

Planning and Development (Region Planning Schemes) Regulations 2023

Abbreviations/Acronyms Used:

- Act – *Planning and Development Act 2005*
- Action Plan – Action Plan for Planning Reform 2019
- Amendment Act – *Planning and Development Amendment Act 2020*
- DCP 1.9 – Development Control Policy 1.9 Amendment to Region Scheme
- DWER – Department of Water and Environmental Regulation
- EPA – Environmental Protection Authority
- EP Act – *Environmental Protection Act 1986*
- GBRS – Greater Bunbury Region Scheme
- MRS - Metropolitan Region Scheme
- PRS – Peel Region Scheme
- Regulations – *Planning and Development (Region Planning Schemes) Regulations*
- WAPC – Western Australian Planning Commission

1. Background

The development of the *Planning and Development (Region Planning Schemes) Regulations 2023 (Regulations)* resulted from the *Planning and Development Amendment Act 2020 (Amendment Act)* and aligns with the State Government's roadmap for planning reform, outlined in the [Action Plan for Planning Reform \(Action Plan\)](#).

Part 6 of the Amendment Act (inter alia), contains changes to the existing processes for region scheme amendments contained within Part 4 of the *Planning and Development Act 2005 (Act)*. The changes include:

- 'Substantial' amendments to be called 'non-minor'.
- The ability to have different streams for minor and non-minor amendments based on potential impacts and/or policy implications of amendment proposals (i.e. a risk based approach).
- Changes to advertising requirements and timeframes.
- The advertising requirements and timeframes for amendment streams will no longer be in the Act but will be specified in Regulations.

Initiative C4 of the Action Plan seeks to introduce the use of risk-based assessment and decision-making pathways for region scheme amendments (and any new region scheme), reducing timeframes for lower-risk proposals.

The Regulations have been developed to implement the above.

2. Regulations

Part 6 of the Amendment Act was published on 12 July 2023 and the Regulations will become operational on 1 August 2023. The Regulations apply to all region schemes in Western Australia. The Regulations introduce three (3) streams for region scheme amendments (and new region schemes) and outline advertising requirements and factors associated with the consideration of submissions. Refer to **Table 1** for more detail.



Table 1: Summary of the Streams for Region Scheme Amendments and New Region Schemes

Stream	Wording in the Regulations	Key Details		Reference in the Regulations
Complex amendments (and new region schemes)	Non-minor	Description	Stream for new region schemes and intended for complex amendment proposals that are considered to be of regional significance given the scale and complexity of the proposal and likely community interest.	N/A
		Advertising timeframe	60 days (minimum), Ability for the WAPC to extend advertising periods where appropriate.	Regulation 4
		Advertising requirements	Public advertising via DPLH website and newspaper. Written notice to the relevant local government authorities, public authorities and landowners located in a new scheme's area likely to be affected by a proposed amendment.	Regulation 4
		EPA referral	Yes (for new schemes and complex amendments).	N/A
		Consideration and determination process	WAPC considers submissions and makes a recommendation. Minister presents to Parliament after Governor's approval.	N/A
Standard amendments	Minor (standard amendment)	Description	Intended stream for majority of region scheme amendments. It accommodates amendment proposals that are generally consistent with the State and Strategic Planning Framework but may have some impact or community interest.	N/A
		Advertising timeframe	42 days (minimum) Ability for the WAPC to extend advertising periods where appropriate.	Regulation 5
		Advertising requirements	Public advertising via DPLH website, and newspaper if WAPC considers appropriate. Written notice to relevant local government authorities, public authorities and landowners likely to be affected by a proposed amendment.	Regulation 5
		EPA referral	Yes.	N/A
		Consideration and determination process	WAPC considers submissions and makes a recommendation. Minister determines amendment.	N/A
Basic amendments	Minor (basic amendment)	Description	Intended stream primarily for administrative changes (e.g. fixing typographical error) or proposals to create consistency with public planning documents which are highly unlikely to have adverse effects.	Regulation 6
		Advertising timeframe	14 days (minimum).	Regulation 6
		Advertising requirements	Public advertising via the DPLH website.	Regulation 6
		EPA referral	Yes	N/A
		Consideration and determination process	WAPC considers submissions and makes a recommendation. Minister determines amendment.	N/A

3. Frequently Asked Questions

What part of the Amendment Act relates to the Regulations?

Part 6 of the Amendment Act allows for the creation of Regulations, and outlines changes to the existing scheme amendment processes contained within Part 4 of the *Planning and Development Act 2005*. The Regulations were developed to implement these changes.

What was the objective with moving the procedural provisions for amendments to region schemes and new region schemes from the Act to the Regulations?

The provisions are proposed to be placed into the Regulations to allow for greater flexibility and practicality when it comes to amending these provisions in the future. It will also ensure an ongoing contemporary planning system and associated processes.

What is the reasoning for reducing the advertising timeframes for complex and standard streams?

The ability for submitters to be notified, consider information, and submit feedback is vastly improved with modern electronic information initiatives. Therefore, it is considered appropriate to reduce timeframes to assist with streamlining processes. The proposed timeframes are based on other scheme amendment processes, specifically those relating to Local Planning Scheme amendments contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Why have Hearing Committees been removed?

We listened to feedback from stakeholders who told us this aspect of the advertising process was outdated and inefficient due to improvements in communication and consultation processes, and improved access to information and technology. It has been observed that most presentations at Hearings were a repeat of written submissions.

Submitters still can make a deputation to the WAPC as per usual WAPC procedures and this, together with the ability to make written submissions, is considered to satisfy the ability for the public to be sufficiently heard.

Will the Metropolitan Region Scheme, Greater Bunbury Region Scheme and Peel Region Scheme be reviewed?

The development of the Regulations is part of a wider project seeking to modernise region schemes, particularly the Metropolitan Region Scheme (**MRS**), and improve consistency between the three region schemes. Amending the MRS text will be progressed after the Regulations come into operation. The Greater Bunbury Region Scheme (**GBRS**) and Peel Region Scheme (**PRS**) may also be updated in the future, to reflect the more contemporary approach established for the MRS.

What preliminary engagement was had with stakeholders on the Regulations?

Two stakeholder reference groups were formed to provide early feedback on the proposals. These groups comprised of representatives from various local governments and industry. A series of meetings was also held with key State Government Departments/agencies. Early feedback was obtained on the streams and associated advertising requirements, and the groups have had regular updates during the process.

When were the Regulations advertised?

The Regulations were advertised from 17 January to 20 March 2023 (62 days). Submissions were received from a variety of stakeholders from local government and industry during this process.

How is Section 48AAA(2) of the Environmental Protection Act 1986 linked to this project?

This section of the EP Act allows for regulations to be prepared to exempt certain classes of amendments. The DWER on behalf of the EPA are responsible for preparing these regulations and work is progressing on these currently to complement the Region Scheme Regulations.

What other changes to planning processes have come from the proclamation of Part 6 of the Amendment Act?

Part 6 relates to the preparation and amendments of region scheme, EPA referrals for region schemes and certain classes of local planning scheme amendments, and some of the procedural elements associated with the preparation (and amendment) of local planning schemes. More information can be found on the DPLH website.

What happens to region scheme amendments that were initiated before the commencement of the Region Scheme Regulations?

Any amendment initiated by the WAPC prior to 1 August 2023 will be processed under the requirements of the Act (version at the time of the decision).

4. More Information & Questions

If you require further information, please contact Reform Delivery on 6551 8002 or email planningreform@dplh.wa.gov.au.