



Valley of the Winds Wind Farm

Marshall Baillieu v Independent Planning Commission & ACEN Australia Pty Ltd (Land and Environment Court proceedings 2025/265204)

11 August 2025

A Class 1 merits appeal has been filed in the Land and Environment Court against the Independent Planning Commission's 11 June 2025 decision to grant development consent to the State significant development application for the Valley of the Winds Wind Farm (SSD 10461). See the Commission's website at <https://www.ipcn.nsw.gov.au/cases/valley-winds-wind-farm> and the NSW Planning Portal at [Valley of the Winds Wind Farm | Planning Portal - Department of Planning and Environment](#) for documents relating to the decision to grant development consent to the development application.

The Valley of the Winds Wind Farm involves a wind farm with a maximum of 131 wind turbines with capacity to generate 943MW of renewable energy and a 320 MW battery energy storage system. The site of the Project is in the Central-West Orana Renewable Energy Zone approximately 94km northeast of Dubbo, 35km north of Gulgong and between Coolah, Leadville and Uarbry within the Warrumbungle Shire Council local government area.

This appeal has been commenced by an objector to the Project and seeks the refusal of the development consent for the development application. The appeal is in Class 1 of the Land and Environment Court's jurisdiction, for which the Court's process and requirements are set out in the Court's [Practice Note – Class 1 Development Appeals](#).

On appeal, the Court exercises the functions and discretions of the consent authority. Prior to listing the appeal for hearing, the Court generally requires that the parties participate in a conciliation conference to see if they can resolve, or narrow, the issues in the appeal (see the Commission's [Section 34 Conciliation Conference Policy](#) for more detail on how the Commission participates in conciliation conferences).

Status of the proceedings

The Court will typically list the matter for a conciliation conference to be facilitated by a Commissioner of the Court.

The Commission will publish notice of the date and location for any conciliation conference once one is listed by the Court.

If listed for a Court-ordered conciliation, there will be a public part of the conciliation conference where the public may attend and a number of objectors have an opportunity to give oral evidence on-site. The Commission will issue a notice inviting expressions of interest to give oral evidence at

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the open session of the conciliation conference once the conciliation conference date has been set. Please note that the Court limits the number of objectors giving evidence at the conciliation conference to approximately six people. After the conclusion of the evidence session at a conciliation conference, the parties to the Notice of Appeal proceedings have confidential conciliation discussions facilitated by a Commissioner of the Court. Attendance at and participation in those discussions is limited to the parties and their representatives.

Options for objector involvement

Objectors to the application have the following options for involvement in the appeal:

1. Apply to the Court to be heard at the hearing of the appeal, as below.
2. Apply to the Court to join the proceedings as a party, as below.
3. Attend the public part of any conciliation conference and/or attend the hearing as an observer.
4. Give oral evidence at any conciliation conference and/or the hearing.

In addition, if the Court seeks to review submissions already made in respect of the application before its determination, the Commission will make all of those submissions available to the Court.

Applying to the Court to be heard at the hearing

A person who made an objection during the public exhibition of the application may be entitled to be heard at the hearing of this appeal, on application made in writing to the Land and Environment Court within 28 days of the date of this notice (see [section 8.12\(3\) of the *Environmental Planning and Assessment Act 1979*](#))

The Court has listed the proceedings for a case management conference at 2pm on **15 September 2025** to hear from any persons that wish to be heard at the hearing pursuant to section 8.12(3) of the *Environmental Planning and Assessment Act 1979*.

If you wish to apply to exercise this right, the Court's details are as follows:

The Land and Environment Court of NSW
Level 4, 225 Macquarie Street
Windeyer Chambers
Sydney NSW 2000
Phone: + 61 2 9113 8200 Facsimile: + 61 2 9113 8222
Email: lecourt@justice.nsw.gov.au

You may also wish to obtain your own legal advice if you are considering exercising this right.

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Applying to the Court to join the proceedings as a party

Upon application to the Court, you may seek to join the proceedings as a party (see section [8.15\(2\) of the *Environmental Planning and Assessment Act 1979*](#)). As this is a formal Court process, it is recommended that you obtain legal advice before doing so. The Commission's policy is – except in exceptional circumstances – not to oppose applications to join proceedings.

Updates

Updates and further information about the appeal will be placed on the Commission's website at <https://www.ipcn.nsw.gov.au/cases/valley-winds-wind-farm>

If you do not wish to receive any further correspondence in this matter, please advise us in writing at ipcn@ipcn.nsw.gov.au