WAPC Western Australian Planning Commission

GOVERNMENT OF WESTERN AUSTRALIA

December 2025

INFORMATION SHEET

Renewable Energy – Policy Intent Summary – Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015

Background:

To support Western Australia's transition to renewable energy, the Western Australian Planning Commission (WAPC) is preparing a Renewable Energy Planning Code (RE Planning Code). The RE Planning Code will introduce consistent development assessment standards for **energy infrastructure** (including renewable energy facilities, battery energy storage systems and transmission systems) that can be applied statewide.

As a planning code under section 32C of the *Planning and Development Act 2005* (PD Act), the RE Planning Code is given effect once it is incorporated into local planning schemes. The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) govern how local planning schemes are prepared, amended, and interpreted. The LPS Regulations comprise:

- **Regulations** – procedural requirements for making schemes;
- **Model Provisions (Schedule 1)** – a template for scheme content;
- **Deemed Provisions (Schedule 2)** – automatically read into all schemes and override inconsistent provisions.

Changes to the Model Provisions of the LPS Regulations are proposed to support the incorporation of the RE Planning Code into local planning schemes through future amendments or reviews.

In addition to these changes, further amendments to the LPS Regulations Deemed Provisions are proposed to:

- Promote consistency between local planning instruments and approved planning codes;
- Include an approved planning code as a relevant matter to be given due regard by local government in considering applications for development approval;
- Address the issue of noise-sensitive development near wind farms — including the need for development approval for single houses within proximity to turbines; and
- Introduce new land use definitions relevant to renewable and green energy.

The following table summarises the proposed amendments, outlining the policy intent and the regulatory changes required to support improved planning outcomes across Western Australia.

Note:

1. Final mechanism in relation to the LPS Regulation amendments will be determined by the Parliamentary Counsel's Office (PCO).
2. The PD Act requires consultation on the proposed amendments to the LPS Regulations with the Environmental Protection Authority, local governments, and any other public authorities or persons the Minister considers likely to be affected. This consultation will occur once the draft LPS amendment regulations have been prepared by the PCO.

Context	Policy Intent
1. RE Planning Code to be incorporated into schemes Planning codes can make provision for any matter that may be the subject of a local planning scheme. The RE Planning Code has been prepared to introduce a consistent development assessment framework for energy infrastructure (including renewable energy facilities, battery energy storage systems and transmission systems) across Western Australia. Section 32C of the PD Act provides that a Planning Code has effect (and is subsidiary legislation) when it is incorporated, with or without modifications, into a local planning scheme[1] under section 77(1)(b). This incorporation can be done through a scheme amendment or scheme review. It is expected that the RE Planning Code will ultimately be introduced into the majority of local planning schemes across the State. Amendments to the Model Provisions of the LPS Regulations are proposed to support local governments in incorporating the RE Planning Code into their local planning schemes.	**Amend the Model Provisions to include a provision to facilitate the incorporation of the RE Planning Code into Local Planning Schemes, providing a consistent mechanism for its application across the State.**
2. Local Planning Framework (Local Planning Policies and Local Development Plans) While a key objective of the RE Planning Code is to provide a consistent development assessment framework for energy infrastructure (including renewable energy facilities, battery energy storage systems and transmission systems) across Western Australia, it is acknowledged that local or regional circumstances may warrant additional provisions or variations. The draft RE Planning Code allows local planning policies, structure plans and local development plans to supplement the Element Objectives and modify or supplement the Performance Outcomes or Acceptable Outcomes where necessary to address specific local planning objectives—subject to approval by the WAPC. To ensure consistency with the Code and appropriate oversight, amendments to the LPS Regulations are proposed to clarify that a local government must not proceed with or approve a local planning policy or local development plan that: • is inconsistent with an approved Planning Code; and/or • requires WAPC approval under the Code, where that approval has not been granted. As WAPC approval is already required for structure plans, no regulatory amendments are proposed in relation to these.	**Amend the Deemed Provisions of the LPS Regulations to include a requirement that a local government must not proceed with or approve a local planning policy or local development plan that is inconsistent with an approved Planning Code.** This may also include reference to where WAPC approval is required and has not been granted. It is proposed that the amendment refers to any approved Planning Code, to prevent the need for future regulatory amendments should additional planning codes be introduced.

