

15 September 2025

Mr Barry Sterland & Mr Martin Stokie
Commissioners
Australian Government Productivity Commission

Submitted online via: engage.pc.gov.au

Dear Commissioners

Re: Interim report - Investing in cheaper, cleaner energy and the net zero transformation

Thank you for the opportunity to comment on Productivity Commission's interim report - Investing in cheaper, cleaner energy and the net zero transformation.

The Energy & Water Ombudsman NSW (EWON) investigates and resolve complaints from customers of electricity and gas providers in NSW, and some water providers. In December 2024, EWON's jurisdiction was expanded to include complaints from landholders and community members impacted by new transmission infrastructure and Renewable Energy Zone (REZ) development. Earlier this year, we began working with the NSW Department of Climate Change, Energy, the Environment & Water to expand jurisdiction further to include complaints about renewable energy generation and storage infrastructure. Further detail about EWON, our role and recent expansion is provided in Annexure A.

In this submission we have only provided comment on the recommendations that aligns with issues landholders and community members have raised with EWON.

If you would like to discuss this matter further, please contact Stephanie Saill, Head of Energy Transition.

Yours sincerely

Janine Young
Ombudsman
Energy & Water Ombudsman NSW

Draft recommendation 2.1 Reform national environment laws

We have focused our feedback on relevant points of Draft recommendation 2.1 – Reform national environment laws and note that our comments and perspectives are based on data from NSW only.

EWON position summary

Our submission is informed by our complaints data and the insights we gather from our community and stakeholder engagement activities across NSW. In summary our submission supports reforms to:

- Set legally binding engagement standards that specify consultation timeframes.
- Require energy transition entities to have and promote internal and external dispute resolution.
- Coordinate consultation and regional planning to better address community concerns.
- Expand the definition of ‘affected landholders’ to include directly and indirectly impacted landholders (i.e. neighbours).
- Extend public exhibition for State Significant Developments and Infrastructure.

Between 1 December 2024 and 30 June 2025, EWON closed 40 complaints about renewable energy infrastructure. Since December 2024, EWON’s Energy Transition team has spoken with over 400 landholders and community members across 24 events at markets, agricultural shows and forums, including five EWON hosted drop-in sessions in small towns within the Central West Orana REZ.

The most common complaint issues raised by landholders and community members focused on:

- Dissatisfaction with transmission line placement.
- Poor community consultation practices.
- Cumulative impacts to their region.
- Lack of information and transparency about proposed works, for example maps and designs.
- Lack of consultation with neighbours.
- Lack of responses to concerns raised, including inadequate responses, failure to respond at times specified to community members and failure of an information phone line.

Draft recommendation 2.1 Reform national environment laws

Introduce national environmental standards

EWON recommends extending the public exhibition period for State Significant Development (SSD) applications within the NSW Planning system. The current 28-day exhibition timeframe for the Environment Impact Statement (EIS) is insufficient for community members to meaningfully engage with, and respond to, projects impacting them.

Providing adequate time for public consultation enables community members to raise concerns in a considered manner, giving proponents the opportunity to address these issues early – potentially refining the project to the extent that a referral under the EPBC Act is no longer necessary. This may reduce the volume of submissions driven by frustration with the process itself, ultimately streamlining assessment and saving time for all stakeholders.

Community members repeatedly raise with EWON the short timeframe for providing comment on SSD applications via the NSW Planning system. It is common for each EIS to have upwards of 25 documents, each quite lengthy, with complex details on exhibition. The short timeframe, especially

in comparison to the time taken to prepare the documents and the whole assessment process, adds to community sentiment that consultation is not genuine and it is just a “tick-a-box” exercise.

Facilitate regional planning, particularly within renewable energy zones, with stricter statutory deadlines for assessing projects in ‘go zones’

EWON supports the introduction of measures to facilitate cumulative impact assessment that results in renewable energy projects incorporating impacts of surrounding projects into their planning and scoping documents. Developing a cumulative or regional approach to assessing where and how many projects a region can accommodate, that involves the local community in key decisions early, would contribute to reducing the consultation fatigue communities experience from being asked similar questions by multiple project developers.

Publishing and promoting any regional plan documents along with how the final decisions were reached, and why, will be crucial to their success. We note that in some regions of NSW this planning is already too late, with multiple projects in some REZs already approved. However, in future REZs and/or new transmission and distribution line development, a regional planning approach would be not only beneficial but would also be highly appreciated by impacted communities.

