



Western Australia

Planning and Development Act 2005

Metropolitan Region Scheme

Metropolitan Region Scheme

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Defined terms

Metropolitan Region Scheme

Part 1 — Preliminary

[Heading inserted: Act No. 41 of 2024 s. 5.]

1. Citation

This region planning scheme is the *Metropolitan Region Scheme*.

[Clause 1 inserted: Act No. 41 of 2024 s. 5.]

2. Application of Scheme

- (1) This Scheme applies to all land in the metropolitan region.
- (2) Subclause (1) applies subject to the *Swan Valley Planning Act 2020* section 9.

Note for this clause:

This Scheme and the *Peel Region Scheme* cover areas that are contiguous. Some strategic planning documents such as the Perth-Peel sub-regional strategy <Perth and Peel@3.5million> apply to both scheme areas.

[Clause 2 inserted: Act No. 41 of 2024 s. 5.]

3. Contents of Scheme

This Scheme comprises —

- (a) the provisions of the Scheme; and
- (b) the Scheme Map (sheets 1 to 38); and
- (c) all other maps, plans, specifications and other particulars contained in the Scheme.

[Clause 3 inserted: Act No. 41 of 2024 s. 5.]

4. Nature of Scheme

- (1) Although this Scheme and a local planning scheme may cover the same area of land, this Scheme and the local planning scheme have different roles in relation to development of the land.
- (2) This Scheme is focused on matters of State and regional importance and guides overall planning and development in the metropolitan region.

Note for this clause:

Under section 124(1) of the Act, if this Scheme is inconsistent with a local planning scheme, this Scheme prevails over the local planning scheme to the extent of the inconsistency.

[Clause 4 inserted: Act No. 41 of 2024 s. 5.]

5. Purposes of Scheme

The purposes of this Scheme are to —

- (a) reserve and protect land for regional transport, infrastructure, conservation, recreation, cultural and public purposes; and
- (b) zone land for living, working and rural land uses; and
- (c) provide a mechanism for certain development of regional significance, and development in areas of regional significance, to be considered and approved by the Commission; and
- (d) identify and protect land having strategic importance for industrial and future urban use; and
- (e) set out procedures for the assessment and determination of applications for development approval under this Scheme; and
- (f) contribute to the implementation of the State's planning laws and policies by providing for assessment and determination of applications for development approval under this Scheme; and

- (g) provide for the strategic direction of planning and development in the metropolitan region by allowing for the making of particular planning instruments by the Commission; and
- (h) provide for the administration of this Scheme.

[Clause 5 inserted: Act No. 41 of 2024 s. 5.]

6. Aims of Scheme

The aims of this Scheme are to —

- (a) promote the sustainable development of land having regard to relevant environmental, social, economic and cultural factors; and
- (b) provide for regional transportation, community services and infrastructure in a way that is efficient, equitable and timely; and
- (c) protect as regional open space the metropolitan region's riverine and coastal foreshores and other areas of regional conservation significance; and
- (d) provide areas for regional recreational facilities; and
- (e) protect surface water catchments and groundwater areas for future water supplies; and
- (f) protect areas of environmental significance; and
- (g) provide for industrial development in planned estates where land use conflicts and environmental impacts will be minimised and efficient production facilitated; and
- (h) provide for future urban development and prevent works that may jeopardise that development; and
- (i) protect strategic agricultural land considered to be of State or regional importance; and
- (j) protect strategic minerals and basic raw materials of State and regional importance and provide for the

efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.

[Clause 6 inserted: Act No. 41 of 2024 s. 5.]

7. Terms used

In this Scheme —

Bush Forever area means an area identified under clause 25(1);

commencement day means the day on which the *Planning and Development Amendment (Metropolitan Region Scheme) Act 2024* section 5 comes into operation;

Commission website means a website maintained by or on behalf of the Commission;

development approval under this Scheme means approval by the Commission under Part 10;

district structure plan has the meaning given in clause 14(1);

heritage-protected place has the meaning given in clause 8;

local government means a local government of a district in the metropolitan region;

non-conforming use means a use of land which, though lawful immediately before commencement day, is not in conformity with a provision of this Scheme;

owner, in relation to land, means —

(a) if the land is freehold land —

- (i) a person whose name is registered as a proprietor of the land; or
- (ii) the State, if registered as a proprietor of the land; or
- (iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; or

- (iv) a person who is the holder of a freehold interest in land vested in an executor or administrator under the *Administration Act 1903* section 8;

and

- (b) if the land is Crown land —
 - (i) the State; or
 - (ii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land;

plan area, in relation to a district structure plan, means the area of land covered by the plan;

region planning scheme policy has the meaning given in clause 9(1);

reserved land means land reserved under this Scheme for a public purpose;

Swan Canning development control area has the meaning given in clause 45(1);

zoned land means land zoned under this Scheme.

[Clause 7 inserted: Act No. 41 of 2024 s. 5.]

8. Heritage-protected places

- (1) A **heritage-protected place** is a place —
 - (a) that is entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42; or
 - (b) that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or
 - (c) that is the subject of an order under the *Heritage Act 2018* Part 4; or
 - (d) that is the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90; or

cl. 8

- (e) that is included on a heritage list established under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 8(1) as that clause has effect as part of a local planning scheme of a local government; or
 - (f) that is within a heritage area designated under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 9 as that clause has effect as part of a local planning scheme of a local government.
- (2) For the purposes of subclause (1)(b), a place is under consideration for entry into the State Register of Heritage Places if —
 - (a) the Heritage Council has made a preliminary determination under the *Heritage Act 2018* section 39(2) that the place warrants review under section 40(1) of that Act but the review has not commenced; or
 - (b) the Heritage Council has commenced but has not completed a review of the place under the *Heritage Act 2018* section 40(1); or
 - (c) the Heritage Council has made a recommendation under the *Heritage Act 2018* section 40(2) that the place be entered in the State Register of Heritage Places but the Minister for Heritage has not yet given a direction under section 41(1) of that Act in relation to that recommendation.

[Clause 8 inserted: Act No. 41 of 2024 s. 5.]

Part 2 — Related policy instruments

[Heading inserted: Act No. 41 of 2024 s. 5.]

Division 1 — Region planning scheme policies

[Heading inserted: Act No. 41 of 2024 s. 5.]

9. Commission may prepare and resolve to approve region planning scheme policy

- (1) The Commission may prepare and resolve to approve a policy (a ***region planning scheme policy***) in respect of any matter related to the planning and development of the metropolitan region.
- (2) A region planning scheme policy may apply —
 - (a) generally or in respect of a particular class or classes of matter specified in the policy; and
 - (b) to the whole of the metropolitan region or to part or parts of the region specified in the policy.

[Clause 9 inserted: Act No. 41 of 2024 s. 5.]

10. Procedure for preparing and resolving to approve region planning scheme policy

- (1) Before resolving to approve a region planning scheme policy the Commission must —
 - (a) prepare the proposed policy; and
 - (b) give the proposed policy to each local government in the district of which the policy will apply and consult with those local governments; and
 - (c) publish the proposed policy on the Commission website, or another place chosen by resolution by the Commission, for a period of at least 28 days or another period chosen by resolution by the Commission; and

- (d) give notice on the Commission website of the following —
 - (i) the manner and form in which submissions may be made;
 - (ii) the period for making submissions and the last day of that period;
 - (iii) any other matter in relation to the proposed policy the Commission considers appropriate;and
 - (e) give notice of the proposed policy in any other way and carry out any other consultation the Commission considers appropriate.
- (2) The period mentioned in subclause (1)(d)(ii) must be the same as the period for which the proposed policy is published under subclause (1)(c).
- (3) After the expiry of the period for making submissions, the Commission —
 - (a) must consider all submissions made to the Commission on the proposed policy —
 - (i) during the period for making submissions; and
 - (ii) in accordance with the requirements referred to in subclause (1)(d)(i);and
 - (b) may, if the Commission considers it appropriate to do so, consider a submission —
 - (i) that is made during the period for making submissions; but
 - (ii) that the Commission is not required to consider under paragraph (a) because of paragraph (a)(ii);and
 - (c) must review the proposed policy; and

- (d) must resolve to —
 - (i) approve the proposed policy without modification; or
 - (ii) approve the proposed policy with modification, whether or not the modification is as a result of a submission; or
 - (iii) not approve the proposed policy.
- (4) If the Commission resolves to approve the proposed policy, the Commission must publish the policy as approved on the Commission website.
- (5) The region planning scheme policy takes effect on the day after the day on which the policy is published under subclause (4).

[Clause 10 inserted: Act No. 41 of 2024 s. 5.]

11. Procedure for amending region planning scheme policy

- (1) The Commission may prepare and resolve to approve an amendment to a region planning scheme policy —
 - (a) as if clause 10(1) to (3), with any necessary changes, applied to the amendment; or
 - (b) in any other way the Commission considers appropriate.
- (2) If the Commission resolves to approve an amendment to a region planning scheme policy, the Commission must publish the amendment as approved on the Commission website.
- (3) An amendment to a region planning scheme policy takes effect on the day after the day on which the amendment is published under subclause (2).
- (4) The Commission must maintain and publish on the Commission website an up-to-date version of each region planning scheme policy that is in force, consolidated to include any amendments to the policy.

