



Western Australia

Planning and Development Act 2005

## **Planning and Development (Local Planning Schemes) Amendment Regulations 2024**



## Planning and Development (Local Planning Schemes) Amendment Regulations 2024

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## **Planning and Development (Local Planning Schemes) Amendment Regulations 2024**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Planning and Development (Local Planning Schemes) Amendment Regulations 2024*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 March 2024.

**3. Regulations amended**

These regulations amend the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**4. Regulation 3 amended**

In regulation 3 delete the definition of *local planning scheme documents*.

**5. Regulation 20 amended**

In regulation 20(1) delete the note.

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**6. Part 4 Division 2 heading replaced**

Delete the heading to Part 4 Division 2 and insert:

**Division 2 — Process for advertisement and submission  
of local planning scheme**

**7. Regulation 21 replaced**

Delete regulation 21 and insert:

**21. Resolution to seek approval to advertise local  
planning scheme and provision of scheme to  
Commission**

- (1) After completing the preparation of a proposed local planning scheme or the consideration of a proposed local planning scheme proposed by an owner of land in the scheme area, a local government must resolve —
  - (a) to proceed to seek approval to advertise the proposed scheme under section 83A of the Act;  
or
  - (b) to proceed to modify the proposed scheme and to seek approval to advertise the modified proposed scheme under section 83A of the Act;  
or
  - (c) not to proceed with the proposed scheme.
- (2) Within 21 days, or such longer period as the Commission allows, after the day on which a resolution



is made under subregulation (1), the local government must —

- (a) in the case of a resolution under subregulation (1)(a) — provide the proposed local planning scheme to the Commission; or
- (b) in the case of a resolution under subregulation (1)(b) — modify the proposed local planning scheme and provide the modified proposed scheme to the Commission; or
- (c) in the case of a resolution under subregulation (1)(c) — provide a copy of the resolution to the Commission.

**21A. Submission of local planning scheme for advertising approval**

- (1) The Commission must —
  - (a) consider a proposed local planning scheme provided to it under regulation 21(2)(a) or (b); and
  - (b) make a recommendation as to whether the Minister should —
    - (i) under section 83A(2)(a) of the Act, approve the proposed scheme for advertising; or
    - (ii) under section 83A(2)(b) of the Act, require the local government to modify the proposed scheme in a specified manner and to resubmit the proposed scheme under section 83A(1) of the Act; or

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- (iii) under section 83A(2)(c) of the Act,  
refuse approval for the proposed scheme  
to be advertised;
  - and
  - (c) submit the proposed scheme to the Minister on  
behalf of the local government in accordance  
with section 83A(1) of the Act, together with  
the recommendation.
- (2) Subject to sections 81 and 82 of the Act (if applicable)  
having been complied with, the Commission must  
comply with subregulation (1) within —
  - (a) 90 days after the day on which the proposed  
local planning scheme provided under  
regulation 21(2)(a) or (b) is received; or
  - (b) a longer period approved by the Minister or an  
authorised person.

**21B. Modifications to local planning scheme submitted  
for approval to advertise**

If the Minister under section 83A(2)(b) of the Act  
requires the local government to modify a proposed  
local planning scheme submitted for approval to  
advertise, the local government must —

- (a) modify the proposed scheme as required; and
- (b) resubmit the modified proposed local planning  
scheme to the Minister in accordance with  
section 83A of the Act.

**8. Regulation 22 amended**

(1) In regulation 22(1):

- (a) delete “Subject to sections 81 and 82 of the Act, if the Commission advises a local government that it is satisfied that a draft local planning scheme submitted by the local government is suitable to be advertised, the local government must, as soon as is reasonably practicable,” and insert:

As soon as reasonably practicable after the Minister under section 83A(2)(a) of the Act approves a proposed local planning scheme for advertising under section 84 of the Act, the local government must

- (b) in paragraphs (a) and (b) delete “draft” and insert:

proposed

(2) In regulation 22(2):

- (a) delete “must advertise the draft” and insert:

must advertise the proposed

- (b) in paragraphs (a)(ii) and (b) delete “draft local planning” and insert:

proposed

- (c) in paragraph (c) delete “draft local planning scheme as directed by the Commission and” and insert:

proposed scheme

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- (3) In regulation 22(3) delete “draft” and insert:

proposed

**9. Regulation 23 amended**

In regulation 23:

- (a) in paragraph (a) delete “draft” and insert:

proposed

- (b) in paragraph (b) delete “draft”.