A key insight from our community and stakeholder engagement is that many communities in REZs are concerned about the impacts of multiple projects occurring at once, using what are already, constrained facilities and resources. Community members raise concerns about water in particular - for instance where is it being sourced for energy developments, how it will impact aquifers or bores that farmers rely on, and where will wastewater from work camps will go. Likewise, the impacts of construction vehicles from multiple projects using local roads will increase road deterioration and create traffic delays affecting local businesses and schools.

Councils tell us they see REZs as an opportunity for regional growth and enhancement, provided development is well planned and appropriately involves the community and stakeholders. The energy infrastructure already planned for many regional areas, will significantly change the landscape and character of the region and many small towns. Initiatives and legacy projects that can be widely felt and uplift and grow the area, will increase community acceptance of energy infrastructure that may not directly benefit those communities.

Coordination of consultation at a regional level and a focus on long term regional growth would enhance community acceptance of the energy transition and also increasing efficiency. A streamlined approach to engaging local communities about their concerns, especially in relation to multiple projects in their region that are likely to have similar impacts, is needed. Currently, community members are expected to volunteer their time for multiple consultations, taking them away from running their farms and businesses. Consultation fatigue and distrust in the energy transition is occurring as a result.

Community members also report feeling resentful that they have attended multiple consultation sessions (for which they are not being paid) to provide crucial information to different project staff (who are being paid) about local critical information which has not been considered. This includes, for example, information about existing dwellings that are not evident in desktop map provided by energy transition developers / planners. Too often, these community members tell us they are not listened to, they feel crucial local knowledge has been ignored and they are not provided with responses to issues raised and/or updated reports or maps.

Set clear expectations about engagement with local communities and Aboriginal and Torres Strait Islander people

EWON supports specific and clear rules for engagement with local communities and First Nations people that are legally binding. We acknowledge there are several existing guidelines for proponents of transmission and renewable energy projects that are principles based. While these guidelines are useful, we see a need for clear, legally binding expectations, particularly around timeframes.

EWON relies on rules and regulations in assessing the complaints we receive, and the current lack of clarity is a hindrance to our effectiveness. Stating clear timeframes for notification around consultation, direct communication and responding to community member enquiries will clarify what communities can expect in their dealings with these energy transition entities. For example, specifically stating the number of days that constitutes a 'reasonable timeframe'.

Critically, a requirement for entities to have clear internal dispute resolution and complaint handling frameworks that also provide access to external dispute resolution, will increase trust in the energy transition. Within the electricity sector, retailers, networks and transmission companies are required to be members of Ombudsman offices. These entities must have appropriate internal dispute resolution processes, that meet Standards Australia Complaint Handling Guideline and promote to their customers / landowners and community members, the right to access the approved external dispute resolution scheme - in NSW, EWON. We continue to work with EWON members to ensure they are doing this. We recommend similar requirements nationally for all entities within the energy transition sector i.e. to include renewable generation, to have the same requirements. EWON is currently working with NSW DCCEE about bringing into EWON jurisdiction, complaints about renewable energy generation and storage.

One of the most common pieces of feedback heard by the EWON Energy Transition team is that community members want consultation that is genuine and meaningful rather than what they have experienced – described to us as very often as being a “tick a box” exercise. We’ve heard that community consultation is often last minute, doesn’t involve the whole community and is superficial.

A learning from our engagement activities is that many community members, and some councils, are still unaware that individuals can contact EWON for information or to lodge a complaint, so they have felt they had no choice but to accept their situation. Renewable energy entities need to ensure they advise landholders and community members of their complaint handling policy and their right to contact the energy ombudsman. Putting complaints at the front of communication, demonstrates the entities commitment to do the right thing by the community and builds trust. As mentioned earlier, we continue to work with EWON members including those involved in transmission projects across NSW, about fully taking up this responsibility.

EWON also supports expanding the definition of 'affected landholders' to include near neighbours of both renewable energy generation projects and transmission projects. Landholders and community members are telling us that from their perspective, consultation is focused on landholders whose properties will host infrastructure, and many neighbours are left out of the consultation. While not hosting infrastructure on their property, they have told us they will have visual, noise and dust impacts and are already being impacted by traffic movements. These neighbours rightly expect engagement, particularly in smaller close-knit communities.

