

# COMMERCIAL LAW

WIND, SOLAR, AND CARBON FARMING



Allwright Bourke  
LAWYERS & CONVEYANCING

LOCATED IN  
REGIONAL  
NEW SOUTH  
WALES



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1300 AB LAWS (1300 22 5297)





# Allwright Bourke

LAWYERS & CONVEYANCING

## **ALLWRIGHT BOURKE LAWYERS & CONVEYANCING:** YOUR TRUSTED LEGAL PARTNER IN NSW AND BEYOND

Allwright Bourke Lawyers & Conveyancing is a boutique law firm deeply rooted in the heart of Regional NSW, proudly serving our local regional and rural communities. Our commitment goes beyond legal expertise; we are your steadfast allies whenever you need us, dedicated to navigating the legal complexities that impact our clients' lives and businesses.



### **OUR LEGAL SERVICES**

We offer a broad spectrum of legal services tailored to meet the diverse needs of our clients. From commercial law, conveyancing, to estate planning and family law, our team is equipped to provide solutions-focused, easy-to-understand legal advice. We understand that legal matters can be daunting, and that's why we strive to ensure our clients leave not only satisfied, but with the best possible outcomes.

### **SPECIALISED EXPERTISE IN COMMERCIAL LAW AND SUSTAINABLE VENTURES**

We are not just legal experts; we are deeply connected to the agricultural landscape, with many team members having personal ties to farming and primary production. This connection forms as a bedrock to our commitment to provide legal support that addresses the specific needs of rural life.

## COMMERCIAL LAW IN AUSTRALIA

Commercial Law in Australia is a multifaceted legal domain encompassing a wide range of areas critical to business' operation and success. It encompasses contract law, regulatory compliance, corporate governance, intellectual property, and dispute resolution. For businesses engaged in solar, wind, and carbon farming, a nuanced understanding of these legal facets becomes essential for navigating the complexities of the renewable energy sector.



### REGULATORY COMPLIANCE

Commercial lawyers play a pivotal role in ensuring that solar, wind, and carbon farming ventures comply with national and state-level regulations. This includes obtaining permits, adhering to environmental standards, and navigating complex regulatory frameworks unique to each venture.



### CONTRACT NEGOTIATION & DRAFTING

Negotiating contracts is a fundamental aspect of commercial law. Skilled lawyers ensure that contracts with suppliers, investors, and stakeholders are carefully negotiated, protecting the interests of businesses and people involved in solar, wind, and carbon farming. These agreements cover aspects such as financing, land use agreements, lease and purchase agreements.



### RISK MANAGEMENT

Businesses operating in the renewable energy sector face unique risks. Expert legal counsel helps identify and mitigate potential legal risks, from land use disputes to regulatory changes, safeguarding the smooth operation and long-term success of solar, wind, and carbon farming initiatives.



### DISPUTE RESOLUTION

Disputes are an inevitable part of business and life. Commercial lawyers offer dispute resolution strategies, whether through negotiation, mediation, or litigation, ensuring a swift and favorable resolution for businesses and people engaged in sustainable ventures.



Allwright Bourke  
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## Land

Land Tenure

Leases, subleases,  
agistment  
agreements

Sharefarming  
arrangements

Land tax

Native Title and  
Aboriginal Land  
Heritage

Development and  
Subdivisions

Compulsory  
Acquisition

## Water

Water Licenses

Water Purchase

Water Sale

## The Environment

Environmental  
Protection

Solar/Wind/Carbon  
Farming

Nature Conservation  
Matters

# COMMERCIAL LAW



## LEADERS IN SUSTAINABILITY AND AGRICULTURE

We understand that navigating the legal landscape of sustainable business ventures can be complex. Our dedicated team of experts is here to guide you through every step, ensuring your enterprise not only complies with the law but thrives in the growing field of renewable energy.

### WIND FARMING

Explore the benefits and legal considerations associated with wind energy projects.

Learn about permits, land use agreements, and environmental regulations.

### SOLAR FARMING

Discover the legal aspects of establishing and maintaining solar farms.

Insights into permits, grid connections, and government incentives.

### CARBON FARMING

Uncover the legal framework for carbon farming initiatives, including carbon credit creation.

Ensure compliance with the evolving landscape of emissions reduction schemes and carbon offset markets.



# WIND FARMING

Australia's wind farming sector plays a pivotal role in the nation's transition to renewable energy, leveraging the vast wind resources available across the country. The legal landscape governing wind farming is structured to encourage sustainable development while ensuring compliance with regulatory frameworks.



## NATIONAL ELECTRICITY LAWS AND RULES

The National Electricity Law and associated National Electricity Rules form the primary regulatory framework for the connection, operation, and management of wind farms in Australia. These regulations ensure the reliable and efficient functioning of the national electricity market.



## COMPENSATION

It is critical that landholders are appropriately compensated for disruption, time, and ongoing land use before, during, and after a project period.



## RENEWABLE ENERGY TARGET (RET) SCHEME

Governed by the Renewable Energy (Electricity) Act 2000, the RET Scheme sets targets for generating electricity from renewable sources, providing financial incentives and support for the development of wind farms to contribute to national renewable energy goals.



## ENVIRONMENTAL IMPACT ASSESSMENTS (EIAs)

Developers are obligated to conduct EIAs to assess potential environmental impacts. State and territory environmental protection laws mandate these assessments, ensuring wind farms comply with ecological standards and community expectations.



## PLANNING AND ZONING LAWS

State and local planning laws govern wind farm approval and development, defining permissible land use, setback distances from residential areas, and other considerations to minimise the impact on communities.



## GRID CONNECTION REGULATIONS

Regulations outline technical requirements and procedures for connecting wind farms to the electricity grid, ensuring seamless integration of wind-generated power into the broader energy infrastructure.