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[1]   Note that under the PD Act, a planning code may also be written into an improvement scheme or the Swan Valley Planning Scheme.

Context	Policy Intent
3. Requirement for an approved Planning Code to be given due regard in considering an application for development approval Once the RE Planning Code is incorporated into a local planning scheme, it becomes a mandatory consideration in the assessment of development applications under clause 67(2)(a) of the Deemed Provisions, which includes: *"the aims and provisions of this scheme (including any Planning Code that is read, with or without modifications, into this Scheme)."* However, incorporation into a scheme requires formal amendment processes, resulting in delays to implementation. In the interim, an approved planning code may be considered under clause 67(2)(zb): *67(2)(zb) any other planning consideration the local government considers appropriate.* While clause 67(2)(zb) provides a discretionary pathway, it is considered more appropriate for approved planning codes to be explicitly referenced in clause 67(2) to ensure consistent and transparent consideration across jurisdictions.	**Amend Clause 67 (2) of the Deemed Provisions of the LPS Regulations to include approved Planning Codes as a specific matter that local governments are to give due regard to in development assessment.** This amendment would provide a clear statutory basis for considering planning codes during assessment, even before they are embedded in local schemes, supporting timely and consistent decision-making.
4. Requirement for development approval for noise sensitive land uses within vicinity of a wind farm Wind farms are a significant infrastructure investment contributing to the decarbonisation of Western Australia's electricity grid. Due to the unique acoustic characteristics of wind turbines, noise can extend beyond the boundaries of host lots, making it a relevant planning consideration when assessing proposed noise-sensitive uses (such as dwellings, tourist accommodation) located near proposed, approved or existing wind farms. Single houses in a rural area are often exempt from development approval under local planning schemes and policies. This can result in dwellings being constructed near wind turbines without development assessment as to their suitability. If noise levels at these receptor sites exceed permissible limits under the *Environmental Protection (Noise) Regulations 1997*, wind farm operators may be required to curtail or cease operations to remain compliant. Industry has identified this as a major source of operational risk and investor uncertainty. To address this, amendments to the LPS Regulations are proposed to: • Require development approval for single houses and other noise-sensitive uses where located within a defined proximity of a wind farm, notwithstanding any existing exemptions; • Specify that such a decision is discretionary, even where the use is otherwise permitted under the local planning scheme; • Outline the matters to be considered in the assessment of an application for development approval.	**Amend the Deemed Provisions of the LPS Regulations to introduce development approval requirements for single houses and other noise sensitive land uses within the vicinity of wind farms.** The proposed provisions will: 1. Require noise sensitive land uses to be sited and designed to avoid being subject to unreasonable noise impacts from proposed, approved or existing wind farms. 2. Require development approval for the development of a noise sensitive land use within a lot that contains, or on a lot that is within 2 km of a lot which contains an approved or existing wind farm, unless the proposed noise sensitive land use is located outside of the noise impact area of the wind farm. 3. Specify that the approval of such noise sensitive land uses are subject to the discretion of the local government ('D' use), notwithstanding the use may be designated a 'P' use under the Scheme. Additional provisions will address assessment criteria, referral requirements, defined terms relevant to the new provisions, and other supporting matters.

Context	Policy Intent
5. Definitions Additional land use definitions are required for relevant renewable and green energy technologies, including: • Renewable energy facility • Hydrogen Production Facility – small scale • Battery Energy Storage System (BESS) • Electricity Transmission Infrastructure (Transmission Systems) These uses are not currently defined within the LPS Regulations.	**Amend the LPS Regulations via Deemed (preferred) or Model (not preferred) Provisions to introduce additional land use terms.**