



Western Australia

Hope Valley-Wattleup Redevelopment Act 2000

Compare between:

[12 Dec 2005, 00-d0-02] and [09 Apr 2006, 00-e0-04]

Western Australia

Hope Valley-Wattleup Redevelopment Act 2000

An Act to provide for the development and redevelopment of certain land in the local government districts of Cockburn and Kwinana, to confer planning, development control and other functions in respect of that land, and for related purposes.

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Hope Valley-Wattleup Redevelopment Act 2000*.

2. Commencement

- (1) Subject to this section, this Act comes into operation on a day fixed by proclamation.
- (2) The day fixed under subsection (1) is to be after the day that the Minister approves the FRIARS Final Strategy document under section 3(2).
- (3) Section 3(2) comes into operation on the day on which this Act receives the Royal Assent.

3. Interpretation

- (1) In this Act, unless the contrary intention appears —
 - “**Authority**” means the Western Australian Land Authority established by section 5(1) of the *Western Australian Land Authority Act 1992*;
 - “**commencement of this Act**” means the day fixed by proclamation under section 2(1);
 - “**Commission**” means the Western Australian Planning Commission established ~~by section 4 of~~ under the ~~*Western Australian Planning Commission and Development Act 1985*~~ *2005*;
 - “**development**” has the same meaning as it has in the ~~*Town Planning and Development Act 2005*~~, but does not include any work, act or activity declared by regulations made under section 35 not to constitute development;
 - “**EPA**” means the Environmental Protection Authority continued in existence under the EP Act;

“**EP Act**” means the *Environmental Protection Act 1986*;

“**FRIARS Final Strategy document**” means the document approved in writing by the Minister under subsection (2);

“**master plan**” means a master plan in force under Part 3;

“**Metropolitan Region Scheme**” has the ~~same~~ meaning as it ~~has given to that term~~ in the *Metropolitan Region Town Planning Scheme and Development Act 1959* ~~2005 section 4~~;

“**Minister for the Environment**” means the Minister to whom the Governor has for the time being committed the administration of the EP Act;

“**public authority**” means a Minister of the Crown in right of the State, Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State a social service or public utility;

“**redevelopment area**” means the area referred to in section 4(1);.

~~“**Town Planning Act**” means the *Town Planning and Development Act 1928*.~~

- (2) The Minister is to approve in writing a document as being the Fremantle Rockingham Industrial Area Regional Strategy Final Strategy document (the “**FRIARS Final Strategy document**”) for the purposes of this Act.

[\[Section 3 amended by No. 38 of 2005 s. 15.\]](#)

4. **Redevelopment area defined**

- (1) The redevelopment area for the purposes of this Act is the area referred to in Schedule 1.
- (2) In any proceedings, a plan purporting to be a copy of a plan referred to in Schedule 1 showing the boundaries or any boundary of the redevelopment area is evidence of those boundaries or that boundary.

Part 2 — Functions

5. Functions of the Authority under this Act

- (1) The functions of the Authority under this Act are to plan, undertake, promote and coordinate the development and redevelopment of land in the redevelopment area.
- (2) For the purpose set out in subsection (1), the Authority is to prepare and keep under review the master plan for the redevelopment area in accordance with Part 3.
- (3) The Authority may exercise any of its powers under the *Western Australian Land Authority Act 1992* for the purpose of performing a function conferred on it under this Act.

6. Compulsory taking of land

- (1) Development or redevelopment of land under, and the carrying out of, this Act and any incidental work is a public work for the purposes of Parts 9 and 10 of the *Land Administration Act 1997* and the *Public Works Act 1902*, and, if necessary for any of those purposes, the Authority is to be taken to be a local authority within the meaning of the *Public Works Act 1902*.
- (2) In applying Parts 9 and 10 of the *Land Administration Act 1997* and the *Public Works Act 1902* for the purposes of this section, sections 187, 188, 189, 190, and 191 of the *Land Administration Act 1997* do not apply to land in the redevelopment area taken or acquired under the *Public Works Act 1902* before the commencement of this Act.
- (3) If land referred to in subsection (2) is not required for the public work for which it was taken or acquired, the land may be held or used for some other purpose authorised by this Act.

7. Power of Governor to direct transfer to Authority

- (1) The Governor may by order direct a public authority to transfer to the Authority all of the estate and interest over which the

public authority has power of disposal in a piece of land specified in the order.

- (2) The power in subsection (1) is only to be exercised in respect of land in the redevelopment area and if the Governor is satisfied that the land is required by the Authority for development or redevelopment under, or otherwise for the purposes of, this Act.
- (3) An order under subsection (1) is to specify the terms and conditions subject to which the transfer is to be made.
- (4) A public authority is to comply with a direction given to it under subsection (1), despite any other written law.

8. Temporary closure of streets

- (1) Despite any provision of the *Local Government Act 1995*, the Commission may close, or restrict the thoroughfare in, a street in the redevelopment area —
 - (a) by causing fences and barriers to be placed on or across the street; or
 - (b) in any other manner,

if, and for the period that, the Commission considers that the closure or restriction is necessary to facilitate development in accordance with this Act.

- (2) A street may be closed for more than 3 days under subsection (1) only if the Commission has given at least 14 days' notice of the closure to the chief executive officers of the City of Cockburn or the Town of Kwinana, or both, as is relevant.
- (3) For the avoidance of doubt, the Authority is ~~an eligible body or person within~~ a public authority to whom the meaning of Commission can, under section ~~20~~16 of the ~~Western Australian Planning Commission and Development Act 1985 in respect to the delegation of~~2005, delegate a function conferred under this section.

