

# Environmental Protection Amendment Regulations 2024

Fact sheet March 2024

## Part 9A impacts on regional and local planning schemes

This fact sheet outlines the types of planning scheme amendments that no longer need to be referred to the Environmental Protection Authority (EPA) for assessment.

These changes are part of the Streamline WA initiatives to reduce the administrative burden and focus assessment on planning schemes that have potential significant environmental impacts.

Until now, all regional and local planning schemes and amendments were required to be referred to the EPA for assessment about their impact on the environment.

In most cases, there is no environmental impact, or the potential environmental impacts are not considered significant.

If you are unsure whether your proposed amendment meets a prescribed class, you may still refer it to the EPA. However, best efforts should be made to confirm that the scheme does not require referral. You can lodge an enquiry at [eosupport@dwer.wa.gov.au](mailto:eosupport@dwer.wa.gov.au) for further assistance.

Any proposed planning scheme with a potential impact on the environment must still be referred to the EPA for a determination.

This fact sheet provides information on the planning scheme amendments described in sections 33B and 33C of the Environmental Protection Regulations 1987 (EP Regulations).

- Section 33B relates to region planning schemes.
- Section 33C relates to local planning schemes.

Please also refer to section 48AAA(2) of the *Environmental Protection Act 1986* (EP Act) and sections 38(3) and 81(2) of the *Planning and Development Act 2005*.



Table 1 overleaf provides additional information and examples to help you understand how the changes may impact your organisation.

## Assessed schemes

Schemes not referred to the EPA will be considered an assessed scheme.

## Omnibus amendments

When preparing omnibus scheme amendments that you do not intend to refer to the EPA, all components of the amendment must meet at least one prescribed class. If all components do not meet the Regulations, the amendment will still need to be referred to the EPA. Alternatively, prepare the component(s) that do not meet the Regulations as a separate amendment and refer them to the EPA.

## Review

A review of these changes will be conducted within 18 months. You are encouraged to record any schemes you do not refer and any issues with applying the Regulations so you can provide feedback into the review. This may include difficulties with interpreting and preparing schemes and suggested changes.

## More Information

This document is provided for guidance only. For more information, contact the Department of Water and Environmental Regulation on **1800 161 176** or at [eosupport@dwer.wa.gov.au](mailto:eosupport@dwer.wa.gov.au).

The new Regulations list the types of scheme amendments that will no longer be referred to the EPA.

They include:

- changes within the building envelope (for commercial and residential)
- changes to correct minor errors
- amendments to classify land as reserves
- minor changes to definitions
- amendments to development contribution areas
- other similar exclusions.

Table 1 shows some examples of planning scheme amendments that no longer need to be referred to the EPA.

Note that Section 33C relates to local planning schemes and Section 33B relates to region planning schemes.



Table 1: Explanation of a class of amendments prescribed by the Regulations, with some examples provided.

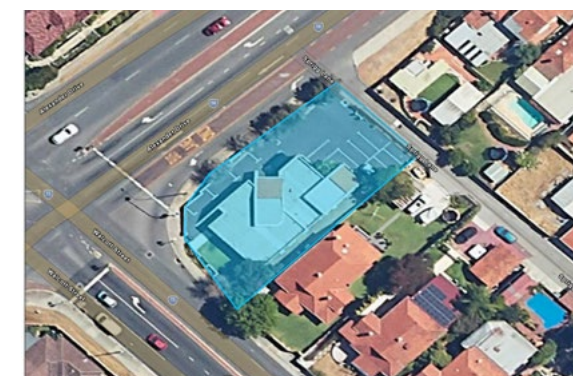
| Regulation 33C – Prescribed classes of amendments to local planning schemes  | Explanation   |
|--|---|
| <b>33C(2)(a)</b> – an amendment to the scheme to correct an administrative or minor error.   | Correction of minor text errors and omissions including spelling and changing references. For example: <ul style="list-style-type: none"><li>• changing <i>Heritage Act 1990</i> to <i>Heritage Act 2018</i></li><li>• replacing a reference to ‘subclause (9)’ with a reference ‘subclause (10)’</li><li>• modifying ‘Zone’ to ‘zone’ throughout the scheme text.</li></ul>  |
| <b>33C(2)(b)</b> – an amendment to correct an error if – <ul style="list-style-type: none"><li>(i) the error is in, or otherwise relates to, a map, plan or diagram included in the scheme; and</li><li>(ii) the correction does not alter the zoning or classification of land.</li></ul> | An amendment to correct minor map errors. For example: <ul style="list-style-type: none"><li>• inserting a symbol</li><li>• clarifying a legend</li><li>• inserting a north point</li><li>• adding an ‘EC’ symbol to the scheme maps (to indicate that environmental conditions apply to the land).</li></ul>   |
| <b>33C(2)(c)</b> – an amendment to make the planning scheme consistent with the model provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1.   | <p>An amendment to the local planning scheme to make it consistent with the model provisions in Schedule 1 of the Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p><b>Example 1: Town of Mosman Park Local Planning Scheme 3 Amendment 8</b></p> <p>Amendment 8 proposed grammatical modifications and textual changes to provide for alignment with the model scheme text introduced under the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p><b>Example 2: Shire of Bridgetown-Greenbushes Town Planning Scheme 4 Amendment 72</b></p> <p>This amendment proposed to add the following text at Part IV of the scheme to provide ‘objectives’ for ‘Industrial’ zoned land in the shire. The amendment had no impact on land use permissibility.</p> <p><b>4.13 INDUSTRIAL ZONE – OBJECTIVES</b></p> <p>The objectives of the Industrial zone are as follows:</p> <ul style="list-style-type: none"><li>• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li><li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li><li>• Seek to manage impacts such as noise, dust and odour within the zone.</li></ul> <p>The amendment had no impact on land use permissibility.</p> |