[Clause 11 inserted: Act No. 41 of 2024 s. 5.]

12. Review of region planning scheme policy

- (1) The Commission must review the operation and effectiveness of a region planning scheme policy that is in force within 6 months after an anniversary referred to in subclause (2).
- (2) The anniversaries are the 10th anniversary of the day on which the region planning scheme policy first takes effect, the 20th anniversary of that day, the 30th anniversary of that day and so on.

[Clause 12 inserted: Act No. 41 of 2024 s. 5.]

13. Revocation of region planning scheme policy

- (1) A region planning scheme policy may be revoked —
 - (a) by a subsequent region planning scheme policy that —
 - (i) is prepared in accordance with this Division; and
 - (ii) expressly revokes the policy;
 - or
 - (b) by a notice of revocation —
 - (i) prepared by the Commission; and
 - (ii) published by the Commission on the Commission website.
- (2) A revocation under subclause (1)(b) does not take effect until the notice of revocation has been published on the Commission website for a period of 21 days.

[Clause 13 inserted: Act No. 41 of 2024 s. 5.]

Division 2 — District structure plans

[Heading inserted: Act No. 41 of 2024 s. 5.]

14. Commission may prepare and resolve to approve district structure plan

- (1) The Commission may prepare and resolve to approve a plan (a ***district structure plan***) that deals broadly with major strategic aspects of the coordination of future land uses and infrastructure in respect of an area of land in the metropolitan region.
- (2) A district structure plan may include —
 - (a) the key attributes and constraints of the plan area, including the natural environment, landform and topography of the plan area; and
 - (b) the planning context for —
 - (i) areas surrounding the plan area, including, for example, whether surrounding areas are flood or fire prone or contain an airport; and
 - (ii) the plan area; and
 - (iii) the metropolitan region;
 - and
 - (c) any major land uses, zoning or reserves proposed by the plan; and
 - (d) the population impacts that are expected to result from the implementation of the plan; and
 - (e) the extent to which the plan provides for the coordination of key transport and other infrastructure; and
 - (f) the proposed staging of the subdivision, if any, covered by the plan; and
 - (g) other significant details in the plan area, including, for example, major roads, drainage and infrastructure; and

(h) any maps, information or other material considered relevant by the Commission.

- (3) A proposal in a district structure plan that land be zoned or reserved as referred to in subclause (2)(c) does not operate to zone or reserve the land.

[Clause 14 inserted: Act No. 41 of 2024 s. 5.]

15. Procedure for preparing and resolving to approve district structure plan

- (1) Before resolving to approve a district structure plan the Commission must —
- (a) prepare the proposed plan; and
 - (b) give the proposed plan to each local government in the district of which the plan will apply and consult with those local governments; and
 - (c) publish the proposed plan on the Commission website for a period of at least 42 days; and
 - (d) give notice on the Commission website of the following —
 - (i) the manner and form in which submissions may be made;
 - (ii) the period for making submissions and the last day of that period;
 - (iii) any other matter in relation to the proposed plan the Commission considers appropriate;
- and
- (e) give notice of the proposed plan in any other way and carry out any other consultation the Commission considers appropriate.
- (2) The period mentioned in subclause (1)(d)(ii) must be the same as the period for which the proposed plan is published on the Commission website under subclause (1)(c).

- (3) After the expiry of the period for making submissions, the Commission —
- (a) must consider all submissions made to the Commission on the proposed plan —
 - (i) during the period for making submissions; and
 - (ii) in accordance with the requirements referred to in subclause (1)(d)(i);and
 - (b) may, if the Commission considers it appropriate to do so, consider a submission —
 - (i) that is made during the period for making submissions; but
 - (ii) that the Commission is not required to consider under paragraph (a) because of paragraph (a)(ii);and
 - (c) must review the proposed plan; and
 - (d) must resolve to —
 - (i) approve the proposed plan without modification; or
 - (ii) approve the proposed plan with modification, whether or not the modification is as a result of a submission; or
 - (iii) not approve the proposed plan.
- (4) If the Commission resolves to approve the proposed plan, the Commission must publish the plan as approved on the Commission website.
- (5) The district structure plan takes effect on the day after the day on which the plan is published under subclause (4).

[Clause 15 inserted: Act No. 41 of 2024 s. 5.]

16. Procedure for amending district structure plan

- (1) The Commission may prepare and resolve to approve an amendment to a district structure plan —
 - (a) as if clause 15(1) to (3), with any necessary changes, applied to the amendment; or
 - (b) in any other way the Commission considers appropriate.
- (2) If the Commission resolves to approve an amendment to a district structure plan, the Commission must publish the amendment as approved on the Commission website.
- (3) An amendment to a district structure plan takes effect on the day after the day on which the amendment is published under subclause (2).
- (4) The Commission must maintain and publish on the Commission website an up-to-date version of each district structure plan that is in force, consolidated to include any amendments to the plan.

[Clause 16 inserted: Act No. 41 of 2024 s. 5.]

17. Review of district structure plan

- (1) The Commission must review the operation and effectiveness of a district structure plan that is in force within 6 months after an anniversary referred to in subclause (2).
- (2) The anniversaries are the 10th anniversary of the day on which the district structure plan first takes effect, the 20th anniversary of that day, the 30th anniversary of that day and so on.

[Clause 17 inserted: Act No. 41 of 2024 s. 5.]

18. Revocation of district structure plan

- (1) A district structure plan may be revoked —
 - (a) by a subsequent district structure plan that —
 - (i) is prepared in accordance with this Division; and
 - (ii) expressly revokes the plan;

or

- (b) by a notice of revocation —
 - (i) prepared by the Commission; and
 - (ii) published by the Commission on the Commission website.
- (2) A revocation under subclause (1)(b) does not take effect until the notice of revocation has been published on the Commission website for a period of 21 days.

[Clause 18 inserted: Act No. 41 of 2024 s. 5.]

Part 3 — Reserved lands

[Heading inserted: Act No. 41 of 2024 s. 5.]

19. Reserves

The lands shown as reserved lands on the Scheme Map are reserved under this Scheme for the public purposes shown on the Scheme Map.

[Clause 19 inserted: Act No. 41 of 2024 s. 5.]

20. Purposes of reserves

Land is reserved under this Scheme for the following public purposes —

- (a) regional open space — to protect the natural environment, provide recreational and cultural opportunities, safeguard important landscapes and sites of cultural or historical significance and provide for public access;
- (b) regional open space — restricted public access — to protect the natural environment, provide recreational and cultural opportunities, safeguard important landscapes and sites of cultural or historical significance with limited or no public access;
- (c) primary regional roads — to provide a regional road network to accommodate current and future transport needs on roads declared under the *Main Roads Act 1930*;
- (d) other regional roads — to provide a regional road network to accommodate current and future transport needs on roads for which the planning responsibilities are shared between the Commission and local government;
- (e) railways — to provide for the passage of trains, the marshalling, maintenance and storage of rolling stock, and the conveying of the public and freight by rail;

- (f) port installations — to provide for current and future expansion needs;
- (g) waterways — to recognise coastal and inland waterways and lakes, provide for navigation in, and public access to, those waterways and lakes where appropriate, and to protect environmental, landscape and cultural values;
- (h) water catchments — to protect water sources from contamination;
- (i) State forests — to recognise State forests;
- (j) civic and cultural — to preserve and protect significant civic precincts and buildings;
- (k) public purposes — to provide for other public purposes as denoted on the Scheme Map.

[Clause 20 inserted: Act No. 41 of 2024 s. 5.]

Part 4 — Zones

[Heading inserted: Act No. 41 of 2024 s. 5.]

21. Zones

- (1) Parts of the metropolitan region are classified into the zones shown on the Scheme Map.
- (2) The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

[Clause 21 inserted: Act No. 41 of 2024 s. 5.]

22. Purposes of zones

Land is classified into zones under this Scheme for the following purposes —

- (a) urban — to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities;
- (b) urban deferred — to provide for land suitable for future urban development but where there are various planning, servicing and environmental requirements that need to be addressed before urban development can take place;
- (c) central city area — to provide for areas where commercial, civic, cultural, residential, service and administration serving the metropolitan region are located;
- (d) industrial — to provide for manufacturing industry, the storage and distribution of goods and associated uses;
- (e) special industrial — to provide for industry of State, regional, or strategic importance;
- (f) industrial deferred — to provide for land suitable for future industrial development but where there are various planning, servicing and environmental requirements that need to be addressed before industrial development can take place;

- (g) rural —
 - (i) to provide for the sustainable use of land for agriculture; and
 - (ii) to assist in the conservation and wise use of natural resources, including water, flora, fauna and minerals; and
 - (iii) to provide a distinctive rural landscape setting for urban areas; and
 - (iv) to accommodate carefully planned rural living developments; and
 - (v) to accommodate tourism in keeping with rural character, including, for example, farm stay accommodation, breweries and wineries;
- (h) rural — water protection — to control land use over public groundwater supplies to avoid contamination;
- (i) private recreation — to accommodate regionally significant open space and recreational activities in private use.

