



New South Wales

State Environmental Planning Policy (Infrastructure) Amendment (Energy Storage Technology) 2020

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy (Infrastructure) Amendment (Energy Storage Technology) 2020

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Energy Storage Technology) 2020*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

[1] Clause 33 Definitions

Omit “purpose of making or generating electricity.” from the note to the definition of *electricity generating works*.

Insert instead—

purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

[2] Clause 34 Development permitted with consent

Omit “Except as provided by subclause (8), development” from clause 34(7).

Insert instead “Development”.

[3] Clause 34(8)

Omit the subclause.

[4] Clause 36 Development permitted without consent

Omit clause 36(3).

Insert instead—

- (3) **Solar energy systems** Development for the purpose of a solar energy system may be carried out by or on behalf of a public authority without consent on any land if it is ancillary to—
 - (a) an existing infrastructure facility, or
 - (b) an educational establishment within the meaning of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

[5] Clause 37 Complying development

Omit clause 37(2).

[6] Clause 39 Exempt development

Omit clause 39(1A)(i).

Insert instead—

- (i) in the case of a development application in relation to the small wind turbine system to be used in connection with the tower that is refused or withdrawn—the tower is demolished within 3 months after the decision to refuse or withdraw the application.

[7] Clause 39(3)(f)(v)

Omit “, and” from the subparagraph. Insert instead “.”.

[8] Clause 39(3)(f)(vi)

Omit the subparagraph.

[9] Clause 40 Definitions

Insert at the end of the definition *electricity transmission or distribution network*—

- (c) systems for electricity storage associated with a component specified in paragraphs (a) and (b).