



Western Australia

Planning and Development Act 2005

Planning and Development (Significant Development) Amendment Regulations 2026

Planning and Development (Significant Development) Amendment Regulations 2026

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Planning and Development (Significant Development) Amendment Regulations 2026

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Planning and Development (Significant Development) Amendment Regulations 2026*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 5 October 2026.

3. Regulations amended

These regulations amend the *Planning and Development (Significant Development) Regulations 2024*.

4. Regulation 5A inserted

At the end of Part 1 insert:

5A. Mandatory significant development (s. 171I(2))

- (1) In this regulation —

ammonia production facility means premises used for the production, and any associated storage or transportation, of ammonia;

battery facility means premises used for the operation of a battery system that —

- (a) receives energy in the form of electricity; and
- (b) stores the received energy in a battery; and
- (c) discharges the stored energy in the form of electricity;

hydrogen production facility means premises used for the production, and any associated storage or transportation, of hydrogen;

premises has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1;

renewable energy facility means premises used for the generation of electricity from 1 or more renewable sources of energy;

transmission system has the meaning given in the *Electricity Industry Act 2004* section 3(1).

- (2) For the purposes of section 171I(2) of the Act, prescribed significant development is **mandatory significant development** for the purposes of section 171L(2) of the Act if —
- (a) the development is not in an area to which the Swan Valley Planning Scheme applies; and
 - (b) the development includes 1 or more of the following (each a **relevant facility**) —
 - (i) an ammonia production facility;
 - (ii) a battery facility;
 - (iii) a hydrogen production facility;
 - (iv) a renewable energy facility;
 - (v) a transmission system;
- and

- (c) the estimated cost of the development of the relevant facility or facilities is \$20 million or more.

5. Part 5 inserted

After regulation 18 insert:

Part 5 — Transitional provision

19. Transitional provision for *Planning and Development (Significant Development) Amendment Regulations 2026*

Regulation 5A does not affect a development application made before 5 October 2026.

A. O’SULLIVAN, Clerk of the Executive Council