50 Camberwell Road Hawthorn East VIC 3123

13 July 2026

Department of Energy, Environment and Climate Action
Victorian Government
Lodged online via submission portal

Dear Minister,

Response to Victorian Government's consultation on draft guidance and advisory notes for managing the biodiversity impacts of renewable energy

The Clean Energy Investor Group (CEIG) welcomes the opportunity to provide feedback on the Victorian Government's consultation on the proposed updates to better manage biodiversity impacts of renewable energy projects in Victoria.

CEIG represents domestic and global renewable energy developers and investors, with approximately 18GW of renewable energy capacity in the NEM across 139 power stations and a combined portfolio value of more than $41 billion. CEIG members' project pipeline is estimated to be more than 150GW 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 supports updating guidance as necessary to provide greater certainty for developers** and reduce delays in planning assessment and approval processes, however, **it is essential that this guidance remains flexible and risk-based.**
- **CEIG suggests that Victoria coordinate with the Commonwealth to align and harmonise around appropriate and fit-for-purpose guidelines** in light of the Commonwealth's updates to regulations under the EPBC Act.
- **CEIG appreciates that the Handbook gives regard to renewable energy resource potential in any tools that are introduced that help developers select sites** along with the recognition of the central role renewable energy plays in Victoria's responses to climate change**.**
- CEIG welcomes
  - Making the **survey requirements for birds and bats be proportionate to environmental risks**
  - Including the option for **site selection to be based on regional or landscape scale spatial information**, and

- Establishing a 28-day advice commitment in the pre-application guidance since it can provide more certainty to proponents and investors.

- CEIG remains concerned that a de-facto two-season / two-year survey expectation is emerging, and continues to encourage the option to use a proportionate model – a broad initial survey, with shortened duration – where no significant biodiversity concern is identified.
- CEIG is concerned that the obligation to prove the absence of unmapped Brolga flocking areas (AN1) risks creating open-ended time frames, and **recommends establishing a clear threshold or time frame to provide certainty of the process's duration**.
- CEIG submits that any risk-based assessment also needs to consider the risk of *not* building renewable energy in a timely manner because **climate change continues to pose the greatest overall risk to most of Victoria's threatened species.**
- CEIG seeks clearer bounds on how cumulative impacts and the precautionary principle (AN3) are applied, so obligations remain predictable.
- Further clarity on the scorecard threshold and on the treatment of indirect/research compensation for bats, where direct offsets are difficult to link to population outcomes (AN5) would be valuable.
- DEECA, VicGrid and DTP should seek to create a single, authoritative reference source for all proponent obligations. This would reduce duplication, enhance efficiency, improve certainty, and support better biodiversity outcomes.
- CEIG remains concerned that State and Commonwealth curtailment conditions are diverging, especially regarding bilateral assessment, and are starting to put Victorian renewable investment at risk.
- CEIG restates this and its other standing positions (landscape/regional planning, renewable resource potential in siting tools, recognition of the climate contribution of renewable energy).

GENERAL COMMENTS

CEIG's submission provides general comments on the treatment and effect of the Advisory Notes and issues regarding the quality of information sought before proceeding to more detailed responses to the individual documents, and then reiterating some broad and ongoing considerations for guidelines to improve biodiversity outcomes.

Treatment and effect of Advisory Notes

We note that these documents are termed "Advisory Notes" (AN). We submit that this means their application should not be rigid and the contents should not be treated as a prescriptive checklist that must be addressed in every single situation.

For example, AN1 states that "best-practice" on brolga movements and defining flocking

areas involves use of radio/GPS tracking data from at least five birds over two consecutive flocking seasons. We welcome the explicit acknowledgement that this "best-practice" is not a mandatory requirement for justifying buffers for an unmapped flocking area. This needs to be the case in practice.

Advisory notes should be seen more as a menu from which proponents can reasonably choose their approach; not be a prescriptive set of requirements that must be adhered to. Therefore, assessment teams cannot and should not expect or require every single step to be taken. This fits with the risk-based approach DEECA intends to take, and should also be applied in the context that many other, non-renewable energy related risks are faced by Victoria's threatened species.

