

Planning, biodiversity and coordination reform options to facilitate renewable energy projects in NSW

Executive Summary

Options to improve biodiversity assessment processes

Heading	Summary of issue	Proposed Solution	Criticality Rating	Cross reference
Biodiversity assessment 'requirement creep'	Biodiversity assessments continue to evolve throughout the assessment process (for example, changes to the Plant Community Type classifications or the introduction of newly prescribed species in the Biodiversity Assessment Method Calculator (BAM-C) may happen mid-assessment). These changes can result in projects needing to revisit their survey design, and analysis mid-assessment and potentially amend their Biodiversity Development Assessment Report (BDAR), which creates significant delay and costs for projects.	Amend the BC Regulations to provide that the biodiversity assessment requirements applicable at the time Secretary's Environmental Assessment Requirements (SEARs) are issued be 'locked in' for the life of the assessment, unless changes are nominated by the decision maker as critical; the changes are voluntarily adopted by the proponent; or the development application has been on foot for longer than a set period. Amend the <i>Biodiversity Conservation Act 2016 (NSW)</i> (BC Act) to allow modification of existing BDARs without recommencing the process.	High	Recommendations 1 and 2
Estimation of serious and irreversible impacts (SII)	Material differences exist between the criteria applied for listing as a SII entity and the impacts being assessed as likely to cause a SII, which can lead to an overestimation of impacts. While the Guidance on serious and irreversible impacts (SII Guidance) published by NSW Department of Climate Change, Energy, the Environment and Water provides welcome improvement we note there is additional work that can be done in this space.	We recommend supporting the application of the SII Guidance through increased use of expert peer review or independent assessment and the development of SII guidance tailored to renewable energy projects, and clearer evidentiary thresholds for determining whether SII is likely or not.	High	Recommendation 3

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Offset timing and improving the effectiveness of SODAs	Pre-commencement offset retirement, which replaced the previous post-commencement approach, reduces the flexibility to avoid and minimise impacts during delivery, locks in higher environmental disturbance and drives up project costs. We appreciate the societal context of shifting towards 'net gain' outcomes. While the preferred approach would be to reinstate post-construction retirement there are also other options to improve the effectiveness of strategic offset delivery agreements.	Explicitly allow post construction retirement of biodiversity offsets to maintain environmental integrity while improving feasibility, bankability and alignment with actual impacts delivered during construction. Improve mechanisms to refine the number of biodiversity credits without requiring a development approval modification. If strategic offset delivery agreements (SODAs) are used as the preferred approach to addressing this issue, we recommend updating the definition of 'major project development' in the Biodiversity Conservation Regulation 2017 (NSW) (BC Regulations) to ensure all State Significant Infrastructure (SSI) and State Significant Development (SSD) projects are eligible for a SODA. In addition, we recommend updating the BC Regulations to expressly recognise that the number of credits required (and quantum of payment) can be adjusted.	High	Recommendation 4
Dedicated biodiversity assessment team for renewable energy projects	A Renewable Energy Biodiversity Support (REBS) team has been established in the NSW DCCEEW to assist in accelerating delivery of renewable energy projects.	We recommend that the REBS team be utilised as a dedicated team for the assessment of renewable energy projects. We note the Development Coordination Authority commenced on 1 July 2026. We encourage the retention of dedicated resources to assess renewables in both the Planning and Environment portfolios.	Medium	Recommendation 5
Standardisation and guidance for partial and temporal impacts	Partial disturbance within vegetation zones and temporary construction impacts are often treated inconsistently and conservatively (in some cases being assumed as permanent loss). This can overestimate impacts, inflate offset requirements, and reduce incentives for impact minimisation and rehabilitation.	Develop clear, standardised guidance on the assessment and compensation of partial and temporary impacts, including recognition of rehabilitation as 'repair' where ecological function is restored.	Medium	Recommendation 6

