

## Planning and Development (Local Planning Schemes) Amendment Regulations (No. 2) 2023

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## **Planning and Development (Local Planning Schemes) Amendment Regulations (No. 2) 2023**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Planning and Development (Local Planning Schemes) Amendment Regulations (No. 2) 2023*.

### **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 the day on which the *Planning and Development Amendment Act 2020* Part 7 Division 1 comes into operation.

### **3. Regulations amended**

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

### **4. Regulation 34 amended**

- (1) In regulation 34 in the definition of *basic amendment* after paragraph (i) insert:
  - (j) an amendment to include a provision in the scheme that a specified planning code is to be read as part of the scheme;

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- (2) In regulation 34 in the definition of *standard amendment* after paragraph (c) insert:
- (ca) an amendment to the scheme to modify a planning code that is to be read as part of the scheme;

**5. 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.

**6. 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 (No. 2) 2023***

**83. Terms used**

In this Division —

*commencement day* means the day on which the  
*Planning and Development Amendment Act 2020*  
Part 7 Division 1 comes into operation;

*former Act* means the Act as in force immediately  
before commencement day.

**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 commencement day 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 commencement day, 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.

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Note for this subregulation:

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

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

Delete Schedule 1 clauses 27 and 28.

**8. 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.”.)*

**9. 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,

**10. 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,

**11. 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

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**12. 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)

Clerk of the Executive Council