

15 September 2025

Barry Sterland and Martin Stokie
Commissioners

Productivity Commission
4 National Circuit
Barton ACT 2600, Australia

Made via online submission

Dear Barry, Martin, Jared and the Productivity Commission team

Investing in cheaper, cleaner energy and the net zero transformation: Submission on the Interim Report

We appreciate the opportunity to provide a submission to the Productivity Commission on your inquiry into priority reforms with the potential to materially boost Australia's productivity growth. As a large-scale renewable energy developer, we are proud to support the Australian Government in strengthening our economy and creating more opportunities for more people in more parts of our country.

Speeding up the environmental assessment of energy projects is critical to reducing energy prices, supporting Australia's productivity growth and to meeting our renewable energy targets.

This submission relates to 'Pillar 5' being the Interim Report on Investing in cheaper, cleaner energy and the net zero transformation (the **Interim Report**) specifically section 2 and the recommendations to speed up approvals for new energy infrastructure.

Detailed submission

We agree that speeding up assessment of energy projects under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) is critical to supporting Australia's productivity growth and to meeting our renewable energy targets.

The key challenge for investment into renewable energy is the current slow and complex administration of environmental assessment under the EPBC Act. Inconsistent application of the EPBC Act and its assessment framework creates an unpredictable risk that can constrain the ability to invest in energy projects. This is a large and 'binary' risk which can prohibit large renewables investors from participating in the Australian market.

Response to information request

To estimate the effect on power prices of bringing more renewable energy capacity online faster, we refer the Productivity Commission to the:

- the report prepared by Paul Simshauser and Joel Gilmore, [The Counterfactual Scenario: are renewables cheaper?](#) (June 2025), which showed that wholesale market costs and prices would be ~30-50% higher with no new renewable entrants;
- the Clean Energy Investor Group (**CEIG**) report, [The cost of no renewables](#) (March, 2025), which showed that, without renewables, wholesale prices would have been up to \$80/MWh higher in 2024, resulting in a ~22% increase in household electricity bills; and
- the Clean Energy Council's (**CEC**) report, prepared by Jacobs, [The Impact of a Delayed Transition on Electricity Bills](#) (February 2025), which showed that renewable energy is the cheapest pathway to lower energy bills for Australian households and small businesses.

From a commercial perspective, the development costs associated with securing EPBC Act approval and achieving financial close on a renewable energy project have more than doubled within the past three years.

Delays to an assessment decision under the EPBC Act have a compounding effect on the economic viability of development and delays major investment activities and job opportunities for host communities and regional stakeholders.

Draft recommendation 2.1: Reform national environment laws

We strongly support the Productivity Commission’s recommendation to reform environmental laws in response to the Graeme Samuel review. Reforming the EPBC Act is key to ensuring transparent, efficient and timely assessment of projects that will help to achieve Australia’s decarbonisation objectives and result in positive outcomes for biodiversity.

The introduction of national environmental standards

We **support the development of national environmental standards** to ensure consistent and transparent application of the EPBC Act and assessment framework.

Since its commencement over 25 years ago, comparatively few amendments have been made to the EPBC Act. Despite this, the timeframe for assessment of actions under Chapter 4 has increased (as identified by Herbert Smith Freehills, as they then were, and the CEIG in their report [Delivering Major Clean Energy Projects: Review of the EPBC Act for renewable energy projects in Queensland, New South Wales and Victoria](#) (December 2024)). Partly, this is due to the ongoing decline of biodiversity. However, in our view it is also due to an inconsistent and changing interpretation and application of the EPBC Act. Ensuring clear and consistent application of standardised guidelines prior to project referrals will greatly assist developers in upfront planning and will streamline the assessment process as a whole.

Outcomes based conditions

We support the submission made by the CEIG on improving condition-writing for EPBC Act approvals. Under the EPBC Act, it is a strict liability offence to breach an approval condition – meaning that a person’s state of mind (or culpability) is irrelevant to the assessment of whether a contravention has occurred.

While we support an outcomes-based approach to assessing actions under the EPBC Act, **we do not support the imposition of outcomes-based conditions on EPBC Act approvals**. Imposing a condition such as ‘no net loss to the habitat of a species’ means that a developer is strictly liable for a contravention outside of their control – such as the degradation of habitat due to climate change.

In our view, exposure to a strict liability offence for contravention of an approval condition is not appropriate nor proportionate where a developer has taken all reasonable and practicable measures to avoid such an outcome. Embedding a ‘reasonable and practicable measures’ requirement into conditions imposed on EPBC Act approvals is recommended going forward.

Facilitating regional planning

We **support regional planning** and agree that the current individualised nature of assessments under the EPBC Act results in overly risk-adverse outcomes that do not benefit the biodiversity of the region as a whole.

