Thursday, 9 April 2026

Renewable Energy Planning Team
Infrastructure Planning and Policy
Department of Planning, Lands and Heritage
Gordon Stephenson House, 2/140 William St,
Perth WA 6000

Dear Renewable Energy Planning Team

The Clean Energy Council (***CEC***) welcomes the opportunity to provide a submission to the Department of Planning, Lands and Heritage (***DPLH***) on the Draft Renewable Energy Planning Code and accompanying Guidelines (***Draft Code and Guidelines***).

The CEC is the peak body for the clean energy industry in Australia. We represent and work with hundreds of businesses operating in solar, wind, hydro, bioenergy, marine and geothermal energy, energy storage and energy efficiency.

The CEC supports the intent of the Draft Code and Guidelines to provide a clear and consistent framework for assessing energy infrastructure, that supports the generation, storage and transmission of renewable energy across Western Australia.

This submission provides detailed analysis and recommendations on key issues including: noise; micro-siting of turbines; development applications; and the treatment of meteorological masts. It also includes specific recommendations on technical drafting matters.

Although this consultation process relates to the Draft Code and Guidelines, the CEC also makes a number of comments on the proposed amendments to the Planning and Development (Significant Development) Regulations 2024.

Draft Code and Guidelines Submissions

Noise

The Draft Code and Guidelines require wind turbines and associated infrastructure to be sited, designed and operated to avoid unreasonable noise impacts on any existing or approved noise sensitive land uses on both a host or non-host lot. Unreasonable noise impact is defined by reference to the Environmental Protection (Noise) Regulations 1997 (***Noise Regulations***). Host landowners should be considered part of the wind farm and accordingly should not be subject to the same noise constraints as non-host landowners. The Draft Code and Guidelines should explicitly exclude host

Phone: +61 3 9929 4100
Fax: +61 3 9929 4101
info@cleanenergycouncil.org.au

Level 20, 180 Lonsdale
Street, Melbourne, VIC
3000, Australia

cleanenergycouncil.org.au

ABN: 84 127 102 443

landowners from the noise requirements and recognise private neighbour agreements relating to noise impacts.

There is ongoing uncertainty in Western Australia regarding applicable noise standards and the role of the South Australian Environmental Protection Authority Wind Farms Environmental Noise Guidelines (2021) (***SA Guidelines***). Recent Development Assessment Panel decisions have applied the SA Guidelines in approval conditions, despite the Department of Water and Environmental Regulation (***DWER***) endorsing a shift away from the SA Guidelines. In parallel with DPLH's work on the Draft Code and Guidelines, DWER is reviewing how noise from wind farms is managed. A coordinated government approach on determining appropriate Noise Regulations for wind farms is critical to provide certainty to industry and the community.

DPLH needs to ensure that the Draft Code and Guidelines provide certainty for wind farms complying with noise related approval conditions. DPLH should also ensure that the Draft Code and Guidelines are fit for purpose if wind farm noise guidelines are released and/or the Noise Regulations are amended. The Draft Code and Guidelines should:

- expressly carve out host landowners from the noise requirements;
- expressly state that where an approval references the SA Guidelines (or was approved on the basis of the approach in the SA Guidelines) or an alternative noise criteria, compliance with the criteria applied at the time of approval will be considered an Acceptable Outcome for the purposes of the planning approval; and
- compliance with noise limits should be determined by reference to the Noise Guidelines, as amended from time to time; any noise guidelines issued by DWER; and the SA Guidelines (to the extent endorsed by DWER).

Micro-siting of wind turbines

The CEC supports the inclusion of micro-siting provisions, which are essential to enable optimisation of project design while minimising environmental and landholder impacts. However, greater flexibility is required to ensure the provisions are workable in practice. Micro-siting provisions should apply more broadly to include substations, transmission lines, access tracks, cabling and associated infrastructure (both overhead and underground). Constraints such as geotechnical conditions, Aboriginal Cultural Heritage considerations and biodiversity issues frequently arise during detailed design and necessitate relocation of turbines and other infrastructure.