**10. Regulation 24 amended**

In regulation 24(1) delete “draft” and insert:

proposed

**11. Regulation 25 amended**

In regulation 25(1), (2) and (3) delete “draft” (each occurrence) and insert:

proposed

**12. Regulation 26 amended**

- (1) In regulation 26(1), (2) and (3) delete “draft” (each occurrence) and insert:

proposed

- (2) In regulation 26(4):
- (a) delete “the draft” and insert:  
  
a proposed
  - (b) in paragraph (a) delete “local planning” and insert:  
  
proposed
- (3) In regulation 26(6) and (7) delete “draft” and insert:
- proposed

Note: The heading to amended regulation 26 is to read:

**Local government may advertise proposed modifications to local  
planning scheme**

**13. Regulation 27 amended**

In regulation 27 delete “draft local planning scheme delivered under section 48F(2) of the EP Act after passing a resolution to support the draft scheme but before complying with regulation 28, the local government must amend the local planning scheme documents —” and insert:

proposed local planning scheme delivered under section 48F(2) of the EP Act before complying with regulation 28, the local government must amend the proposed scheme —

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**14. Regulation 28 amended**

- (1) In regulation 28(1):
- (a) delete “local planning scheme documents” and insert:

proposed local planning scheme (incorporating any  
conditions required under regulation 27)
  - (b) in paragraph (a) delete “draft” and insert:

proposed
  - (c) in paragraph (c) delete “each modification to the draft”  
and insert:

any modifications to the proposed
  - (d) in paragraph (d) before “scheme” insert:

proposed
  - (e) in paragraphs (f), (g) and (h) delete “draft” and insert:

proposed
- (2) In regulation 28(2) delete “and (d)(iii) must include —” and  
insert:
- or (d)(iii) must include, in relation to each submission —

- (3) Delete regulation 28(3) and insert:
- (3) In the case of a resolution under regulation 25(3)(a) or (c), the local government must comply with subregulation (1) within —
- (a) 21 days after the day on which the local government passes the resolution; or
  - (b) a longer period approved by the Commission.
- (4) In the case of a resolution under regulation 25(3)(b), the local government must comply with subregulation (1) within —
- (a) 21 days after —
    - (i) if the local government decides not to advertise any of the proposed modifications — the day on which the local government passes the resolution; or
    - (ii) otherwise — the day on which the local government complies with regulation 26(7);
  - or
  - (b) a longer period approved by the Commission.

Note: The heading to amended regulation 28 is to read:

**Provision of local planning scheme and documents to  
Commission**

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**15. Regulation 29 replaced**

Delete regulation 29 and insert:

**29. Commission to submit local planning scheme and documents to Minister**

The Commission must, within 120 days after the day on which it receives the proposed local planning scheme and additional documents under regulation 28(1), or within such longer period as the Minister or an authorised person allows —

- (a) consider the proposed scheme and additional documents; and
- (b) make any recommendations to the Minister in respect of the proposed scheme that the Commission considers appropriate; and
- (c) endorse a copy of the proposed scheme; and
- (d) submit the endorsed copy of the proposed scheme to the Minister on behalf of the local government in accordance with section 87(1) of the Act, together with the additional documents and recommendations.

**16. Regulation 30 amended**

(1) Delete regulation 30(1) and insert:

(1A) This regulation applies if —

- (a) a proposed local planning scheme is submitted for approval under section 87 of the Act; and



- (b) the local government proposes, the Commission recommends, or the Minister is otherwise considering, modifications to the proposed scheme as it was advertised under regulation 22.
- (1) Before a decision is made under section 87 of the Act in relation to the proposed local planning scheme, the Minister or an authorised person may direct the local government to advertise any of the modifications that the Minister or authorised person considers are significant.
- (2) In regulation 30(3) delete “modification to a local planning scheme” and insert:

modifications

Note: The heading to amended regulation 30 is to read:

**Minister or authorised person may direct modifications to local  
planning scheme be advertised**

**17. Regulations 31 and 32 replaced**

Delete regulations 31 and 32 and insert:

**31. Decision by Minister to refuse to approve local  
planning scheme**

- (1) If the Minister refuses to approve a local planning scheme under section 87(2)(c) of the Act, the Minister must notify the local government of the refusal to approve the scheme.

- (2) As soon as reasonably practicable after being notified of the refusal to approve the scheme, the local government must notify each person who made a submission in relation to the scheme of the refusal to approve the scheme.

**32. Decision by Minister to require modification of local planning scheme**

- (1) If the Minister requires a local government to modify a local planning scheme under section 87(2)(b) of the Act, the Minister must notify the local government of the requirement to modify the scheme.
- (2) Within 42 days after the day on which the local government is notified of the requirement to modify the scheme, or within such longer period as the Minister or an authorised person allows, the local government must —
  - (a) modify the scheme as required; and
  - (b) provide to the Commission —
    - (i) the scheme as modified; and
    - (ii) a copy of the notification from the Minister.
- (3) The Commission must, within 28 days after the day on which it receives the documents under subregulation (2)(b), or within such longer period as the Minister or an authorised person allows —
  - (a) endorse a copy of the modified scheme; and
  - (b) resubmit the endorsed copy of the modified scheme to the Minister on behalf of the local government.

