



New South Wales

# Energy Legislation Amendment (Prioritising Renewable Energy) Bill 2026

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Electricity Supply Act 1995* and the *Environmental Planning and Assessment Act 1979* to prioritise and streamline certain energy infrastructure projects.

## 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 Supply Act 1995 No 94

**Schedule 1[1]** insert a section to allow the Minister administering the *Electricity Supply Act 1995* (the **Energy Minister**) to declare, by written order, that a particular energy project, or class of projects, is a priority energy project (a **PEP**) and sets out requirements for the order to be made. The proposed section also allows the Energy Minister to appoint a person to make an order declaring a particular energy project a PEP. **Schedule 1[2]** makes a consequential amendment.

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

**Schedule 2[1]** authorises the Independent Planning Commission, on the request of the Minister administering the *Environmental Planning and Assessment Act 1979* (the **Planning Minister**), to hold a public hearing about development that includes a PEP.

**Schedule 2[2]** provides that the Development Coordination Authority is subject to the control and direction of the Planning Minister except in relation to the contents of an advice, recommendation or report provided to the Planning Minister by the Development Coordination Authority.

**Schedule 2[3] and [4]** provide that, where a development is declared a PEP, the Planning Minister may declare the development to be State significant development without obtaining and making publicly available advice from the Independent Planning Commission.

**Schedule 2[5]** provides that the Energy Minister may recommend to the Planning Minister that a particular development be declared State significant infrastructure.

**Schedule 2[6]** provides that, if a voluntary planning agreement has been made in relation to a renewable energy project, a developer is required to dedicate land free of cost, pay a monetary contribution or provide any other material public benefit, or any combination of them, to be used for a public purpose or another purpose prescribed by the regulations, or both. **Schedule 2[7]** makes a consequential amendment.

**Schedule 2[8]** provides that the Planning Minister may determine or direct another planning authority as to—

- (a) the amount of land to be dedicated free of cost, monetary contribution to be made or other material public benefit to be provided by the developer under a planning agreement, or
- (b) the method of determining the extent of the provision of the land to be dedicated free of cost, monetary contribution to be made or other material public benefit to be provided by the developer under a planning agreement.

**Schedule 2[9]** provides that the Planning Minister may set minimum or maximum amounts, or both, when exercising the Planning Minister's power to make determinations or directions under proposed section 7.9(1)(b2).

**Schedule 2[10]** allows the Planning Minister to direct the Independent Planning Commission to exercise its functions in relation to development that is State significant development, State significant infrastructure or critical State significant infrastructure, including in relation to development that is a PEP.



New South Wales

# Energy Legislation Amendment (Prioritising Renewable Energy) Bill 2026

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Energy Legislation Amendment (Prioritising Renewable Energy) Bill 2026**

No. \_\_\_\_\_, 2026

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### **A Bill for**

An Act to amend the *Electricity Supply Act 1995* and the *Environmental Planning and Assessment Act 1979* in relation to certain energy infrastructure projects.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Energy Legislation Amendment (Prioritising Renewable Energy) Act 2026*.

3

4

**2 Commencement**

5

This Act commences on a day or days appointed by proclamation.

6

## Schedule 1 Amendment of Electricity Supply Act 1995 No 94

### [1] Section 197

Insert after section 196—

#### 197 Declaration of priority energy projects

- (1) The Minister may, by written order, do one or more of the following—
  - (a) declare a particular energy project to be a priority energy project,
  - (b) declare a class of energy projects to be priority energy projects,
  - (c) appoint a person to make an order under subsection (2) (an *appointed person*),
  - (d) revoke an order made by an appointed person under subsection (2).
- (2) An appointed person may, by written order, declare a particular energy project to be a priority energy project.
- (3) An appointed person may only make an order under subsection (2) in accordance with criteria set out in a written order for the declaration of priority energy projects made by the Minister.
- (4) An order under subsection (3) may be included in the order appointing the person under subsection (1)(c) or in another order.
- (5) A written order under this section must be published on a website maintained by the Department of Climate Change, Energy, the Environment and Water.
- (6) In this section—

*energy project* includes a project for the following—

  - (a) transmission and distribution infrastructure,
  - (b) renewable energy generation,
  - (c) energy storage or firming infrastructure, being infrastructure that—
    - (i) includes battery storage, gas-fired firming generation or pumped hydro, and
    - (ii) does not include storage or firming infrastructure that requires coal-fired energy generation or nuclear energy generation.

