

This fact sheet outlines the types of amendments and processes for public consultation for Region Planning Schemes (and amendments) under the provisions of the *Planning and Development Amendment Act 2020* and *Planning and Development (Region Planning Schemes) Regulations 2023*. This fact sheet provides a description of the amendment streams, the advertising time frames, advertising requirements and the determination process. This factsheet replaces *Development Control Policy 1.9 - Amendment to Region Schemes*.

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 2019](#) (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.

Proponents and local government are encouraged to utilise the [pre-initiation lodgement process](#) where applicable.

PLANNING AND DEVELOPMENT (REGION PLANNING SCHEMES) REGULATIONS 2023

Part 6 of the Amendment Act was published on 12 July 2023 and the Regulations became operational on 1 August 2023.

The Regulations introduce three (3) streams for region scheme amendments (and new region schemes) and specify advertising requirements and factors associated with the consideration of submissions as outlined in Table 1.

WAPC DETERMINATION

The legislation places an obligation on the WAPC to consider each proposal to amend a region scheme on its merits and to the determination as to whether or not an amendment constitutes a complex (non-minor) or minor (standard or basic) alteration to a region scheme is at the discretion of the WAPC. The WAPC is required to form an opinion that a particular amendment does not constitute a complex alteration to the scheme which, if so decided, will be treated as a standard or basic amendment.

Nothing in this factsheet can detract from that statutory obligation and the subject matter and circumstances surrounding each amendment will determine the WAPC's course of action on a case-by-case basis.

AMENDMENTS TO REGION PLANNING SCHEMES

AMENDMENT TYPES AND PROCESSES FOR PUBLIC CONSULTATION

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 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
		Environmental Protection Authority referral	Yes	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
		Environmental Protection Authority 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 errors) 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
		Environmental Protection Authority referral	Yes	N/A
		Consideration and determination process	WAPC considers submissions and makes a recommendation. Minister determines amendment.	N/A