.

The CEC supports the submission made by the Queensland Renewable Energy Council (**QREC**) and has had regard to QREC's comments in preparing this submission. In addition to the matters raised in the QREC submission, our additional recommendations are set out below.

Summary of Recommendations

Recommendation 1: The Guidance Plan should be consistent with the Data and Information, Community Engagement and First Nations Engagement Standards (once finalised). The Guidance Plan should remain in draft until the relevant NES are finalised.

Recommendation 2: The terminology used in the Guidance Plan should align with terminology in the EPBC Act, including terms such as 'critical habitat' and 'significant impacts'. Where different terminology is intentionally used, this should be stated, with definitions or worked examples provided.

Recommendation 3: The Guidance Plan should better contextualise the relative risk of wind development in the Brigalow Belt North Area by recognising its comparatively lower contribution to cumulative environmental pressures and its role in addressing climate change.

Recommendation 4: The overall 'high' risk rating assigned to aerial collisions and entanglement should be reconsidered, as this rating may overstate the risk based on the examples provided in Table 5.

Recommendation 5: We recommend that spatial data be provided in accessible GIS-compatible formats to support project planning, environmental assessment and risk identification.

Recommendation 6: We recommend that further consideration be given to offset options for species that do not frequently land, including the availability of indirect offsets.

Recommendation 7: We recommend clarifying that 'near zero impact' thresholds and offset restrictions are not intended to establish default no-go areas. Decisions should continue to be informed by project-specific assessments, the mitigation hierarchy and the broader environmental benefits of renewable energy development.

Further detail regarding recommendations

1. Consistency with the National Environmental Standards

Bioregional guidance plans will need to be consistent with certain National Environmental Standards (**NES**).¹ DCCEEW has indicated that the intention is that bioregional guidance plan will need to be consistent with the Data and Information, Community Engagement and First Nations Engagement Standards. DCCEEW has also indicated that the Guidance Plan for the Brigalow Belt North Area is proposed to be exempt from this requirement because it was prepared before the NES are finalised. The CEC does not support this approach.

Although the Guidance Plan is not a regulatory instrument, it must be taken into account by decision-makers.² Accordingly, any Guidance Plan should be consistent with the prescribed Standards. We

¹ Section 176B(2) of the EPBC Act provides that the 'Minister must not make or vary a bioregional guidance plan unless the Minister is satisfied that the bioregional guidance plan, or the bioregional guidance plan as varied, is consistent with any national environmental standards prescribed by the regulations for the purposes of this subsection'. We understand that the intention is to prescribe the Data and Information, Community Engagement and First Nations Engagement Standards for this purpose.

² Section 136(2) of the EPBC Act sets out the factors that the Minister must take into account when deciding whether or not to approve the taking of an action and what conditions to impose. Section 136(2)(h) includes consideration of any bioregional guidance plan that the Minister considers relevant.

acknowledge that the Minister's final decision must be consistent with the NES,³ which provides an important safeguard. However, relying on the Minister's decision to address inconsistencies between a bioregional guidance plan and the NES undermines the purpose of requiring bioregional guidance plans to be consistent with the NES in the first place. It also creates uncertainty for industry by allowing bioregional guidance plans to establish an assessment benchmark that may not align with the NES and/or requirements that may not be accepted by the Minister in a final decision. We also note that it places an additional regulatory burden on the Minister to assess whether a matter dealt with under the Guidance Plan is consistent with the NES.

We also note that the proposed First Nations Engagement Standard has not yet been released for public consultation, and no clear timeframe has been provided for its finalisation. It is important that the Guidance Plan and any future bioregional guidance plans are also consistent with this standard. We recommend that the Guidance Plan remain in draft until the NES have been finalised, enabling it to be reviewed and updated to ensure consistency.

Recommendation 1: The Guidance Plan should be consistent with the Data and Information, Community Engagement and First Nations Engagement Standards (once finalised). The Guidance Plan should remain in draft until the relevant NES are finalised.

2. Consistency with EPBC Act terminology

Where possible, we also recommend that the Guidance Plan adopt terminology that is consistent with the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**). For example, the EPBC Act refers to 'critical habitat', whereas the Guidance Plan refers to 'important conservation areas'. It is unclear whether these concepts are intended to overlap or have different meanings.

Similarly, the EPBC Act refers to 'significant impacts', whereas the Guidance Plan introduces terms such as 'residual risk ratings' (low, medium and high), 'near-zero impacts', and 'impacts as low as possible'. We recommend clarifying how these concepts relate to the significance thresholds under the EPBC Act.

Where a term is not intended to align with the EPBC Act, this should be clearly stated (along with a rationale for any proposed misalignment with the EPBC Act), and the term should be expressly defined. We also recommend including worked examples of how these thresholds could apply in practice, for example, where a proponent has met the near zero impact threshold a case study could demonstrate how this aligns with the mitigation hierarchy under the EPBC Act.

Recommendation 2: The terminology used in the Guidance Plan should align with terminology in the EPBC Act, including terms such as 'critical habitat' and 'significant impacts'. Where different terminology is intentionally used, this should be stated, with definitions or worked examples provided.

