
PLANNING

PL301*

Planning and Development Act 2005

**Planning and Development Amendment
Regulations 2015**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Planning and Development Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 19 October 2015.

3. Regulations amended

These regulations amend the *Planning and Development Regulations 2009*.

4. Regulation 46 amended

- (1) In regulation 46 delete the definition of *structure plan*.
- (2) In regulation 46 insert in alphabetical order:

activity centre plan has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 30;

local development plan has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 46;

structure plan has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 14.

5. Regulation 48 amended

- (1) Delete regulation 48(1)(b) and insert:
 - (b) the adoption of a structure plan, activity centre plan or local development plan provided by the applicant; or
 - (c) an amendment to a structure plan, activity centre plan or local development plan provided by the applicant.

- (2) In regulation 48(4) delete “adopt a structure plan” and insert:

adopt or amend a structure plan, activity centre plan or local development plan

- (3) In regulation 48(7) delete “or (4)”.

- (4) After regulation 48(7) insert:
 - (8A) A local government may refuse to advertise a structure plan, activity centre plan or local development plan or an amendment to a structure plan, activity centre plan or local development plan related to a request referred to in subregulation (4) until —
 - (a) the estimated total fee specified in the estimate given in accordance with the subregulation is paid; or
 - (b) if that fee is reduced under subregulation (6), the reduced fee is paid.

- (5) In regulation 48(8):
 - (a) in paragraph (a) delete “adoption of a structure plan; or” and insert:

adoption or amendment of a structure plan, activity centre plan or local development plan; or

- (b) in paragraph (b) delete “adoption of a structure plan,” and insert:

adoption or amendment of a structure plan, activity centre plan or local development plan,

Note: The heading to amended regulation 48 is to read:

Fees for scheme amendments, structure plans, activity centre plans and local development plans

6. Regulation 51 amended

Delete regulation 51(1)(b) and insert:

- (b) adoption or amendment of a structure plan, activity centre plan or local development plan provided by the applicant,

7. Schedule 2 amended

In Schedule 2 after item 4 insert:

- 5A. Determining an application to amend \$295
or cancel development approval

8. Schedule 4 heading amended

In the heading to Schedule 4 delete “**structure plans**” and insert:

structure plans, activity centre plans and local development plans

9. Schedule 4 amended

- (1) In Schedule 4 in the Form delete “4. **Decision to adopt:**” and insert:

4. Decision to adopt or amend:

- (2) In Schedule 4 delete the passage that begins with “Notes to Form —” and ends with “items 3, 4 and 5.” and insert:

Notes to Form —

1. This form is based on the provisions for the adoption and amendment of structure plans, activity centre plans and local development plans set out in the *Planning and Development (Local Planning Scheme) Regulations 2015*. Item 5 should not

be included for local development plans as these are not referred to the Commission.

2. If readvertising of a proposed structure plan, activity centre plan or local development plan or a proposed amendment to one of those plans is required, the hours needed to arrange the readvertising and review the submissions and the direct costs incurred in readvertising the plan or the amendment are to be included in items 3, 4 and 5.

N. HAGLEY, Clerk of the Executive Council.