**32A. Decision by Minister to approve local planning scheme**

If the Minister approves a local planning scheme under section 87(2)(a) of the Act, the Minister must —

- (a) notify the Commission and the local government of the approval; and
- (b) provide a copy of the approved scheme to the Commission and the local government.

**32B. Certified copy of local planning scheme**

A person authorised in writing by the Commission may certify that a copy of a local planning scheme is a true copy of the local planning scheme as approved by the Minister.

**18. Regulation 33 amended**

In regulation 33(1) delete “a copy of the notice of a local planning scheme published” and insert:

notice of the publication of a local planning scheme

**19. Regulation 34 amended**

- (1) In regulation 34 delete the definition of *basic amendment*.
- (2) In regulation 34 insert in alphabetical order:

*basic amendment* means an amendment to a local planning scheme in a case where —

- (a) the amendment is any of the following —
  - (i) an amendment to correct an administrative error;

- (ii) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
- (iii) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
- (iv) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
- (v) an amendment to the scheme so that it is consistent with a State planning policy;
- (vi) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
- (vii) an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;
- (viii) an amendment that results from a consolidation of the scheme in accordance with section 92 of the Act;
- (ix) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal

effect on the scheme or landowners in  
the scheme area;

and

(b) either —

- (i) the amendment is not referred to the EPA under section 81 of the Act because of section 81(2) of the Act; or
- (ii) the EPA has informed the local government under section 48A(1)(a) of the EP Act that the proposed amendment should not be assessed by the EPA;

(3) In regulation 34 in the definition of *standard amendment* after paragraph (c) insert:

(ca) an amendment to the scheme to —

- (i) include a provision in the scheme that a specified planning code is to be read as part of the scheme; or
- (ii) provide for the modification of a planning code that is to be read as part of the scheme;

## **20. Regulation 35 amended**

In regulation 35(2)(a) after “the amendment is” insert:

likely to be

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**21. Regulation 35A amended**

In regulation 35A:

- (a) delete “an amendment” and insert:

a proposed amendment

- (b) delete “the amendment” (each occurrence) and insert:

the proposed amendment

**22. Regulation 36 amended**

- (1) In regulation 36(1) delete “the amendment is” and insert:

a proposed amendment to a local planning scheme is likely to be

- (2) In regulation 36(2) after “the amendment is” insert:

likely to be

**23. Regulation 37 replaced**

Delete regulation 37 and insert:

**37. Resolution to seek approval to advertise complex  
amendment and provision of amendment to  
Commission**

- (1) After completing the preparation of a proposed complex amendment to a local planning scheme or the consideration of a proposed complex amendment to a

local planning scheme proposed by an owner of land in the scheme area, the local government must resolve —

- (a) to proceed to seek approval to advertise the proposed amendment, without modification, under section 83A of the Act; or
  - (b) to proceed to modify the proposed amendment and to seek approval to advertise the modified proposed amendment under section 83A of the Act; or
  - (c) not to proceed with the proposed amendment.
- (2) Within 21 days, or such longer period as the Commission allows, after the day on which a resolution is made under subregulation (1), the local government must —
- (a) in the case of a resolution under subregulation (1)(a) — provide the proposed complex amendment to the Commission; or
  - (b) in the case of a resolution under subregulation (1)(b) — modify the proposed complex amendment and provide the modified proposed amendment to the Commission; or
  - (c) in the case of a resolution under subregulation (1)(c) — provide a copy of the resolution to the Commission.

**37A. Submission of complex amendment for advertising approval with recommendation**

- (1) The Commission must —
- (a) consider a proposed complex amendment provided to it under regulation 37(2)(a) or (b); and

- (b) make a recommendation as to whether the Minister should —
    - (i) under section 83A(2)(a) of the Act, approve the proposed amendment for advertising; or
    - (ii) under section 83A(2)(b) of the Act, require the local government to modify the proposed amendment in a specified manner and to resubmit the proposed amendment under section 83A(1) of the Act; or
    - (iii) under section 83A(2)(c) of the Act, refuse approval for the proposed amendment to be advertised;
  - and
  - (c) submit the proposed amendment to the Minister on behalf of the local government in accordance with section 83A(1) of the Act, together with the recommendation.
- (2) Subject to sections 81 and 82 of the Act (if applicable) having been complied with, the Commission must comply with subregulation (1) within —
  - (a) 60 days after the day on which the proposed complex amendment provided under regulation 37(2)(a) or (b) is received; or
  - (b) a longer period approved by the Minister or an authorised person.