[Clause 22 inserted: Act No. 41 of 2024 s. 5.]

23. Change of zone by resolution

- (1) The Commission may by resolution transfer land —
 - (a) from the urban deferred zone to the urban zone; or
 - (b) from the industrial deferred zone to the industrial zone.
- (2) A resolution under subclause (1) takes effect —
 - (a) on the day (**publication day**) on which notification of the resolution is published in the *Gazette*; or
 - (b) on a day after publication day that is specified in the resolution.

cl. 23

- (3) A transfer of land under this clause must be reflected on the Scheme Map from the day the resolution to transfer the land takes effect.

[Clause 23 inserted: Act No. 41 of 2024 s. 5.]

Part 5 — Special control areas

[Heading inserted: Act No. 41 of 2024 s. 5.]

24. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area are set out in the Table.

Table

Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions

- (3) The provisions of this Part applying to the special control areas apply in addition to the provisions of this Scheme applying to any underlying zone or reserve and any general provision of the Scheme.

Note for this clause:

On commencement day there are no special control areas on the Scheme Map. This clause will be amended as special control areas are established.

[Clause 24 inserted: Act No. 41 of 2024 s. 5.]

Part 6 — Bush Forever areas

[Heading inserted: Act No. 41 of 2024 s. 5.]

25. Bush Forever areas

- (1) Land is identified as a Bush Forever area in the manner described in column 1 of the Table.

Table

Bush Forever area in Scheme area

Column 1	Column 2
Legend on Scheme map	Area
All land hatched	Bush Forever area

- (2) The identification of an area as a Bush Forever area —
- (a) operates in addition to —
- (i) the provisions of this Scheme applying to any underlying zone or reserve; and
- (ii) any general provisions of this Scheme;
- and
- (b) does not operate to zone or reserve that area.

[Clause 25 inserted: Act No. 41 of 2024 s. 5.]

Part 7 — Regional infrastructure plan areas

[Heading inserted: Act No. 41 of 2024 s. 5.]

26. Regional infrastructure plan areas

- (1) Regional infrastructure plan areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each regional infrastructure plan area are set out in the Table.

Table

Regional infrastructure plan areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions

- (3) The provisions of this Part applying to regional infrastructure plan areas apply in addition to the provisions of this Scheme applying to any underlying zone or reserve and any general provision of the Scheme.

Note for this clause:

On commencement day there are no regional infrastructure plan areas on the Scheme Map. This clause will be amended as regional infrastructure plan areas are established.

[Clause 26 inserted: Act No. 41 of 2024 s. 5.]

Part 8 — Development of land

[Heading inserted: Act No. 41 of 2024 s. 5.]

27. Requirement for development approval

- (1) A person must not commence or carry out development of —
- (a) reserved land; or
 - (b) zoned land specified in a resolution by the Commission under clause 28(1); or
 - (c) zoned land that is —
 - (i) land comprised in a lot any part of which (but not all of which) is within the Swan Canning development control area; or
 - (ii) land (including water) that abuts the Swan Canning development control area;
- or
- (d) land for which Part 5 states development approval under this Scheme must be obtained.
- (2) Subclause (1) does not apply if the person has obtained development approval under this Scheme for the development.
- (3) Also, subclause (1)(a) and (b) do not apply if this Part provides that the development does not require development approval under this Scheme.

Notes for this clause:

1. Planning approval for development in a planning control area must be obtained under the *Planning and Development Act 2005* Part 7.
2. Other approval to commence or carry out development may be required by a local planning scheme or other instrument.

[Clause 27 inserted: Act No. 41 of 2024 s. 5.]

28. Commission may require development of zoned land to have approval

- (1) The Commission may by resolution require development of zoned land to have development approval under this Scheme before it is commenced or carried out.
- (2) The resolution may be made so as to apply to —
 - (a) all land, or a specified area of land, zoned under this Scheme; or
 - (b) all development or classes of development or a specified development or class of development of land zoned under this Scheme.
- (3) Notice of the resolution must, as soon as practicable after it is made, be —
 - (a) published in the *Gazette*; and
 - (b) served on each local government.

[Clause 28 inserted: Act No. 41 of 2024 s. 5.]

29. Permitted development of reserved land

- (1) The following development of reserved land does not require development approval under this Scheme —
 - (a) the erection, construction, maintenance, improvement or alteration of a boundary fence or wall or other means of boundary enclosure;
 - (b) building or work that affects only the interior of a building and does not materially affect the external appearance of the building;
 - (c) the demolition of a building or structure;
 - (d) the erection of a sign that —
 - (i) relates to the functions of a public authority or local government (other than signs of a promotional nature) and is constructed or

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- exhibited by, or on behalf of, the public authority or local government; or
- (ii) is required for the management or control of traffic on a public road, carpark, cycleway, railway or waterway and is constructed or exhibited by or on behalf of a public authority or local government; or
- (iii) is required to be exhibited under a written law;
- (e) the erection, construction, maintenance, improvement or alteration of a jetty or associated structure (including a boat lifting device or mooring pile) within an artificial waterway except if the jetty or associated structure —
 - (i) does not comply with a policy in regard to such structures that is adopted by the relevant local government; or
 - (ii) is situated on a regionally significant waterway identified by resolution of the Commission for the purposes of this provision;
- (f) works on reserved land owned by or vested in a public authority that are —
 - (i) works on land reserved for primary regional roads or other regional roads for the purpose of or in connection with a road as defined in the *Main Roads Act 1930* section 6; or
 - (ii) works on land reserved for port installations for the purpose of or in connection with a port; or
 - (iii) works for the purpose of, or in connection with, the supply of water or wastewater services, electricity or gas, the drainage of surplus water or the treatment of water, wastewater or surplus water; or
 - (iv) works on land reserved for railways, primary regional roads or other regional roads for the purpose of or in connection with a railway, other

- than the construction or alteration of a railway station or any related carpark, public transport interchange facilities or associated means of pedestrian or vehicular access; or
- (v) works on reserved land if the works are in accordance with a management plan endorsed by the Commission; or
 - (vi) works on land reserved for public purposes — high school for the purpose of or incidental to a high school; or
 - (vii) operational works on land reserved for State forests for the purpose of or incidental to a State forest; or
 - (viii) works that a public authority is expressly authorised under an Act to commence or carry out without the approval of the Commission;
- (g) development that the Commission by resolution, notice of which is published in the *Gazette*, declares to be development that does not require development approval under this Scheme.
- (2) In subclause (1) —
- reserved land owned by or vested in a public authority*** includes reserved land in relation to which a public authority has an easement, right of way, right of occupation or any other interest, right, privilege or concession.
- (3) Subclause (1)(a), (d), (e) and (g) apply regardless of whether the land is located in a heritage-protected place.
- (4) Subclause (1)(b), (c) and (f)(i) to (vii) do not apply if the land is located in a heritage-protected place.
- (5) Subclause (1)(g) does not apply to development of —
- (a) land comprised in a lot any part of which (but not all of which) is within the Swan Canning development control area; or

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- (b) land (including water) that abuts the Swan Canning development control area.
- (6) Subclause (1) does not authorise development of land that involves —
 - (a) the clearing of native vegetation in a Bush Forever area; or
 - (b) direct drainage into a Bush Forever area.

[Clause 29 inserted: Act No. 41 of 2024 s. 5.]

30. Use of reserved land by public authorities

- (1) Without limiting clause 29, reserved land may be used by a public authority without development approval under this Scheme if the land is used —
 - (a) for the purpose for which it is reserved under this Scheme; or
 - (b) for any purpose for which the land may be lawfully used by the public authority.
- (2) Subclause (1) does not authorise use of land that involves —
 - (a) the clearing of native vegetation in a Bush Forever area; or
 - (b) direct drainage into a Bush Forever area.

[Clause 30 inserted: Act No. 41 of 2024 s. 5.]

31. Continued uses and non-conforming uses

- (1) This Scheme does not prevent the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before commencement day.
- (2) Subclause (1) does not apply if —
 - (a) the use of land is a non-conforming use; and
 - (b) the non-conforming use of the land is discontinued; and

- (c) a period of 6 months, or a longer period approved by the Commission, has elapsed since the discontinuation of the non-conforming use.
- (3) Also, subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the Commission —
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

[Clause 31 inserted: Act No. 41 of 2024 s. 5.]

32. Changes to non-conforming use

Development approval under this Scheme is required to —

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another non-conforming use.

[Clause 32 inserted: Act No. 41 of 2024 s. 5.]

33. Part does not apply to particular developments

This Part does not apply to a development to which the *Swan and Canning Rivers Management Act 2006* Part 5 applies.

[Clause 33 inserted: Act No. 41 of 2024 s. 5.]

Part 9 — Applications for development approval

[Heading inserted: Act No. 41 of 2024 s. 5.]

34. Application under local planning scheme taken to be application under Scheme

- (1) This clause applies if —
 - (a) an application to a local government for approval for development of land in the metropolitan area under a local planning scheme is accepted by the local government; and
 - (b) development approval under this Scheme is required for development of the land.
- (2) The application is taken to also be an application for development approval under this Scheme of the development.

[Clause 34 inserted: Act No. 41 of 2024 s. 5.]

