



Western Australia

Subiaco Redevelopment Act 1994

Subiaco Redevelopment Regulations 1994

These regulations were repealed by the *Metropolitan Redevelopment Authority Act 2011* s. 134(d) (No. 45 of 2011) as at 31 Dec 2011 (see s. 2(b) and *Gazette* 30 Dec 2011 p. 5573).

Ceased on 31 Dec 2011

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Subiaco Redevelopment Regulations 1994

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Schedule 1

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Division 1

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Subiaco Redevelopment Regulations 1994

1. Citation

These regulations may be cited as the *Subiaco Redevelopment Regulations 1994*¹.

2. Commencement

These regulations come into operation on the day the *Subiaco Redevelopment Act 1994* comes into operation¹.

3. Exclusions from definition of development

- (1) The following works, acts and activities are declared not to constitute development for the purposes of the definition of “development” in section 3 of the Act —
- (a) the erection of a sign, including a traffic control sign or device, by a public authority or a local government authority;
 - (b) the erection of a sign within a building;
 - (c) the carrying out of routine work by a public authority or a local government authority including routine work on —
 - (i) electrical power lines or cables or any building used or associated with the supply, conversion, transformation or control of electricity;
 - (ii) a drain or pipe that is part of a drainage scheme under the control of the authority;

- (iii) a road, bridge or railway; or
 - (iv) land (including buildings and building improvements) set aside for public use;
 - (d) the carrying out of work inside a building that is not related to a change of use of any part of the building and does not alter its external appearance;
 - (e) the carrying out of work for the maintenance of any building or structure if that work does not materially affect the external appearance of the building or structure; or
 - (f) the carrying out of work to which subregulation (2) applies.
- (2) This subregulation applies to work that, in the opinion of the Minister, is necessary or desirable for compliance by the Authority with any conditions —
- (a) that are attached to approval of a subdivision of land given by the Minister under section 21(7) of the Act; and
 - (b) that relate to —
 - (i) causing to be constructed to the satisfaction, and in accordance with the specifications, of the relevant local government a road or roads providing access to, or within, that land;
 - (ii) making arrangements with the Water Corporation for the provision of water services to the satisfaction of the Water Corporation within that land; or
 - (iii) causing to be filled or drained or filled and drained to the satisfaction, and in accordance with the specifications, of the relevant local government the whole or any part of that land.
- (3) In this regulation —
- relevant local government***, in relation to land, means the local government for the district within which the land is located;

routine work means work for the purposes of repair, maintenance or upkeep but does not include any new construction or any alteration;

Water Corporation means the body of that name established under section 4 of the *Water Corporation Act 1995*;

water service has the meaning given in section 3 of the *Water Corporation Act 1995*.

[Regulation 3 inserted in Gazette 2 May 1997 p. 2205-6.]

4. Form of application for approval

Form 1 in Schedule 1 is prescribed for the purposes of section 48(1) of the Act.

5. Fee for application for approval

(1) The fees specified in Schedule 2 are prescribed for the purposes of section 48(1) of the Act in relation to land to which a redevelopment scheme applies.

(2) In Division 2 of Schedule 2 —

home occupation has the meaning given in the redevelopment scheme for the time being in force under Part 4 of the Act.

[Regulation 5 inserted in Gazette 2 May 1997 p. 2206-7.]

6. Plans

(1) All plans accompanying an application for approval under section 48(1) of the Act, other than a plan to which subregulation (4)(b) refers —

- (a) are to be drawn on a white background;
- (b) are to be drawn to a scale generally not smaller than 1:500; and
- (c) are clearly to illustrate the proposed development in respect of which the application is made.

(2) All measurements used on a plan are to be in the metric system.

- (3) A plan, other than a plan to which subregulation (4)(b) refers, is to include —
- (a) the location and proposed use of any existing buildings and out buildings to be retained and the location and use of buildings proposed to be erected or demolished on the land;
 - (b) the existing and the proposed means of access for pedestrians and vehicles to and from the land;
 - (c) the location, number, dimension and layout of all car parking spaces intended to be provided;
 - (d) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the land and the means of access to and from those areas;
 - (e) the location, dimensions, design and particulars of the manner in which it is proposed to develop any landscaped area, including the retention of existing trees, vegetation, fences and walls;
 - (f) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain, including details of materials of construction, finishes and external colour;
 - (g) a statement of, or plans indicating, any impact of the proposed development on —
 - (i) the appearance of streets and of vegetation and buildings in streets; and
 - (ii) views, privacy and overshadowing;and
 - (h) a statement giving details of the proposed use and operation of the proposed development and of any signs or advertising structures that are proposed to be included in the proposed development.

- (4) An application for approval under section 48(1) of the Act is to be accompanied by 6 copies of —
- (a) any plan to which subregulation (1) applies; and
 - (b) a plan, drawn to a scale not smaller than 1:2000, that identifies the land on which the proposed development that is the subject of the application is to be undertaken.

