**Appendix 2**

**REGION PLANNING SCHEME
STATUTORY PROCEDURES CHECKLIST**

**Procedures for making a valid Region Planning Scheme or an amendment to a Region Planning Scheme (RPS)**

*Planning and Development Act 2005*

*Please insert an answer in column 2 where requested and circle or type an answer in column 3*.
*\* Section references are references to the Planning and Development Act 2005 unless otherwise noted.*

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| **A. *Preliminary requirements*** |  |
| s34\*s35 | Is the Minister for Planning (Minister) of the opinion that the Western Australian Planning Commission (Commission) is to prepare a RPS?*Date of Minister’s opinion: [Insert date]*Did the Commission resolve to prepare a RPS?*Date of Commission resolution: [Insert date]* |  **Yes / No**  **Yes / No**  |
| s36 | Do any of the legislative restrictions in s36 apply? | **Yes / No** |
| **B. *Environmental Protection Authority (EPA) and environmental reviews*** |  |
| s38(1)s39(2),s48C(1)(a) EP Acts45, s48A(1)(b)(i) EP Act | Did the Commission refer the RPS to the EPA, immediately after resolving to prepare a RPS, by giving the EPA written notice of the resolution and sufficient written information to comply with s48A of the *Environmental Protection Act 1986* (EP Act)? *Date of referral to the EPA: [Insert date]*Was the Commission required to conduct an environmental review? If yes:* Did the Commission forward the environmental review to the EPA?
* Did the EPA advise that the review was undertaken in accordance with instructions or 30 days lapsed without receiving advice from the EPA?
* Were the above two procedures complied with before the RPS was submitted to the Minister for consent to public submissions under s42?
* If the EPA advised that the Commission’s review was not undertaken in accordance with instructions, did the Commission comply with ss38(4) and (5)? Provide details of compliance.

*Details of Commission compliance: [Insert details]*Did the EPA assess the RPS?If yes:* Did the Commission forward each relevant submission to the EPA?
* Did the Commission inform the EPA of its views on and response to the environmental issues raised by submissions?
 | **EPA referral** **Yes / No** **Environmental review****Yes / No**(Yes / No)(Yes / No)(Yes / No) (Yes / No) **EPA assessment****Yes / No** (Yes / No) (Yes / No) |

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| **C. Procedures under Part 4, Division 3 (‘Making of regional planning scheme and amendment’)**  |
| s42s43s44s46s48 ss50, 53s54 | Did the Minister consent to public submissions being sought? *Date of consent: [Insert date]*Publicising the RPS.***A RPS other than the Metropolitan Region Scheme (MRS)***Did the Commission deposit copies of the MRS and a statement setting out the purpose and planning objectives of the MRS at:* The offices of local governments of the districts which lie within or partly within the area to which the region RPS applies?
* Not less than 3 other public places which the Commission considers to be most convenient for public inspection?

 *Name of locations: [Insert details]* *Date of compliance: [Insert date]****An amendment to an MRS*** Did the Commission deposit copies of the MRS and a statement setting out the purpose and planning objectives of the MRS at:* The offices of the Commission?
* The offices of the City of Perth and the City of Fremantle?
* Not less than 3 other public places in the metropolitan regions which the Commission considers to be most convenient for public inspection?

 *Name of locations: [Insert details]* *Date of compliance: [Insert date]****Notice of RPS (applies to all RPS, including an MRS)***Was a notice inserted at least 3 times in:* The *Government Gazette*? *Date of first Gazette notice:\*\* [Insert date]*
* A daily newspaper circulating in the RPS area?
* A Sunday newspaper circulating in the RPS area?

***Affected owners***Did the Commission make reasonable endeavours to give written notice of the RPS to affected owners, within 7 days of the notice being published in the *Gazette*?***Commission consultation***Did the Commission make reasonable endeavours to consult with public authorities and persons the Commission considers likely to be affected by the RPS?*Details: [Insert details of consultation]*Did the Commission take other steps to make the RPS public as directed by the Minister or otherwise?*Details: [Insert details]***Submissions*** What date was specified in the s43 Notice as the submissions deadline? *(\*\* This date must be not less than 3 months from the date the notice is first published in the Gazette under s43)*

*Submission deadline:\*\* [Insert date]** How many submissions did the Commission receive?

 *Number of submissions: [Insert number]** Did the Commission consider all submissions duly lodged?

**Hearings**Did the Commissions give each person making a submission or their agent the opportunity of being heard on the submission? If no, give reasons: *[Insert details]*How many hearings were conducted?*Number of hearings: [Insert number]*Did the Commission submit the RPS to the Minister with a copy of the submissions and a report on the submission pursuant to the requirements in s48?Did the Minister submit the RPS for the Governor’s approval pursuant to the requirements in ss50 and 53?**Publicising the approved RPS.**After the Governor approved the RPS:* Was the RPS (not including the maps, plans and diagrams) published in the *Gazette*?

*Date of Gazettal: [Insert date]** Were the maps, plans and diagrams open for public inspection at times and places as the Minister determined?

*Place for public inspection: [Insert details]* | **Minister’s consent****Yes / No****Publicising the RPS****Yes / No / N/A****Yes / No / N/A****Yes / No / N/A****Yes / No / N/A****Yes / No / N/A****Yes / No****Yes / No****Yes / No****Yes / No****Yes / No****Yes / No****Submissions****Yes / No****Hearings****Yes / No****Yes / No****Yes / No****Publicising the approved RPS****Yes / No****Yes / No** |