



Western Australia

Environmental Protection Act 1986

**Environmental Protection (Renewable Energy  
Proposals) Exemption Order 2023**



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# **Environmental Protection (Renewable Energy Proposals) Exemption Order 2023**

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## **Defined terms**



## **Environmental Protection (Renewable Energy Proposals) Exemption Order 2023**

Made by the Minister with the approval of the Governor under section 6 of the Act.

### **1. Citation**

This order is the *Environmental Protection (Renewable Energy Proposals) Exemption Order 2023*.

### **2. Commencement**

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published on the WA legislation website;
- (b) the rest of the order — on the day after that day.

### **3. Terms used**

In this order —

***Minister for Lands*** means the Minister to whom the administration of the *Land Administration Act 1997* is committed;

***renewable energy proposal*** means a proposal, the primary purpose of which is 1 of, or is a combination of, the following —

- (a) to generate energy from 1 or more renewable energy sources;
- (b) to store energy generated from 1 or more renewable energy sources;

**cl. 4**

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- (c) to produce hydrogen using energy generated exclusively from renewable energy sources;
- (d) to store or transport hydrogen that is produced using energy generated exclusively from renewable energy sources;
- (e) to transmit electricity generated from renewable energy sources;

**renewable energy source** means each of the following —

- (a) light or heat from the sun;
- (b) wind or other air flow;
- (c) waves, tides, currents or other movement of water;
- (d) geothermal activity;
- (e) differences in ocean temperature (ocean thermal).

**4. Declaration of exemption**

- (1) Section 41 of the Act does not apply to the Minister for Lands making a decision under the *Land Administration Act 1997* section 88(1) —
  - (a) to grant an option to lease Crown land to a proponent of a renewable energy proposal; or
  - (b) to fix the consideration to be paid for the option; or
  - (c) to impose conditions on the exercise of the option.
- (2) This exemption only applies to the decision if —
  - (a) the land is wholly within the development envelope of the proposal; and
  - (b) the exercise of the option is subject to a condition to the effect that the option can only be exercised if —
    - (i) the conditions set out in section 45(11)(a) and (b) of the Act are satisfied in relation to the proposal; and

- (ii) the Minister for Lands gives written notice to the proponent that the conditions set out in section 45(11)(a) and (b) of the Act are satisfied.

R. WHITBY, Minister for Environment

Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Minister for Lands .....	3
renewable energy proposal .....	3
renewable energy source .....	3

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