Even as a menu to support positive biodiversity and renewable energy outcomes, we support that ANs offer clear guidance to provide certainty for developers and reduce delays in planning and environmental assessment and we are pleased to see the framework maturing into practical guidance. The draft updates in the ANs make proportionality the organising principle, which is consistent with the risk-based approach CEIG has consistently advocated. We particularly welcome DEECA's 28-day advice commitment in the pre-application guidance – a specific certainty measure that, if consistently implemented, will materially help proponents plan investigations and timelines.

However, we also are concerned that several ANs place the onus on proponents to demonstrate a negative – that a feature does not exist, or that an impact will not occur – under the precautionary principle. Where these obligations are unbounded, they can extend timelines, raise costs and reduce the predictability that underpins investment decisions. The remedy is not to weaken environmental protection but to make obligations more explicit, proportionate, and finite. Doing so supports ensuring that proponents and DEECA share a common understanding of what "enough" looks like. The submission expands on this for each document below.

Quality of information

In a similar vein, where data is presented to DEECA under a procedure set out in an advisory note, this data needs to be treated in good faith by assessment teams. AN2 provides an example: for establishing a presumption that there are no unknown Bent-wing Bat roosting sites within 10 km of a proposed site. We are aware of reports by proponents that data (not necessarily related to bat monitoring) collected by credible consultants and presented to DEECA has been rejected as unacceptable. If a proponent follows the process, DEECA needs to trust the outputs.

AN3 about risk-based approaches refers to DEECA basing their assessments on whether the proponent has provided "adequate and robust" information. We submit that any risk-based assessment also needs to consider the risk of *not* building renewable energy in a timely manner. **Despite the level of regulatory attention provided to the assessment of renewable energy projects, climate change continues to pose the greatest overall risk to most of Victoria's threatened species.**

SPECIFIC COMMENTS ON THE INDIVIDUAL DOCUMENTS

Pre-application guidance for proponents

CEIG strongly supports early, structured engagement and the 28-day written-advice commitment. To maximise its value, we recommend DEECA use pre-application advice to state expected survey scope, effort and duration transparently and up front, so proponents can plan investigations with confidence and avoid late-stage requests for additional information.

The guidance notes that early engagement commonly runs "over two years." CEIG asks DEECA to treat this as a description of complex cases rather than a default expectation, and to actively help lower-risk projects move efficiently. Clarifying how the pre-application pathway interacts with statutory timeframes would further improve certainty. We also encourage DEECA to coordinate this guidance with VicGrid's engagement and siting requirements so that proponents can navigate a single, consolidated set of obligations rather than reconciling parallel processes (see "Coordination and a single source of truth" below).

Advisory Note 1 – Unmapped Brolga flocking areas

CEIG welcomes the explicit pathway to propose a site-specific buffer smaller than the 5 km default, supported by evidence. This is a meaningful, practical improvement that rewards good data.

However, the level of discretion DEECA retains – including that substantial reductions "may not be endorsed" – reintroduces uncertainty late in the process. CEIG recommends DEECA publish clearer, more objective endorsement criteria and indicative timeframes for assessing non-default buffer proposals.

The due-diligence requirement to establish that no unmapped flocking area exists (monthly surveys over a minimum of two consecutive seasons, plus desktop and community inputs) should carry an explicit "reasonable and practical" limit, consistent with the land-access carve-out DEECA has sensibly included in AN2. Proponents should be able to reach a defensible conclusion without open-ended survey obligations.

Advisory Note 2 – Unknown Bent-wing Bat roosts

CEIG supports the structured, indicator-led approach and strongly welcomes the explicit recognition of land-access and safety constraints, and the ability to document those constraints and fold residual uncertainty into risk assessment and adaptive management. This is a sensible, real-world acknowledgement.