³ Section 136A of the EPBC Act.

3. Weighting of the key findings

The CEC welcomes the acknowledgement of the cumulative pressures affecting the Brigalow Belt North Area, including invasive species, inappropriate fire regimes, mining and grazing. The Guidance Plan identifies land clearing and aerial collision or entanglement as the highest-risk components associated with renewable energy development.

The overall assessment of wind farm development is ‘low to medium’ risk.⁴ By comparison, ongoing pervasive threats and climate-driven pressures are assessed as ‘medium to high’ risk.⁵ Given the comparatively lower overall risk rating for wind farm development, we consider that the high-risk characterisation of land clearing and aerial collision associated with wind development may overstate the relative contribution of these impacts. We recommend clarifying that, while these potentially represent the highest-risk components of wind farm development (although noting our comments below that the aerial collision risk is potentially overstated), the overall contribution of wind development impacts on protected species is lower than that of many existing and ongoing threats.

In addition, the current framing does not recognise that renewable energy projects play a critical role in addressing climate change, which is one of the most significant threats to biodiversity. We recommend including further guidance on how the Guidance Plan should be applied consistently with the principles of ecologically sustainable development and broader policy objectives, including the Queensland Energy Roadmap. The Guidance Plan should also recognise any consequential environmental benefits arising from an action or class of actions that contribute to reducing or avoiding greenhouse gas emissions.

Recommendation 3: The Guidance Plan should better contextualise the relative risk of wind development in the Brigalow Belt North Area by recognising its comparatively lower contribution to cumulative environmental pressures and its role in addressing climate change.

4. Overstating the risk of aerial collision

Table 5 in the Guidance Plan provides an example residual risk assessment for protected matters commonly triggered by wind farm developments.⁶ Table 5 appears to have informed the overall risk rating of aerial collisions being categorized as ‘high’. While we appreciate that the table is intended as an example, we are concerned that it oversimplifies the assessment of species-specific risk and, in doing so, may establish default assumptions that aerial collision and entanglement are higher risk in all cases.

By way of example, both the White-throated Needletail (*WTNT*) and the Fork-tailed Swift are identified as presenting a high aerial collision and entanglement risk. We consider that this assessment does not adequately reflect several important aspects of the ecology of these species.

⁴ Guidance Plan, page 51.

⁵ Guidance Plan, page 60.

⁶ Guidance Plan, page 54.

- **Migratory species: risk only occurs when the species are in Australia.** These species are migratory, so any collision risk rating is confined to the period during which they occur in Australia. The WTNT is generally present in eastern Australia between October and April.⁷ Similarly, the Fork-tailed Swift is a non-breeding migrant that typically arrives in north-western Australia during October and November, disperses throughout mainland Australia generally reaching Victoria in December and January, and departs in April to return to its breeding range in East Asia.⁸ The residual risk assessment does not appear to recognise that collision risk is absent for a significant proportion of the year when these species are not present in Australia.
- **Seasonal peak occurrence is not reflected.** The WTNT exhibits a distinct period of peak occurrence, generally from early February to late March. At least one Australian wind farm study found that the majority of WTNT collision events occurred during February and March.⁹ Any categorisation of 'high risk' should be targeted to the demonstrated period of highest risk rather than applied more broadly.
- **The basis for the high land-clearing risk is unclear.** Table 5 identifies vegetation removal and ground disturbance as presenting a high residual risk for both species. However, the WTNT breeds in forests in south-eastern Siberia, Mongolia, the Korean Peninsula and northern Japan, and does not breed in Australia.¹⁰ It is typically observed in association with storms, low-pressure systems and, occasionally, bushfire events.¹¹ As the species does not breed, and is not known to roost, in Australia, it is unclear how vegetation removal within Australia would present a high residual risk. Likewise, the Fork-tailed Swift is an almost exclusively aerial species, foraging at heights ranging from less than one metre to more than 1,000 metres, suggesting that direct impacts from vegetation clearing are likely to be limited.¹² The Guidance Plan should provide further explanation on how a high risk level has been established.
- **International conservation status is not acknowledged.** Both the WTNT and the Fork-tailed Swift are listed as Least Concern on the IUCN Red List.¹³ While global conservation status should not determine the level of protection afforded under the EPBC Act, the Guidance Plan should explain how international conservation assessments have been considered when assigning residual risk ratings, particularly where a species is assessed as presenting a high residual risk.

While we appreciate that the Guidance Plan states that 'risk ratings may not align directly with threats identified in conservation advices', there remains a practical risk that the residual risk ratings in Table 5

⁷ NSW Department of Climate Change, Energy, the Environment and Water (n.d.) *BioNet Threatened Biodiversity Profile: White-throated Needletail*. Available at: <https://threatenedspecies.bionet.nsw.gov.au/profile?id=20354> (Accessed: 15 July 2026).

⁸ Department of the Environment (2015) *Appendix A: Supporting information for each of the 14 migratory listed birds*. Australian Government. Available at: <https://www.dcccew.gov.au/sites/default/files/documents/appendixa-migratory-birds.pdf> (Accessed: 15 July 2026).