35. Applications under Scheme

- (1) This clause applies if —
 - (a) approval under a local planning scheme of development of land in the metropolitan region is not required; but
 - (b) development approval under this Scheme is required for development of the land.
- (2) An application for development approval under this Scheme of the development must be lodged with the local government in the district of which the land is situated.
- (3) An application made under subclause (2) must be —
 - (a) made in the form approved by the Commission; and
 - (b) signed by the owner of the land on which the development is proposed; and
 - (c) accompanied by any plans and other information required under clause 36.

- (4) For the purposes of subclause (3)(b), a person or body may sign an application for development approval under this Scheme as the owner of freehold land if the person or body is 1 of the following —
- (a) a person who is referred to in paragraph (a) of the definition of **owner** in clause 7;
 - (b) a strata company that —
 - (i) is authorised to make an application for development approval in respect of the land under scheme by-laws registered under the *Strata Titles Act 1985*; and
 - (ii) if the land is held under a leasehold scheme, has the written consent of the owner of the leasehold scheme to make the application;
 - (c) a community corporation for a community titles scheme that is authorised to make an application for development approval in respect of the land under scheme by-laws registered for the community titles scheme under the *Community Titles Act 2018*;
 - (d) a person who is authorised under another written law to make an application for development approval in respect of the land;
 - (e) an agent of a person referred to in paragraph (a).

Note:

The *Planning and Development Act 2005* section 267A makes provision for the signing of documents by the owner of Crown land or freehold land in the name of the State.

- (5) If a term used in subclause (4)(b) is given a meaning in the *Strata Titles Act 1985* section 3(1), it has the same meaning in subclause (4)(b).
- (6) If a term used in subclause (4)(c) is given a meaning in the *Community Titles Act 2018* section 3(1), it has the same meaning in subclause (4)(c).

[Clause 35 inserted: Act No. 41 of 2024 s. 5.]

36. Accompanying material

Unless the Commission waives any particular requirement, an application for development approval under clause 35(2) must be accompanied by —

- (a) a plan or plans to a scale of not less than 1:500 showing —
 - (i) the location of the site, including street names, lot numbers, north point and the dimensions of the site; and
 - (ii) the existing and proposed ground levels over the whole of the land that is the subject of the application; and
 - (iii) the location, height and type of all existing structures on the land that is the subject of the application, and all existing structures and vegetation proposed to be removed; and
 - (iv) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site; and
 - (v) the existing and proposed means of access for pedestrians and vehicles to and from the site; and
 - (vi) the location, number, dimensions and layout of all carpark areas intended to be provided; and
 - (vii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods and commodities to and from the site and the means of access to and from those areas; and
 - (viii) the location, dimensions and design of any open storage or trade display area, and particulars of the manner in which it is proposed to develop those areas; and

- (ix) the nature and extent of any open space and landscaping proposed for the site;
- and
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
- (c) any specialist studies the Commission may require the applicant to undertake in support of the application, including, for example, traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information relating to the proposed development that the Commission may reasonably require.

[Clause 36 inserted: Act No. 41 of 2024 s. 5.]

37. Action by local government on receipt of application

- (1) This clause applies if —
 - (a) a local government receives an application to which clause 34 applies or under clause 35; and
 - (b) the local government is not empowered to determine the application under this Scheme under powers delegated to the local government by the Commission.
- (2) The local government must forward a copy of the application and accompanying material to the Commission within 7 days of the local government becoming aware that it is not empowered to determine the application.
- (3) Within 42 days of receiving the application, or such longer period as the Commission allows, the local government may make recommendations to the Commission regarding the application.

[Clause 37 inserted: Act No. 41 of 2024 s. 5.]

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38. Action by Commission on receipt of application

- (1) On receipt under clause 37(2) of an application for development approval under this Scheme, the Commission must —
 - (a) consider whether the application and accompanying material satisfies clauses 34 to 36, as the case requires; and
 - (b) within 7 days after the day on which the application is received, give the applicant written notice stating —
 - (i) if the Commission is satisfied that the application and accompanying material satisfies clauses 34 to 36, as the case requires — that the application has been accepted for assessment; or
 - (ii) otherwise — that the applicant must amend the application, or provide further accompanying material, before the application can be accepted for assessment.
- (2) If the Commission does not give notice under subclause (1)(b) within the 7-day period referred to in that subclause, the application is taken to be accepted for assessment on the day after the end of that period.
- (3) If the Commission gives notice under subclause (1)(b)(ii) and the applicant amends the application or provides further accompanying material as required, this clause applies again in respect of the application as amended or as accompanied by the further material as if a reference to the receipt of the application were a reference to the receipt of the amendment or the further material.

[Clause 38 inserted: Act No. 41 of 2024 s. 5.]

39. Commission may request additional information or material

- (1) If an application for development approval under this Scheme has been accepted for assessment, the Commission may, by written notice given to the applicant, request the applicant to

provide any further information or material that the Commission reasonably requires to determine the application.

- (2) A request under subclause (1) may be made whether or not the Commission gave the applicant notice under clause 38(1)(b)(ii) in relation to the application before it was accepted for assessment.
- (3) A request under subclause (1) must state the period within which the further information or material must be provided, which must be a period of at least 21 days after the day on which the request is made.

[Clause 39 inserted: Act No. 41 of 2024 s. 5.]

40. Applicant may agree to or refuse request for additional information or material

- (1) If a request under clause 39(1) is made to an applicant for development approval under this Scheme, the applicant may, by written notice given to the Commission within 7 days after the day on which the request is made, agree to or refuse the request.
- (2) If the applicant does not agree to or refuse the request within the 7-day period referred to in subclause (1), the applicant is taken to have refused the request.
- (3) If an applicant agrees to a request under clause 39(1), the period set out in subclause (4) is not to be counted for the purposes of determining when the application for development approval must be determined under clause 47.
- (4) For the purposes of subclause (3), the period —
 - (a) begins on the day on which the applicant agrees to the request; and
 - (b) ends on the earlier of the following —
 - (i) the day on which the applicant gives the information or material specified in the request to the Commission;

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- (ii) the last day of the period stated in the notice of request under clause 39(3).
- (5) If an applicant refuses a request under clause 39(1) —
 - (a) the Commission must not refuse to determine the application for development approval merely because the applicant has refused the request; and
 - (b) the making of the request does not affect when the application for development approval must be determined under clause 47.

[Clause 40 inserted: Act No. 41 of 2024 s. 5.]

41. Advertising of applications

- (1) If the Commission is of the opinion that notice of an application for development approval under this Scheme should be given before a determination is made regarding development approval, the Commission may require the applicant to give notice of the application in 1 or more of the following ways —
 - (a) notice of the proposed development of land served on nearby owners and occupiers who, in the opinion of the Commission, are likely to be affected by the proposed development, stating that submissions may be made to the Commission by a day specified in the notice, being not less than 14 days from the day the notice is served;
 - (b) notice of the proposed development published in a newspaper circulating in the metropolitan region stating that submissions may be made to the Commission by a day specified in the notice, being not less than 14 days from the day the notice is published;
 - (c) a sign or signs displaying notice of the proposed development erected in a conspicuous position on the land on which development is proposed for a period of not less than 14 days from the day the notice is erected.

- (2) The notice referred to in subclause (1) is to be in the form approved by the Commission with any modifications considered appropriate by the Commission.
- (3) The Commission must publish the application for development approval referred to in the notice and the material accompanying the application on the Commission website.

[Clause 41 inserted: Act No. 41 of 2024 s. 5.]

42. Refusal in relation to copyrighted material

The Commission may refuse to accept an application for development approval under this Scheme if the Commission is not satisfied that there is in place an agreement for the Commission to use any copyrighted material provided in support of the application —

- (a) for the purpose of advertising the application; and
- (b) for zero remuneration.

[Clause 42 inserted: Act No. 41 of 2024 s. 5.]

Part 10 — Dealing with applications for development approval

[Heading inserted: Act No. 41 of 2024 s. 5.]

Division 1 — Considerations and consultation

[Heading inserted: Act No. 41 of 2024 s. 5.]

43. Matters to be considered by Commission

When considering an application for development approval under this Scheme the Commission must have regard to the following matters if, and to the extent, they are of State or regional importance —

- (a) the purposes and aims of this Scheme and any relevant local planning schemes in operation within the metropolitan region;
- (b) the requirements of orderly and proper planning, including —
 - (i) any relevant proposed amendment to this Scheme or proposed replacement Scheme for which advertising has commenced under section 43 of the Act; or
 - (ii) any relevant proposed local planning scheme or proposed amendment to a local planning scheme for which advertising has commenced under section 84 of the Act;
- (c) any State planning policy;
- (d) any environmental protection policy approved under the EP Act;
- (e) any policy or strategy of the Commission, including any region planning scheme policy or district structure plan that is in force;
- (f) any policy adopted by the Government;

- (g) the local government's local planning strategy in respect of a local planning scheme, as endorsed by the Commission under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 15(1) and amended from time to time;
- (h) for reserved land, the public purpose for which the land is reserved;
- (i) the conservation of any place that is a heritage-protected place;
- (j) the compatibility of the development with its setting;
- (k) any social issues that may affect the amenity of the locality;
- (l) the cultural significance of any place or area affected by the development;
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect, or to mitigate impacts on, the natural environment;
- (n) whether the land to which the application relates is unsuitable for the proposal because it is, or is likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or other similar risk;
- (o) the preservation of the amenity of the locality;
- (p) the relationship of the proposal to development of adjoining land or on other land in the locality, including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the development approval;
- (z) any relevant submissions received on the application;
- (za) any recommendations received from a local government under clause 37(3);
- (zb) consultation under clause 44(1);
- (zc) any advice of the Trust under clause 45(4);
- (zd) any other development consideration the Commission considers relevant.