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- (4) In this section and section 9 —
“**street**” means a thoroughfare as defined in the *Local Government Act 1995*.

[\[Section 8 amended by No. 38 of 2005 s. 15.\]](#)

9. Permanent closure of streets

A street in the redevelopment area may be closed under section 58 of the *Land Administration Act 1997* and regulations made under that Act, and for that purpose “**local government**” in that section and in those regulations —

- (a) includes the Commission; and
- (b) does not include the City of Cockburn or the Town of Kwinana, or both, as is relevant,

in relation to any such street.

Part 3 — Master plan

Division 1 — General

10. Authority to comply with master plan or FRIARS Final Strategy document

- (1) The Authority is to perform its functions under this Act in accordance with —
 - (a) any master plan;
 - (b) the FRIARS Final Strategy document in respect of any part of the redevelopment area to which a master plan does not apply.
- (2) A copy of the master plan is to be kept in the offices of the Authority and is to be available for inspection by the public during office hours free of charge.

Division 2 — Preparation and approval of master plan

11. Contents of master plan

A master plan to be prepared and submitted under this Division may make any provision that the Authority considers will promote the orderly and proper planning, development and management of the redevelopment area, including any provision that may be made by a ~~town~~local planning scheme under the ~~Town-Planning~~ *and Development Act 2005*.

[Section 11 amended by No. 38 of 2005 s. 15.]

12. Proposed master plan

- (1) The Authority is to submit a proposed master plan to the Commission as soon as is practicable after the commencement of this Act, and in any case, not later than 4 years from that commencement.

- (2) The Authority may, under subsection (1), submit a proposed master plan in 2 or more stages, each one being applicable to a part of the redevelopment area, and if it does so —
 - (a) this Part applies to each stage separately; and
 - (b) a reference in this Act or another written law to a, or the, master plan may be read as a reference to a master plan for part of the redevelopment area as provided for by this subsection.
- (3) A proposed master plan is not to be submitted to the Commission unless sections 18 and 19 have been complied with in respect of that master plan and it was prepared —
 - (a) after consultation with the City of Cockburn and the Town of Kwinana (whether that consultation occurred before or after the commencement of this Act); and
 - (b) having regard to the views of those local governments.
- (4) The Commission may —
 - (a) consent or refuse to consent to the public notification of a proposed master plan submitted under this section; or
 - (b) consent to such public notification subject to modifications being made to the plan, as directed by the Commission.
- (5) If the Commission refuses to consent to the public notification of a proposed master plan submitted under this section, the Commission is to give directions to the Authority as to the preparation of a further plan to be submitted under this section.
- (6) The Authority is to comply with any direction of the Commission under subsection (4) or (5).

13. Proposed master plan to be publicly notified

- (1) Public notification of a proposed master plan in respect of which the Commission has given consent under section 12(4) is to be given in accordance with subsection (2).

- (2) The proposed master plan is to be publicly notified by the Authority by the publication —
- (a) in the *Gazette*; and
 - (b) in 2 issues of a daily newspaper circulating in the local government districts of Cockburn and Kwinana,
- of a notice —
- (c) specifying the places at which —
 - (i) a copy of the proposed master plan may be inspected; and
 - (ii) copies of the proposed master plan may be obtained;
- and
- (d) stating the effect of section 14 and specifying the period referred to in that section.
- (3) The Authority may fix and charge a fee for supplying copies of a proposed master plan.
- (4) The Authority must, in addition to complying with subsection (2), make reasonable endeavours to consult in respect of the proposed master plan such public authorities and persons as appear to the Authority to be likely to be affected by that master plan.

14. Public submissions

- (1) Written submissions on the proposed master plan may be made by any person —
- (a) within a period determined by the Authority that is not less than 60 days after the day on which the notice is published in the *Gazette*; and
 - (b) by delivering or posting them so that they are received within that period at the offices of the Authority.
- (2) The Authority may modify the proposed master plan as it thinks fit to give effect to any submission so received by it.

15. Submission of plan to Commission and approval by Minister

- (1) After sections 20 and 21 have been complied with, the Authority is to submit the proposed master plan, with any modifications made under section 14(2), to the Commission.
- (2) The plan as so submitted is to be accompanied by —
 - (a) a summary of all submissions made under section 14; and
 - (b) a report by the Authority on the merits of those submissions.
- (3) The Commission is to consider the proposed master plan and the summary and report accompanying it and make a recommendation to the Minister that the Minister —
 - (a) approve or refuse to approve the proposed master plan; or
 - (b) approve the plan subject to modifications being made to the plan, as recommended by the Commission.
- (4) The Minister, after taking into account the recommendations of the Commission, is to —
 - (a) approve or refuse to approve the proposed master plan; or
 - (b) approve the plan subject to modifications being made to the plan, as directed by the Minister.
- (5) If the Minister refuses to approve a proposed master plan submitted under this section, the Minister is to give directions to the Authority as to the preparation of a further plan to be submitted under section 12 or under subsection (1), as the Minister may specify.
- (6) The Authority is to comply with any direction of the Minister under subsection (4) or (5).
- (7) The text of any direction given under subsection (4) or (5) is to be —

- (a) laid before each House of Parliament within 28 sitting days of that House after the day on which the direction is given; and
- (b) included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.

16. Notice of approval

- (1) Notice that a master plan has been approved by the Minister under section 15 is to be published by the Authority in the *Gazette* together with a note showing where a copy of the master plan may be inspected or obtained.
- (2) A master plan comes into operation on the day of publication in the *Gazette* of a notice under subsection (1), or on any later day that is specified in the plan.
- (3) The Authority may fix and charge a fee for supplying copies of a master plan.