In situations where a proponent cannot access neighbouring land to conduct analysis, DEECA should ensure that proponents have clear guidance regarding the reasonable steps needed to satisfy assessment teams that there are no unknown roosting sites. The 10 km investigation radius should be applied proportionately to the strength of the indicators identified, rather than as a uniform requirement.

Recent research into the Southern Bent-wing Bat is directly relevant here. Analysis under

the Australian Government-funded Renewable Environmental Research Initiative (RERI) found that approximately 96% of modelled flight heights occur below 30m above ground level, with only around 4% above 30 m, and that flight behaviour is strongly associated with habitat features rather than randomly distributed across the landscape. CEIG encourages DEECA to reflect this evidence base – and the reduced low-altitude overlap of modern, higher-hub-height turbines – so that investigation effort and any resulting conditions are targeted to genuine, habitat- and behaviour-linked risk.

Advisory Note 3 – Demonstrating a risk-based approach

CEIG supports the structured low/medium/high risk categorisation and the matrix approach to linking mitigation to risk; this improves transparency and consistency.

We seek clearer, worked guidance on two points that materially affect predictability: how cumulative impacts are to be scoped and assessed (so a single project is not asked to carry region-wide uncertainty), and how the precautionary principle is applied where uncertainty cannot reasonably be reduced. Guidance should make clear that uncertainty is to be managed proportionately – including through monitoring and adaptive management – rather than resolved before approval.

CEIG also asks that AN3 apply the mitigation hierarchy in full. Habitat avoidance and spatial buffers – informed by site-specific, flight-height and behavioural evidence (such as the RERI findings) and by modern turbine design – should be recognised as primary mitigation measures. Broad-scale operational restrictions, such as high cut-in wind speeds or turbine curtailment, should be considered only where less restrictive, evidence-based measures cannot adequately manage residual risk. Where curtailment is contemplated, it should be justified by transparent collision-risk modelling that proponents can review, and be proportionate to the assessed risk rather than applied as a precautionary default.

Advisory Note 4 – Monitoring, reporting & adaptive management

We note the point in Advisory Note #4 that compensatory measures can be part of adaptive approaches to address ongoing or future impacts "only where no other practicable mitigation measures are available".

Firstly, we submit that well-designed compensatory measures can provide significant benefits for the condition of a species, especially if efforts/contributions are pooled across multiple renewable energy projects.

Secondly, we take this opportunity to note the serious challenge presented by blunt, stringent or uncertain approaches to curtailment. Blunt and stringent approaches serve to undermine the fundamental investability of renewable energy projects: by restricting the amount of generation a project can deliver, curtailment undermines overall revenue returns. While some adaptive curtailment approaches may be workable, approaches with low thresholds for collisions or that trigger wide-spread turbine shut-down create significant uncertainty around generation revenue that similarly erodes the ability of projects to reach final investment decisions.

To that end, we do not consider blunt, stringent or uncertain curtailment measures to be "practicable".

CEIG recommends a clear, low-friction pathway to amend a Bat and Avifauna Management Plan in response to monitoring results, with reasonable timeframes. Critically, any condition that reduces generation – including operational curtailment – must include a defined, measurable and auditable methodology for easing or lifting the restriction:

- Transparent triggers,
- Review periods,
- Evidentiary thresholds, and
- A recommencement pathway.

Conditions that constrain generation without a defined route of return to normal operation can function as indefinite restrictions that undermine or complicate projects reaching financial close.

We also submit that periodic, life-of-facility monitoring obligations be proportionate to demonstrated risk, so that low-impact facilities are not subject to disproportionate ongoing monitoring costs.

Advisory Note 5 – Developing compensatory measures

CEIG supports criteria-based assessment of compensation. We seek clarity on the application of the 1–4 scorecard, in particular the requirement to score at least 2 on every criterion, and how DEECA will work with proponents to lift a low score rather than reject an otherwise sound proposal.