However, we **do not support zoning and mapping that prohibits or conditions development** (i.e., no go zones). A market-led approach where developers undertake their own research and investigations to determine appropriate locations for renewable resources is crucial for ensuring an efficient and productive renewable energy transition.

The EPBC Act – which is an act relating to the protection of the environment and the conservation of biodiversity – is an inappropriate place to consider and regulate all the factors that developers must consider in site-selection. Additionally, governments coming in to designate ‘prohibited’ zones undermines the significant work that has been already undertaken and the expertise that developers have in this space.

Instead, we suggest that areas of higher and lower biodiversity values are identified within regional plans on a sliding scale – allowing clear signals to be sent to the industry while recognising the balance that must be struck for the energy transition more broadly.

Improving the efficiency of offset arrangements

We support the Productivity Commission’s recommendation that the efficiency of offset arrangements should be improved, including by amending the Nature Repair Market legislation to allow proponents to discharge their offset obligations by purchasing certificates and enabling developers to meet obligations by contributing to an Australian Government offsets fund.

Building community support for clean energy projects

We support the Productivity Commission’s recommendation that the Commonwealth Government consider opportunities to harmonise guidance materials, standards and obligations for community engagement and benefit sharing.

However, as something that is ever evolving and easily lost, social licence is difficult to legislate. We urge the Productivity Commission to consider and acknowledge that consultation and appropriate benefit sharing arrangements must reflect the needs and desires of each host community. What is appropriate for one community isn’t always appropriate for another.

Draft recommendation 2.2: Set up a specialist ‘strike team’ for priority projects

We support the Productivity Commission’s recommendation that the Department of Climate Change, Energy, the Environment and Water set up a specialist ‘strike’ team to assess priority clean energy projects under the EPBC Act.

An example of where this has worked well is in Queensland, where the State’s Assessment and Referral Agency (**SARA**) has a specialist team of assessment officers who assess all applications for a material change of use for wind farms and ancillary infrastructure under the *Planning Act 2016* (Qld). These officers are familiar with the potential benefits and impacts associated these developments and assess them in accordance with specific codes under the State Development Assessment Provisions outlining benchmarks (performance outcomes) to be complied with, which will ultimately achieve the purpose statement of the code. It is our experience that the State’s implementation of a specialist wind farm assessment team has led to a more efficient and streamlined approval process. This is due to a consistent approach to undertaking assessments which allows for faster resolutions to assessment issues that are typically shared across all wind farm developments.

We note that the Commonwealth Government has collaborated with states and territories to create the National Renewable Energy Priority List (**Priority List**), discussed further below. This is intended to provide coordinated support for regulatory planning and environmental approval processes for identified priority energy projects. We would appreciate consideration from the Productivity Commission as to how the strike team will – or will not – interact with the Priority List and the establishment of a Coordinator-General role (recommendation 2.3) – i.e., will it just be the developments on the Priority List that are assessed by the ‘strike team’?

Draft recommendation 2.3: Establish a Coordinator-General for priority projects

We support the appointment of an independent Australian Government Clean Energy Coordinator-General. Independent coordination and oversight of pre-lodgement meetings, assessment guidelines and requests for information is crucial to ensuring clear and transparent guidance to developers across the life of projects. We agree the Clean Energy Coordinator-General should work cooperatively with related agencies such as the Major Projects Facilitation Agency and the proposed Future Made in Australia Front Door, and its functions should be defined to avoid overlap with these bodies.

In our view, ensuring that the Clean Energy Coordinator-General is independent, with oversight and reporting lines up to the Minister for the Environment and Water as well as the Minister for Climate Change and Energy is key.

By way of example, in Queensland, projects that have economic, social and/or environmental significance can apply to the Queensland Coordinator-General to be declared a coordinated project under the *State Development and Public Works Organisation Act 1971* (Qld) (**SDPWO Act**).

Once declared, the Queensland Coordinator-General seeks input from the relevant government agencies and prepares a report outlining their conclusions, recommendations and conditions to be imposed on the project (should it be recommended to be approved).

This report, and the subsequent support from the Queensland Coordinator-General, ensures:

- consistency across government departments (and individual officers within departments); and
- the reporting put forward by proponents is of an adequate standard.

Even where a project has not been formally declared as a coordinated project under the SDPWO Act, we have still seen benefits in having the Queensland Coordinator-General provide oversight and facilitation services to ensure transparent decision-making and to reduce unnecessary delays.

Draft recommendation 2.4: Consider the energy transition in approval decisions

We strongly support amending the EPBC Act to explicitly require the Minister for the Environment and Water, or their delegate, to consider the needs of the energy transition when deciding whether to approve an energy project that will have a significant impact on a matter of national environmental significance.

While renewable energy projects should not get a ‘free pass’, approval of renewable energy projects brings benefits to both biodiversity preservation (through decarbonisation) and to meeting Australia’s renewable energy targets. These are important considerations when assessing these projects.

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