⁹ Reid, K. and Rogers, D. (2026) 'Automated monitoring of the occurrence and flight behaviours of White-throated Needletails *Hirundapus caudacutus* at an operational wind farm in Tasmania', *Australian Field Ornithology*, 43, pp. 60–66. doi:10.20938/afo43060066.

¹⁰ NSW Department of Climate Change, Energy, the Environment and Water (n.d.) *BioNet Threatened Biodiversity Profile: White-throated Needletail*. Available at: <https://threatenedspecies.bionet.nsw.gov.au/profile?id=20354> (Accessed: 15 July 2026).

¹¹ NSW Department of Climate Change, Energy, the Environment and Water (n.d.) *BioNet Threatened Biodiversity Profile: White-throated Needletail*. Available at: <https://threatenedspecies.bionet.nsw.gov.au/profile?id=20354> (Accessed: 15 July 2026).

¹² Department of the Environment (2015) *Appendix A: Supporting information for each of the 14 migratory listed birds*. Australian Government. Available at: <https://www.dcccew.gov.au/sites/default/files/documents/appendixa-migratory-birds.pdf> (Accessed: 15 July 2026), page 4.

¹³ International Union for Conservation of Nature (IUCN) (n.d.) *The IUCN Red List of Threatened Species: Fork-tailed Swift*. Available at: <https://www.iucnredlist.org/search?query=forked%20tailed%20swift&searchType=species> (Accessed: 15 July 2026).

will become the default benchmark for environmental assessments and approval conditions. In practice, once a species has been assigned a high residual risk rating, proponents may be required to demonstrate that the risk is lower for a particular project, despite the absence of supporting evidence for the original classification. In addition, the use of these case studies may have resulted in an overall overstating of the risk of aerial collision (especially when considered in the context of the other cumulative pressures in the Brigalow Belt North Area. We recommend that the Guidance Plan more clearly explain the purpose and limitations of the risk ratings, the evidence underpinning them, and the circumstances in which an assessment officer may depart from those ratings.

Recommendation 4: The overall ‘high’ risk rating assigned to aerial collisions and entanglement should be reconsidered, as this rating may overstate the risk based on the examples provided in Table 5 in the Guidance Plan.

5. Usability of the data and spatial tool

Ideally, the spatial data underpinning the Guidance Plan should be made available to proponents in a GIS-compatible format that can be overlaid with project boundaries, lot boundaries and other environmental datasets. Where possible, the data should be compatible with commonly used mapping platforms.

While the current hexagonal mapping provides a useful regional overview, it is difficult to overlay accurately against project footprints or property boundaries. This limits its utility during site selection, environmental assessment and project design, as individual hexagons may only partially intersect a project area or encompass a range of environmental values that are not uniformly distributed across the cell. Providing access to the underlying spatial datasets, or higher-resolution mapping where available, would significantly improve the practical application of the Guidance Plan.

Recommendation 5: We recommend that spatial data be provided in accessible GIS-compatible formats to support project planning, environmental assessment and risk identification.

Potential to create de facto ‘no-go areas’

The CEC is concerned that the approach to offsets and residual impacts outlined in the Guidance Plan may, in practice, create de facto ‘no-go areas’ for certain developments, despite the Plan not being a regulatory instrument.

The Guidance Plan identifies circumstances where offsets may not be considered appropriate, including noting that ‘land-based offsets are unlikely to effectively compensate for direct impacts to highly aerial species that do not frequently land’; that offsets are unlikely to address pervasive impacts

such as aerial collision or entanglement; and that achieving a 'near zero impact' outcome may require novel offset approaches not contemplated in the Plan.¹⁴

While we acknowledge the need for appropriate mitigation and offset arrangements, these statements risk being interpreted as practical exclusion criteria rather than guidance. This may result in certain areas being treated as unsuitable for development without a project-specific assessment of risk, mitigation options and potential environmental outcomes.

This approach may also be overly simplistic in some contexts, particularly for offshore wind, where monitoring challenges, data limitations and the ecology of certain marine and migratory species may make 'near-zero impact' difficult to demonstrate. In cases where offsets are also not available, those projects may be non-viable. We therefore recommend considering the availability of indirect offsets.

Recommendation 6: We recommend that further consideration be given to offset options for species that do not frequently land, including the availability of indirect offsets.

Recommendation 7: We recommend clarifying that 'near zero impact' thresholds and offset restrictions are not intended to establish default no-go areas. Decisions should continue to be informed by project-specific assessments, the mitigation hierarchy and the broader environmental benefits of renewable energy development.

The CEC welcomes the opportunity for further engagement on the Guidance Plan. We encourage DETSI and DCCEE to continue engaging with stakeholders as the NES are finalised, and reiterate our recommendation that the Guidance Plan remain in draft until the relevant NES have been finalised. If you have any queries or would like to discuss this submission in more detail, please contact me at erutherford@cleanenergycouncil.org.au.

Kind regards,



Elise Rutherford

General Manager, Environment and Planning

¹⁴ Guidance Plan, pages 11, 76 and 77.