

15 July 2024

Senator Karen Grogan  
Chair, Environment and Communications Legislation Committee  
Parliament of Australia  
Lodged online via the [submissions portal](#)

Dear Senator,

**Response to Commonwealth Parliament's Senate inquiry into *Nature Positive (Environment Protection Australia) Bill 2024 [Provisions]* and related bills**

The Clean Energy Investor Group (CEIG) welcomes the opportunity to provide feedback on the Commonwealth Parliament's Senate inquiry into the provisions of the *Nature Positive (Environment Information Australia) Bill 2024*, the *Nature Positive (Environment Protection Australia) Bill 2024*, and the *Nature Positive (Environment Law Amendments and Transitional Provisions) Bill 2024* which was referred on 27 June 2024.

CEIG represents domestic and global renewable energy developers and investors, with more than 16GW of installed renewable energy capacity across more than 76 power stations and a combined portfolio value of around \$38 billion. CEIG members' project pipeline is estimated to be more than 46GW across Australia. CEIG strongly advocates for an efficient transition to a clean energy future on behalf of the investors who will provide the low-cost capital required for this transition.

**Key Points**

- CEIG has participated in earlier departmental consultations and has been a **strong supporter of the EPBC Act reforms.**
- **Across all jurisdictions, the current administration of the EPBC Act assessments is the most significant challenge** to delivering renewable energy projects in Australia, putting investment decisions and the likelihood of Australia meeting its clean energy targets and decarbonisation goals at significant risk.
- **CEIG advocates for planning and environmental assessment processes for clean energy projects that integrate infrastructure development,**

**environmental preservation, and energy planning** to align Australia's decarbonisation efforts with its Paris Agreement commitments and 1.5-degree outcome.

- **CEIG is concerned over the extended timeframe for completing the EPBC Act reforms** and requests transparency on the new proposed timeline to maintain investor confidence.
- CEIG acknowledges the recent positive Commonwealth Government 2024-25 Budget commitment to accelerate assessment processes but highlights the **need for further updates to the EPBC assessment process.**
- While CEIG supports the major reforms of the EPBC Act, we acknowledge that the Nature Positive Plan will take several years to fully realise its impact and **emphasise the urgent need to improve the efficient assessment of renewable energy projects in the interim.**
- CEIG stresses that the significant concerns and priorities of the renewable energy sector **will not be met by the current framework of the Stage 2 reforms.**
- **CEIG proposes two critical additions to the Stage 2 reforms:**
  - Amend the EPBC Act to legislate the creation and enforcement of standards for project environmental assessments, reviews, and other related key decisions.
  - Process and timeline commitment from Government.
- **CEIG proposes amendments to ensure that the contribution of renewable energy projects in mitigating climate change is considered in assessment processes.**
- **A government commitment, made ahead of the election, to finalise priority National Environmental Standards is urgently needed** in accompanying amendments to ensure certainty for proponents and stakeholders.

## GENERAL COMMENTS

CEIG appreciates the opportunity to provide a submission on the *Nature Positive Bill 2024* and related bills. CEIG has participated in earlier departmental consultations and has been a strong supporter of the EPBC Act reforms<sup>1,2</sup>. CEIG understands that the Nature Positive Bill 2024 proposes to establish Environment Protection Australia (EPA) and Environment Information Australia (EIA) as statutory agencies and to amend environmental laws to grant the EPA compliance and enforcement powers.

Clean energy investors are concerned about the current administration of environmental assessments under the EPBC Act, citing significant delays and uncertainty that could hinder Australia's clean energy transition. In a recent survey of CEIG members on the main barriers and opportunities for clean energy investment in Australia, renewable energy investors highlighted lengthy planning and environmental assessment processes as the primary barrier and identified updated and efficient assessment processes as the primary

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<sup>1</sup> [CEIG \(Mar-24\) Response to Commonwealth Government's consultation on environmental law reforms](#)

<sup>2</sup> [CEIG \(Mar-24\) Response to Commonwealth Government's consultation on environmental law reforms](#)

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opportunity (without compromising their robustness).

CEIG welcomes the Commonwealth Government's plan to take a coordinated approach to the environmental assessment process. CEIG also acknowledges the recent *2024-25 Budget* commitment of \$134.2 million to improve assessment processes and make them more efficient, including support for:

- Research on threatened species
- Regional planning to improve environmental decision making
- Strengthen environmental assessments
- Assessments for priority renewable energy projects
- Administration of complex applications and progress on the reform of Australia's cultural heritage laws.