[Clause 43 inserted: Act No. 41 of 2024 s. 5.]

44. Consultation with other authorities

- (1) The Commission may consult on the proposed development of land with any public authority the Commission considers appropriate.

- (2) The Commission must not determine an application for development approval under this Scheme in respect of land reserved under this Scheme without first consulting each relevant public authority for the land.
- (3) In subclause (2) —
relevant public authority, for land reserved under this Scheme, means a public authority —
 - (a) for which the land is reserved; or
 - (b) that owns or manages the land.

[Clause 44 inserted: Act No. 41 of 2024 s. 5.]

45. Development of land affecting Swan and Canning Rivers development control area

- (1) In this clause —
SCRM Minister means the Minister to whom the administration of the *Swan and Canning Rivers Management Act 2006* is committed;
Swan Canning development control area means the development control area as defined in the *Swan and Canning Rivers Management Act 2006* section 3(1);
Trust means the Swan River Trust established by the *Swan and Canning Rivers Management Act 2006* section 16(1).
- (2) This clause applies if an application for development approval under this Scheme relates to —
 - (a) development of land comprised in a lot —
 - (i) any part of which (but not all of which) is within the Swan Canning development control area; or
 - (ii) that is not in the Swan Canning development control area but abuts waters that are in the Swan Canning development control area;

or

- (b) development of land, other than development to which paragraph (a) applies —
 - (i) that abuts the Swan Canning development control area; or
 - (ii) that in the opinion of the Commission is likely to affect waters in the Swan Canning development control area.
- (3) Subject to subclause (9), the Commission must give full particulars of the application to the Trust.
- (4) The Trust, within 42 days after the day on which it receives particulars of the application, or within such longer period as the Commission allows, must give the Commission its advice in writing on —
 - (a) how the application should be determined; and
 - (b) any conditions to which any approval of the application should be made subject.
- (5) If the Trust fails to give its advice within the time allowed under subclause (4), it is taken to have no advice to give on the application.
- (6) Subject to any direction under subclause (7)(b), the Commission must determine an application referred to in subclause (2)(a) in a manner that is consistent with the advice of the Trust on the application.
- (7) If the Commission does not agree with all or part of the advice of the Trust on an application referred to in subclause (2)(a) —
 - (a) the matter on which there is not agreement is to be resolved in the manner determined by the SCRM Minister and the Minister; and
 - (b) the Minister must direct the Commission accordingly; and

- (c) the Commission must determine the application in accordance with the direction.
- (8) The Commission must have regard to the advice of the Trust when determining an application referred to in subclause (2)(b) but is not required to make a determination that is consistent with that advice.
- (9) The Trust —
 - (a) may determine that a particular class or description of application need not be referred to it for advice under this clause; and
 - (b) must notify the Commission of any such determination.

[Clause 45 inserted: Act No. 41 of 2024 s. 5.]

Division 2 — Determinations

[Heading inserted: Act No. 41 of 2024 s. 5.]

46. Earliest Commission may determine application

The Commission must not determine an application for development approval under this Scheme before —

- (a) the earlier of —
 - (i) the expiry of the period referred to in clause 37(3) within which the local government may make recommendations about the application; or
 - (ii) receiving recommendations from the local government under clause 37(3);
- and
- (b) the expiry of the following periods in respect of notice of the proposed development of land —
 - (i) any period specified for the purposes of clause 41(1)(a) or (b);

- (ii) any period referred to in clause 41(1)(c) for the purposes of that paragraph.

[Clause 46 inserted: Act No. 41 of 2024 s. 5.]

47. Latest Commission must determine applications

- (1) Subject to clause 46, the Commission must determine an application for development approval under this Scheme —
 - (a) if the application is the subject of a notice under clause 41 — within 90 days after the day on which the application is accepted for assessment; or
 - (b) otherwise — within 60 days after the day on which the application is accepted for assessment; or
 - (c) in either case — within a longer period agreed in writing between the applicant and the Commission.
- (2) If the Commission has not made a determination in the period referred to in subclause (1), the Commission is taken to have refused to grant the development approval.
- (3) Despite subclause (2), the Commission may determine whether or not to grant the development approval after the period applicable under subclause (1) has expired and the validity of the determination is not affected by the expiry.

[Clause 47 inserted: Act No. 41 of 2024 s. 5.]

48. Determination of applications

In determining an application for development approval under this Scheme the Commission may —

- (a) grant development approval with or without conditions; or
- (b) refuse to grant development approval.

[Clause 48 inserted: Act No. 41 of 2024 s. 5.]

49. Form and date of determination

- (1) As soon as practicable after determining an application, the Commission must give notice of the determination to the applicant in the form approved by the Commission.
- (2) The date of the determination is the date specified in the notice.
- (3) If development approval under this Scheme is refused the Commission must give reasons for its refusal.

[Clause 49 inserted: Act No. 41 of 2024 s. 5.]

50. Term of development approval

If development approval under this Scheme is granted —

- (a) the development of the land must be substantially commenced —
 - (i) if no period is specified in the approval — within the period of 2 years commencing on the date of the determination; or
 - (ii) if a period is specified in the approval — within that period; or
 - (iii) in either case — within a longer period approved by the Commission on an application made under clause 55(1)(a);
- and
- (b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

[Clause 50 inserted: Act No. 41 of 2024 s. 5.]

51. Temporary development approval

The Commission may impose conditions limiting the period of time for which development approval under this Scheme is granted.

[Clause 51 inserted: Act No. 41 of 2024 s. 5.]

52. Scope of development approval

Development approval under this Scheme may be granted —

- (a) for the entire development of the land; or
- (b) for development of the land except for a specified part or aspect of that development; or
- (c) only for a specified part or aspect of the development of the land.

[Clause 52 inserted: Act No. 41 of 2024 s. 5.]

53. Approval subject to later approval of details

- (1) If an application for development approval under this Scheme is for development of land that includes building or works, development approval may be granted subject to matters requiring subsequent development approval, including, for example —
 - (a) the siting, design and external appearance of the buildings; and
 - (b) means of access; and
 - (c) landscaping; and
 - (d) any other matters the Commission considers appropriate.
- (2) The Commission may require such further details as it considers appropriate before considering an application for subsequent development approval.
- (3) An application for subsequent development approval must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the first approval.

[Clause 53 inserted: Act No. 41 of 2024 s. 5.]

54. Determination of applications in relation to zoned land if power delegated to local government

- (1) This clause applies if —
 - (a) a determination is made by a local government under a local planning scheme in respect of approval for development of land to which a requirement under clause 28 applies; and
 - (b) the local government is empowered, under a delegation by the Commission, to determine the application for development approval under this Scheme taken to have been made under clause 34.
- (2) Subject to subclause (3) and despite any other provision of this Scheme, the local government is taken to have made, at the same time as the determination under the local planning scheme was made, the same determination under this Scheme in respect of the development.
- (3) Nothing in this clause prevents the Commission from exercising its power to determine an application for development approval in accordance with the terms of the delegation referred to in subclause (1)(b).

[Clause 54 inserted: Act No. 41 of 2024 s. 5.]

55. Amending or cancelling development approval

- (1) An owner of land in respect of which development approval under this Scheme has been granted may make an application to the Commission requesting the Commission to do any or all of the following —
 - (a) to amend the approval so as to extend the period within which any development approval must be substantially commenced;
 - (b) to amend or delete any condition to which the approval is subject;

- (c) to amend an aspect of the development approval which, if amended, would not substantially change the development approved;
 - (d) to cancel the approval.
- (2) An application under subclause (1) —
 - (a) must be made in accordance with the requirements of Part 9 and dealt with under this Part as if it were an application for development approval; and
 - (b) may be made during or after the period within which the development approved must be substantially commenced.
- (3) Despite subclause (2), the Commission may waive or vary a requirement in Part 9 or this Part in respect of an application if the Commission is satisfied that the application relates to a minor amendment to the development approval.
- (4) The Commission may determine an application made under subclause (1) by —
 - (a) approving the application without conditions; or
 - (b) approving the application with conditions; or
 - (c) refusing the application.

[Clause 55 inserted: Act No. 41 of 2024 s. 5.]

Division 3 — Review

[Heading inserted: Act No. 41 of 2024 s. 5.]

