



Shire of Waroona
Local Planning Scheme No. 7

Amendment No. 42

Insertion of a new use class “Renewable energy facility” in the Zoning Table (Table 1), insert corresponding land use permissibility applicable to each Zone and include a new definition for “Renewable energy facility” within Schedule 1 – Interpretations

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT No.42
TO SHIRE OF WAROONA LOCAL PLANNING SCHEME No.7**

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- 1. Insert a new use class “Renewable energy facility” in the Zoning Table (Table 1);**
- 2. Include applicable land use permissibility against the new use class (as above) for each Zone; and**
- 3. Insert a new definition of “Renewable energy facility” within Schedule 1 – Interpretations.**

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;**
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
- (g) any other amendment that is not a complex or basic amendment.**

Dated this _____ day of _____ 20__

(Chief Executive Officer)

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

LOCAL GOVERNMENT	SHIRE OF WAROONA
DESCRIPTION OF LOCAL PLANNING SCHEME	SHIRE OF WAROONA LOCAL PLANNING SCHEME NO.7
TYPE OF SCHEME	LOCAL PLANNING SCHEME
AMENDMENT NUMBER	42
PROPOSAL	INSERT NEW USE CLASS, LAND USE PERMISSIBILITIES AND DEFINITION OF RENEWABLE ENERGY FACILITY

1.0 INTRODUCTION

This report sets out the background, purpose and recommended provisions for changes to the Shire of Waroona Local Planning Scheme No.7 (LPS7 or Scheme) through an amendment to the Scheme. The proposed amendment is considered to be a standard amendment in accordance with regulation 34 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

2.0 BACKGROUND

In recent years, the Shire of Waroona has received applications for renewable energy facilities and while it is acknowledged that a determination on such applications would be via the Joint Development Assessment Panel (JDAP), there is a need at the local level for the Shire's planning instruments to provide a suitable framework for these facilities.

In March 2020, the Western Australian Planning Commission (WAPC) published its Position Statement on Renewable Energy Facilities. The Position Statement, in the context of local government, identifies assessment measures to facilitate the appropriate development of renewable energy facilities. Within the local planning framework, local governments can address renewable energy facilities via local planning strategies, local planning schemes and local planning policies.

3.0 PURPOSE OF AMENDMENT

The purpose of this amendment is to set out the renewable energy facility provisions for insertion into the Shire's Scheme, which align with those contained within the WAPC's Position Statement. These provisions aim to clearly define what a renewable energy

facility is and where such a facility may be located in the context of Local Planning Scheme zones.

Additionally, the Shire has prepared a draft Local Planning Policy on renewable energy facilities that augments the Scheme provisions and provides further guidance on more specific matters such as requirements for development applications for these facilities, public consultation and locational considerations.

4.0 PROPOSAL

The proposed amendment seeks to make the following changes to the Shire’s Scheme text, as follows:

1. Insert a new use class into the Zoning Table (Table 1) – ‘Renewable Energy Facility’;
2. Amend the Zoning Table (Table 1), in the context of the new use class noted above, to reflect the following land use permissibility against each Zone within the Zoning Table:

ZONES	URBAN										RURAL									
	1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19
Renewable Energy Facility	X	X	X	X	X	X	X	X	X	*	A	X	X	X	X	X	X	**	X	X

*Special Industry – See Note

**Special Uses – See Note

3. Insert a new definition for ‘Renewable Energy Facility’ into Schedule 1 – Interpretations of the Shire’s Scheme, as follows:

Renewable Energy Facility: - means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

It must be noted that, as shown on the proposed amended Zoning Table as per 2 above, a renewable energy facility would only be permitted – albeit as an ‘A’ use - within the Rural 11 – General Farming zone, whereby the decision-maker must exercise its discretion in determining whether the use is appropriate, having first undertaken public consultation in accordance with the *Regulations*, the Shire’s Scheme, and the provisions of the relevant Local Planning Policy. In all other zones of the Scheme, a renewable energy facility is an ‘X’ (prohibited) land use. These align with the recommendations of the WAPC’s Position Statement and assist in reducing impacts upon sensitive land use areas and those of environmental or landscape protection.

5.0 CONCLUSION

The proposed amendment will better equip the Shire with the necessary statutory and policy tools to assess and provide advice on development applications for renewable energy facilities within the local government area.

The proposed narrow land use permissibility application gives surety to landowners and the broader community of the locational requirements attached to renewable energy facilities, and the siting pre-conditions which need to be met. Concurrently, the Shire seeks to constructively facilitate opportunities for renewable energy, particularly where these support local communities, business and industry.

Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Shire of Waroona Local Planning Scheme No.7
Amendment 42

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Inserting a new use class into the Zoning Table (Table 1) – ‘Renewable Energy Facility’;
2. Amending the Zoning Table (Table 1), in the context of the new use class noted above, to reflect the following land use permissibility against each Zone within the Zoning Table:

ZONES	URBAN										RURAL									
	1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19
Renewable Energy Facility	X	X	X	X	X	X	X	X	X	*	A	X	X	X	X	X	X	**	X	X

*Special Industry – See Note

**Special Uses – See Note

3. Inserting a new definition for ‘Renewable Energy Facility’ into Schedule 1 – Interpretations of the Shire’s Scheme, as follows:

Renewable Energy Facility. - means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Waroona at the Ordinary Meeting of Council held on the [day] day of [month], 20[year].

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SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Shire of Waroona at the Ordinary Meeting of the Council held on the [day] day of [month], 20[year], proceed to advertise this Amendment.

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SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....