The proposed 100-metre micro-siting limit is unduly restrictive. Proponents should be permitted to nominate larger turbine envelopes where no material change in impacts can be demonstrated. A minimum allowable distance of up to 300 metres is recommended.

Assessment should be undertaken on a 'worst-case' basis, allowing proponents to refine layouts without triggering further approvals, or the need for submissions, where impacts are reduced. The Draft Code and Guidelines should also provide for:

- a standard condition requiring submission of a final layout prior to construction; and

- a streamlined pathway for any minor design modifications required following submission of the final layout.

Material to accompany a development application

The Draft Code and Guidelines require detailed technical information to be provided at the development application stage, including indicative turbine locations, transmission routes, infrastructure specifications and management plans.

These requirements do not reflect the realities of project development, where many design elements are not finalised until after the development approval has been obtained. Applications should be permitted to adopt a 'maximum design envelope' or worst-case approach, with detailed design matters addressed through conditions of approval.

Studies and impact assessments completed for the approval are based on the 'worst-case approach'. Similarly, transmission routes and grid connection details are often refined post-approval and should not be prerequisites for development consent. Instead, approval conditions should require proponents to notify the decision maker once these matters are finalised.

Meteorological masts

Meteorological masts are not specifically addressed under the Draft Code and Guidelines. Meteorological masts are captured as part of renewable energy infrastructure, and accordingly require a development application. This approach is inconsistent with other jurisdictions, where meteorological masts are often exempt or subject to simplified approval pathways. Meteorological masts are temporary, low-impact investigative structures and should be regulated accordingly.[1] In Western Australia, development applications for meteorological masts can add significant delay and cost to early-stage project development.

The Draft Code and Guidelines should:

- exempt meteorological masts from development approval where specified technical and aviation standards are met; or
- establish a standardised and streamlined approval pathway.

In addition, local planning regulations should be amended to remove the $2 million threshold for meteorological masts.

[1] In NSW, temporary meteorological masts (met masts) that are used for wind resource assessment can be exempt development, meaning no development consent is required, provided they meet the relevant statutory standards. This exemption is established under the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Phone: +61 3 9929 4100
Fax: +61 3 9929 4101
info@cleanenergycouncil.org.au

Level 20, 180 Lonsdale Street, Melbourne, VIC 3000, Australia

cleanenergycouncil.org.au

ABN: 84 127 102 443

Aviation

The current drafting of the Draft Code and Guidelines may create an expectation that aviation lighting will be required for wind farms, even where a risk assessment demonstrates it is unnecessary. Such an approach does not fully account for the impacts of aviation lighting on dark skies, visual amenity, and fauna. We also note that the *draft catalogue of measures to avoid and mitigate collisions of birds and bats with wind farms* released by DCCEEW for consultation (***Catalogue of Measures***) includes a section noting that safety lighting on turbines can attract or disorient birds and bats. This Catalogue of Measures notes that, where safety requirements permit doing so, collisions risks may be mitigated by reducing number of lit turbines, adjusting the intensity, installing dimmers (among other recommendations).

It is important that aviation lighting requirements are determined based on site-specific risk assessments, ensuring an appropriate balance between aviation safety and environmental and community impacts. Greater clarity in the Draft Code and Guidelines on when aviation lighting is required would be beneficial.

Amendments to the Planning and Development (Significant Development) Regulations 2024

Sufficient training and resourcing

In connection with the Draft Code and Guidelines, amendments are also proposed to the Planning and Development (Significant Development) Regulations 2024. As part of the proposed amendments, renewable energy projects with a capital value of greater than $20 million will require determination via Part 11B of the of the *Planning and Development Act 2005* (***Significant Development Pathway***). Although this consultation process relates to the Draft Code and Guidelines, we have a number of comments on the Significant Development Pathway, including assessment and condition clearance by the Significant Development Assessment Unit (***SDAU***), and facilitation of agency referrals by the State Referral Coordination Unit (***SRCU***). If this amendment is implemented, there will need to be appropriate resourcing and training for SDAU and SRCU to enable:

- efficient and consistent assessment of wind farm projects;
- setting of reasonable conditions that are appropriately aligned with wind farm project detailed design and construction staging and processes in other government agencies; and
- practical and efficient clearing of conditions.

