Metropolitan Redevelopment Authority Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the Metropolitan Redevelopment Authority Amendment Regulations 2016.
2. **Commencement**

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day after that day.

3. **Regulations amended**

These regulations amend the *Metropolitan Redevelopment Authority Regulations 2011*.

4. **Regulation 3 replaced**

Delete regulation 3 and insert:

3. **Terms used**

In these regulations —

*Heritage Council* means the Heritage Council of Western Australia established under the *Heritage of Western Australia Act 1990* section 5;

*heritage inventory* means an inventory of heritage places and heritage precincts prepared by the Authority under a redevelopment scheme;

*heritage place* means land, or a building or other structure, that is —

(a) identified as a heritage place in a redevelopment scheme or in a plan, strategy or other instrument relating to heritage prepared and adopted under a redevelopment scheme; or

(b) located within a heritage precinct; or

(c) listed on the Register of Heritage Places;

*heritage precinct* means an area that is identified as a heritage precinct on a heritage inventory;

*public work* has the meaning given in the *Public Works Act 1902* section 2;

*R-Codes* means the Residential Design Codes prepared by the Western Australian Planning Commission under the *Planning and Development Act 2005* section 26, as amended from time to time;

*Register of Heritage Places* means the Register established under the *Heritage of Western Australia Act 1990* section 46;

*section* means a section of the Act;

*subdivision works* means works for the purpose of enabling the subdivision of land and includes, to the extent necessary for the subdivision, the following —

(a) site works, including remediation;
5. **Regulation 4 replaced**

Delete regulation 4 and insert:

4. **Effect of exclusions in relation to heritage place**

A declaration under regulation 8 or 9(2) that any work, act or activity does not constitute development does not include a reference to any work, act or activity carried out in, or in relation, to a heritage place unless the work, act or activity is carried out —

(a) by or on behalf of the Authority; and

(b) in accordance with a conservation plan, or other agreement relating to the conservation of heritage places, prepared by the Authority in consultation with the Heritage Council.

6. **Regulation 5 amended**

In regulation 5:

(a) in paragraph (d) after “carrying out” insert:

by the Authority or

(b) delete paragraphs (e) and (f);

(c) in paragraph (g) delete “the replacement of materials by similar materials” and insert:

like for like replacement

(d) after paragraph (i) insert:

(ia) the holding of a public event that complies with an applicable policy published by the Authority;

(e) in paragraph (j) delete “24” and insert:

48
(f) in paragraph (j) delete “land.” and insert:

land;

(g) after paragraph (j) insert:

(k) the carrying out of a home business that complies with an applicable policy published by the Authority.

7. Regulation 6 amended

(1) Delete regulation 6(1).

(2) Delete regulation 6(2)(b) and insert:

(b) the carrying out of subdivision works by a person other than the Authority if the works are —

(i) necessary for compliance by the person with the conditions attached to the approval of the subdivision; or

(ii) in the opinion of the Authority, desirable for compliance by the person with the conditions attached to the approval of the subdivision.

8. Regulation 7 deleted

Delete regulation 7.

9. Regulation 8 amended

(1) Delete regulation 8(1).

(2) In regulation 8(2) delete “(2) The” and insert:

Except as provided in regulation 4, the

10. Regulation 9 replaced

Delete regulation 9 and insert:

9. Certain buildings and related works

(1) In this regulation —

minor ground work means minor filling, excavation or recontouring of land or construction of a retaining wall.
(2) Except as provided in regulation 4, the following works, acts and activities do not constitute development in a redevelopment area for the purposes of the definition of development in section 3 —

(a) the carrying out of minor ground work if the cumulative change (including any sand pad or site works associated with building) in the natural ground level over the 5 years before the completion of the work is no more than 0.5 m;

(b) 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;

(c) the construction of a swimming pool or a pool barrier if the swimming pool or pool barrier is associated with a dwelling and is behind the front setback of the lot;

(d) the erection, maintenance or alteration of a boundary fence or wall if the fence or wall —

(i) is between 2 private properties; and

(ii) is behind the front setback of the lot; and

(iii) is not greater than 1.8 m in height; and

(iv) does not face a road or a public place;

(e) the demolition or removal of a single dwelling or of a minor or ancillary structure, such as a patio, pergola, garage, carport, fence, shed, store room or similar structure;

(f) the erection of a single story extension to a single dwelling if the extension is behind the front setback of the lot and complies with —

(i) the design guidelines for single dwellings in the redevelopment scheme for the redevelopment area; or

(ii) if there are no design guidelines for single dwellings in the development scheme for the redevelopment area — the deemed-to-comply requirements of the R-Codes;

(g) the erection of a single dwelling on a lot with an area greater than 260 m², if the dwelling complies with —

(i) the design guidelines for single dwellings in the redevelopment scheme for the redevelopment area; or
(ii) if there are no design guidelines for single dwellings in the development scheme for the redevelopment area — the deemed-to-comply requirements of the R-Codes;

(h) the erection of a minor or ancillary structure such as a patio, pergola, garage, carport, fence, shed, store room or similar structure if the structure complies with an applicable policy published by the Authority;

(i) the erection of signage or advertising if the signage or advertising complies with an applicable policy published by the Authority.

11. Regulation 18 amended

(1) In regulation 18(1) delete the definitions of:

heritage area
Register of Heritage Places

(2) In regulation 18(2)(a)(ii) delete “area —” and insert:

precinct —

12. Regulation 30 amended

(1) In regulation 30(1): (a) delete paragraph (a) and insert:

(a) the approval of a structure plan, or an amendment to a structure plan, provided by the applicant; or

(b) in paragraph (b) delete “adoption” and insert:

approval

(2) In regulation 30(3):

(a) in paragraph (a) delete “$83.00” and insert:

$88.00

(b) in paragraph (b) delete “$63.00” and insert:

$66.00
(c) in paragraph (c) delete “$34.70” and insert:

$36.86

(d) in paragraph (d) delete “$28.40” and insert:

$30.20

(3) In regulation 30(6):

(a) delete paragraphs (a) and (b) and insert:

(a) decides not to implement the approval of a structure plan or the approval of an amendment to a structure plan or redevelopment scheme; or

(b) decides to discontinue the approval of a structure plan or the approval of an amendment to a structure plan or redevelopment scheme,

(b) delete “ for the adoption or amendment” and insert:

for the approval

13. Schedule 5 amended

In Schedule 5 amend the provisions listed in the Table as set out in the Table.

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K. H. ANDREWS, Clerk of the Executive Council.