

Renewable Energy Planning Framework – Transitional Arrangements

On 12 November 2024, the NSW Government released the Renewable Energy Planning Framework. The Framework comprises a series of guidelines that apply to all large-scale wind and solar development and major transmission projects that are State significant development, State significant infrastructure or Critical state significant infrastructure.

However, transitional arrangements apply in certain circumstances to ensure procedural fairness for applicants and stakeholders.

These arrangements vary for different types of development and components of the framework and are described in this document. The relationship between different types of development and the various tools and guidelines is summarised in Figure 2 of the Overview document. This, along with all the documents in the framework, can be found on the [department’s website](#).

Should you have any queries, please contact us at energy.resourcespolicy@dpie.nsw.gov.au.

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Wind Energy Development

General Arrangements

The Framework applies to all projects, effective immediately unless:

- an applicant has been issued SEARs prior to 12 November 2024 and lodges an environmental impact statement (EIS) before 30 April 2025, or
- an applicant lodged its EIS before 12 November 2024.

However:

- guidance on development rights (see page 51 of the Wind Energy Guideline) is subject to separate transitional arrangements as outlined below
- an applicant may choose to apply all other aspects of the Framework immediately. To do this, the Applicant must request an amendment to the SEARs so they can be updated to reflect the new guidance.

Separate arrangements for development rights

The Wind Energy Guideline contains a policy for assessing and considering impacts on neighbouring land, including the development potential and rights of that land (see Table 2 on page 51 of the Wind Energy Guideline).

Despite any other transitional arrangements outlined in this document, this guidance on development rights will apply to all projects immediately unless the applicant has lodged an Environmental Impact Statement prior to 12 November 2024.

In the case that SEARs have already been issued, the Department will issue a supplementary SEAR to require an assessment of impacts to development rights in accordance with the guidance. In these circumstances, any references in the relevant guidance to “time the Planning Secretary’s environmental assessment requirements are issued” must be taken to mean “12 November 2024” (being the date in which the framework is published and commences), as set out and emphasised below.

Transitional guidance for development rights and wind energy

The applicant may need to consider whether the proposed development would impact the right for neighbouring landholders to develop their land for the purpose of any of the following permitted land uses:

- residential accommodation
- tourist and visitor accommodation
- eco-tourist facility.

In considering the impacts, applicants and consent authorities should only assess impacts on vacant land. That is, land in which there is a development right that has not been acted upon and is vacant of buildings and structures.

Additionally, an assessment should only be undertaken if the land is vacant prior to **12 November 2024**, and would:

- be partly or wholly within the visual impact setback in the Wind Energy Guideline - Technical Supplement for Landscape and Visual Impact Assessment,
- experience exceedances of the relevant noise criteria, or
- be subject to significant risk from blade throw, ice throw or other risks.

The assessment should consider whether the proposed development would unduly impact the development potential of the vacant land. In determining the impact, it may be relevant to consider:

- whether the vacant land is part of a broader contiguous property holding with an existing dwelling, building or structures,
- if a future development could be designed, sited and oriented to avoid or reduce significant impact from the project, and
- any mitigating effects including topography and vegetation.

An example assessment is provided in Appendix B of the Wind Energy Guideline.

If, **as of 12 November 2024**, the vacant land is subject to:

- a development application that has been lodged but is yet to be determined, and/or
 - a development application or complying development certificate has been determined/granted but the development is yet to physically commenced¹,
- the applicant should consider measures to mitigate the impacts on these rights.

Measures may include:

- helping affected landholders modify the existing consent
- seeking a new development consent that would minimise impacts
- screening or landscaping treatments.

For the avoidance of doubt, these approvals should not be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment.

Any consents or approvals that have physically commenced **as of 12 November 2024** should be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment.

¹ 'Physically commenced' has the same meaning as that in section 96 of the [Environmental Planning and Assessment Regulation 2021](#).

Large-scale Solar Energy Development

Overview of changes

The framework includes a number of key changes for large-scale solar energy development:

- **visual impact assessment** - changes to the methodology for visual impact assessment including:
 - increases to magnitude thresholds to align with other types of renewable energy development (see Appendix A)
 - changes to the frame of reference for determining scenic quality to introduce more granularity and ensure a more accurate classification of the quality of views (see Appendix A)
 - the introduction of a proportional assessment approach, including a reduction of requirements at the scoping stage and a reduction in the need for photomontages, to ensure the level of assessment matches the likely impacts and risks of development, and
 - improved guidance on the definition of dwellings and the number of primary viewpoints per private receiver.
- **development rights** - the introduction of guidance for assessing impacts on the development potential and rights of adjoining land.
- **benefit sharing** - replacing existing guidance in the Large-Scale Solar Energy Guideline with the new Benefit Sharing Guideline.
- replacing guidance on private agreements with the new Private Agreement Guideline and other minor updates and changes.

Arrangements for Visual Impact Assessment

All changes to visual impact assessment in the Large-scale Solar Guideline and accompanying technical supplement have effect immediately.

Notwithstanding, the department does not expect all visual impact assessments to be updated to reflect the new proportionate assessment approach. This is because the new approach only reduces the amount of work involved and does not change the key outcomes of the assessment. The Department may ask for some aspects of the assessment to be updated to reflect changes to magnitude thresholds, scenic quality

classifications, or the classification of primary views. These requests will be minimised to the greatest extent practicable.