While we acknowledge this positive announcement, further actions are necessary to improve assessment processes. Engaging with industry stakeholders, such as CEIG, will provide valuable insights into projects' experiences and concerns. To date, CEIG has observed a lack of awareness and collaboration regarding the proposed amendments to the EPBC Act. CEIG urges the Government to actively collaborate with industry in this process to ensure that the amendments accurately meet industry requirements. CEIG and its members are committed to working closely with the Commonwealth Government to ensure the effectiveness of the EPBC Act reform.

### **Key issues for the renewable energy sector**

In collaboration with Hebert Smith Freehills (HSF), CEIG has reviewed the statutory planning assessment processes in NSW, Victoria, and Queensland, producing two reports that outline the challenges and propose recommendations for planning and environmental assessments<sup>3,4</sup>. The review found that, across all jurisdictions, inefficient environmental assessments are the most significant challenge to delivering renewable energy projects in Australia, putting investment decisions and the likelihood of Australia meeting its clean energy targets and decarbonisation goals at significant risk<sup>5</sup>.

CEIG advocates for efficient planning and environmental assessment processes for clean energy projects that can be delivered without major harm, taking into account infrastructure development, environmental preservation, and energy planning to align Australia's decarbonisation efforts with its Paris Agreement commitments and 1.5-degree outcome.

CEIG has previously advocated for the following, as they related to the key priorities for the renewable energy sector<sup>6,7,8</sup>:

- Planning and environmental assessment processes that align with Australia's emission reduction goals.

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<sup>3</sup> CEIG & HSF (Dec-23) [Delivering Major Clean Energy Projects in NSW](#)

<sup>4</sup> CEIG & HSF (Apr-24) [Delivering Major Clean Energy Projects in Queensland and Victoria](#)

<sup>5</sup> CEIG & HSF (Apr-24) [Delivering Major Clean Energy Projects in Queensland and Victoria](#)

<sup>6</sup> CEIG (Jun-24) [Response to Commonwealth Government's consultation paper on Onshore Wind Farm Guidance](#)

<sup>7</sup> CEIG (Mar-24) [Response to Commonwealth Government's consultation on environmental law reforms](#)

<sup>8</sup> CEIG (Mar-24) [Response to Commonwealth Government's consultation on environmental law reforms](#)

- Alignment between Commonwealth and State environmental assessment requirements to reduce delays.
- Clear rules on document requirements to minimise delays and improve transparency in the approval process.
- Regional planning that provides clear guidance and more efficient assessment pathways for specific locations through mapping and planning, especially in renewable energy zones.
- Broader, more practical, and cost-effective range of offsetting and restoration measures, leading to measurable environmental benefits for protected matters.
- The requirement for all projects to conduct one year of avifauna surveys during the appropriate seasons for relevant species, with the Minister having the discretion to extend the data collection period to two years on a case-by-case basis.
- Improved transparency and consultation, along with clear and consistent mechanisms for the renewables sector to engage in planning and conservation efforts that address the sectors' needs, such as through regional plan development and environmental offset measures.
- Consideration of the climate change benefits of renewable energy projects through the assessment process.
- Commonwealth Government acknowledgement through policy and decision-making criteria, that it is accepted that clean energy projects will have some impacts in light of broader policy objectives.

### **Urgent need for more immediate measures**

CEIG acknowledges the original intent to complete all three stages of reform by the end of 2023 but notes the significant extension of this timeframe and requests transparency on the new proposed timeline. Considering the concerns raised above that environmental assessments are the most significant challenge to delivering renewable energy projects in Australia, this transparency and certainty are critical to maintain investor confidence.

CEIG supports the ongoing major reforms of the EPBC Act and we recognise that the Nature Positive Plan and related reforms will take several years before the intended impact and efficiencies are realised in full. However, in the interim, there is a critical need to improve the efficient and timely assessment of renewable energy projects.

### **Recommended amendments to Stage 2 reforms**

Regarding this Senate inquiry and the specific Bills introduced under the Nature Positive Stage 2 reforms, CEIG stresses that the significant concerns and priorities of the renewable energy sector will not be met by the current framework of the Stage 2 reforms.