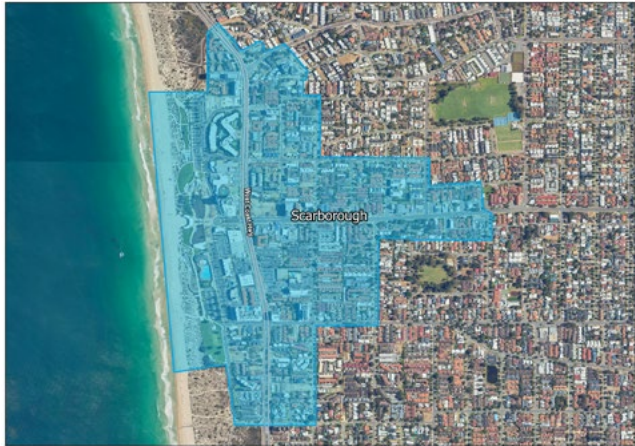
| Regulation 33C – Prescribed classes of amendments to local planning schemes  | Explanation  |
|--|--|
| <p><b>33C(2)(d)</b> – an amendment to include or alter a definition of a land use category if the Western Australian Planning Commission considers that the amendment would not materially impact the operation of the planning scheme.</p>  | <p>An amendment to add or alter a category. For example: reclassify ‘Community’ land use category from ‘P’ (preferred use) to ‘C’ (contemplated use). There should be no corresponding change to the zoning of land.</p>   |
| <p><b>33C(2)(e)</b> – an amendment to zone an area of land, or to classify an area of land as a reserve, for the purpose of conserving a cultural place.</p>   | <p>An amendment concerning the conservation of places and objects of cultural heritage significance being shown as a reserve.</p>  |
| <p><b>33C(2)(f)</b> – an amendment to alter or repeal a design requirement that relates only to signage and facade treatments on land that is not –</p> <ul style="list-style-type: none"> <li>(i) zoned environmental conservation; or</li> <li>(ii) classified as a reserve for environmental conservation; or</li> <li>(iii) designated as special control area – environment.</li> </ul>   | <p>This prescribed class is for amendments for design requirements for signage and facade.</p> <p><b>Example: Town of Mosman Park Local Planning Scheme 3 Amendment 7</b></p> <p>The amendment proposed to modify text at Schedule 2 of Local Planning Scheme 3 to restrict the type of signage/advertisements exempt from development approval requirements.</p>  |
| <p><b>33C(2)(g)</b> – an amendment to zone or rezone land (except land that is zoned environmental conservation) if the zoning or rezoning allows the land to be used for a purpose that –</p> <ul style="list-style-type: none"> <li>(i) involves replacing or redeveloping an existing building within the existing building envelope; and</li> <li>(ii) is not a light industry, general industry, industrial development or strategic industry purpose.</li> </ul> | <p>An amendment that proposes a zone change for an existing building such as redeveloping an existing residential building into a medical centre. The ability of future development to occur outside of the existing building envelope will need to be considered by the EPA. Consider the zoning or rezoning broadly – an amendment for an additional use could be considered to meet this class.</p> <p><b>Example: City of Bunbury Local Planning Scheme 8 Amendment 7</b></p> <p>This amendment proposed to rezone Lot 53 Constitution Street, Bunbury from ‘Residential’ zone, and Lot 200 Spencer Street, Bunbury from ‘Local Centre’ zone, to ‘Mixed Use – Residential’ Zone.</p> <p>The purpose of the amendment was to facilitate an extension to the existing medical centre and associated parking.</p> |