Division 3 — Amendment of master plan

17. Amendment of master plan

- (1) A master plan may be amended in accordance with this section.
- (2) The Authority is to submit any proposed amendment to the Commission.
- (3) The following provisions apply for the purposes of this section, with all necessary changes —
 - (a) sections 12(3) and (4), 13 and 15, as if references in those sections to a, or the, proposed master plan were references to the proposed amendment to the master plan;
 - (b) section 12(5) and (6), as if, in section 12(5) —

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- (i) the reference to a proposed master plan were a reference to the proposed amendment to the master plan; and
- (ii) the reference to a further plan were a reference to another amendment;
- (c) section 14 as if a reference in that section —
 - (i) to the proposed master plan were a reference to a proposed amendment to the master plan; and
 - (ii) to 60 days were a reference to 42 days;
- (d) section 16, as if references in that section to a master plan were references to the amendment to a master plan.

Division 4 — Role of Environmental Protection Authority in respect of master plans, etc.

18. Reference of proposed master plans, and proposed amendments to master plans, to Environmental Protection Authority

When the Authority resolves to prepare a master plan, or an amendment to a master plan, the Authority must forthwith refer the master plan or amendment to the EPA by giving to the EPA—

- (a) written notice of that resolution; and
- (b) such written information about the master plan or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the master plan or amendment.

19. Prerequisite to submission of proposed master plans, and proposed amendments to master plans, to Commission for approval before public notification

- (1) When the EPA has acted under section 48C(1)(a) of the EP Act in relation to a proposed master plan or a proposed amendment to a master plan, the Authority must, if it wishes to proceed with

that master plan or amendment, undertake an environmental review of that master plan or amendment in accordance with the relevant instructions issued under that section and must not submit that master plan or amendment to the Commission for consent to public notification under section 12, or section 17 as read with section 12, as the case requires, until —

- (a) the Authority has forwarded that review to the EPA; and
 - (b) the EPA has advised that that review has been undertaken in accordance with those instructions, or 30 days have elapsed since that forwarding without the EPA having advised whether or not that review has been undertaken in accordance with those instructions, whichever first occurs.
- (2) If the EPA has advised that the review has not been undertaken in accordance with the relevant instructions issued under section 48C(1)(a) of the EP Act, the Authority may —
- (a) comply with subsection (1) in respect of the master plan or amendment concerned; or
 - (b) request the Minister to consult the Minister for the Environment and, if possible, agree with him or her on whether or not that review has been undertaken in accordance with those instructions.
- (3) If the Minister, having complied with a request under subsection (2), and the Minister for the Environment —
- (a) agree on whether or not the review has been undertaken in accordance with the relevant instructions, their decision is to be final and without appeal; or
 - (b) cannot so agree, section 48J of the EP Act applies.

20. Role of Authority in relation to environmental submissions

When the Authority has been informed under section 48A(1)(b)(i) of the EP Act that the proposed master plan

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or amendment should be assessed by the EPA under Part IV Division 3 of the EP Act, the Authority must —

- (a) as soon as practicable, but in any event within 7 days after the expiry of the period referred to in section 14(1)(a), or section 17 as read with section 14(1)(a) as the case requires, transmit to the EPA a copy of each submission —
 - (i) made under section 14, or under section 17 as read with section 14 as the case requires; and
 - (ii) relating wholly or in part to environmental issues raised by that master plan or amendment;

and

- (b) within 42 days, or such longer period as the Minister allows, after the expiry of the period referred to in section 14(1)(a), or section 17 as read with section 14(1)(a) as the case requires, inform the EPA of its views on and response to the environmental issues raised by submissions referred to in paragraph (a) and received within that period.

21. Prerequisite to final approval by Minister of proposed master plan and proposed amendments to master plan

The Minister is not to approve under section 15, or section 17 as read with section 15, a proposed master plan or amendment referred to the EPA under section 19 if he or she has reached agreement with the Minister for the Environment under section 48A(2)(b) of the EP Act, or until —

- (a) he or she is informed under section 48A(1)(a) of the EP Act that the EPA considers that that master plan or amendment should not be assessed by the EPA under Part IV Division 3 of the EP Act;
- (b) he or she has received a statement delivered under section 48F(2), or a decision has been made under section 48J, of the EP Act in respect of the conditions, if

any, to which that master plan or amendment is subject;
or

- (c) the period of 28 days referred to in section 48A(1)(b)(i) of the EP Act has expired without the EPA having informed the Authority under that section,

whichever first occurs, and he or she is satisfied that the conditions, if any, to which that master plan or amendment is subject have been incorporated into that master plan or amendment.

Part 4 — Development control

22. Crown bound

This Part binds the Crown.

23. Certain planning schemes cease to apply

- (1) The planning schemes are repealed in relation to the redevelopment area so that they do not apply to a development that commences in that area under this Act.
- (2) Section 37 of the *Interpretation Act 1984* applies in respect of the repeal effected by subsection (1) as if the planning schemes were enactments within the meaning of that section.
- (3) In this section —

“**planning schemes**” means —

- (a) any town planning scheme under the *Town Planning and Development Act 1928* that is in operation in the redevelopment area immediately before the commencement of this Act; ~~and~~

(aa) any local planning scheme under the *Planning and Development Act 2005* that is in operation in the redevelopment area immediately before the appointed day; and

- (b) the Metropolitan Region Scheme.