**37B. Modifications to complex amendment submitted for approval to advertise**

If the Minister under section 83A(2)(b) of the Act requires the local government to modify a proposed



complex amendment submitted for approval to  
advertise, the local government must —

- (a) modify the proposed amendment as required;  
and
- (b) resubmit the modified proposed amendment to  
the Minister in accordance with section 83A of  
the Act.

**24. Regulation 38 amended**

(1) In regulation 38(1):

- (a) delete “Subject to sections 81 and 82 of the Act, if the  
Commission advises a local government that it is  
satisfied that a complex amendment to a local planning  
scheme submitted by the local government is suitable to  
be advertised, the local government must, as soon as is  
reasonably practicable,” and insert:

As soon as reasonably practicable after the Minister  
under section 83A(2)(a) of the Act approves a proposed  
complex amendment to a local planning scheme for  
advertising under section 84 of the Act, the local  
government must

- (b) in paragraph (a) before “amendment; and” insert:

proposed

- (c) in paragraph (b) before “amendment” insert:

proposed

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- (2) In regulation 38(2):
  - (a) before “complex” insert:  
  
proposed
  - (b) in paragraph (a)(ii) and (c) before “amendment;” insert:  
  
proposed
  - (c) in paragraph (e) delete “amendment as directed by the  
Commission and” and insert:  
  
proposed amendment
- (3) In regulation 38(3) before “complex” insert:  
  
proposed

**25. Regulation 39 amended**

In regulation 39(a) delete “an” and insert:

a proposed complex

**26. Regulation 40 amended**

In regulation 40(1) before “complex” insert:

proposed

**27. Regulation 41 amended**

- (1) In regulation 41(1) in the definition of *consideration period*:

- (a) before “complex” insert:

proposed

- (b) in paragraph (a) before “amendment;” insert:

proposed

- (c) in paragraphs (b) and (c) before “amendment” insert:

proposed

- (2) In regulation 41(1) in the definition of *submission period* before “complex” insert:

proposed

- (3) In regulation 41(2):

- (a) in paragraph (a) before “complex” insert:

proposed

- (b) in paragraph (b) before “amendment” insert:

proposed

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- (4) In regulation 41(3):
  - (a) before “complex” insert:  
  
proposed
  - (b) in paragraphs (a), (b) and (c) before “amendment”  
insert:  
  
proposed

**28. Regulation 42 amended**

- (1) In regulation 42(1):
  - (a) delete “modification to a complex” and insert:  
  
proposed modification to a proposed complex
  - (b) in paragraph (a) before “amendment; and” insert:  
  
proposed
- (2) In regulation 42(2) delete “complex amendment to the local  
planning scheme.” and insert:  
  
proposed complex amendment.
- (3) In regulation 42(3) before “complex” insert:  
  
proposed

- (4) In regulation 42(4):
- (a) before “complex” insert:  
  
proposed
  - (b) in paragraph (a) before “amendment” insert:  
  
proposed
- (5) In regulation 42(6) before “complex” insert:  
  
proposed
- (6) In regulation 42(7) delete “an amendment” and insert:  
  
a proposed complex amendment

**29. Regulation 43 amended**

In regulation 43 delete “complex amendment to a local planning scheme delivered under section 48F(2) of the EP Act after passing a resolution to support the amendment but before complying with regulation 44, the local government must amend the amendment documents —” and insert:

proposed complex amendment to a local planning scheme delivered under section 48F(2) of the EP Act before complying with regulation 44, the local government must amend the proposed amendment —

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**30. Regulation 44 amended**

(1) In regulation 44(1):

- (a) delete “advertised amendment to the local planning scheme” and insert:

advertised proposed complex amendment (incorporating any conditions required under regulation 43)

- (b) in paragraph (a) before “amendment;” insert:

proposed

- (c) in paragraph (c) delete “each modification to the” and insert:

any modifications to the proposed

- (d) in paragraph (d) before “amendment” insert:

proposed

- (e) in paragraph (f) delete “the amendment to the local planning scheme;” and insert:

the proposed amendment;

(2) In regulation 44(2) delete “and (d)(iii) must include the following — ” and insert:

or (d)(iii) must include the following in relation to each submission —

- (3) Delete regulation 44(3) and insert:
- (3) In the case of a resolution under regulation 41(3)(a) or (c), the local government must comply with subregulation (1) within —
- (a) 21 days after the day on which the local government passes the resolution; or
  - (b) a longer period approved by the Commission.
- (4) In the case of a resolution under regulation 41(3)(b), the local government must comply with subregulation (1) within —
- (a) 21 days after —
    - (i) if the local government decides not to advertise any of the proposed modifications — the day on which the local government passes the resolution; or
    - (ii) otherwise — the day on which the local government complies with regulation 42(7);
  - or
  - (b) a longer period approved by the Commission.