| Regulation 33C – Prescribed classes of amendments to local planning schemes   | Explanation   |
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| <p><b>33C(2)(h)</b> – an amendment to increase the residential density code and decrease the minimum site area per dwelling as set out in the R-Codes Table 1 for an area of land from R12.5 or higher if the area of land –</p> <ul style="list-style-type: none"> <li>(i) is already developed in accordance with the existing R-Codes; and</li> <li>(ii) does not abut land that is an area of native vegetation.</li> </ul> | <p>The land subject to the amendment should already be developed and not abut an area of native vegetation (as defined in 51A of the EP Act).</p> <p>Note that the definition includes aquatic vegetation which means the amendment area should also not abut a wetland. Discretion can be used for vacant blocks within existing residential areas; consider whether the lot was previously developed (the residence was demolished) and has been maintained as a cleared vacant block.</p> <p><b>Example 1: City of South Perth Town Planning Scheme 6 Amendment 63</b></p> <p>The amendment proposed to:</p> <ul style="list-style-type: none"> <li>• Amend the scheme map to change the existing R80 residential density code for Lot 51 &amp; 80 Preston Street Como and lots on the southern half of the street block bounded by Preston Street, Mary Street and Labouchere Road, plus Lots 410 and 411 Eric Street to R-AC0 and to R100 for balance of lots on corners of Mary St/Eric St and Labouchere Rd/Eric St.</li> <li>• Amend the city's height plan to allow for 14 m height limit on sites recoded to R100.</li> <li>• Amend the scheme text to include planning provisions for the aforementioned sites.</li> </ul> |
|   | <p><b>Example 2: City of Stirling District Planning Scheme 3 Amendment 123</b></p> <p>The amendment proposed to:</p> <ol style="list-style-type: none"> <li>1. recode Lot 4 Walcott Street, Menora from R12.5 to R60</li> <li>2. allow the 'Additional Use' classification to include 'Veterinary Centre', 'Consulting Rooms' and 'Medical Centre'.</li> </ol> <p>Note that No.2 for the additional use may be considered to meet class 33C(2)(g).</p>  |



| Regulation 33C – Prescribed classes of amendments to local planning schemes  | Explanation   |
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| <b>33C(2)(i)</b> – an amendment to include a new provision or alter an existing provision regarding the administration and enforcement of the planning scheme.   | An amendment to provide for enforcement for cat control measures, transitional arrangements for heritage precincts, etc.  |
| <b>33C(2)(j)</b> – an amendment to zone an area of land, or to classify an area of land as a reserve, if – <ul style="list-style-type: none"> <li>(i) the area of land has been subdivided and developed to the extent permitted by an approved redevelopment scheme; and</li> <li>(ii) the approved redevelopment scheme for that area of land ceases to apply; and</li> <li>(iii) the amendment is required to reflect a zone or reserve created under the approved redevelopment scheme.</li> </ul> | <p>This prescribed class includes amendment to the local planning scheme that seeks to classify an area consistent with an existing redevelopment scheme where the land has been developed in accordance with the redevelopment scheme.</p> <p><b>Example: City of Stirling Local Planning Scheme 3 Amendment 124</b></p> <p>The amendment proposed to transfer planning control for the Scarborough Redevelopment Area (including the Scarborough Development Contribution Plan) from DevelopmentWA to the City of Stirling.</p>  |
| <b>33C(2)(k)</b> – an amendment to identify or alter an area of land within the scheme area as a development contribution area because of a determination made under the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 70(1).  | <p>Amendments that alter the area of the development contribution area.</p> <p><b>Example: City of Cockburn Town Planning Scheme 3 Amendment 141</b></p> <p>The amendment proposed to introduce a new Development Contribution Plan 15 to the Schemes Table 10 and a new Development Contribution Area 15 to the Scheme map.</p>  |
| <b>33C(2)(l)</b> – an amendment to alter the term for which a development contribution plan is to have effect.   | <p>Amendments that alter the timeframe of the development contribution area.</p> <p><b>Example: City of Armadale Town Planning Scheme 4 Amendment 110</b></p> <p>The amendment proposed to extend the lifespan of Development Contribution Area No.3.</p>   |
| <b>33C(2)(m)</b> – an amendment to the text of Part 1 of the planning scheme if the amendment does not permit a change in land use.  | <p>An amendment of this type might include adding a new purpose or aim or changing the process for assessment of development applications, etc.</p> <p>It is not expected that a change in Part 1 would permit a change in land use but if it did, it would not meet the class.</p>   |



