



Nature
Conservation
Council

Renewable energy developments and the NSW planning system

Nature & Renewables Toolkit

Part 3



Acknowledgement

The Nature Conservation Council NSW acknowledges that we live and work on the land of First Nations people. This land has been cared for since time immemorial by Traditional Owners, whose sovereignty was never ceded. We pay our respects to the Traditional Owners past and present of the many Countries within so-called New South Wales.

We respect the leadership of Traditional Owners in caring for Country, and support the development of treaties that meaningfully empower them to do so. We acknowledge the dispossession of First Nations People and the harm inflicted on people and Country since colonisation began. We acknowledge that colonisation is an unjust and brutal process that continues to impact First Nations people today. As people living and working on First Nations Country it is incumbent on us to play our part in righting the historical and ongoing wrongs of colonisation. Indeed, our vision of a society in which nature and communities thrive together depends upon it.

The Nature Conservation Council of NSW (NCC) respects and supports all First Nations people's right to self-determination as outlined by the UN Declaration of the Rights of Indigenous Peoples (UNDRIP), which extends to recognising the many different First Nations within Australia and the Torres Strait Islands. NCC commits to maintain open lines of communication and to build respectful mutual relationships with First Nations people in all the work we do and wherever possible, seek aligned outcomes with and support the goals of First Nations groups.

We commit, as an organisation, to empower and work together with First Nations people to protect, conserve and restore the land, waters, air, wildlife, climate and culture of the many First Nations people in NSW.

About this toolkit

The purpose of this toolkit is to help communities understand the way that renewable energy project proposals move through the NSW planning system, help navigate the environmental impacts of renewable energy developments in their region, and direct to further helpful resources that provide more detailed information on this issue.

Version 1, August 2025

About NCC

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 200 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.



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ncc@nature.org.au



The NSW Planning System

The Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) sets out the environmental planning and assessment framework for all development in NSW. This framework identifies where renewable energy development may be permitted and the process by which it must be assessed and determined.

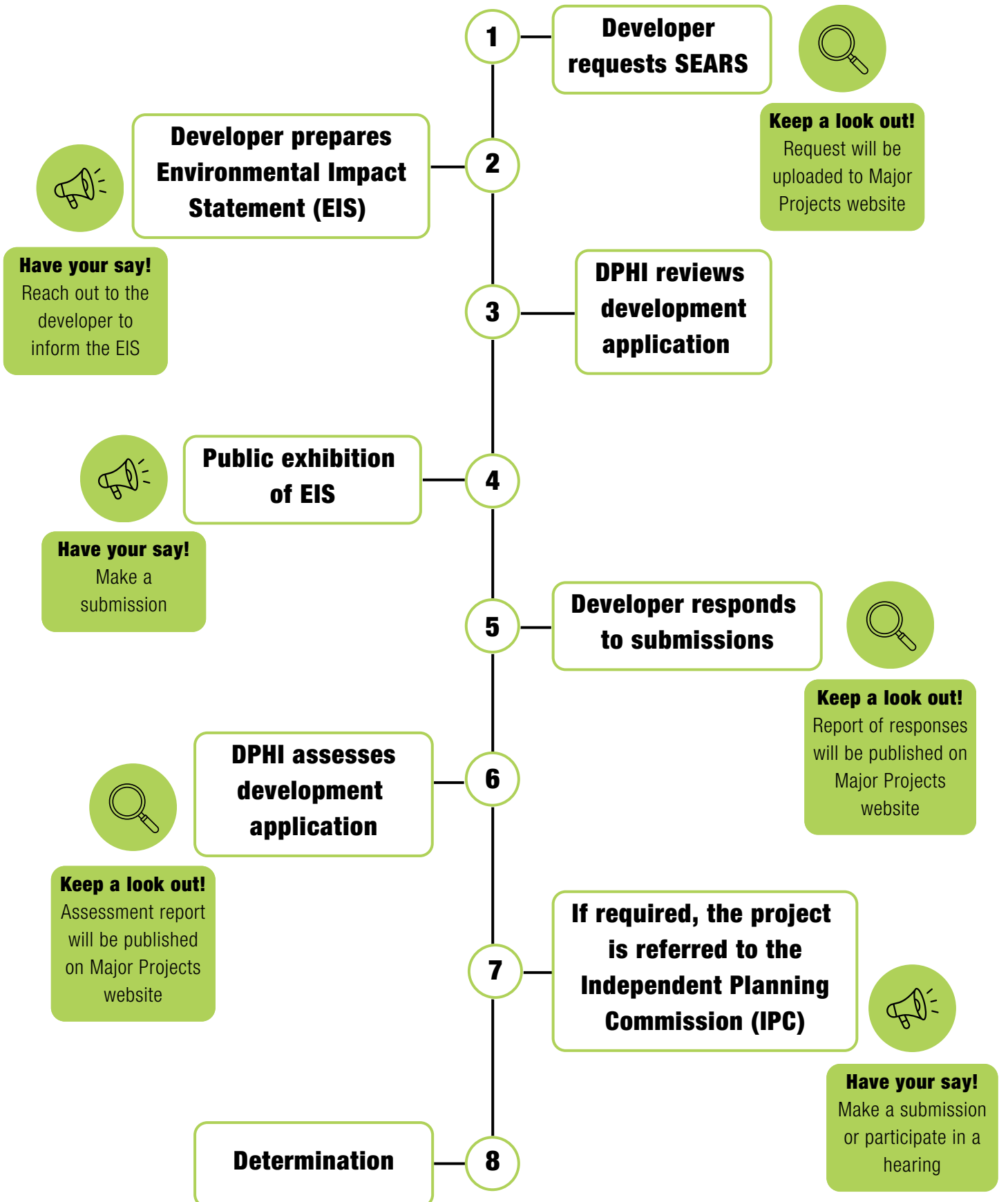
Under this Act, there are various categories for the types of development. Renewable energy can be categorised as either State significant development (SSD), State significant infrastructure (SSI) or critical SSI (CSSI). The different categories have different rules in the project assessment process. In NSW, renewable energy developments are generally categorised as SSD.