56. Review of determinations

- (1) In this clause —

affected person, in relation to a reviewable determination, means —

 - (a) the applicant for development approval under this Scheme; or

- (b) the owner of land in respect of which an application for development approval under this Scheme is made;

reviewable determination means a determination by the Commission —

- (a) to refuse an application for development approval under this Scheme; or
 - (b) to grant development approval under this Scheme subject to conditions; or
 - (c) to refuse to amend or cancel development approval under this Scheme on application made under clause 55.
- (2) An affected person may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with Part 14 of the Act.
- (3) Also, an applicant aggrieved by either of the following decisions by the Commission may apply to the State Administrative Tribunal for a review of the decision in accordance with Part 14 of the Act —
- (a) a decision not to transfer land from the urban deferred zone to the urban zone;
 - (b) a decision not to transfer land from the industrial deferred zone to the industrial zone.

[Clause 56 inserted: Act No. 41 of 2024 s. 5.]

Part 11 — Exemptions from planning requirements for state of emergency

[Heading inserted: Act No. 41 of 2024 s. 5.]

57. Minister may issue notice of exemption from planning requirements if state of emergency declaration in force

- (1) If a state of emergency declaration is in force under the *Emergency Management Act 2005* Part 5 in relation to the whole or any area or areas of the State, the Minister may issue a notice in writing containing 1 or more exemptions from planning requirements under this Scheme.
- (2) A notice under subclause (1) may be issued only if the Minister considers that it is necessary to do so for the purpose of facilitating a response to the emergency to which the state of emergency declaration relates.
- (3) A reference in subclause (1) to a planning requirement —
 - (a) includes, without limiting that subclause —
 - (i) a requirement to obtain development approval under this Scheme; and
 - (ii) a requirement under a condition of development approval under this Scheme; and
 - (iii) a requirement relating to the permissibility of uses of land; and
 - (iv) a requirement relating to works; and
 - (v) a provision having the effect that a non-conforming use of land is no longer permitted because of a discontinuance of that non-conforming use; and
 - (vi) a requirement in relation to consultation, advertisement, applications, time limits or forms;but

- (b) does not include an environmental condition set out in Schedule 1 that is incorporated into this Scheme or an amendment to this Scheme.
- (4) A notice under subclause (1) may be issued whether or not the state of emergency declaration applies in relation to any part of the metropolitan region, but only if it is necessary for the purpose referred to in subclause (2).
- (5) An exemption in a notice issued under subclause (1) may —
 - (a) apply generally or to land, or classes of land, specified in the notice; and
 - (b) be unconditional or subject to any conditions specified in the notice.
- (6) The Minister —
 - (a) may, by notice in writing, amend a notice under subclause (1) for the purpose referred to in subclause (2); and
 - (b) may, by notice in writing, revoke a notice under subclause (1); and
 - (c) must, under paragraph (b), revoke a notice under subclause (1) if the Minister considers that the notice is no longer necessary for the purpose referred to in subclause (2).

[Clause 57 inserted: Act No. 41 of 2024 s. 5.]

58. Process for issuing notice under cl. 57

- (1) A notice under clause 57(1) or (6) must be signed by the Minister and published in the *Gazette*.
- (2) A notice under clause 57(1) or (6) may be combined in a single instrument with 1 or more other notices of that kind issued under 1 or more other region planning schemes or all other region planning schemes.

cl. 59

- (3) Before issuing a notice under clause 57(1) or (6), the Minister must, unless the Minister considers that it is impracticable to do so because of the urgency of the circumstances, make reasonable endeavours to consult in relation to the notice —
 - (a) any local governments and local government representative bodies the Minister considers appropriate; and
 - (b) the Commission.
- (4) The Minister must ensure that a copy of the notice is sent to the entities mentioned in subclause (3)(a) and (b).
- (5) A failure to comply with subclause (3) or (4) in relation to a notice does not invalidate the notice.

[Clause 58 inserted: Act No. 41 of 2024 s. 5.]

59. Coming into effect and cessation of notices and exemptions under cl. 57

- (1) A notice under clause 57(1) or (6) must state the date and time at which it is signed.
- (2) A notice under clause 57(1) or (6) must also state, for each exemption under the notice, that the exemption is to expire —
 - (a) when the state of emergency declaration ceases to be in force; or
 - (b) at a date and time stated in the notice, which must not be later than the end of the period of 5 years beginning on the day on which the notice is signed.
- (3) A notice under clause 57(1) or (6) takes effect when it is signed.
- (4) An exemption under a notice under clause 57(1) remains in effect, subject to any amendment or revocation of the notice under clause 57(6), until the time of expiry stated under subclause (2) for that exemption.

- (5) When an exemption under a notice under clause 57(1) is amended or ceases to be in effect, the provisions of this Scheme in relation to non-conforming uses of land do not apply in relation to any development of land that was permitted only because of the effect of the exemption prior to the amendment or cessation.

[Clause 59 inserted: Act No. 41 of 2024 s. 5.]

Part 12 — Administration

[Heading inserted: Act No. 41 of 2024 s. 5.]

60. Compensation

- (1) A claim for compensation for injurious affection may be made under Part 11 of the Act.
- (2) For the purposes of section 178(1)(b) of the Act, a claim for compensation for injurious affection referred to in section 174(1)(c) of the Act must be lodged at the office of the Commission within 6 months of the date on which the amendment of this Scheme by which the land or property is injuriously affected takes effect.
- (3) A claim for compensation must be in the form approved by the Commission.

[Clause 60 inserted: Act No. 41 of 2024 s. 5.]

61. Power to enter into agreements

The Commission in implementing this Scheme has the power to enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of this Scheme in respect of any matters relating to this Scheme.

[Clause 61 inserted: Act No. 41 of 2024 s. 5.]

62. Environmental conditions

- (1) For the purposes of sections 50 and 61 of the Act, environmental conditions referred to in sections 48F(2) and 48G(3) of the EP Act that are incorporated into this Scheme or an amendment to this Scheme are set out in Schedule 1.
- (2) The symbol EC on the Scheme Map indicates that environmental conditions apply to that land.

[Clause 62 inserted: Act No. 41 of 2024 s. 5.]

63. Certificates

On payment of the relevant fee set under section 20 of the Act, the Commission may issue a certificate in the form approved by the Commission in respect of any land stating —

- (a) the manner in which the land is affected by this Scheme; and
- (b) if the land is reserved under this Scheme, the public purpose for which it is reserved.

[Clause 63 inserted: Act No. 41 of 2024 s. 5.]

64. Approved forms must be published on website

The Commission must ensure that a form approved by the Commission under this Scheme is published on the Commission website.

[Clause 64 inserted: Act No. 41 of 2024 s. 5.]

Part 13 — Transitional provisions

[Heading inserted: Act No. 41 of 2024 s. 5.]

65. Terms used

In this Part —

amendment Act means the *Planning and Development Amendment (Metropolitan Region Scheme) Act 2024*;

old Scheme means this Scheme as in force immediately before commencement day;

previous, in relation to a clause of this Scheme, means the clause as in force from time to time before commencement day;

relevant period means the period beginning on commencement day and ending on the day that is 12 months after commencement day.

[Clause 65 inserted: Act No. 41 of 2024 s. 5.]

66. Existing lawful works

Works on land that were lawfully being carried out in the metropolitan region before commencement day may continue to be lawfully carried out as if the amendment Act had not come into operation.

[Clause 66 inserted: Act No. 41 of 2024 s. 5.]

67. Existing development approvals

- (1) This clause applies to an approval for the development of land —
 - (a) granted under the old Scheme; and
 - (b) that is in force immediately before commencement day.
- (2) On commencement day, the approval is taken to be an approval for development of land granted by the Commission under Part 10.

[Clause 67 inserted: Act No. 41 of 2024 s. 5.]

**68. Existing applications for development approval:
applications with Commission**

- (1) This clause applies if —
 - (a) before commencement day an application was made to a local government under previous clause 28 and forwarded to the Commission by the local government under previous clause 29(1); and
 - (b) on commencement day the application is not finally determined.
- (2) The application must be dealt with by the Commission under this Scheme.
- (3) If the local government made recommendations about the application under previous clause 29(3) the recommendations are taken to be recommendations made under clause 37(3).

[Clause 68 inserted: Act No. 41 of 2024 s. 5.]

**69. Existing applications for development approval:
applications with local government**

- (1) This clause applies if —
 - (a) before commencement day an application was made to a local government under previous clause 28 and not forwarded to the Commission by the local government under previous clause 29(1); and
 - (b) on commencement day the application is not finally determined.
- (2) The application must be dealt with by the local government under this Scheme.

[Clause 69 inserted: Act No. 41 of 2024 s. 5.]

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70. Particular existing documents taken to be district structure plans

- (1) On commencement day, the following documents published on the website <www.wa.gov.au> are taken to be district structure plans approved by the Commission under clause 15 —
 - (a) the document called ‘Burswood Peninsula District Structure Plan’ (March 2015);
 - (b) the document called ‘Cockburn Coast District Structure Plan’ (September 2009);
 - (c) the document called ‘East Wanneroo District Structure Plan’ (August 2021);
 - (d) the document called ‘North Ellenbrook (West) District Structure Plan’ (November 2022);
 - (e) the document called ‘North Ellenbrook (East) District Structure Plan’ (October 2022);
 - (f) the document called ‘Southern River/Forrestdale/Brookdale/ Wungong District Structure Plan’ (January 2001).
- (2) The Commission must review the operation and effectiveness of each district structure plan referred to in subclause (1) within 6 months after an anniversary referred to in subclause (3).
- (3) The anniversaries are the 10th anniversary of commencement day, the 20th anniversary of that day, the 30th anniversary of that day and so on.