Note: The heading to amended regulation 44 is to read:

**Provision of complex amendment and documents to Commission**

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**31. Regulation 45 replaced**

Delete regulation 45 and insert:

**45. Commission to submit complex amendment and documents to Minister**

The Commission must, within 90 days after the day on which it receives the proposed complex amendment and additional documents under regulation 44(1), or within such longer period as the Minister or an authorised person allows —

- (a) consider the proposed amendment and additional documents; and
- (b) make any recommendations to the Minister in respect of the proposed amendment that the Commission considers appropriate; and
- (c) endorse a copy of the proposed amendment; and
- (d) submit the endorsed copy of the proposed amendment to the Minister on behalf of the local government in accordance with section 87(1) of the Act, together with the additional documents and recommendations.

**32. Regulation 46 amended**

(1) Delete regulation 46(1) and insert:

(1A) This regulation applies if —

- (a) a proposed complex amendment is submitted for approval under section 87 of the Act; and
- (b) the local government proposes, the Commission recommends, or the Minister is



otherwise considering, modifications to the proposed amendment as it was advertised under regulation 38.

- (1) Before a decision is made under section 87 of the Act in relation to the proposed complex amendment, the Minister or an authorised person may direct the local government to advertise any of the modifications that the Minister or authorised person considers are significant.
- (2) In regulation 46(3) delete “modification to the amendment to the local planning scheme” and insert:

modifications

**33. Regulations 46A to 46C inserted**

At the beginning of Part 5 Division 3 insert:

**46A. Resolution to seek approval to advertise standard amendment and provision of amendment to Commission**

- (1) After completing the preparation of a proposed standard amendment to a local planning scheme or the consideration of a proposed standard amendment to a local planning scheme proposed by an owner of land in the scheme area, the local government must resolve —
  - (a) to proceed to seek approval to advertise the proposed amendment, without modification, under section 83A of the Act; or
  - (b) to proceed to modify the proposed amendment and to seek approval to advertise the modified

proposed amendment under section 83A of the Act; or

(c) not to proceed with the proposed amendment.

(2) Within 21 days, or such longer period as the Commission allows, after the day on which a resolution is made under subregulation (1), the local government must —

- (a) in the case of a resolution under subregulation (1)(a) — provide the proposed standard amendment to the Commission; or
- (b) in the case of a resolution under subregulation (1)(b) — modify the proposed standard amendment and provide the modified proposed amendment to the Commission; or
- (c) in the case of a resolution under subregulation (1)(c) — provide a copy of the resolution to the Commission.

**46B. Submission of standard amendment for advertising approval**

- (1) The Commission must —
  - (a) consider a proposed standard amendment provided to it under regulation 46A(2)(a) or (b); and
  - (b) make a recommendation as to whether the Minister should —
    - (i) under section 83A(2)(a) of the Act, approve the proposed amendment for advertising; or
    - (ii) under section 83A(2)(b) of the Act, require the local government to modify the proposed amendment in a specified manner and to resubmit the proposed

- amendment under section 83A(1) of the Act; or
  - (iii) under section 83A(2)(c) of the Act, refuse approval for the proposed amendment to be advertised;
  - and
  - (c) submit the proposed amendment to the Minister on behalf of the local government in accordance with section 83A(1) of the Act, together with the recommendation.
- (2) Subject to sections 81 and 82 of the Act (if applicable) having been complied with, the Commission must comply with subregulation (1) within —
- (a) 42 days after the day on which the proposed standard amendment provided under regulation 46A(2)(a) or (b) is received; or
  - (b) a longer period approved by the Minister or an authorised person.

**46C. Modifications to standard amendment submitted for approval to advertise**

If the Minister under section 83A(2)(b) of the Act requires the local government to modify a proposed standard amendment submitted for approval to advertise, the local government must —

- (a) modify the proposed amendment as required; and
- (b) resubmit the modified proposed amendment to the Minister in accordance with section 83A of the Act.