For SSD applications, the best stage of the planning process to influence is submissions to the EIS (stage 4 below) or if it goes to the IPC, during the submission process there (stage 7 below).

Glossary of acronyms and terms

- Consent authority – The authority responsible for granting or refusing consent for a development application or modification application
- DA – Development application
- DPHI – Department of Planning, Housing and Infrastructure
- EIS – Environmental impact statement: An environmental impact statement prepared by or on behalf of the applicant to accompany a development application. It involves a comprehensive assessment of the environmental, social and economic impacts of a project.
- IPC – Independent Planning Commission
- SEARs – Secretary's Environmental Assessment Regulations: The Planning Secretary's environmental assessment requirements, which set out the matters that must be addressed in an environmental impact statement.
- SSDs – State significant developments: A development declared to have state significance due to its size, economic value or potential impacts

In NSW, the pathway for SSDs is generally as follows:



Stages of the planning process

1. Developer requests SEARs

Renewable energy developer prepares and lodges a request to the Department of Planning, Housing and Infrastructure (DPHI) for Secretary's Environmental Assessment Regulations (SEARs). The SEARs are the instructions that the DPHI gives to developers on what they need to include in their Environmental Impact Statement (EIS). SEARs are tailored to each development application (DA). Often the request for SEARs will be uploaded onto the [Major Projects Website](#) and called a "scoping report".



2. Developer prepares Environmental Impact Statement (EIS)

The purpose of the EIS is to assess the economic, environmental and social impacts of the project. An EIS can help the communities, councils, and government agencies make informed submissions on the merits of the project. It's also guides the consent authority (the organisation that assesses and decides on if a project will be approved) in making their decision.

Preparing an EIS will generally involve:

- Conducting community and stakeholder consultation
- Detailed technical studies to assess any impacts of the development (including biodiversity assessments)
- Refining the design of the project to minimise or avoid any potential impacts



3. DPHI reviews development application

The developer will then do a formal lodgement of the development application (DA), including the EIS. The DPHI reviews the application and may request further information.