- (4) Subsection (2) has effect subject to any provision of the master plan relating to non-conforming uses.

[Section 23 amended by No. 38 of 2005 s. 15.]

24. Saving

- (1) This Part does not apply to a development that was lawfully being carried out in the redevelopment area immediately before the commencement of this Act.

- (2) A development referred to in subsection (1), or in respect of which all necessary approvals under the planning schemes referred to in section 23(3) were in force immediately before the commencement of this Act —
- (a) may be lawfully carried out as if this Part had not been passed; and
 - (b) is to be governed by those schemes despite section 23(1).
- (3) A development in respect of which an approval under section 28 is in force immediately before —
- (a) a master plan comes into force in respect of the land the subject of the approval; or
 - (b) an amendment to a master plan comes into force under section 17,
- may be lawfully carried out as if the master plan or amendment had not come into force.

25. Development to be approved

- (1) A person must not undertake any development or cause any development to be undertaken on land that is in, or partly in, the redevelopment area without the approval of the Commission or in contravention of a condition attached to an approval.
Penalty: \$50 000, and a daily penalty of \$5 000.
- (2) The requirements of subsection (1) extend to the Authority.
- (3) It is immaterial for the purposes of this Part that a development is undertaken in the performance of a function vested in a person by a written law.

26. Applications for approval

- (1) An application for approval under section 25 is to be made in the prescribed form with the prescribed fee (if any) to the City of Cockburn or the Town of Kwinana, or both, as is relevant.

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- (2) An application is to be accompanied by plans and specifications of the proposed development, and an applicant is also to provide any information or documents relating to the proposed development that the Commission may reasonably require.
- (3) A local government which receives an application under subsection (1) is to forward it to the Commission within 7 days of receiving it.
- (4) A local government may make recommendations to the Commission regarding an application it has forwarded to the Commission within 42 days, or such longer period as the Commission allows, of the receipt of the application by the local government.

27. Consultation with public authorities

The Commission may consult on a proposed development with any public authority that has functions relevant to, or whose operations are likely to be affected by, the proposed development.

28. Commission's decision

- (1) After the expiry of the period referred to in section 26(4) within which the local government may make recommendations, the Commission may grant or refuse to grant approval of the proposed development having regard to —
 - (a) any master plan in force under Part 3;
 - (b) if a master plan is not in force in respect of the land the subject of the application, the FRIARS Final Strategy document;
 - (c) any relevant environmental protection policy approved under Part III of the EP Act;
 - (d) recommendations under section 26(4);
 - (e) consultations under section 27; and
 - (f) the requirements of orderly and proper planning.

- (2) The Commission may attach to an approval any condition that is within the objects of this Act.
- (3) The Commission may limit the time for which an approval remains in force.
- (4) An approval under this section is in addition to, and does not derogate from, the requirements of any other written law.
- (5) Subject to subsection (6), the Commission is to cause notice in writing of its decision to be given to the applicant, the relevant local government and any public authority consulted under section 27.
- (6) The Commission is to be taken to have made a decision to refuse approval of a proposed development if the applicant has not received notice in writing of the Commission's decision under subsection (5) within 60 days of the application being forwarded to the Commission, or such longer period as is agreed in writing by the applicant and the Commission before the expiry of the 60 day period.

29. Appeal

- (1) An applicant may apply to the State Administrative Tribunal for a review, in accordance with Part ~~V~~ 14 of the ~~Town-Planning and Development Act 2005~~, of a decision of the Commission under section 28 in respect of the applicant's application.

[(2) repealed]

[Section 29 amended by No. 55 of 2004 s. 514; No. 38 of 2005 s. 15.]

30. Liability of officers for offence committed by body corporate

- (1) If a body corporate is guilty of an offence against section 25 and it is proved that —
 - (a) the offence was committed with the consent or connivance of an officer of the body corporate; or

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- (b) an officer of the body corporate failed to exercise all the due diligence to prevent the commission of the offence that ought to have been exercised having regard to the nature of the officer's functions and to all the circumstances,

the officer commits the offence.

- (2) In subsection (1) —

“officer”, in relation to a body corporate, means —

- (a) a director, secretary or executive officer of the body corporate;
- (b) a receiver, or receiver and manager, of property of the body corporate, or any other authorised person who enters into possession or assumes control of property of the body corporate for the purpose of enforcing any charge;
- (c) an official manager or a deputy official manager of the body corporate;
- (d) a liquidator of the body corporate; and
- (e) a trustee or other person administering a compromise or arrangement made between the body corporate and another person or other persons,

and any other person, by whatever name called and whether or not a director of the body corporate, who is concerned, or takes part, in the management of the body corporate.

31. Power to direct cessation or removal of unlawful development

- (1) The Commission may —

- (a) by notice in writing served on a person who is undertaking any development in contravention of section 25, direct the person to stop doing so immediately; or
- (b) by notice in writing served on a person who has undertaken any development in contravention of that section, direct the person within a period not less than

21 days after the service of the notice, as is specified in the notice, to remove, pull down, take up, or alter any development undertaken in contravention of that section,

or may by one notice give both directions to a person.