**34. Regulation 47 amended**

(1) In regulation 47(1):

- (a) delete “Subject to sections 81 and 82 of the Act, if a local government resolves under regulation 35(1) to prepare a standard amendment to a local planning scheme or to adopt a standard amendment to a local planning scheme proposed by the owner of land in the scheme area, the local government must, as soon as is reasonably practicable,” and insert:

As soon as reasonably practicable after the Minister under section 83A(2)(a) of the Act approves a proposed standard amendment to a local planning scheme for advertising under section 84 of the Act, the local government must

- (b) in paragraph (a) before “amendment; and” insert:

proposed

- (c) in paragraph (b) before “amendment” insert:

proposed

(2) In regulation 47(2):

- (a) before “standard” insert:

proposed

- (b) in paragraph (a)(ii) before “amendment;” insert:

proposed

- (c) in paragraph (e) delete “amendment as directed by the Commission and” and insert:

proposed amendment

- (3) In regulation 47(3) before “standard” insert:

proposed

**35. Regulation 48 amended**

In regulation 48(a) delete “an amendment” and insert:

a proposed standard amendment

**36. Regulation 49 amended**

In regulation 49(1) before “standard” insert:

proposed

**37. Regulation 50 amended**

- (1) In regulation 50(1) in the definition of *consideration period*:

- (a) before “standard” insert:

proposed

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(b) in paragraph (a) before “amendment;” insert:

proposed

(c) in paragraphs (b) and (c) before “amendment” insert:

proposed

(2) In regulation 50(1) in the definition of *submission period* before “standard” insert:

proposed

(3) In regulation 50(2):

(a) in paragraph (a) before “standard” insert:

proposed

(b) in paragraph (b) before “amendment” insert:

proposed

(4) In regulation 50(3):

(a) before “standard” insert:

proposed

(b) in paragraphs (a) and (b) before “amendment” insert:

proposed

- (c) in paragraph (c) before “amendment.” insert:

proposed

**38. Regulation 51 amended**

- (1) In regulation 51(1):

- (a) delete “modification to a standard” and insert:

proposed modification to a proposed standard

- (b) in paragraph (a) before “amendment; and” insert:

proposed

- (c) in paragraph (b) delete “to the amendment”.

- (2) In regulation 51(2) and (3) before “standard” insert:

proposed

- (3) In regulation 51(4):

- (a) before “standard” insert:

proposed

- (b) in paragraph (a) before “amendment” insert:

proposed

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- (4) In regulation 51(6) before “standard” insert:

proposed

- (5) In regulation 51(7):

- (a) delete “an amendment” and insert:

a proposed standard amendment

- (b) delete “a local government —” and insert:

the local government —

**39. Regulation 52 amended**

In regulation 52 delete “standard amendment to a local planning scheme delivered under section 48F(2) of the EP Act after passing a resolution to prepare or adopt the amendment but before complying with regulation 53, the local government must amend the amendment documents —” and insert:

proposed standard amendment to a local planning scheme delivered under section 48F(2) of the EP Act before complying with regulation 53, the local government must amend the proposed amendment —



**40. Regulation 53 amended**

(1) In regulation 53(1):

- (a) delete “advertised amendment to the local planning scheme” and insert:

advertised proposed standard amendment (incorporating any conditions required under regulation 52)

- (b) in paragraph (a) before “amendment;” insert:

proposed

- (c) in paragraph (c) delete “each modification to the” and insert:

any modifications to the proposed

- (d) in paragraph (d) before “amendment” insert:

proposed

- (e) in paragraph (f) before “amendment;” insert:

proposed

- (f) delete paragraph (g).

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- (2) In regulation 53(2) delete “The schedule of submissions referred to in subregulation (1)(a) and (d)(iii) must include the following — ” and insert:

A schedule of submissions referred to in subregulation (1)(a) or (d)(iii) must include the following in relation to each submission —

- (3) Delete regulation 53(3) and insert:

- (3) In the case of a resolution under regulation 50(3)(a) or (c), the local government must comply with subregulation (1) within —
- (a) 21 days after the day on which the local government passes the resolution; or
  - (b) a longer period approved by the Commission.
- (4) In the case of a resolution under regulation 50(3)(b), the local government must comply with subregulation (1) within —
- (a) 21 days after —
    - (i) if the local government decides not to advertise any of the proposed modifications — the day on which the local government passes the resolution; or
    - (ii) otherwise — the day on which the local government complies with regulation 51(7);

or

- (b) a longer period approved by the Commission.

Note: The heading to amended regulation 53 is to read:

**Provision of standard amendment and documents to Commission**

**41. Regulations 54 and 55 replaced**

Delete regulations 54 and 55 and insert:

**55. Commission to submit standard amendment and documents to Minister**

The Commission must, within 60 days after the day on which it receives the proposed standard amendment and additional documents under regulation 53(1), or within such longer period as the Minister or an authorised person allows —

- (a) consider the proposed amendment and additional documents; and
- (b) make any recommendations to the Minister in respect of the proposed amendment that the Commission considers appropriate; and
- (c) endorse a copy of the proposed amendment; and
- (d) submit the endorsed copy of the proposed amendment to the Minister on behalf of the local government in accordance with section 87(1) of the Act, together with the additional documents and recommendations.