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#### COMMUNITY ENGAGEMENT AND CONSULTATION

Developers are required to engage in extensive community consultation. This includes public forums, information sessions, and addressing community concerns to foster community acceptance and support.



#### SAFEGUARD MECHANISM

The Safeguard Mechanism, under the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015, prevents emissions "rebound" by setting baselines for large facilities. Wind farms must manage emissions to comply with these baselines.



#### COMPENSATION

It is critical that landholders are appropriately compensated for disruption, time, and ongoing land use before, during, and after a project period.



#### LAND ACCESS AND AGREEMENTS

Negotiating land access agreements with landowners is crucial for wind farm developers. These agreements cover aspects such as land lease terms, compensation, and the rights and responsibilities of both parties.



#### CLEAN ENERGY REGULATOR (CER) OVERSIGHT

The CER oversees and regulates the accreditation and operation of wind farms. It ensures compliance with laws and rules governing the generation of renewable energy certificates (RECs) and provides a mechanism for monitoring and enforcing regulatory requirements.



# SOLAR FARMING

Solar farming in Australia is a key player in the nation's renewable energy landscape, harnessing abundant sunlight to generate clean and sustainable power. The legal framework governing solar farming is designed to facilitate its growth while ensuring compliance with regulatory standards and environmental considerations.



## **NATIONAL ELECTRICITY LAW AND RULES**

Solar farms operate within the framework of the National Electricity Law and Rules, guiding their connection to the national electricity grid. These regulations ensure the seamless integration of solar energy into the broader energy market.



## **RENEWABLE ENERGY TARGET (RET) SCHEME**

The RET Scheme, governed by the Renewable Energy (Electricity) Act 2000, incentivizes solar farm development by setting targets for renewable energy generation. It provides financial support to projects contributing to Australia's renewable energy goals.



## **ENVIRONMENTAL IMPACT ASSESSMENTS (EIAs)**

Developers must conduct EIAs to assess and mitigate potential environmental impacts associated with solar farm projects. Compliance with state and territory environmental protection laws ensures adherence to ecological standards.



## **COMPENSATION**

It is critical that landholders are appropriately compensated for disruption, time, and ongoing land use before, during, and after a project period.





## **PLANNING AND ZONING LAWS**

Solar farm approval and development adhere to state and local planning laws, defining permissible land use and addressing zoning regulations. These laws guide the strategic placement of solar farms to minimize environmental impact.



## **GRID CONNECTION REGULATIONS**

Regulations outline the technical requirements and procedures for connecting solar farms to the electricity grid. This ensures efficient power distribution and integration into the national energy infrastructure.



## **COMMUNITY ENGAGEMENT AND CONSULTATION**

Extensive community engagement is often required during the planning and development stages of solar farms. Developers are obligated to conduct public forums, information sessions, and address community concerns to foster acceptance and support.



## **LAND ACCESS AND AGREEMENTS**

Negotiating land access agreements is a critical aspect of solar farm development. Legal professionals play a crucial role in drafting agreements that cover land lease terms, compensation, and the rights and responsibilities of both parties.



## **CLEAN ENERGY REGULATOR (CER) OVERSIGHT**

The Clean Energy Regulator oversees and regulates the accreditation and operation of solar farms. It ensures compliance with laws and rules governing the generation of renewable energy certificates (RECs) and monitors adherence to regulatory requirements.







# CARBON FARMING

The legal framework for carbon farming in Australia is primarily governed by the Carbon Credits (Carbon Farming Initiative) Act 2011 (Cth) and associated regulations.

Understanding and adhering to legal provisions is essential for landholders and project proponents engaging in carbon farming activities in Australia. Our team at Allwright Bourke play a crucial role in navigating these complex frameworks, understanding compliance, and facilitating the successful commencement of carbon farming projects.

## COMPENSATION

It is critical that landholders are appropriately compensated for disruption, time, and ongoing land use before, during, and after a project period.

## EMISSIONS REDUCTION FUND (ERF)

The ERF is a central component of the legal framework, supporting carbon farming projects financially. It operates under the CFI Act and provides incentives for activities that contribute to emissions reduction.

## PROJECT METHODOLOGIES

The CFI Act outlines specific methodologies for quantifying emissions reduction or carbon sequestration associated with different project types. These methodologies are detailed procedures that project proponents must follow to calculate and demonstrate their environmental benefits.



## PROJECT REGISTRATION

Landholders must register their carbon farming projects with the Clean Energy Regulator (CER) to participate in the initiative. The registration process involves demonstrating project eligibility, adherence to methodologies, and compliance with regulatory requirements.

## CARBON CREDITS UNITS (ACCUS)

Carbon credits generated through approved projects are known as Australian Carbon Credit Units (ACCUs). These units represent the environmental benefits achieved by the project and can be sold or traded in the carbon market.





# WHY CHOOSE **ALLWRIGHT BOURKE?**

Embarking on ventures in renewable energy and sustainable land management within the expansive domain of commercial law demands adept legal guidance. At Allwright Bourke Lawyers & Conveyancing, we position ourselves as your dedicated ally, providing not only legal proficiency but also a commitment to translating intricate regulations into clear, understandable language. In the realm of renewable energy, understanding and adhering to commercial laws are fundamental to success.

Our seasoned legal team recognises the multifaceted challenges posed by renewable energy initiatives and sustainable land practices. We simplify the legal journey by distilling the complexities of commercial law into actionable steps, ensuring that your venture complies with regulations, mitigates risks, and positions itself for success. Whether you are delving into wind, solar, or carbon farming, our comprehensive approach within the realm of commercial law guarantees a seamless and informed journey.

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