Phone: +61 3 9929 4100
Fax: +61 3 9929 4101
info@cleanenergycouncil.org.au

Level 20, 180 Lonsdale
Street, Melbourne, VIC
3000, Australia

cleanenergycouncil.org.au

ABN: 84 127 102 443

Appropriate development approvals conditions and staging

Development approval conditions should be clearly framed and appropriately staged to allow projects to proceed while still achieving their intended planning outcomes. Wind farm delivery involves complex, parallel processes, with early works (e.g. site access, geotechnical investigations, track establishment, and temporary facilities) designed well in advance of later stages such as turbine construction and Oversize Overmass (***OSOM***) movements. Requiring detailed information 'prior to commencement of development' can be impractical, as final designs are often not available until later in the design and construction process, or may not be relevant to approval conditions. This creates unnecessary uncertainty and risk for both proponents and regulators. The CEC recommends:

- appropriately staging conditions to reflect the practical sequencing of design and construction;
- ensuring conditions avoid duplication or misalignment with other regulatory approvals (e.g. native vegetation clearing or approvals issued by Main Roads Western Australia (***MRWA***)); and
- incorporating developer input at the draft condition stage to improve clarity and workability.

Specific Recommendations regarding the Draft Code and Guidelines Submissions

Item	Recommendation
1.5.3 Assessment and Determination	Ensure consistent use of 'should' and 'must' and clarify the relationship between discretionary judgment and mandatory satisfaction tests.
1.6 Local Planning Framework	Limit the ability of local governments to modify Element Objectives and Outcomes to ensure consistency across Western Australia. In particular, by including defined limits and a consistency tests.
2.1.1 Micro-siting of Wind Turbines	Clarify that 'supporting structures' does not include turbine blades.
2.1.5 Micro-siting of Wind Turbines	Remove the words 'including the foundation' as the foundations are buried and do not affect amenity.
2.1.7 Micro-siting of Wind Turbines	Extend to include cabling and associated infrastructure; remove limitation to tracks 'to wind turbines'.
Figure 4 Micro-siting of Wind Turbines	Clarify envelope use, overlapping envelopes, and blade overhang beyond envelopes.
2.2 Safety	Consider renaming to 'Setbacks' and expanding scope to other infrastructure.

Phone: +61 3 9929 4100
Fax: +61 3 9929 4101
info@cleanenergycouncil.org.au

Level 20, 180 Lonsdale
Street, Melbourne, VIC
3000, Australia

cleanenergycouncil.org.au

ABN: 84 127 102 443

Item	Recommendation
2.2 Safety	After 'habitable building' include the words 'or to the centre of the building, where measuring to the nearest external wall is not reasonably practicable'. This is to address concerns that measuring to an external wall may be impractical using aerial imagery.
2.2 Safety – Acceptable outcome	'Reserves' is very broad and will capture areas that are set aside as a reserve but are not easily or regularly accessed by the public (e.g. conservation reserves which are fenced off to prevent public access). Further, 'road reserves' could capture sections of land that may never be constructed as a road or be made accessible to the public. Replace 'road reserves' with 'public roads' and 'reserves frequented by the public'; allow reduced setbacks where justified. Amend the timing required to provide the Independent Engineering Certification Report to be 'prior to construction of wind turbine foundations'. It is unnecessary that this report be provided prior to any works (ie. construction of gravel pits or access tracks).
2.3 Noise – Performance outcome	Delete reference to 'host lot'. In footnote 2, include a complete definition for the sources of 'future urban development' to provide certainty for proponents.
2.4 Single House Development Potential on Non-Host Lots	Provide further clarification regarding the meaning of 'suitable and sufficient area' and the meaning of 'practically serviced'. Expressly recognise neighbour agreements as part of the Single House Development Potential Impact Assessment process.
2.6 Shadow Flicker	Expressly recognise neighbour agreements as part of the Shadow Flicker Assessment process.
2.7 Natural Environment	Clarify in relation to the requirement to 'reduce the attractiveness of the site to birds and bats' that this should not be undertaken where doing so would have adverse environmental impacts through habitat sterilisation. Include express acknowledgement that planning assessments can occur in parallel with Environment Protection Authority approvals and approvals under the *Environment Protection Act 1986* (WA). Any such approvals should be treated as an 'Acceptable Outcome'.
2.7 Natural Environment – Water and land	Recommend removing the reference to wind farms being sited outside of 'public drinking water areas'. We note that DWER's Water Quality Protection Note 25 Land use compatibility tables for public drinking water source areas (2021) states that wind farms are compatible with certain public drinking water source areas, with conditions.