| Regulation 33B – Prescribed classes of amendments to region planning schemes   | Explanation  |
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| <p><b>33B(2)(a)</b> – an amendment to the scheme to correct an administrative or minor error.</p>  | <p>Correction of minor text errors and omissions including spelling and changing references. For example:</p> <ul style="list-style-type: none"> <li>• changing <i>Heritage Act 1990</i> to <i>Heritage Act 2018</i></li> <li>• replacing a reference to ‘subclause (9)’ with a reference ‘subclause (10)’</li> <li>• modifying ‘Zone’ to ‘zone’ throughout the scheme text.</li> </ul>  |
| <p><b>33B(2)(b)</b> – an amendment to correct an error if –</p> <ul style="list-style-type: none"> <li>(i) the error is in, or otherwise relates to, a map, plan or diagram included in the scheme; and</li> <li>(ii) the correction does not alter the zoning or classification of land.</li> </ul> | <p>An amendment to correct minor map errors. For example:</p> <ul style="list-style-type: none"> <li>• inserting a symbol</li> <li>• clarifying a legend</li> <li>• inserting a north point</li> <li>• adding an ‘EC’ symbol to the scheme maps (to indicate that environmental conditions apply to the land).</li> </ul>  |
| <p><b>33B(2)(c)</b> – an amendment to classify an area of land as a reserve for the purpose of</p> <ul style="list-style-type: none"> <li>(i) parks and recreation; or</li> <li>(ii) regional open space.</li> </ul>   | <p>This prescribed class is for an amendment to reserve an area of land for a parks and recreation or regional open space purposes.</p> <p><b>Example 1: MRS Amendment 1413 – Jarrahdale Parks and Recreational Precinct</b></p> <p>The amendment proposed the transfer of land in Jarrahdale from the ‘Urban’ zone to the ‘Parks and Recreation’ reservation.</p> <p><b>Example 2: MRS Amendment 1397/57 – Mangles Bay Foreshore Rationalisation</b></p> <p>This amendment <b>would not meet</b> the class as although land is proposed to be reserved for Parks and Recreation it also includes a zone change from Port Installation to Public Purposes – Commonwealth Government.</p> <p>See figure – ‘Parks and Recreation’ reserve (green outline) Public Purposes – Commonwealth Government (yellow outline).</p>  |

| Regulation 33B – Prescribed classes of amendments to region planning schemes  | Explanation  |
|---|--|
| <p><b>33B(2)(d)</b> – an amendment to zone an area of land, or to classify an area of land as a reserve, if –</p> <ul style="list-style-type: none"> <li>(i) the area of land has been subdivided and developed to the extent permitted by an approved redevelopment scheme; and</li> <li>(ii) the approved redevelopment scheme for that area of land ceases to apply; and</li> <li>(iii) the amendment is required to reflect a zone or reserve created in accordance with the approved redevelopment scheme.</li> </ul>  | <p>This prescribed class is for amendments to re-establish the various zones and reservations in the region planning scheme for land currently under the control pursuant to the <i>Metropolitan Redevelopment Authority Act 2011</i>.</p> <p>Where a redevelopment scheme has not been fully implemented, the class would not be met and referral would be required.</p> <p><b>Example: MRS Amd 1357/57 – Midland Redevelopment Area</b></p> <p>This amendment proposed to reinstate MRS reserves and zonings for the Midland Redevelopment Area as precincts were completed. The proposed amendment was a ‘normalisation’ amendment to reflect existing land uses.</p>   |
| <p><b>33B(2)(e)</b> – an amendment to create, alter or remove a regional road reserve if –</p> <ul style="list-style-type: none"> <li>(i) a clearing permit has been granted under Part V Division 2 of the EP Act for an area of land that will be, or that will form part of, the road reserve of the regional road; or</li> <li>(ii) in relation to the proposed constructions or a regional road, the area of land proposed for the constructions of the regional road and the impact of construction on the road reserve has been assessed under Part IV of the EP Act and a decision has been made that the proposal may be implemented.</li> </ul> | <p>This prescribed class includes amendments to the region planning scheme that create, alter, or remove a regional road reserve, in circumstances where a clearing permit is granted under Part V Division 2 of the EP Act or where the proposed construction of the road has been approved under Part IV of the EP Act. In these circumstances, the scheme amendment would have already been assessed under either Part IV or Part V of the EP Act and as such a further assessment is not required.</p> <p>An amendment for a regional road reserve that does not have existing approvals under Part IV or V of the EP Act would not meet this class.</p> <p><b>Example: MRS Amendment 1393/57 Armadale Road to North Lake Road</b></p> <p>This amendment proposed reclassification of land to primary regional roads reservation (red outline) following the granting of clearing permit (8233/2) under Part V Division 2 of the EP Act.</p> |







| Regulation 33B – Prescribed classes of amendments to region planning schemes  | Explanation |
|---|-------------|
| <b>33B(2)(f)</b> – an amendment to alter or repeal a definition in the planning scheme if the Western Australian Planning Commission considers that the amendment would not materially impact the operation of the planning scheme.               |             |
| <b>33B(2)(g)</b> – an amendment to correct or update a name, title, designation or other description if the Western Australian Planning Commission considers that the amendment would not materially impact the operation of the planning scheme. |             |

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