



**Australian Government**

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**Australian Energy Infrastructure Commissioner**

# **EMM Presentation Melbourne**

**28 October 2022**

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**Australian Energy Infrastructure Commissioner**

**[www.aeic.gov.au](http://www.aeic.gov.au)**

# Role

- Commenced as the *National Wind Farm Commissioner* in November 2015 – for an initial three year term.
- Re-appointed in October 2018. The Commissioner’s role was also extended to include large-scale solar farms and storage facilities.
- In March 2021, the then Minister announced the further expansion of the Commissioner’s role to include proposed, significant, greenfield transmission projects.
- The Commissioner’s primary terms of reference are:
  - ✓ Facilitating the handling of complaints from concerned residents about proposed & operating renewable energy projects – and proposed transmission projects;
  - ✓ Identifying and promoting best practices for industry and government in relation to community engagement, planning, development and operation of such projects; and
  - ✓ Improving information transparency and accessibility by industry and government about proposed and operating projects.

# Items of note

- AEIC Office is based in Melbourne & Commissioner is supported by a team of three staff
- Provide an Annual Report each year to the Federal Parliament
- Maintains a public web-site – [www.aeic.gov.au](http://www.aeic.gov.au) – which provides access to a wide range of helpful resources as well as all of our reports and guidelines
- Annual Report includes operational information, reform activities and achievements – as well as detailed observations and recommendations
- Most recent report is for Calendar Year 2021, which includes substantive commentary and recommendations about transmission
- We received 212 new cases in 2021 – only 14 of these cases were about operating projects
- Just 8 cases in 2021 cited concerns about health impacts – only three of these cases related to an operating project
- Encouraging planning authorities to remove assessment of shadow flicker and vibration
- Increasing number of cases from landholders about commercial agreements and decommissioning
- We have released a guideline – *“Considerations for Landholders before entering into Commercial Agreements”* – in response to these growing concerns

# Recent case issues

- Wind farms – concerns relating to aviation safety lighting, decommissioning, visual impacts, commercial agreements, safety incidents.
- Solar farms – concerns relating to hydrology impacts, use of agricultural land, visual impacts, bush fire ignition and fire fighting limitations, recycling of panels.
- Transmission – landholder relations, land access, compensation negotiations, neighbour impacts, visual amenity, bushfire concerns.
- Construction issues – damage to property, re-routing of roads, gates, road design impacts on farming, extended land use, rubbish removal, sub-contractor issues.
- Community – noise and dust, disruption and inconvenience, impacts to local businesses and resources, dislocating the social order.
- Litigation challenges – procedural challenges (e.g. permit approval procedures), noise and nuisance allegations, health impacts and environmental protection.

# Transmission – today’s area of focus

- Large scale, “greenfield” projects critical to the energy transition:
  - Western Renewables Link
  - HumeLink
  - VNI West
  - Marinus Link
  - Project Energy Connect
  - North-West Tasmania
  - Off-shore Wind



# AEIC initiatives/interventions

- Review and assistance of complaint handling procedures
- Regular review of open complaints with proponents
- Site visits and facilitation of land access to help proponent
- “Walk the route” – resetting the relationship as well as fact finding
- Monthly meetings with proponent executives, relevant Minister
- Review of approaches to landholders, correspondence, guidelines, fact sheets, agreements – provide a perspective from the landholder’s view
- Identifying and closing governance gaps – e.g. s.93 required code of practice in Victoria doesn’t exist – a legacy of a 40 year transmission build “drought”
- Conciliation/mediation of significant disputes
- Trusted source of factual information to community members.

# Transmission – problems still to solve

- There appear to be endless committees, councils, reports, meetings etc. – studying the topic of transmission and social license
- Time now to move on from regurgitating the list of issues – and use our resources wisely to solve the right problems and implement the solutions



# 1. Landholder Matters to solve

- Skills, experience and capabilities of landholder liaison personnel
- Initial land access process, procedure, protocols and compensation
- Transparent, logical, timely and fair process for gaining landholder's agreement to host transmission line, including ability to escalate issues
- Fair and appropriate agreements and related documents provided to landholder (valuations, offers, option agreement, access agreement, construction plan, property management plan – etc.)
- Executive review and approval of all document/agreement templates and guidelines prior to being issued
- Amount of compensation payable to landholder (Access Fees, Option Fees, Professional Services fees reimbursement, Easement payment, Disturbance/Impact payment, Construction payment, Special Benefit payment)



## 2. Neighbor and Community Matters to solve

- Develop and implement contemporary planning regulations and guidelines for large scale transmission projects, including setback distances and impact assessments on neighbours
- Consistent fact sheet on bushfire related matters, including transmission design and route factors, maintenance of easements, risks to be managed during construction, risks to be aware of in the event of a bushfire occurring within the transmission line easement
- Consistent fact sheet on farming impacts and constraints when working in or near the transmission line easement - that is, what you can and cannot do around transmission lines and where pre-approvals may be required for specific activities and circumstances
- Develop and consult widely on the construction management plan for the project. Engage the CCC(s) closely in the plan's development and execution.

## 3. Governance Matters to solve

- Ongoing governance and oversight of significant projects by key stakeholders - e.g. WRL monthly meeting with State Energy Minister, CEO AEMO, CEO AusNet, AEIC, CEO VicGrid
- Process to finalise and approve transmission-line alignment/design - including landholder and neighbor consultations – with a genuine process to assess/accommodate material feedback from stakeholders
- Significant projects should be eligible for accelerated environmental assessments, with on-site surveys limited to reasonable and necessary
- Re-engineer RIT-T process such that applications are made subsequent to completion of early works and detailed costs and alignment are known
- Ensuring appropriate codes of practice and other regulations are in place to support legislative requirements

# Getting things done

We are already seeing some great initiatives and progress, such as:

- NSW Government has taken the lead on developing a proposed Strategic Benefit Payment model for landholders
- Transgrid are taking the lead on revising/developing the key agreement and related document templates that will be presented to landholders
- Transgrid also taking the lead on implementing and communicating the end to end negotiation process for securing easements
- Victoria is taking the lead on developing a universal fact sheet on bushfires and transmission, via the CFA and EnergySafe Victoria
- Victoria also taking a lead in establishing a joint governance framework for WRL and developing codes of practice needed for the legislation
- AEIC is engaged and supporting each of these initiatives

# Suggested assignments going forward

- Landholder liaison officer training and skills – Tasmania/TasNetworks
- Special Benefit Payment – NSW Government
- All other landholder matters listed – Transgrid
- Universal fact sheets for bushfire & farming impacts – Victorian Government (including ESV, CFA) and VFF
- Develop/implement planning regulations – NSW Government
- Joint executive governance of projects – State Energy Ministers/AEMO
- Construction Management Plan & Consultation - PowerLink
- Route finalisation approach – Transgrid
- Re-engineer RIT-T process – DCCEE/AEMC
- Expedited environmental assessments – DCCEE/Environment Ministers
- Codes of Practice & Statements of Expectations – Vic Govt (ESC)

# Contact and Resources

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## Website:

<http://www.aeic.gov.au/>

(Annual Reports, Guidelines, variety of useful resources and links)

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# Further information

[Australian Energy Infrastructure Commissioner – 2021 Annual Report](#)

[Submission to Australian Energy Market Commission – Transmission Planning and Investment Review](#)

[Submission to Australian Energy Market Operator – Draft 2022 ISP](#)

[Opening Statement to Senate Estimates – May 2021](#)

[Considerations for landholders before entering into commercial agreements](#)

# Questions/discussion