Widening community consultation by energy transition entities through taking a broader view of who are 'affected landholders' i.e. including both landholders hosting infrastructure and their near neighbours, is required. Without this, trust in the energy sector and energy transition will most likely be undermined. For those community members we've met to date, it is clear that being included is critical.

Further information or enquiries about this submission should be directed to Stephanie Saill, Head of Energy Transition.

Annexure A

EWON Background

EWON was founded in 1998 as the NSW Government approved, industry-based electricity ombudsman scheme to independently resolve complaints about our members. We have strong relationships in the energy sector and work with government and regulators to inform them about industry trends and issues identified through our complaint handling and community outreach program.

Since establishment in 1998, EWON has evolved in accordance with industry and regulatory changes that have shaped the current energy landscape, taking in gas, water in some areas, residential parks, embedded network operators and last year renewable energy infrastructure. Our history and in-depth knowledge, combined with our customer complaints data and insights provides us with a unique perspective on the energy industry.

Electricity retailers and network operators including transmission planners, developers and operators, both traditional (Transgrid) and new (EnergyCo and ACERZ), are required to become members of EWON under the Electricity Supply Act 1995, via their licence or a government directive. Our funding is derived from membership fees that comprise a fixed fee and a variable fee based on how many complaints we receive about that member.

EWON complies with the Commonwealth Government [Benchmarks for Industry-based Customer Dispute Resolution | Treasury.gov.au](#):

- Accessibility
- Independence
- Fairness
- Accountability
- Efficiency
- Effectiveness.

EWON's Renewable Energy Infrastructure Jurisdiction

In July 2024 EWON received a \$1.3million grant from the NSW Government to establish an EWON renewable energy infrastructure function across FY25 and FY26. At the end of this period, funding for this jurisdiction will be provided by entities planning, developing and operating renewable energy infrastructure as members of EWON. This followed on from the Australian Energy Infrastructure Commissioner's report¹ which recommended the establishment of a Renewable Energy Infrastructure Ombudsman. The March 2024 meeting of the Energy and Climate Change Ministerial Council agreed this would be taken forward by each state.

Currently, EWON's expanded jurisdiction covers:

1. New transmission infrastructure related to the Renewable Energy Zones (REZ).²

¹ [Community Engagement Review](#) (AEC 2024)

² Transgrid has been an EWON member since 1998, therefore EWON has jurisdiction to undertake dispute resolution and community engagement with respect to its current infrastructure and new infrastructure including Humelink, VNI (in NSW) and Project Energy Connect.

2. Community engagement practices of members in relation to REZs or transmission planning, development and operation.
3. The Strategic Benefits Payment scheme.

Through expanding our jurisdiction into renewable energy infrastructure, we are providing independent advice and assistance to community members including:

- Providing a free, fair and independent “one-stop shop” for people who have concerns about new projects and simply want to understand where to go and what they can do about having those concerns addressed / responded to.
- Heading off complaints before they become entrenched disputes.
- Improving community knowledge about the frameworks regulating renewable energy infrastructure and dispute-resolution avenues.
- Improving transparency and building public trust in the renewable energy infrastructure industry.

Further expansion of EWON’s jurisdiction is currently being explored. From February 2025, with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), we began co-designing how to include renewable energy generation and storage infrastructure within EWON’s jurisdiction.

Complaints process

EWON provides a free, fair and independent dispute resolution service to landholders and community members impacted by new renewable energy infrastructure projects. We are not a consumer or industry advocate. We achieve fair and reasonable outcomes for complaints, having regard to laws, codes and regulations, good industry practice and the individual circumstance of each complaint. Individual complaint outcomes do not set precedents, but they do inform good industry practice evolution.

EWON cannot stop or delay transmission or renewable energy projects. Our role is to ensure the correct processes have been followed with respect to engagement with landholders and community members, information provision and to become a trusted voice for independent advice and information. Our work with Transgrid, EnergyCo, ACERZ, government, regulators and future new members and stakeholders is focused on influencing improvements across the sector to build landholder and community trust and confidence in energy transition related projects. We will provide information about renewable energy infrastructure, including connecting landholder and community members with organisations responsible for addressing complaints outside of EWON’s jurisdiction.