



New South Wales

Energy and Other Legislation Amendment (Renewable Energy Infrastructure) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *Electricity Infrastructure Investment Act 2020* to—
 - (i) make the efficient decommissioning of solar and wind energy infrastructure and the remediation of land on which the infrastructure was located objects of the Act, and
 - (ii) require the NSW renewable energy sector board (the **board**) to plan for how to achieve the objectives,
- (b) to amend the *Protection of the Environment Operations Act 1997* to require—
 - (i) environment protection licences for solar electricity generating works, and
 - (ii) Ministerial consent for the transfer of a licence relating to solar or wind electricity generating works,
- (c) to amend the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021* to impose conditions on development consents relating to solar and wind electricity generating works requiring—
 - (i) the decommissioning of the works and the remediation of the land on which the development is located, and
 - (ii) the giving of security to ensure compliance with decommissioning and remediation requirements.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Electricity Infrastructure Investment Act 2020 No 44

Schedule 1[1] expands the objects of the *Electricity Infrastructure Investment Act 2020* to include ensuring renewable energy infrastructure is efficiently decommissioned and the land on which the infrastructure was located is appropriately remediated (the *decommissioning objects*).

Schedule 1[2] expands the remit of the board to include a function relating to the decommissioning objects.

Schedule 1[3] requires the plan prepared by the board for the NSW renewable energy sector to set out how the decommissioning objects will be achieved.

Schedule 1[4] inserts proposed section 8B, requiring the board to, as soon as practicable after the commencement of the proposed section, propose amendments to the existing NSW renewable energy sector plan relating to the decommissioning objects.

Schedule 1[5] inserts definitions of *remediation* and *renewable energy infrastructure*.

Schedule 2 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 2 inserts a regulation-making power into the *Environmental Planning and Assessment Act 1979*, section 4.17 to enable regulations to be made imposing conditions on development consents to require the payment of security for the cost of restoring or rehabilitating land on which development is located to the land's pre-development condition.

Schedule 3 Amendment of Protection of the Environment Operations Act 1997 No 156

Schedule 3[6] and [7] expand the list of electricity generating works that are scheduled activities for the *Protection of the Environment Operations Act 1997* to include certain solar electricity generating works, with the effect that an environment protection licence is required to carry out the works under that Act, Chapter 3.

Schedule 3[2] inserts proposed section 54A, requiring the Minister for the Environment to consent to the proposed transfer of an environment protection licence relating to wind or solar electricity generating works. The Minister must not consent to a proposed transfer unless satisfied the proposed licensee is a fit and proper person. **Schedule 3[1], [3], [4] and [5]** make consequential amendments.

Schedule 3[8] inserts a proposed savings and transitional provision consequent on the amendment made by Schedule 3[6] and [7].

Schedule 4 Amendment of Environmental Planning and Assessment Regulation 2021

Schedule 4[1] inserts proposed Part 4, Division 2, Subdivision 3. The proposed subdivision—

- (a) applies to development consents for electricity generating works using a solar or wind energy source, and
- (b) imposes conditions on development consents requiring that—

- (i) the materials used in the development are, so far as is practicable, reused or recycled when the electricity generating works to which the consent relates are decommissioned, and
 - (ii) when the works are decommissioned the land on which the development is located is, so far as is practicable, restored or rehabilitated to the condition the land was in before the development, and
 - (iii) an amount of security is given to the consent authority that may be used if the holder of the consent contravenes the condition referred to in subparagraph (ii), and
- (c) makes provision for the assessment and reassessment of the amount of the security, the form of the security and claims on, and use of, the security.

Schedule 4[2] inserts a savings and transitional provision consequent on the insertion of the proposed subdivision.

Schedule 4[3] makes an amendment consequential on the insertion of the proposed subdivision by Schedule 4[1].