Arrangements for development rights

The Large-scale Solar Energy Guideline has been amended to include a policy for assessing and considering impacts on neighbouring land, including the development potential and rights of that land (see Table 3 on page 45 of the guideline).

This guidance on development rights will apply to all projects immediately. In the case that SEARs have already been issued, any references in the relevant guidance to “time the Planning Secretary’s environmental assessment requirements are issued” must be taken to mean “12 November 2024” (being the date on which the framework is published and commences), as set out and emphasised below.

Arrangements for Benefit Sharing

The Benefit-sharing Guideline will apply to all large-scale solar energy projects, effective immediately unless:

- an applicant has been issued SEARs prior to 12 November 2024 and lodges an environmental impact statement (EIS) before 30 April 2025, or
- an applicant lodged its EIS before 12 November 2024.

Notwithstanding, an applicant may choose to apply the Benefit Sharing Guideline immediately.

Other Changes

All other changes have effect immediately.

Transitional guidance for development rights and large-scale solar energy

The applicant may need to consider whether the proposed development would impact the right for neighbouring landholders to develop their land for the purpose of any of the following permitted land uses:

- residential accommodation
- tourist and visitor accommodation
- eco-tourist facility.

In considering the impacts, applicants and consent authorities should only assess impacts on vacant land. That is, land in which there is a development right that has not been acted upon and is vacant of buildings and structures.

Additionally, an assessment should only be undertaken if the land is vacant prior to **12 November 2024**, and would:

- immediately adjoin the development, or
- experience exceedances of the relevant noise criteria.

The assessment should consider whether the proposed development would unduly impact the development potential of the vacant land. In determining the impact, it may be relevant to consider:

- whether the vacant land is part of a broader contiguous property holding with an existing dwelling, building or structures,
- if a future development could be designed, sited and oriented to avoid or reduce significant impact from the project, and
- any mitigating effects including topography and vegetation.

An example assessment is provided in Appendix B of the Large-Scale Solar Energy Guideline.

If, **as of 12 November 2024**, the vacant land is subject to:

- a development application that has been lodged but is yet to be determined, and/or
 - a development application or complying development certificate has been determined/granted but the development is yet to physically commenced²,
- the applicant should consider measures to mitigate the impacts on these rights.

Measures may include:

- helping affected landholders modify the existing consent
- seeking a new development consent that would minimise impacts
- screening or landscaping treatments.

For the avoidance of doubt, these approvals should not be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment.

Any consents or approvals that have physically commenced **as of 12 November 2024** should be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment.

² 'Physically commenced' has the same meaning as that in section 96 of the [Environmental Planning and Assessment Regulation 2021](#).

Transmission Infrastructure

The Framework applies to all projects, effective immediately unless:

- an applicant has been issued SEARs prior to 12 November 2024 and lodges an environmental impact statement (EIS) before 30 April 2025, or
- an applicant lodged its EIS before 12 November 2024.

However, a proponent may choose to apply the Framework immediately. To do this, the Proponent must request an amendment to the SEARs so they can be updated to reflect the new guidance.

If a Proponent chooses not to apply the Framework immediately, they are encouraged to adopt the visual impact assessment methodology outlined in the Transmission Guideline given the absence of any other guidance on this issue.

Battery Energy Storage Systems

The framework introduces the benefit-sharing guideline for battery-energy storage systems in certain settings.

The Benefit-Sharing Guideline will apply to all stand-alone battery energy storage systems located on rural land effective immediately unless:

- an applicant has been issued SEARs prior to 12 November 2024 and lodges an environmental impact statement (EIS) before 30 April 2025, or
- an applicant lodged its EIS before 12 November 2024.

However, an applicant may choose to apply the Benefit-Sharing Guideline immediately.

Appendix A – Changes to the solar visual impact assessment methodology

Table 1. Comparison of magnitude thresholds within the Large-Scale Solar Energy Guideline's Technical Supplement - Landscape and Visual Impact Assessment (2022) and Technical Supplement fo Landscape Character and Visual Impact Assessment (2024)

Visual magnitude rating	Number of occupied cells in 2022 Guideline	Number of occupied cells in 2024 Guideline
Very low	1 to 6	1 to 7
Low	7 to 12	8 to 14
Moderate	13 to 21	15 to 25
High	22 to 30	26 to 36
Very high	More than 31	More than 37

Table 2. Scenic quality classes within the Large-Scale Solar Energy Guideline's Technical Supplement - Landscape and Visual Impact Assessment (2022)



















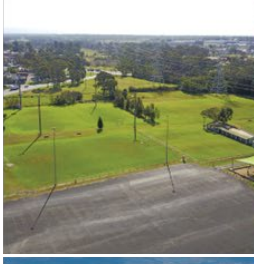
Scenic Quality Value	Low scenic quality	Moderate scenic quality	High scenic quality
Landform			
Vegetation			
Waterbodies			
Social/Cultural			
Human Presence			

Table 3. Scenic quality classes within the Large-Scale Solar Energy Guideline's Technical Supplement for Landscape Character and Visual Impact Assessment (2024)

Viewpoint type	Very low scenic quality	Low scenic quality	Moderate scenic quality	High scenic quality
Landform				
Vegetation				
Waterbodies				
Social and cultural				
Human presence	