4. Public exhibition of EIS

The DPHI will then publish the DA and the EIS on the [Major Projects Website](#) and give notice to relevant stakeholders and those who've signed up for alerts (via the major projects website) that these documents are on public exhibition. Public exhibition means that these important documents explaining the development and its impacts are now publicly available for the public to review. The DA and EIS are required to be on exhibition for a minimum of 28 days. It is during this public exhibition period that the public can make submissions on the development. Submissions can be either in support, objecting or be a comment.



5. Developer responds to submissions

After the exhibition time has ended and submissions are no longer being accepted, the DPHI will publish all submissions made onto the major projects website and request the developer responds. The developer is required to prepare a submissions report that responds to the issues raised in the submissions. During this period the developer may make amendments to the project (and therefore to the DA) to address the issues raised in submissions. This could include the developer undertaking further engagement and assessments to refine the project. The DPHI may also require the developer to provide additional information. Once the developer completes the submission report they submit it back to the DPHI, who then publishes it on the major projects site.



6. DPHI assesses development application

The DPHI will undertake a detailed assessment of the most updated project DA, which may also require the developer providing additional information to address any outstanding issues. Once the assessment has been completed, DPHI will publish a summary of its findings in an “assessment report” on the major project website.



7. If required, the project is referred to the Independent Planning Commission (IPC)

If a project received at least 50 unique objections, the local council has objected, or the developer has made a reportable political donation, then projects will be referred to the Independent Planning Commission (IPC) to decide on whether or not the project will be approved – called a determination. In determining the project, there are several stages including:

- Invitation for written submissions from interested individuals and groups
- Stakeholder consultation
- Site inspections
- Public meetings or hearings

These stages of the IPC process are an opportunity for witnesses, experts and community members to have their say on the benefits, concerns, and/or improvements of a development.



8. Determination

If the project has been referred to the IPC, then it will be up to the IPC to make the determination on the project. If the project hasn't been referred to the IPC, then the Planning Minister (or delegate in DPHI) will determine the outcome of the DA.

Participating in the planning process

As outlined above, there are several stages where the community can participate in the planning process. In their [community participation plan](#), DPHI outlines ways that community members can participate, which we've adapted to focus on NSW renewable energy developments:

Keeping up to date

- Reading mailouts, public notices and advertisements (some of these notifications are required by the EP&A Act and the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation))
- Signing up for digital updates including the Department's and EnergyCo's regular newsletter
- Following the Department, EnergyCo and renewable energy developer's social media channels
- Regularly checking the websites of DPHI, EnergyCo, renewable energy developers, and checking the [Major Projects Website](#) for updates on plans and projects. You can sign up for alerts on specific projects on the major projects website. [Click here for instructions on how to set up notifications.](#)



NCC staff participating in NSW parliamentary hearing

Attend events, such as

- Lectures and symposia
- Open days
- Mobile engagement at festivals
- Public meetings and hearings
- Walking tours
- Information sessions
- Digital engagement initiatives
- Drop-in session
- Shopfronts near key sites

Provide informal feedback

- Contacting project teams and renewable energy developers directly. Contact details are provided on the relevant project or planning proposal webpage or most developers have a community stakeholder team you can reach out to.
- Completing a survey relating to a plan or project
- Contacting a community consultative committee if there is one
- Contacting the department's compliance team
- Feedback sessions and workshops
- Community reference groups (can be found on the EnergyCo website)
- Online forums
- One-on-one meetings
- Public meetings and hearings



Representatives from the New England and Hunter REZs meeting with MP for New England, Mr Brendan Moylan

Learn more!

- [EDO guide on How to have your say in developments across NSW](#)
- [EDO factsheet on writing submissions, letter and petitions](#)
- [NSW IPC](#)
- [NSW Renewable Energy Framework](#)

Provide formal feedback

- Making a submission during the public exhibition of a development (see more information below).
- During a public meeting or public hearing – The consent authority may seek public comments on a development through a public meeting or public hearing. These are a good opportunity to share your thoughts, concerns, and/or support about a potential development in a public forum. Usually, you will need to register to speak at a public meeting or hearing. These public meetings or hearings most often occur when a project has been referred to the IPC (stage 7 above).