- (2) A person on whom a notice is served containing a direction under subsection (1)(b) may apply to the State Administrative Tribunal for a review, in accordance with Part ~~V~~ 14 of the ~~Town~~ *Planning and Development Act 2005*, of the decision to give the direction.
- (3) A notice containing a direction under subsection (1)(b) is suspended as to that direction pending the determination of the application.
- (4) If the State Administrative Tribunal confirms or varies the direction, it may, by notice in writing served on the person, direct the person to comply with the direction as so confirmed or varied, within a period not less than 21 days after the service of the notice, as is specified in the notice.
- (5) A person must comply with a notice given to the person under this section.
Penalty: \$50 000, and a daily penalty of \$5 000.
- (6) If a person fails to comply with a notice given to the person under subsection (1)(b), the Commission, after the expiry of the period within which an application may be made under subsection (2) and subject to the determination of any such appeal, may itself remove, pull down, take up or alter the development and may recover from the person the costs incurred by the Commission in so doing as a debt in a court of competent jurisdiction.

[Section 31 amended by No. 24 of 2002 s. 25; No. 55 of 2004 s. 515; [No. 38 of 2005 s. 15.](#)]

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32. Powers of Minister to ensure that environmental conditions are met

(1) In this section —

“assessed scheme” means a master plan, or an amendment to a master plan, that is an assessed scheme within the meaning of the EP Act;

“environmental condition” means a condition agreed under section 48F of the EP Act or decided under section 48J of the EP Act.

(2) After receiving advice from the Minister for the Environment under section 48H(4) of the EP Act the Minister may exercise one or more of the powers set out in subsection (3) in relation to a development implementing an assessed scheme.

(3) For the purposes of subsection (2) the Minister may —

(a) by order in writing served on the person who is undertaking the development, direct the person to stop doing so for such period, beginning immediately and lasting not more than 24 hours, as is specified in the order;

(b) cause the Commission to serve a notice on the person who is undertaking the development directing the person to take such steps as are specified in the notice, within such period as is so specified, for the purpose of —

(i) complying with; or

(ii) preventing any non-compliance with,
the environmental condition to which the Minister for the Environment’s advice relates;

or

(c) advise the Commission to cause such steps to be taken as are necessary for the purpose of —

(i) complying with; or

(ii) preventing any non-compliance with,

the environmental condition to which the Minister for the Environment's advice relates.

- (4) A person must comply with an order or notice served on the person under subsection (3)(a) or (b).

Penalty: \$50 000, and a daily penalty of \$5 000.

- (5) Nothing in this section prevents or otherwise affects the application of Part V of the EP Act to —

- (a) a development referred to in subsection (2); or
- (b) pollution or environmental harm caused by any non-compliance with an environmental condition referred to in subsection (3).

[Section 32 amended by No. 54 of 2003 s. 68(3).]

33. Compensation

- (1) ~~Sections Part 11 (Divisions 1) and (4) and 122 of the Town Planning Act and Development Act 2005, and sections 184(3) and (4), 187 and 188 of that Act,~~ apply with all necessary changes to land in the redevelopment area as if —

- (a) the master plan were a ~~town~~ planning scheme under that Act; ~~and~~
- (b) the Commission were ~~a local government or a~~ the responsible authority under that Act; ~~;~~ and

- ~~(2) If under (c) in the master plan any case of land is reserved, zoned or classified under the master plan for a public purpose, Part V (other than sections 36A, 37 and 37A) of the Metropolitan Region Town Planning Scheme Act 1959 applies with all necessary changes as if —~~

- ~~(a) the land were reserved for a public purpose under the Metropolitan Region Scheme; a planning scheme.~~

- ~~(b) references in that Part to the Scheme were references to the master plan; and~~

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~~(c) in section 36(1)(b) of that Act, “amended” were substituted for “varied, amplified or revoked by the Commission”.~~

~~[2] repealed]~~

- (3) Compensation is not payable under ~~an Act~~the *Planning and Development Act 2005* as applied by subsection (1) ~~or (2)~~ if payment has been made for the same, or substantially the same, injurious affection under that Act as in operation otherwise than as applied by this section.
- (4) If a claim for compensation has been made but not disposed of before the commencement of this Act, and is one that might have been made under this section, the claim may be continued after that commencement as if it had been made under this section.

[Section 33 amended by No. 38 of 2005 s. 15.]

Part 5 — General

34. Modification of other laws

- (1) Section ~~33~~132 of the ~~Town~~ *Planning and Development Act 2005* applies with all necessary modifications for the purpose of carrying out a master plan as if the reference in that section —
 - (a) to ~~an approved~~ *a planning* scheme were a reference to that master plan;
 - (b) to the responsible authority were a reference to the Commission; and
 - (c) to an Act were a reference to a written law.
- (2) Despite anything in the *Local Government Act 1995* to the contrary —
 - (a) the method of valuation of land to be used by a local government as the basis for a rate on rateable land within the redevelopment area is to be —
 - (i) the same method used in relation to that land immediately before the commencement of this Act, unless paragraph (b) applies; and
 - (ii) if a development has commenced in respect of the land, the method of valuation to be used in accordance with the use approved in respect of the development;and
 - (b) under section 6.32(1) of that Act, a local government may not impose on rateable land in the redevelopment area —
 - (i) a rate differentially;
 - (ii) a specified area rate;
 - (iii) a minimum payment; or
 - (iv) a service charge,merely on the basis that the land is in the redevelopment area.

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- (3) Subsection (2) does not affect the operation of section 32 of the *Western Australian Land Authority Act 1992*.
- (4) In subsection (2) —
 - “**rateable land**” has the same meaning as it has for the purposes of the *Local Government Act 1995*;
 - “**development**” means —
 - (a) a development approved under Part 4; or
 - (b) a development in respect of which all necessary approvals under the planning schemes referred to in section 23(3) were in force immediately before the commencement of this Act.