Phone: +61 3 9929 4100
Fax: +61 3 9929 4101
info@cleanenergycouncil.org.au

Level 20, 180 Lonsdale
Street, Melbourne, VIC
3000, Australia

cleanenergycouncil.org.au

ABN: 84 127 102 443

Item	Recommendation
2.8 Natural Hazards – Fire	Amend WF-PO7.1 to read: 'wind turbines and associated infrastructure (excluding access tracks, cabling and conductors)'.
2.8 Natural Hazards – Bushfire attack level	The requirement for turbines to meet BAL-29 appears unjustified and disproportionate to their risk profile. Turbines are non-habitable, robust structures that are unlikely to be significantly damaged by bushfire, even in higher-risk areas. Applying this requirement may also lead to unintended consequences, including reduced land availability for agriculture or increased clearing of native vegetation. It is recommended that BAL-29 requirements be limited to habitable buildings and substations, where the risk and need for protection are more clearly justified.
2.8 Natural Hazards – Fire and turbine spacing	A 300m separation between turbines is required to allow aerial firefighting operations. We recommend clarifying that this distance will be measured either by reference to the turbine centrepoint or distance between the maximum rotor swept path.
2.9 Aviation	To address uncertainty regarding lighting requirements, recommend including design standards regarding aviation lighting on turbines and meteorological masts.
2.11 Transport – Transport impact assessment and construction traffic management plan	Include recognition that some of the matters included in a Transport Impact Assessment and/or Construction Traffic Management Plan (***CTMP***) may be preliminary in nature given proponents may be considering multiple routes and/or final turbine selection may not have occurred. A CTMP submitted post-approval to enable early works will not include OSOM approvals from MRWA, as these require a level of design detail and timing certainty not available at that stage. While the guidelines[2] note that MRWA approval is required for OSOM movements via an OSOM Transport Management Plan, it should be clarified that CTMP requirements under the development approval do not duplicate MRWA processes as part of the OSOM approval.
2.12 Construction	Amend WF-PO11.2 to read: 'Land disturbed during construction must be rehabilitated post-construction, unless an alternative future land use is agreed with the landowner'. Contractors typically are not appointed at the development application stage. Accordingly, amend to require a preliminary construction

[2] Guidelines for Preparing an Oversize Overmass Transport Management Plan (OSOM-TMP) (Main Roads Western Australia, September 2021).

Item	Recommendation
	management plan, with a condition that an updated plan must be submitted and approved prior to construction commencing.
2.13 Decommissioning and Rehabilitation	Performance Outcome WF-PO12.1 requires decommissioning and rehabilitation within 18 months. While this is generally sufficient for decommissioning and commencing rehabilitation, it may not allow adequate time to complete rehabilitation. Native vegetation rehabilitation in particular requires longer timeframes, as it typically involves monitoring and supplementary works over multiple growing seasons. We recommend that separate timeframes be applied for decommissioning and completion of rehabilitation.
Definition – 'Visually sensitive land use'	Clarify scope of 'recreation areas' to avoid unintended application. Our understanding is this term is focused on sporting ovals and courts.

The CEC welcomes further engagement with DPLH in relation to the Draft Code and Guidelines. If you have any queries or would like to discuss this submission in more detail please contact me on erutherfurd@cleanenergycouncil.org.au.

Kind regards,

Elise Rutherfurd
General Manager – Environment and Planning
Clean Energy Council