CEIG has previously endorsed the draft National Environmental Standards and believes these standards could directly benefit the renewables sector<sup>9,10</sup>. Specifically, CEIG acknowledges the extensive effort invested in developing the Regional Planning Standard and the Restoration Actions and Restoration Contributions Standard. However, CEIG is

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<sup>9</sup> CEIG (Mar-24) [Response to Commonwealth Government's consultation on environmental law reforms](#)

<sup>10</sup> CEIG (Mar-24) [Response to Commonwealth Government's consultation on environmental law reforms](#)

concerned about the practical application and decision-making impact of these standards in the absence of either the complete Stage 3 legislative reforms or the establishment of legislated National Environmental Standards.

Consequently, we propose specific amendments to ensure that Stage 2 achieves greater tangible results for the sector and CEIG recommends adding a crucial step with the immediate establishment of the National Environmental Standards.

CEIG proposes two critical additions to the Stage 2 reforms:

1. Specific amendments and standards making process: Amend the EPBC Act to legislate the ability to create standards and make those standards enforceable for the purpose of project assessments, review, and other key decisions.
2. Process and timeline commitment from Government: The introduction of the amendments should be accompanied by a government commitment, made ahead of the election, to finalise priority National Environmental Standards in consultation with key stakeholders.

Amendments consistent with these recommendations would enable the Minister to establish standards, enforce their practical application in decision-making processes, apply state and territory accreditation, establish transitional arrangements for standards, and ensure transparency and parliamentary oversight as disallowable instruments.

Draft standards have been shared for consultation numerous times during the formal Nature Positive Plan consultation process, establishing a solid foundation for finalisation. CEIG recognises that finalising these standards to ensure they have practical effectiveness aligned with the intent of the Nature Positive Plan necessitates additional thorough consultation with key stakeholders.

Therefore, establishing a clear timeline and commitment, ahead of the next election, to finalising key standards is urgently needed in accompanying amendments to ensure certainty for proponents and stakeholders. This is a key priority for the renewable energy sector, which is prepared to actively participate in finalising standards aimed at achieving efficient approvals with significantly improved environmental outcomes.

CEIG is confident that integrating these additions into the Stage 2 reforms will fulfill the Government's commitment to update and strengthen assessment processes for renewable energy projects while improving environmental outcomes.

#### Concerns with the Onshore Wind Farm Guidance

CEIG has previously endorsed the development of Onshore Wind Farm Guidelines under the EPBC Act. However, we have also expressed concerns about the document, particularly regarding the extensive 2-year avifauna survey requirement, the likelihood of species concerns curtailing wind projects before exploring other mitigation measures, and the insufficient recognition of the role of renewable energy projects in mitigating climate change.

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**Recognise the contribution of renewable energy projects in mitigating climate change**

CEIG requests that the contribution of renewable energy projects in mitigating climate change be considered in the assessment process. These projects directly contribute to reducing emissions, thus positively impacting biodiversity by mitigating climate-related impacts. CEIG believes that a 'Nature Positive' plan should not only consider the impacts on the environment but also the benefits. Each new wind farm and solar farm improves air quality by reducing particulate pollution from thermal generators, and CEIG believes this positive contribution should be more widely acknowledged.

Climate change mitigation is critically important for biodiversity outcomes. Therefore, CEIG urges the consideration of:

- the positive climate mitigation impacts to be delivered by clean energy developments;
- the need for timely delivery of clean energy development to meet climate outcomes and deliver more affordable electricity to consumers.

Acknowledging the climate benefits of projects aligns with the intent and objectives of the EPBC Act and is a crucial focus of the renewables sector. We urge the Committee, the Commonwealth Government, and the Parliament to recognise the positive climate contribution of renewable energy.

CEIG thanks the Commonwealth Government for the opportunity to provide feedback on its Senate inquiry and looks forward to continued engagement on those issues. Our Interim Chief Executive Officer can be contacted at [marilyne.crestias@ceig.org.au](mailto:marilyne.crestias@ceig.org.au) if you would like to further discuss any elements of this submission.

Yours sincerely,



Marilyne Crestias  
Interim Chief Executive Officer  
**Clean Energy Investor Group Ltd**  
w: [www.ceig.org.au](http://www.ceig.org.au)