

SUBMISSION ON THE ESSENTIAL SERVICES COMMISSION'S LAND ACCESS CODE OF PRACTICE DRAFT DETERMINATION

Overview

The Clean Energy Council is the peak body for the renewable energy industry in Australia. We represent and work with over 1,000 of the leading businesses operating in the solar, onshore and offshore wind, storage and renewable hydrogen sectors. We are committed to accelerating Australia's clean energy transformation.

Victoria has set targets of reaching 65% renewable energy by 2030 and 95% by 2035. These targets are commendable and represent an essential element of the state's response to the climate crisis. Because much of the state's best wind and solar resources do not overlap with the previously dominant source of electricity (ie. Latrobe Valley brown coal generators), Victoria's transition to renewable energy requires the timely construction of new transmission lines to enable wind and solar farms in other parts of the state to connect to the grid. Delays to transmission means delays to wind/solar projects, which keeps Victoria's greenhouse gas emissions high, contributing to greater climate impacts.

Transmission projects are thus being developed to enable a significant public benefit – the reduction of greenhouse gas emissions – that is in the interests of all Victorian consumers.

Our overarching feedback on the draft Code of Practice is that, while a Code is a welcome concept, we are concerned that the draft document risks creating increased disruption to and longer timelines for delivering critical existing transmission projects, as well as increasing the costs of future transmission projects.

Comments on the draft Land Access Code of Practice

1. The Code of Practice should establish positive expectations on all parties

- The ESC's previously published "Statement of Expectations" included information about the appropriate behaviour expected of both TNSPs and landholders.
- We are concerned that the Code of Practice contains no reference to expectations of landholders. It is important that there is an expectation to engage in good faith on these projects that have significant public benefits.
- The Code sets up a situation where landholders are able, at short notice, to request delays in land access and the onus is on the TNSP to say why the request should not be accepted. This risks creating a situation in which landholders who are contesting land access could cause

serious delays to projects: if this lack of access to land falls within a critical period/season for needing to monitor a particular flora/fauna species as part of an environmental assessment, this could have the effect of delaying a project by 12 months, because the Environmental Effects Statement process might require species data from a particular time of year.

- There should be some onus on the landholder to prove why a delay to previously agreed land access is necessary, especially if given at short notice.

2. The final Code of Practice should be reviewed in the short term

- There is a small window of opportunity to deliver new transmission lines in the timeframe required to support a successful energy transition in Victoria.
- If the final Code of Practice has the effect, once in force, of delaying the development of this critical infrastructure, then this needs to be addressed rapidly.
- We recommend a review 12 months from when the Code of Practice takes effect.
- This review should evaluate: the effectiveness of the Code in addressing landholders' concerns relating to land access; the effectiveness of the Code in supporting TNSPs to deliver projects; and the net effect of the Code on overall timelines for delivering transmission infrastructure.

3. The role of the Energy and Water Ombudsman Victoria

- The lack of timelines for resolution of complaints under EWOV's processes is problematic. Once a complaint has been lodged by a landholder, the TNSP is unable to even approach the landholder about land access. As noted above with the example of land access during critical periods for environmental monitoring, this could cause significant project delays.
- The Code should allow for an opportunity to achieve resolution before a complaint goes to EWOV.

In summary, we support the existence of a Code of Practice that encourages improvements in behaviour and processes for all parties and that does not create material delays in the delivery of transmission projects that are critical to the success of Victoria's energy transition. We encourage the ESC to ensure that its proposed Code meets these principles.

Regards,

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