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**42. Regulation 56 amended**

(1) Delete regulation 56(1) and insert:

(1A) This regulation applies if —

- (a) a proposed standard amendment is submitted for approval under section 87 of the Act; and
- (b) the local government proposes, the Commission recommends, or the Minister is otherwise considering, modifications to the proposed amendment as it was advertised under regulation 47.

(1) Before a decision is made under section 87 of the Act in relation to the proposed standard amendment, the Minister or an authorised person may direct the local government to advertise any of the modifications that the Minister or authorised person considers are significant.

(2) In regulation 56(3) delete “modification to the amendment to the local planning scheme” and insert:

modifications

**43. Part 5 Division 4 heading replaced**

Delete the heading to Part 5 Division 4 and insert:

**Division 4 — Process for basic amendments to local  
planning scheme**

**44. Regulations 57 to 60 replaced**

Delete regulations 57 to 60 and insert:

**57. Basic amendment not required to be advertised**

For the purposes of section 83A(5)(a) of the Act, a proposed basic amendment to a local planning scheme is not required to be advertised.

Notes for this regulation:

1. Under section 83A(5) of the Act, the effect of this regulation is that the local government is not required —
  - (a) to submit a proposed basic amendment for approval to advertise under section 83A(1) of the Act; or
  - (b) to comply with section 84 of the Act in relation to a proposed basic amendment.
2. Under regulation 61, the Minister or an authorised person may direct a local government to advertise a basic amendment submitted for the Minister's approval under section 87(1) of the Act.

**58. Basic amendment to be provided to Commission**

- (1) A local government must provide a proposed basic amendment to the Commission, together with any relevant maps, plans, specifications and particulars required by the Commission.
- (2) The local government must comply with subregulation (1) within —
  - (a) if the proposed basic amendment is not required to be referred to the EPA because of section 81(2) of the Act — 28 days after the day on which the local government resolves to prepare or adopt the amendment under regulation 35(1); or

- (b) if the EPA has informed the local government under section 48A(1)(a) of the EP Act that the proposed amendment should not be assessed by the EPA — 7 days after the day on which the EPA so informs the local government.

**59. Commission may direct amendment be treated as complex or standard amendment**

If, on receipt of documents provided to it under regulation 58, the Commission considers that the proposed amendment to the local planning scheme is a complex amendment or a standard amendment, the Commission may give the local government a direction stating —

- (a) that the Commission considers that the proposed amendment is a complex amendment or a standard amendment, rather than a basic amendment; and
- (b) that the local government must accordingly comply with sections 83A and 84 of the Act, and Division 2 or 3 of this Part (as the case requires), on that basis.

**60. Commission to submit basic amendment to Minister**

Unless the Commission gives a direction under regulation 59, the Commission must, within 42 days after the day on which it receives the proposed basic amendment and additional documents under regulation 58, or within such longer period as the Minister or an authorised person allows —

- (a) consider the proposed amendment and additional documents; and
- (b) make any recommendations to the Minister in respect of the proposed amendment that the Commission considers appropriate; and

- (c) endorse a copy of the proposed amendment;  
and
- (d) submit the endorsed copy of the proposed amendment to the Minister on behalf of the local government in accordance with section 87(1) of the Act, together with the additional documents and recommendations.

**45. Regulation 61 amended**

- (1) Delete regulation 61(1) and insert:

- (1) Before a decision is made under section 87 of the Act in relation to a basic amendment submitted for approval under that section, the Minister or an authorised person may direct the local government to advertise the proposed amendment if the Minister or authorised person is of the opinion that the proposed amendment is significant.

- (2) In regulation 61(2)(a) before “amendment; and” insert:

proposed basic

- (3) In regulation 61(3) delete “amendment to a local planning scheme” and insert:

proposed basic amendment

**46. Regulations 62 and 63 replaced**

Delete regulations 62 and 63 and insert:

**62. Decision by Minister to refuse to approve  
amendment to local planning scheme**

- (1) If the Minister refuses to approve an amendment to a local planning scheme under section 87(2)(c) of the Act, the Minister must notify the local government of the refusal to approve the amendment.
- (2) As soon as reasonably practicable after being notified of the refusal to approve the amendment, the local government must notify each person who made a submission in relation to the amendment of the refusal to approve the amendment.

**63. Decision by Minister to require modification of  
amendment to local planning scheme**

- (1) If the Minister requires a local government to modify an amendment to a local planning scheme under section 87(2)(b) of the Act, the Minister must notify the local government of the requirement to modify the amendment.
- (2) Within 42 days after the day on which the local government is notified of the requirement to modify the amendment, or within such longer period as the Minister or an authorised person allows, the local government must —
  - (a) modify the amendment as required; and
  - (b) provide to the Commission —
    - (i) the amendment as modified; and



- (ii) a copy of the notification from the Minister.
- (3) The Commission must, within 28 days after the day on which it receives the documents under subregulation (2)(b), or within such longer period as the Minister or an authorised person allows —
  - (a) endorse a copy of the modified amendment; and
  - (b) resubmit the endorsed copy of the modified amendment to the Minister on behalf of the local government.