For bats in particular, direct, on-ground compensation is difficult to link to population outcomes. CEIG asks DEECA to confirm how indirect and research-based compensation will be treated and weighted, consistent with the Discussion Paper's recognition that investment in addressing knowledge gaps may deliver better outcomes for some species. We also ask DEECA to confirm the relationship between Handbook compensation and native-vegetation and EPBC Act offset obligations, to avoid duplication.

Advisory Note 6 – Community engagement & biodiversity

CEIG supports engagement that genuinely improves biodiversity information, and welcomes the Note's acknowledgement of consultation fatigue and its encouragement to integrate biodiversity engagement with broader processes such as the VicGrid Community Engagement and Social Value (CESV) Guidelines.

We also point out that AN6 exists in a congested space between not only VicGrid's CESV guidelines, but also principles in the forthcoming Federal National Environmental Standard on community engagement under the *Environment Protection and Biodiversity Conservation Act* framework, other Federal initiatives such Capacity Investment Scheme merit criteria relating to engagement and the emerging Developer Rating Scheme, as well as the breadth of the many environmental assessments proponents are required to undertake.

In this context, we encourage DEECA to take a "rounded-down" view of what constitutes "all reasonable and practicable steps" in gathering community input into biodiversity values. This will be essential if DEECA is to achieve its aim of reducing the potential for consultation fatigue and maximising efficiency for both communities and proponents.

We ask DEECA to confirm that proponents will not be disadvantaged where community information is incomplete or cannot be validated despite reasonable efforts, and that the evidentiary expectations in Table 1 are applied as guidance rather than as a checklist that shifts an unreasonable burden onto proponents to obtain third-party information they do not control. The encouragement to integrate with VicGrid's guidelines is welcome and, as noted above, CEIG would like to see it developed into fuller coordination across agencies and the Commonwealth's requirements.

Coordination and a single location for obligations

A recurring, non-technical theme across these documents is that proponents must satisfy biodiversity requirements set by DEECA while separately meeting the engagement, siting and social-value requirements administered by VicGrid and the planning requirements led by the Department of Transport and Planning. These obligations are spread across multiple documents, agencies and processes.

CEIG recommends better coordination between DEECA and VicGrid – and, where practical, DTP and Commonwealth departments as relevant – so that the full set of obligations on a proponent is available through a single, authoritative reference depository, such as a page within DEECA's website. This would

1. Reduce the risk of proponents needing to duplicate survey, engagement and assessment efforts,
2. Give proponents and financiers a consolidated view of what is required and when,
3. Reduce the risk of inconsistent or conflicting requirements, and
4. Make the 28-day pre-application advice commitment more valuable by anchoring it to one shared set of obligations.

Advisory Note 6's pointer to the VicGrid guidelines is a good start that CEIG encourages DEECA to formalise.

ADDITIONAL AND ONGOING CONSIDERATIONS

Standing positions beyond this round

Several issues CEIG raised in 2025 sit above this operational round but remain important to the efficient delivery of Victoria's renewable energy targets. We restate them briefly:

- Commonwealth alignment. As alluded earlier, this has moved from an architectural concern to a commercial risk. Under bilateral assessment, proposed Commonwealth (EPBC) approval conditions for wind projects are in some cases materially more conservative than the corresponding State conditions. For example, curtailment cut-in wind speeds substantially higher than those set in State approvals, and in some cases without a defined methodology for returning turbines to normal operation. Industry estimates that curtailment conditions of this kind place up to approximately 2 GW and

$6 billion of renewable energy investment in Victoria at risk. This divergence undermines the efficiency and alignment purpose of bilateral assessment. CEIG urges Victoria to work actively with the Commonwealth toward consistent, evidence-based risk methodologies, transparent collision-risk modelling, and adaptive-management conditions with clear pathways to reduce or lift curtailment, so that a single project is not subject to two divergent regimes.

- Regional planning. Complementing project-by-project assessment with landscape and regional ecological planning to identify optimal, low-impact development areas up front.

CEIG thanks the Victorian Government for the opportunity to provide feedback on its proposed guidance and looks forward to continued engagement on these issues. We are happy to further discuss any elements of this submission.

Yours sincerely,

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