[\[Section 34 amended by No. 38 of 2005 s. 15.\]](#)

35. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.
- (2) Without limiting subsection (1), regulations may provide for —
 - (a) the procedure to be followed in applications for approval under Part 4; and
 - (b) the imposition and payment of fees and charges in connection with those applications.

36. Review of Act

- (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from the commencement of this Act.
- (2) In the course of the review the Minister is to consider and have regard to —
 - (a) the need for the continuation of this Act; and

- (b) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.

Part 6 — Amendment of various Acts

37. Environmental Protection Act 1986 amended

- (1) This section amends the *Environmental Protection Act 1986*.
- (2) Section 3(1) is amended as follows:
- (a) in the definition of “final approval”, after paragraph (aa) the following paragraph is inserted —
- “
- (ab) prepared under the *Hope Valley-Wattleup Redevelopment Act 2000*, means approval under section 15 of that Act, or under section 17 of that Act as read with that section;
- ”;
- (b) in the definition of “period of public review”, after paragraph (aa) the following paragraph is inserted —
- “
- (ab) prepared under the *Hope Valley-Wattleup Redevelopment Act 2000*, means period referred to in section 14(1)(a) of that Act, or in section 17 of that Act as read with that section;
- ”;
- (c) in the definition of “responsible authority”, after subparagraph (a)(ia) the following subparagraph is inserted —
- “

- (ib) prepared under the *Hope Valley-Wattleup Redevelopment Act 2000*, means the Western Australian Land Authority established by section 5(1) of the *Western Australian Land Authority Act 1992*;
- (d) in the definition of “scheme”, after paragraph (aa) the following paragraph is inserted —
- “
- (ab) master plan within the meaning of the *Hope Valley-Wattleup Redevelopment Act 2000*, or amendment to such a master plan;
- (e) the definition of “scheme Act” is amended by inserting after “1991,” —
- “ Hope Valley-Wattleup Redevelopment Act 2000, ”.
- (3) Section 48C(7) is amended, in the definition of “public review”, after paragraph (aa) by inserting the following paragraph —
- “
- (ab) prepared under the *Hope Valley-Wattleup Redevelopment Act 2000*, means procedure referred to in sections 13 and 14 of that Act, or in section 17 of that Act as read with those sections;

**38. *Metropolitan Region Town Planning Scheme Act 1959*
amended**

- (1) This section amends *the Metropolitan Region Town Planning Scheme Act 1959*.
- (2) Section 32A(3) is amended as follows:
- (a) after “1994” by deleting “or” and inserting a comma;

s. 39

(b) after “1999” by inserting —

“

or section 23 of the *Hope Valley-Wattleup Redevelopment Act 2000*

”;

(c) by deleting “under Part 4 of any of those Acts” and substituting instead —

“

or a master plan, within the meaning of the relevant Act

”.

(3) Section 38(4) is amended as follows:

(a) after “1994” by deleting “or” and inserting a comma;

(b) after “1999” by inserting —

“

or the *Hope Valley-Wattleup Redevelopment Act 2000*

”.

39. Town Planning and Development Act 1928 amended

(1) This section amends *the Town Planning and Development Act 1928*.

(2) Section 6(4) is amended as follows —

(a) after “area” by inserting a hyphen;

(b) by inserting the paragraph designation “(a)” before “within”; and

(c) by deleting the full stop and inserting instead —

“

or

(b) within the meaning in the *Hope Valley-Wattleup Redevelopment Act 2000*.

”.

(3) Section 31(2a) is amended —

(a) after “1994” by deleting “or” and inserting a comma;
and

(b) after 1999 by inserting —

“

or a master plan approved under Part 3 of the *Hope Valley-Wattleup Redevelopment Act 2000*

”.

(4) Section 37 is amended in the definition of “appeal”, by inserting after paragraph (bc) the following paragraph —

“

(bd) an appeal under section 29 of the *Hope Valley-Wattleup Redevelopment Act 2000*;

”.