**63A. Decision by Minister to approve amendment to local planning scheme**

If the Minister approves an amendment to a local planning scheme under section 87(2)(a) of the Act, the Minister must —

- (a) notify the Commission and the local government of the approval; and
- (b) provide a copy of the approved amendment to the Commission and the local government.

**63B. Certified copy of amendment to local planning scheme**

A person authorised in writing by the Commission may certify that a copy of an amendment to a local planning scheme is a true copy of the amendment as approved by the Minister.

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**47. Regulation 64 amended**

In regulation 64(1) delete “a copy of the notice of an amendment to a local planning scheme published” and insert:

notice of the publication of an amendment to a local planning scheme

**48. Regulation 66 amended**

Delete regulation 66(2)(e) and insert:

- (e) an overview of the extent to which the scheme has been amended to —
  - (i) comply with the requirements of any relevant legislation, region planning scheme or State planning policy; or
  - (ii) provide for any planning code that is to be read as part of the scheme or any modifications to a planning code.

**49. Part 9 Division 3 inserted**

At the end of Part 9 insert:

**Division 3 — Transitional provisions for *Planning and Development (Local Planning Schemes) Amendment Regulations 2024***

**83. Term used: former Act**

In this Division —

*former Act* means the Act as in force immediately before 1 March 2024.

**84. Provision of local planning scheme that applies  
State planning policy of no effect**

- (1) This regulation applies to a provision of a local planning scheme included in the scheme before 1 March 2024 under section 77(1)(b) of the former Act that provides that a specified State planning policy, with or without modifications, is to be read as part of the scheme.
- (2) On and after 1 March 2024, the provision is of no effect.
- (3) Subregulation (2) does not apply to a provision of a local planning scheme that provides that the R-Codes, with or without modification, are to be read as part of the scheme.

Note for this subregulation:

Under section 291 of the Act, the R-Codes are taken to be planning codes on and after 1 March 2024.

**50. Schedule 1 clauses 27 and 28 deleted**

Delete Schedule 1 clauses 27 and 28.

**51. Schedule 1 clauses 29 and 30 replaced**

Delete Schedule 1 clauses 29 and 30 and insert:

**29. Other planning codes to be read as part of Scheme**

- (1) The planning codes set out in the Table, modified as set out in clause 30, are to be read as part of this Scheme.

**Table**

<b>Other planning codes to be read as part of Scheme</b>
<i>(Insert details of planning codes (other than the R-Codes) that are to be read as part of the Scheme.)</i>

- (2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

*(If no other planning codes are to be read as part of the Scheme, insert the words “There are no other planning codes that are to be read as part of the Scheme.”.)*

**30. Modification of planning codes**

*(To be inserted if exclusions and variations to any other planning code that is to be read as part of the Scheme are to apply. If no exclusions or variations are to apply, insert the words “There are no modifications to a planning code that, under clause 29, is to be read as part of the Scheme.”.)*

**52. Schedule 1 clause 32 amended**

- (1) In Schedule 1 clause 32(1) delete “R-Codes,” and insert:

R-Codes or other planning codes listed under clause 29,

- (2) In Schedule 1 clause 32(2) delete “R-Codes,” and insert:

R-Codes or other planning code listed under clause 29,

**53. Schedule 2 clause 1 amended**

In Schedule 2 clause 1 in the definition of ***R-Codes*** delete  
“Residential Design Codes prepared by the Western Australian  
Planning Commission under section 26 of the Act,” and insert:

planning codes entitled Residential Design Codes prepared by the  
Commission under the Act,

**54. Schedule 2 clause 28 amended**

In Schedule 2 clause 28(3)(c) delete “change or a change in a State  
planning policy; or” and insert:

change, a change in a State planning policy or a change in the  
R-Codes or any other planning code that is read into the Scheme; or

**55. Schedule 2 clause 67 amended**

In Schedule 2 clause 67(2)(a) after “Scheme” (1<sup>st</sup> occurrence)  
insert:

(including any planning codes that are read, with or without  
modifications, into this Scheme)

**56. Schedule 2 clause 71 amended**

In Schedule 2 clause 71 delete the note and insert:

Note for this clause:

For an application determined by a Development  
Assessment Panel, the *Planning and Development  
(Development Assessment Panels) Regulations 2011*

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regulation 16A provides for the period within which  
development must be substantially commenced.

N. HAGLEY, Clerk of the Executive Council