**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 Act  s45,  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’)** | | |
| s42  s43  s44  s46  s48  ss50, 53  s54 | 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** |