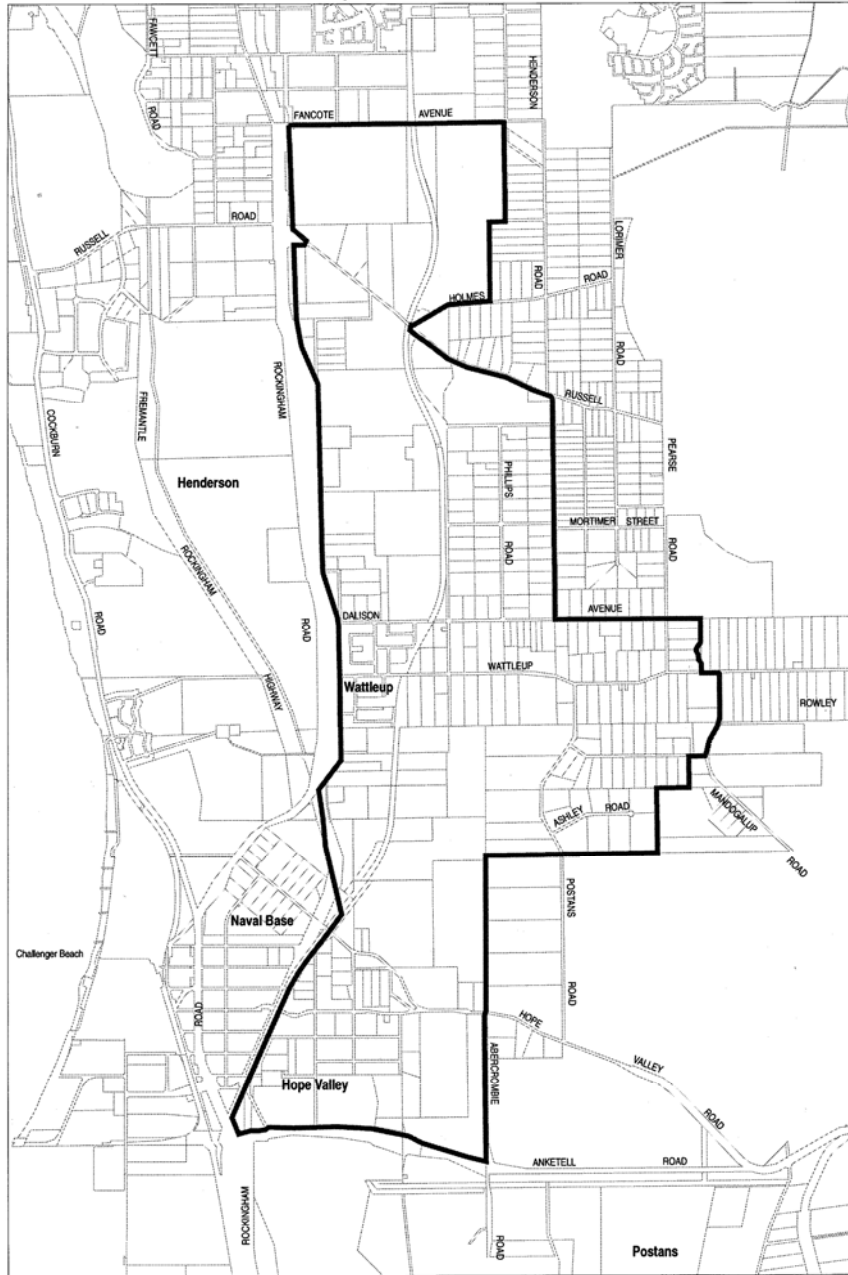
Schedule 1 Redevelopment area

Schedule 1 — Redevelopment area

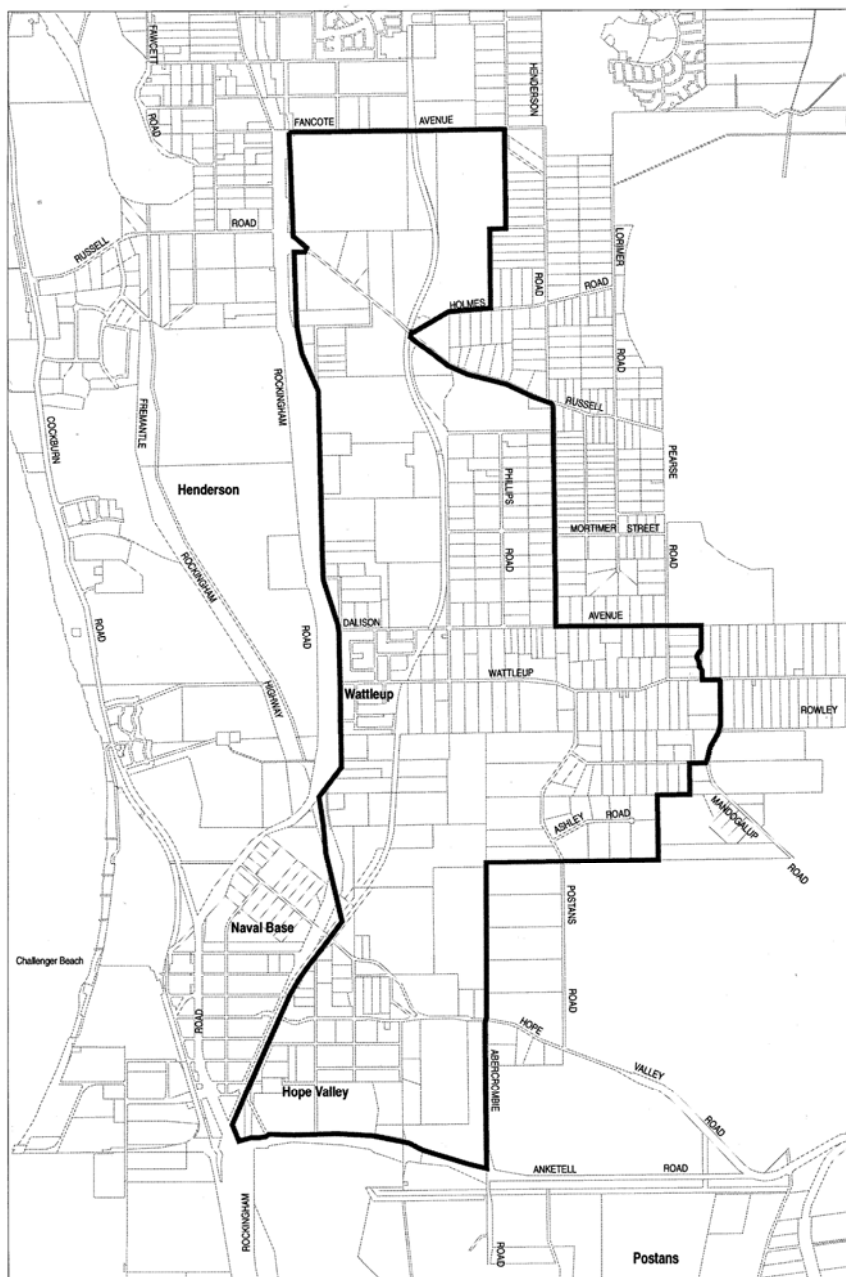
[s. 4]

All of the land in the area described as the redevelopment area on Plan No. 1 held at the office of the Western Australian Land Authority, that plan being certified by the Minister as being the plan prepared for the purpose of defining the redevelopment area.