*priority energy project* means an energy project, or an energy project of a class, declared under this section to be a priority energy project.

### [2] Dictionary

Insert in alphabetical order—

*priority energy project* has the same meaning as in section 197.

<b>Schedule 2</b>	<b>Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	1
		2
<b>[1] Section 2.9 Functions of Commission</b>		3
Insert after section 2.9(1)(d)—		4
(d1) without limiting paragraph (d), on the request of the Minister, to hold a public hearing about development that includes a priority energy project within the meaning of the <i>Electricity Supply Act 1995</i> ,		5 6 7
<b>[2] Section 2.11F Functions of Development Coordination Authority</b>		8
Insert at the end of section 2.11F—		9
(2) The Development Coordination Authority is, in the exercise of a function under this Act, subject to the control and direction of the Minister, except in relation to the contents of an advice, recommendation or report provided to the Minister by the Development Coordination Authority.		10 11 12 13
<b>[3] Section 4.36 Development that is State significant development</b>		14
Omit section 4.36(3B).		15
Insert instead—		16
(3B) Subsection (3A) does not apply if the development includes the following—		17
(a) residential accommodation,		18
(b) development that is a priority energy project within the meaning of the <i>Electricity Supply Act 1995</i> .		19 20
<b>[4] Section 4.36(5)</b>		21
Insert after section 4.36(4)—		22
(5) To avoid doubt, development that is a priority energy project, within the meaning of the <i>Electricity Supply Act 1995</i> , may be declared under this section to be State significant development.		23 24 25
<b>[5] Section 5.12 Development that is State significant infrastructure</b>		26
Insert “Minister administering the <i>Electricity Supply Act 1995</i> , the” before “Independent” in section 5.12(5).		27 28
<b>[6] Section 7.4 Planning agreements</b>		29
Omit section 7.4(1). Insert instead—		30
(1) A planning agreement is a voluntary agreement or other arrangement under this division—		31 32
(a) between a planning authority (or 2 or more planning authorities) and a person (the <i>developer</i> )—		33 34
(i) who has sought a change to an environmental planning instrument, or		35 36
(ii) who has made, or proposes to make, a development application or application for a complying development certificate, or		37 38
(iii) who has entered into an agreement with, or is otherwise associated with, a person to whom subparagraph (i) or (ii) applies, and		39 40 41

(b)	under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards—	1 2 3
(i)	for an agreement in relation to a renewable energy project—a public purpose, or another purpose prescribed by the regulations for this section, or both, or	4 5 6
(ii)	otherwise—a public purpose.	7
<b>[7]</b>	<b>Section 7.4(12)</b>	8
	Insert after section 7.4(11)—	9
(12)	In this section—	10
	<i>renewable energy project</i> means development of a kind prescribed by the regulations.	11 12
<b>[8]</b>	<b>Section 7.9 Determinations or directions by Minister</b>	13
	Omit section 7.9(b1).	14
	Insert instead—	15
(b1)	the amount of land to be dedicated free of cost, a monetary contribution to be made or other material public benefit to be provided by the developer under a planning agreement, or	16 17 18
(b2)	the method of determining the extent of the provision of the land to be dedicated free of cost, a monetary contribution to be made or other material public benefit to be provided by the developer under a planning agreement, or	19 20 21 22
<b>[9]</b>	<b>Section 7.9(2)</b>	23
	Insert at the end of section 7.9—	24
(2)	For subsection (1)(b2), the Minister may determine or direct another planning authority by setting a minimum or maximum amount of land to be dedicated free of cost, monetary contribution to be made or other material public benefit to be provided, or both a minimum and maximum.	25 26 27 28
<b>[10]</b>	<b>Section 9.1 Directions by the Minister</b>	29
	Insert after section 9.1(5)—	30
(6)	To avoid doubt, the Minister, under subsection (1), may direct the Independent Planning Commission in relation to development that is State significant development, State significant infrastructure or critical State significant infrastructure, including in relation to development that is a priority energy project within the meaning of the <i>Electricity Supply Act 1995</i> .	31 32 33 34 35