[Clause 70 inserted: Act No. 41 of 2024 s. 5.]

71. Modified application of cl. 15 if plan adopted by Commission during relevant period

- (1) In this clause —

adopted plan means a plan —

 - (a) prepared by an entity other than the Commission; and

(b) adopted by the Commission during the relevant period.

- (2) For the purposes of clause 15(1)(a) an adopted plan is taken to be a plan prepared by the Commission.

[Clause 71 inserted: Act No. 41 of 2024 s. 5.]

72. Alternative procedure for approving district structure plans during relevant period

- (1) During the relevant period, the Commission may resolve to approve a plan as a district structure plan under this clause, instead of under clause 15, if —
- (a) the plan was prepared by an entity other than the Commission; and
 - (b) either —
 - (i) the Commission carried out a consultation process for the plan; or
 - (ii) the Commission is satisfied that the entity carried out a consultation process for the plan.
- (2) Part 2 Division 2, other than clause 15(1) to (3), applies to the district structure plan as if the plan had been prepared and approved by the Commission under clause 15.

- (3) This clause does not limit clause 15.

[Clause 72 inserted: Act No. 41 of 2024 s. 5.]

73. References to parks and recreation and restricted public access

In a document —

- (a) a reference to land reserved under this Scheme as parks and recreation may, if the context permits, be taken to be a reference to land reserved under this Scheme as regional open space; and

cl. 73

- (b) a reference to land reserved under this Scheme as restricted public access may, if the context permits, be taken to be a reference to land reserved under this Scheme as regional open space — restricted public access.

[Clause 73 inserted: Act No. 41 of 2024 s. 5.]

Schedule 1

ENVIRONMENTAL CONDITIONS

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
METROPOLITAN REGION SCHEME AMENDMENT No. 984/33 (FORRESTFIELD MARSHALLING YARDS) Effective Date: 21-10-1999 Gazettal Date: 29-10-1999	Forrestfield Marshalling Yards, generally bounded by Dundas Road to the east, Tonkin Highway to the south, and the Perth International Airport to the west, as per MRS Amendment No. 984/33.	Environmental Management Plans shall be prepared in accordance with the specifications set out in the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 000510 published on 4 June 1999, for: <ul style="list-style-type: none"> • Drainage and Nutrient Management Plans; • Soil Contamination Remediation Plans; • Groundwater Contamination Remediation Plans; and • Groundwater Abstraction Plan. These Environmental Management Plans shall be prepared and implemented in accordance with the provisions of the Plans, to the requirements of the Western Australian Planning Commission, with the concurrence of the Department of Environmental Protection and the Water and Rivers Commission, where

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
<p>METROPOLITAN REGION SCHEME AMENDMENT No. 999/33A (NORTHBRIDGE URBAN RENEWAL)</p> <p>Effective Date: 14-4-2000 Gazettal Date: 14-4-2000</p>	<p>Northbridge Urban Renewal Area, generally bounded by Lord Street to the east, Aberdeen Street to the south, Newcastle Street to the north and Fitzgerald Street to the west, as per MRS Amendment No. 999/33A.</p>	<p>required by the “Statement that a Scheme may be Implemented” No. 000510.</p> <p>Environmental Management Plans and requirements shall be prepared in accordance with the specifications set out in the Minister for the Environment’s “Statement that a Scheme may be Implemented” No. 000542 published on 7 April 2000, for:</p> <ul style="list-style-type: none"> • Soil Contamination Management Plan(s); • Soil Remediation Validation Report(s); • Groundwater Contamination Investigations; • Contaminated Groundwater Management; and • Contaminated Site Schedule.

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
<p>METROPOLITAN REGION SCHEME AMENDMENT No. 991/33 (SOUTH WEST DISTRICTS OMNIBUS No.3B)</p> <p>Effective Date: 24-11-2000 Gazettal Date: 15-12-2000</p>	<p>Marine Industry Technology Park, Munster: land bounded by Fawcett Road, Coogee Road, Frobisher Avenue, Rockingham Road and Russell Road, and adjacent to Lake Coogee, Munster</p>	<p>These Environmental Management Plans and requirements shall be prepared and implemented in accordance with the provisions of the Plans, to the requirements of the Western Australian Planning Commission, with the concurrence of the Department of Environmental Protection and the Water and Rivers Commission, where required by the "Statement that a Scheme may be Implemented" No. 000542.</p> <p>Environmental Management Plans and requirements shall be prepared in accordance with the specifications set out in the Minister for Environment's "Statement that a Scheme may be Implemented" No. 000546 published on 30 May 2000, for:</p>

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
	Realignment of “Controlled Access Highway” reservation, Baldivis: between Lightbody Road and the future Kwinana Freeway interchange at Baldivis	<ul style="list-style-type: none"> • Environmental Management Plan for the Marine Technology Park; • Drainage and Nutrient Management Plan for the Marine Technology Park; • Site Contamination Management Plan; and • Environmental Management Plan for the Realignment of “Controlled Access Highway” reservation, Baldivis. <p>These Environmental Management Plans and requirements shall be prepared and implemented in accordance with the provisions of the plans, to the requirements of the Western Australian Planning Commission, with the concurrence of the Department of Environmental Protection and the Water and Rivers Commission, in consultation with the City of Cockburn and Land Management, where required by the “Statement that a Scheme may be Implemented” No. 000546</p>

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
METROPOLITAN REGION SCHEME AMENDMENT No. 1008/33 (SOUTH FREMANTLE / HAMILTON HILL) Effective Date: 12-12-2001 Gazettal Date: 21-12-2001	As Shown on Figure 1 of the Minister for Environment's "Statement that a Scheme may be Implemented" No.000560	<p>Prior to application for subdivision or development approval, the potential for land use conflict between sensitive land uses and industrial premises shall be identified and buffers established where necessary to the satisfaction of the Western Australian Planning Commission on advice of the Department of Environmental Protection, City of Fremantle and City of Cockburn.</p> <p>Environmental Management Plans and requirements shall be prepared in accordance with the specifications set out in the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 000560 published on 22 December 2000, for:</p> <ul style="list-style-type: none"> • Noise Management Plan; • Site Investigation and Management Plan; and • Site Remediation and Validation Report.

AMENDMENT No. AND GAZETAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
		These Environmental Management Plans and requirements shall be prepared and implemented in accordance with the provisions of the plans, to the requirements of the Western Australian Planning Commission, with the concurrence of the Department of Environmental Protection, in consultation with the Health Department of WA, Water and Rivers Commission, City of Fremantle and City of Cockburn, where required by the "Statement that a Scheme may be Implemented" No. 000560
METROPOLITAN REGION SCHEME AMENDMENT No. 992/33 (CLARKSON-BUTLER) Effective Date: 13-12-2003 Gazettal Date: 23-01-2004	Urban Deferred Zone, Clarkson: land bounded by Marmion Avenue, Neerabup Road, the Mitchell Freeway transportation corridor, and the Parks and Recreation reservation surrounding the Tamala Park Landfill (Portion Lot 118), Clarkson	Management Plans and requirements shall be prepared in accordance with the specifications set out in the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 000629 published on 8 July 2003 as follows: <ul style="list-style-type: none"> • Environmental Management Plan and Stygofauna and Troglobitic Fauna Management Plan for

AMENDMENT No. AND GAZETAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
	<p>East-West Roads (Hester Avenue and Neerabup Road): two district distributor roads between Wanneroo Road and Mitchell Freeway transportation corridor, through Neerabup National Park</p> <p>Adjustments to Wanneroo Road Reservation: minor adjustments (reduction or widening) of sections of Wanneroo Road reservation</p> <p>Mitchell Freeway and part of Northern Suburbs Rail System: alignment of the Mitchell Freeway and Northern Suburbs Rail System north of Hester Avenue, Butler</p>	<p>the Urban Deferred Zone, Clarkson;</p> <ul style="list-style-type: none"> • Vegetation and Fauna Management Plan and Construction Management Plan for the East-West Roads; • Vegetation and Fauna Management Plan and Construction Management Plan for the Adjustments to the Wanneroo Road Reservation; and • Vegetation and Fauna Management Plan, Construction • Management Plan and Noise, Vibration and Light Management Plan for the Mitchell Freeway and part of the Northern Suburbs Railway System. <p>These Management Plans and requirements shall be prepared and implemented in accordance with the provisions of the Plans, to the requirements of the Western Australian Planning Commission, with the concurrence of the Environmental Protection Authority, in consultation</p>

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
	Tamala Park Landfill, Clarkson: Land within 500 metres of the Tamala Park Landfill on the Public Purposes reservation (Portion Lot 118), Clarkson	<p>with the Department of Environmental Protection, Water and Rivers Commission, the Department of Conservation and Land Management, the Western Australian Museum, the University of Western Australia (Department of Zoology) and conservation groups (including Quinn's Rock Environmental Group), where required by the "Statement that a Scheme may be Implemented" No. 000629.</p> <p>Provisions shall be included in the City of Wanneroo District Planning Scheme No. 2 to preclude residential uses from within 500 metres of the active face of any existing or proposed putrescible wastes filling area unless it is demonstrated to the Environmental Protection Authority, through appropriate studies and investigations, that odour, noise, landfill gas and dust will not adversely impact on future residents.</p>