[Regulation 6 inserted in Gazette 2 May 1997 p. 2207-8.]

7. Penalties

- (1) A person must not, in connection with an application for approval under section 48(1) of the Act, make a statement or give any information which that person knows to be false in a material particular.
Penalty: \$1 000.
- (2) A person must not, in connection with an application for approval under section 48(1) of the Act, omit to supply to the Authority any information or particulars which that person knows to be relevant to the application.
Penalty: \$1 000.

Schedule 1

Office Use Only
Application No. _____

Schedule 1

[Reg. 4]

FORM 1

SUBIACO REDEVELOPMENT ACT 1994

SECTION 48(1)

APPLICATION FOR APPROVAL TO UNDERTAKE DEVELOPMENT

To: Subiaco Redevelopment Authority

1. Name(s) of Owner(s) in full
Surname (or Company name) Other names
Surname (or Company name) Other names
Surname (or Company name) Other names
2. Address in full
3. Applicant's Name in full (if owner put self)
4. Address for correspondence
Telephone No.
5. Locality of Development (Street number, street, suburb)
6. Description of land: Lot No(s). Location No.
Plan/Diagram No. Certificate of Title Vol. Folio
Plan/Diagram No. Certificate of Title Vol. Folio
7. Name of nearest road junction/intersection
8. Description of proposed development
9. Purpose for which land is currently being used
10. State nature of existing buildings on the land

Are existing buildings to be demolished in whole or in part?

(a) YES/NO (b) WHOLE/PART

11. Materials and Colour to be used on external surfaces (including the roof) and any paved areas of the building

12. Estimated cost of development \$

13. Estimated date of completion

Signature of owner(s) of the land Signature of Applicant(s)
..... Date Date
..... Date Date
..... Date Date

State position if signing on behalf of a Company

Note 1: This application is to be accompanied by 6 copies of the plan(s) and specifications for the development and the prescribed fee.

Note 2: It is an offence under regulation 7 for a person —

- (a) to make a statement or give any information which that person knows to be false in a material particular in connection with an application for approval of a development; or
(b) to omit to supply to the Authority any information or particulars which that person knows to be relevant to the application.

The offence is punishable by a fine of up to \$1 000.

[Form 1 amended in Gazette 29 Dec 2006 p. 5914.]

Schedule 2 — Fees for applications for approval under section 48(1)

[Reg. 5]

Division 1

Estimated value of proposed development	Fee
Up to \$1 000	\$25
\$1 001 to \$5 000	\$100
\$5 001 to \$50 000	\$250
\$50 001 to \$150 000	\$300
\$150 001 to \$500 000	\$500
\$500 001 to \$750 000	\$1 500
\$750 001 to \$1 000 000	\$3 000
\$1 000 001 to \$2 000 000	\$5 000
\$2 000 001 and over	\$7 000, plus \$2 000 for each \$1 000 000, or part of \$1 000 000, over \$3 000 000, to a maximum of \$50 000

Division 2

Home Occupation	Fee
Home Occupation (first application)	\$200
Home Occupation (annual renewal)	\$100

[Schedule 2 inserted in Gazette 2 May 1997 p. 2208.]

Notes

- ¹ This is a compilation of the *Subiaco Redevelopment Regulations 1994* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Subiaco Redevelopment Regulations 1994</i>	23 Aug 1994 p. 4383-6	24 Aug 1994 (see r. 2 and <i>Gazette</i> 23 Aug 1994 p. 4364)
<i>Subiaco Redevelopment Amendment Regulations 1997</i> ²	4 Apr 1997 p. 1796-9	1 Apr 1997 (see r. 2)
<i>Subiaco Redevelopment Amendment Regulations (No. 2) 1997</i>	2 May 1997 p. 2205-8	2 May 1997
Reprint 1: The <i>Subiaco Redevelopment Regulations 1994</i> as at 16 Jan 2004 (includes amendments listed above)		
<i>Subiaco Redevelopment Amendment Regulations (No. 2) 2006</i>	29 Dec 2006 p. 5914	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)
These regulations were repealed by the <i>Metropolitan Redevelopment Authority Act 2011</i> s. 134(d) (No. 45 of 2011) as at 31 Dec 2011 (see s. 2(b) and <i>Gazette</i> 30 Dec 2011 p. 5573)		

- ² The *Subiaco Redevelopment Amendment Regulations 1997* had a commencement date of 1 Apr 1997 but were published in the *Gazette* on 4 Apr 1997 (at p. 1796-9). The amendments purported to be made by those regulations were superseded by the *Subiaco Redevelopment Amendment Regulations (No. 2) 1997*, published in the *Gazette* on 2 May 1997 p. 2205-8.

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
home occupation	5(2)
relevant local government.....	3(3)
routine work.....	3(3)
Water Corporation	3(3)
water service	3(3)