Reading an Environmental Impact Statement (EIS)

Understanding the environmental impacts of a renewable energy development

The EIS is the key document to understand the likely environmental impact of a proposed renewable energy development. When participating in the planning process of a development, whether informally such as through meetings or attending events, or formally, such as writing a submission, the EIS will contain the key information to inform your opinion.

Making a written submission on a development is a good way to make a difference. It's important to be clear whether you support or object to the development as well as provide a rationale. Remember that all project developments have nature impacts, and that renewable energy projects are critical to addressing climate change and protecting nature. So, if a project involves habitat clearance, try and understand the rationale and the extent to which the site selection and mitigation actions have minimised these impacts. You can choose to support a development and make suggestions to improve environmental outcomes.

You can choose to oppose a development making it more likely to go to the IPC with a delay to assessment. As outlined above, the time you can make a submission is when the EIS is on public exhibition or if the development is referred to the IPC.

An EIS for a renewable energy development contains a lot of important and detailed information. While this is a good thing, it can mean these documents can be hundreds of pages long and can be difficult for a member of the public to read and understand.



While each EIS will be unique to that specific development and region, we've put together these tips to help community members understand the impacts of a development on the environment.

Positive actions taken by developers

Look for good environmental practices planned by the development. This could include:

- Site has been selected on already degraded or cleared land
- The project will be co-located with other industry, such as sheep grazing or other agricultural practices
- Undertaking flora and fauna surveys across different seasons and at appropriate times of day or night, to ensure all species present on a site are identified
- Measures that reduce harm to wildlife and habitat (mitigation measures)
- Planning to plant native vegetation to restore or enhance habitat
- Planning to create habitat corridors that help species move safely across the landscape, especially as the climate changes
- Contributing funding to research on the local ecology or important species

Read the purpose and justification sections carefully

These parts explain why the project is needed and why it should go ahead in that specific site. It's important to understand the reasoning behind the project to form an opinion or raise concerns.

Access local knowledge to identify any gaps

Community members often know of local threatened species or habitat areas that may not be listed in government databases. If species you know to exist in the project area aren't mentioned in the EIS, it's important to raise this in your submission and directly with the developer.

Check the Social Impact Assessment (SIA)

Social Impact Assessment (SIA) is a process used to identify, predict and evaluate the likely social impacts of a project. The SIA will also propose responses that aim to avoid, mitigate or reduce negative impacts and enhance positive impacts. The SIA is required to be included in the EIS (while also during the scoping stage and post-approval stage) and is an important document to read and consider if potential impacts have been thoroughly assessed. [Learn more about SIA here.](#)

Look at the cultural heritage assessment

Check whether the Aboriginal and other cultural heritage values assessed in the EIS involved meaningful and ongoing engagement with Traditional Owners and First Nations communities in the region.

See if the developer has included actions that align with the NSW First Nations Guidelines and respects First Nations community's rights and aspirations.

This could include making sure the developer has:

- Engaged respectfully with local Aboriginal communities from the start, including meeting on Country and following cultural protocols.
- Identified employment and income opportunities for Aboriginal communities, such as jobs, training, and contracts for Aboriginal-owned businesses.
- Proposed benefit-sharing or co-ownership arrangements, ensuring long-term community benefits.
- Included a clear Industry and Aboriginal Participation Plan (IAPP) with measurable commitments and a plan for reporting back to the community.

Check if ecological surveys were done at the right time of year

Conducting ecological surveys at the right time of year is essential, as many species are only active or visible during specific seasons. When surveys are timed correctly, it greatly increases the chances of detecting important species and capturing a more accurate picture of the ecosystem.

Understand how species credits were calculated

All biodiversity offsets and species credits should be calculated using the biodiversity assessment method (BAM).

- Look at how the consultants classified the habitat – does it match your knowledge of the area?
- For more complex assessments, it may help to speak with an independent ecologist or consultant to make sense of it.

Don't forget roads and clearing

Access roads and vegetation clearing for construction can have big environmental impacts. It's worth checking whether the EIS includes these considerations in its assessments.



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