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
METROPOLITAN REGION SCHEME AMENDMENT No. 1010/33 (PORT CATHERINE) Effective Date: 24-09-04 Gazettal Date: 26-10-2004	South Coogee: land bounded by the South Fremantle Power station and the freight line in the north, the limestone ridge within the Coogee Open Space area to the east, the Coogee Beach Reserve and northern edge of the Cockburn Waters residential estate to the south, and the western extent of the proposed ocean marina to the west.	1. Management Programs and Management Plan The following Management Programs and Management Plan are to be prepared in accordance with the specifications set out in Attachment 1 in the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 000636 published on 20 October 2003, and shall be subsequently implemented in accordance with the provisions of those Management Programs and Management Plan: <ul style="list-style-type: none"> • Remedial Works Management Program; • Construction Management Program; • Waterways Environmental Management Program; and • Noise and Vibration Management Plan 2. Responsibilities for On-going Management Prior to the finalisation of a Town Planning Scheme Amendment for the land

AMENDMENT No. AND GAZETAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
		within the Metropolitan Region Scheme amendment area, or the consideration of an application for subdivision or development within the amendment area (other than an application for consolidation or minor modification to existing boundaries), whichever occurs first, the Responsible Authority shall resolve responsibilities for on-going environmental management of the proposed marina, to the satisfaction of the Environmental protection Authority, such that a suitable entity, or entities, with adequate financial and technical resources and authority, will ensure that the objectives of the Environmental Management Program, as set out in Attachment 1 in the Minister for the Environment's "Statement that a Scheme may be implemented" No.000636 published on 20 October 2003, will be achieved.

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
METROPOLITAN REGION SCHEME AMENDMENT No. 1029/33 (ALKIMOS- EGLINTON) Effective Date: 23-06-06 Gazettal Date: 07-07-06	Parks and Recreation and Public Purposes Reservations, Alkimos: within lots 101, 102 and M1482. Railways and Other Regional Roads Reservations, Alkimos: within lots 101, 102 and M1482 and adjoining Parks and Recreation and Public Purposes Reservations	<p>Prior to approving subdivision or development applications (whichever is sooner) for infrastructure proposals, the Western Australian Planning Commission or local government, as the case requires, may require an Environmental Management Plan to be prepared and implemented to achieve the objective of managing the potential impacts of the proposed subdivision or development on the following:</p> <ol style="list-style-type: none"> 1) land which is reserved as Regional Open Space in the Scheme; and, 2) bushland or land that may be part of an ecological linkage. <p>The Environmental Management plan shall include:</p> <ol style="list-style-type: none"> 1) a description of existing environmental values, and the identification of the environmental outcome to be achieved through the implementation of this plan; 2) clear delineation of boundaries or significant areas to be protected;

AMENDMENT No. AND GAZETAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
		<p>3) management of construction access and rehabilitation;</p> <p>4) vegetation mitigation strategies;</p> <p>5) allocation of responsibilities and identification of timing and duration of implementation;</p> <p>6) provision of routine monitoring and environmental values; and</p> <p>7) provision of details of</p> <p>8) contingency plans in the event that the monitoring surveys indicate that the development is having or has had an adverse impact upon environmental values.</p> <p>An Environmental Management Plan prepared pursuant to this condition shall be prepared to the satisfaction of the WAPC or the local authority as required, having due regard for advice from relevant government agencies and shall be implemented in accordance with a program defined in the Environmental Management Plan.</p>

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
	<p>Public Purposes Reservation (for wastewater treatment purposes), Alkimos: within lots 101 and 102.</p> <p>Urban Deferred Zoning, Alkimos: within lots 101 and 102.</p>	<p>Portions of the Public Purposes reservation for the Wastewater Treatment Plant shall be set aside and managed for conservation purposes in accordance with the requirements set out in Attachment 1 of the Minister for the Environment's "Statement that a Scheme may be implemented" No. 722, published on 24 April 2006.</p> <p>Lifting of Urban Deferment within the southern portion of the Wastewater Treatment Plant Buffer shall not occur unless it is demonstrated to the requirements of the Environmental Protection Authority that the area within which Urban Deferment is to be lifted is not subject to odour at a level likely to cause adverse impacts on the amenity of odour sensitive land uses.</p>

AMENDMENT No. AND GAZETAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
	<p>Parks and Recreation Reservations, Alkimos, Eglinton and Yanchep: within part lot 6, and lots 8, 11, 14, 15, 101, 102, M1482 and M1503</p>	<p>With the exception of the areas specified below, all land reserved for Parks and Recreation shall be managed to protect the integrity, function and environmental values of the bushland and landforms to the requirement of the western Australian Planning Commission on the advice of the Environmental Protection Authority and shall only be used for conservation, landscape and complimentary purposes.</p>
	<p>Parks and Recreation Reservation, Alkimos: within lot 102 and adjoining the Public Purposes Reservation for ground water treatment purposes.</p>	<p>A maximum of 25 percent of the area of the land is to be reserved for Parks and Recreation identified as Areas 6a and 6b on the map attached to the Minister for the Environment's "Statement that a Scheme may be implemented" No. 722, published on 24 April 2005, may be developed for Parks and Recreation purposes in accordance with an Environmental Management Plan prepared to the requirements of the Environmental Protection Authority.</p>

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
<p>METROPOLITAN REGION SCHEME AMENDMENT No. 1050/33 (STAKEHILL SWAMP)</p> <p>Effective Date: 14-11-08 Gazettal Date: 23-12-08</p>	<p>Stakehill Swamp, Baldivis</p> <p>Stakehill Swamp is generally bounded by Stakehill Road, Mandurah Road, Sixty Eight Road and Eighty Road, south east of Lake Cooloongup as per MRS Amendment 1050/33.</p>	<p>An Environmental Management Plan shall be prepared in accordance with the specifications set out in the Minister's "Statement that a Scheme may be Implemented" No. 000752 published on 11 October 2007 following finalisation of the Metropolitan Region Scheme process and prior to finalisation of the City of Rockingham Town Planning Scheme process to reserve Stakehill Swamp for Parks and Recreation.</p> <p>The objective of the Environmental Management Plan is to ensure the protection of the significant values of Stakehill Swamp including wetland, flora, fauna and biodiversity.</p> <p>The Environmental Management Plan shall include:</p> <ul style="list-style-type: none"> • Fire management, including the closure of Jarvis Road; • Weed management;

AMENDMENT No. AND GAZETTAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
		<ul style="list-style-type: none">• Recreation and public access;• Groundwater resource management;• Fauna;• Flora; and• Wetland ecology.

[Schedule 1 inserted: Gazette 30 Jun 1998 p. 3540.]

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Notes

This is a compilation of the *Metropolitan Region Scheme* Parts 1 to 13 and Schedule 1.

The *Metropolitan Region Scheme* clause 3 states that the Scheme comprises —

- (a) the provisions of the Scheme; and
- (b) the Scheme Map (sheets 1 to 38); and
- (c) all other maps, plans, specifications and other particulars contained in the Scheme.

The Scheme Map is not included in this compilation. The Scheme Map is available via this link: [Scheme Map](#).

The *Metropolitan Region Scheme* was originally made under the *Metropolitan Region Town Planning Scheme Act 1959* section 30, and continued in force by the *Planning and Development Act 2005* section 33(1).

The *Metropolitan Region Scheme* Parts I to V were replaced with Parts 1 to 13 by the *Planning and Development Amendment (Metropolitan Region Scheme) Act 2024* section 5. For the effect of the amendments made to the Scheme by that Act, see section 8 of that Act. See also the *Planning and Development Act 2005* section 175(2A) and (2B).

Compilation table

Citation	Published	Commencement
<i>Metropolitan Region Scheme</i>	9 Aug 1963 p. 2318-25	30 Oct 1963 (see <i>Gazette</i> 1 Nov 1963 p. 3340)
[Note: subsequent amendments before the following item are not included]		
<i>Planning and Development Amendment (Metropolitan Region Scheme) Act 2024</i> assented to 29 Oct 2024		31 Mar 2025 (see s. 2(b) and SL 2024/251 cl. 2)

Defined terms

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

Defined term	Provision(s)
adopted plan	71(1)
affected person	56(1)
amendment Act	65
Bush Forever area	7
commencement day	7
Commission website	7
development approval under this Scheme	7
district structure plan	7, 14(1)
heritage-protected place	7, 8(1)
local government	7
non-conforming use	7
old Scheme	65
owner	7
plan area	7
previous	65
publication day	23(2)
region planning scheme policy	7, 9(1)
relevant period	65
relevant public authority	44(3)
reserved land	7
reserved land owned by or vested in a public authority	29(2)
reviewable determination	56(1)
SCRM Minister	45(1)
Swan Canning development control area	7, 45(1)
Trust	45(1)
zoned land	7

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