For guidance, the redevelopment area is indicated in the following representation of Plan No. 1 —



Schedule 1 Redevelopment area



Notes

¹ This is a compilation of the *Hope Valley-Wattleup Redevelopment Act 2000* and includes the amendments made by the other written laws referred to in the following table^{1a}.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Hope Valley-Wattleup Redevelopment Act 2000</i>	77 of 2000	7 Dec 2000	s. 3(2); 7 Dec 2000 (see s. 2(3)); balance: 1 Jan 2001 (see s. 2(1) and <i>Gazette</i> 29 Dec. 2000 p. 7904)
<i>Planning Appeals Amendment Act 2002</i> s. 25	24 of 2002	24 Sep 2002	18 Apr 2003 (see s. 2 and <i>Gazette</i> 17 Apr 2003 p. 1243)
<i>Environmental Protection Amendment Act 2003</i> s. 68(3)	54 of 2003	20 Oct 2003	19 Nov 2003 (see s. 2 and <i>Gazette</i> 18 Nov 2003 p. 4723)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 62 ²	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

^{1a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Short title	Number and Year	Assent	Commencement
<i>Planning and Development (Consequential and Transitional Provisions) Act 2005</i> s. 15 ³		38 of 2005	12 Dec 2005 To be proclaimed 9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1078)

² The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administration Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

³ ~~On the date as at which this compilation was prepared, the *Planning and Development (Consequential and Transitional Provisions) Act 2005* s. 15, which gives effect to Sch. 2, had not come into operation. It reads as follows:~~

“

~~15. Acts in Schedule 2 amended~~

~~The Acts mentioned in Schedule 2 are amended as set out in that Schedule.~~

”.

~~Schedule 2, cl. 30 reads as follows:~~

“

~~Schedule 2—Consequential amendments~~

[s. 15]

~~30. Hope Valley-Wattleup Redevelopment Act 2000~~

~~(1) Section 3(1) is amended as follows:~~

~~(a) by deleting the definition of “Commission” and inserting instead —~~

“

~~“Commission” means the Western Australian Planning Commission established under the *Planning and Development Act 2005*;~~

”;

~~(b) in the definition of “development” by deleting “Town Planning Act” and inserting instead —~~

~~“ *Planning and Development Act 2005* ”;~~

~~(c) by deleting the definition of “Metropolitan Region Scheme” and inserting instead —~~

“

~~“Metropolitan Region Scheme” has the meaning given to that term in the *Planning and Development Act 2005* section 4;~~

”;

~~(d) in the definition of “redevelopment area” by deleting the semicolon and inserting a full stop;~~

~~(e) by deleting the definition of “Town Planning Act”.~~

~~(2) Section 8(3) is repealed and the following subsection is inserted instead —~~

“

~~(3) For the avoidance of doubt, the Authority is a public authority to whom the Commission can, under section 16 of the *Planning and*~~

~~Development Act 2005, delegate a function conferred under this section.~~

~~”;~~

~~(3) Section 11 is amended by deleting “a town planning scheme under the Town Planning Act.” and inserting instead —~~

~~“~~

~~— a local planning scheme under the *Planning and Development Act 2005*.~~

~~”;~~

~~(4) Section 23(3) is amended as follows:~~

~~(a) in paragraph (a) by deleting “Town Planning Act” and inserting instead —~~

~~“ *Town Planning and Development Act 1928* ”;~~

~~(b) by deleting “and” after paragraph (a);~~

~~(c) by inserting after paragraph (a) —~~

~~“~~

~~(aa) any local planning scheme under the *Planning and Development Act 2005* that is in operation in the redevelopment area immediately before the appointed day; and~~

~~”;~~

~~(5) Section 29(1) is amended by deleting “Part V of the Town Planning Act” and inserting instead —~~

~~“ Part 14 of the *Planning and Development Act 2005* ”;~~

~~(6) Section 31(2) is amended by deleting “Part V of the Town Planning Act” and inserting instead —~~

~~“ Part 14 of the *Planning and Development Act 2005* ”;~~

~~(7) Section 33(1) and (2) are repealed and the following subsection is inserted instead —~~

~~“~~

~~(1) Part 11 Divisions 1 and 2 of the *Planning and Development Act 2005*, and sections 184(3) and (4), 187 and 188 of that Act, apply with all necessary changes to land in the redevelopment area as if —~~

~~(a) the master plan were a planning scheme under that Act;~~

~~—(b)— the Commission were the responsible authority under that Act; and~~

~~—(c)— in the case of land reserved, zoned or classified under the master plan for a public purpose, the land were reserved for a public purpose under a planning scheme.~~

~~”;~~

~~—(8)— Section 33(3) is amended by deleting “an Act as applied by subsection (1) or (2)” and inserting instead—~~

~~“~~

~~— the *Planning and Development Act 2005* as applied by subsection (1)~~

~~”;~~

~~—(9)— Section 34(1) is amended as follows:~~

~~—(a)— by deleting “Section 33 of the Town Planning Act” and inserting instead—~~

~~“~~

~~— Section 132 of the *Planning and Development Act 2005*~~

~~”;~~

~~—(b)— in paragraph (a) by deleting “an approved scheme” and inserting instead—~~

~~“ a planning scheme ”.~~

~~”;~~