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Strengthening and expanding Biodiversity Certification for CSSI projects	Biodiversity Certification has the potential to streamline assessment for very large strategic projects, including CSSI, but is currently under-utilised due to complexity, timeframes and perceived risk. There is potential to align Biodiversity Certification with new bioregional planning provisions in the Commonwealth's EPBC reforms.	Improve the accessibility, guidance and support for Biodiversity Certification by introducing clearer pathways for applying certification to renewable energy precincts, stronger integration with strategic planning including Commonwealth EPBC reforms, and resourcing support for proponents and agencies.	Medium	Recommendation 7
Risk-based approaches to survey methodologies, assumed presence and offsetting	Since the introduction of the BC Act and the subsequent Biodiversity Assessment Method (BAM) and Biodiversity Offsets Scheme (BOS), industry has reported longer pre-lodgement assessment timeframes due to increased technical complexity, more extensive survey requirements and more iterative assessment processes.	We recommend amending the BAM to introduce a risk-based and proportionate approach, along with the publication of associated guidance, including statistically robust and outcomes-focused survey methodologies, removal of unnecessary stratification requirements, and clearer proportionality settings aligned with the EP&A Act.	Medium	Recommendations 8 and 9
Nature positive guidance for the renewable energy sector	The NSW Government has a policy commitment to nature positive outcomes. Further guidance is needed on the nexus between climate and nature and consequential impacts of renewable energy projects on nature.	Nature positive guidance should include a climate-related lens that allows for the positive benefits from renewables projects to be taken into account, including the strategic benefits of a project, alongside the direct impacts associated with the development.	Medium	Recommendation 10
Independent accountability of the BOS accreditation process	Despite the professional standing of Accredited assessors under the BOS, the work of accredited assessors is often challenged and contested during assessment processes, including in relation to survey methodologies, efforts and outcomes.	Modernise the BOS accredited assessor framework by increasing reliance on the expert judgement of accredited professionals, whilst simultaneously making these professionals accountable and transferring accreditation and oversight to an independent industry body, aligning with other professional accreditation systems to improve consistency, accountability, public confidence, and assessment efficiency.	Lower	Recommendation 11
Native Vegetation Regulatory Map	We welcome the NSW Department of Climate Change, Energy, the Environment and Water commitment to publish the Native Vegetation Regulatory map on 31 August 2026, but further work is required to ensure the mapping remains up to date.	We recommend that sufficient resourcing is allocated to support practical implementation and ensure regular review and updates to the mapping. Ensuring that the map is up to date would provide greater certainty, reduce administrative burden and help minimise project delays.	Lower	Recommendation 12

Options to accelerate/improve planning processes

Heading	Summary of issue	Proposed Solution	Criticality Rating	Cross reference
Streamlined planning approval process within Renewable Energy Zones (REZ)	Industry has experienced an increase in strategic considerations that must be addressed when developing in REZs, including social, structural and cumulative enabling infrastructure issues.	Greater use of non-discretionary development standards, targeted assessment pathways and Critical State Significant Infrastructure (CSSI) designations to streamline assessment considerations. Introduce a permissibility clause equivalent to clause 2.10 of the Resources and Energy SEPP to apply to energy projects. Repeal clause 2.42 of the Transport and Infrastructure SEPP both within and outside of REZs.	High	Recommendations 13 and 14
Investigating availability / permissibility of expanding the use of the Targeted Assessment Pathway to low-risk renewable energy projects	The <i>Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025</i> introduced a new targeted assessment pathway that allows certain projects to bypass the full SSD assessment process (Targeted Assessment Pathway). Many renewable energy projects are not permitted access to this Targeted Assessment Pathway. There may however, be scope to expand the use of this pathway to low-risk renewable energy projects such as ancillary infrastructure, co-located battery projects or infrastructure upgrades.	We recommend that government investigate the availability / permissibility of expanding the use of the Targeted Assessment Pathway to low-risk renewable energy projects. Where permissible, we recommend that the NSW Government run a trial allowing the use of the Targeted Assessment Pathway for a limited range of ancillary infrastructure upgrades and storage projects that are co-located with existing projects.	High	Recommendation 15
Planning fees	Planning fees in NSW are primarily calculated on the estimated development cost of a project. The fees including the lodgement fee under the <i>Schedule of planning and development fees and charges for 2025/26 financial year</i> (Schedule of Fees) and the planning reform contribution fee under section 267 EP&A Regulation (Lodgement Fee and Planning Reform Contribution). For large-scale developments, particularly in the renewable energy sector, this methodology can result in disproportionately high application fees that are not closely aligned with the actual regulatory effort required to assess the proposal.	We recommend undertaking a review of the NSW planning fee framework to ensure it remains equitable, transparent, and broadly consistent with other jurisdictions, including consideration of other calculation approaches which are not solely based on project capital value. Options include calculating the Lodgement Fee based on MW capacity rather than development cost or extending the current payment bands in the Schedule of Fees. In addition, we recommend introducing a scaled rate for the Planning Reform Contribution (as opposed to the current linear rate) and amending timing for payment.	High	Recommendations 16, 17, 18 and 19

Options to accelerate/improve planning processes

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Improving the ability for the renewables sector to access IPC hearings (where requested)	Projects referred to the Independent Planning Commission (IPC) may proceed through a public meeting or formal public hearings. Depending on the circumstances it may be beneficial for projects to proceed via a hearing (including that this limits appeal rights). Noting that in other sectors there is practical precedent for industries access hearings, we recommend an 'as of right' ability to have a hearing we recommend improving the ability for the renewables sector to access IPC hearings (where requested by the proponent). We support recent amendments to the State Environmental Planning Policy (Planning Systems) that revise thresholds for IPC referrals in consideration of both the number of unique submissions and their geographic location.	We recommend publishing guidance that the Minister will recommend an IPC public hearing in the following circumstances: • where a renewable energy project is referred to the IPC; and • a proponent requests a public hearing (rather than a public meeting), The thresholds for IPC referral and hearing requirements should be periodically reviewed to ensure they appropriately capture both the number of unique submissions received and the geographic proximity of submitters to the project.	Medium	Recommendations 20 and 21
Renewable energy SEPP and performance-based development outcomes	While recent reforms and Renewable Energy Guidelines improve clarity, the absence of prescriptive, non-discretionary development standards for renewable energy projects creates inconsistent assessment outcomes, and reliance on case-by-case interpretation.	Introduce a renewable energy SEPP. If a narrower approach is preferred, introduce non-discretionary development standards for renewable energy projects, similar to section 2.16 of the <i>State Environmental Planning Policy (Resources and Energy)</i> .	Medium	Recommendation 22
Post-approval delays and assessment of 'worst-case' impact envelope	Post-approval delays are exacerbated by prescriptive conditions that lock in specific technologies and non-standardised management requirements, limiting flexibility to adopt improved solutions and necessitating time-consuming modification processes.	Adopt an outcomes-based approvals framework focused on 'worst-case' impact envelopes, supported by standardised Construction Environmental Management Plan requirements, to reduce modifications, increase flexibility and innovation and accelerate project delivery while maintaining strong environmental outcomes.	Medium	Recommendations 23 and 24
Consolidated RFIs	RFIs are an important component of the assessment process and remain necessary where information gaps are material to the assessment or where fundamental suitability concerns need to be resolved. However, RFIs are often issued multiple times over extended periods, resulting in piecemeal resolution of issues, repeated technical work and protracted assessment timeframes without necessarily altering project outcomes.	Develop guidance requiring RFIs to be issued early, in a single consolidated manner wherever possible, and only where the information sought is material to assessing likely significant impacts, resolving meaningful technical issues or determining project suitability, unless genuinely new information arises.	Medium	Recommendation 25

Options to address enabling infrastructure and coordination challenges

Heading	Summary of issue	Proposed Solution	Criticality Rating	Cross reference
Enabling infrastructure networks	Industry experience in NSW indicates some roads in NSW are not currently maintained to the relevant road authority standards and/or involve infrastructure that is located outside of the standard infrastructure land use zones typically used for road corridors in Local Environmental Plans. Issues exist regarding transport of materials to site, including delays associated with the strict requirements for transport of Oversize and Overmass (OSOM) components.	NSW Government dedicate funding to undertake a wider assessment of the road network in NSW. This would enable potential upgrade requirements in development applications and greater certainty regarding the circumstances in which a developer is liable for road upgrade costs. Facilitate the use of intermodal and special activation precincts in regional areas for the import and storage of certain non-OSOM materials. Establish regional laydown and storage facilities to enable larger OSOM components to be moved to local LGAs in advance of construction requirements. These actions should be coordinated by government, potentially EnergyCo or another relevant agency.	High	Recommendations 26, 27 and 28
Waste management and decommissioning bonds	Concerns regarding the capacity of local waste facilities to accommodate decommissioning of renewable energy facilities is often raised during the assessment process. This issue needs to be considered holistically rather than on a case-by-case basis. There also remains a need for clearer guidance on decommissioning requirements and the use of bonds.	Clearer strategic guidance on cumulative impacts to essential services such as waste infrastructure, and continuing to work through the ECMC on policy options for decommissioning obligations and proportionate risk arrangements.	Medium	Recommendation 29