



Western Australia

East Perth Redevelopment Regulations 1992

Compare between:

[01 Jan 2007, 01-c0-06] and [03 Sep 2011, 01-d0-02]

Western Australia

East Perth Redevelopment Act 1991

East Perth Redevelopment Regulations 1992

1. Citation

These regulations may be cited as the *East Perth Redevelopment Regulations 1992*¹.

2. Commencement

These regulations shall come into operation on the day on which the *East Perth Redevelopment Act 1991* comes into operation¹.

3A. Terms used

In these regulations —

development approval means an approval under section 40 of the Act;

heritage development policy means a policy adopted by the Authority under the Scheme in relation to development in heritage places and precincts;

heritage inventory means the inventory of heritage places and precincts prepared by the Authority under the Scheme;

heritage place means land, or a building or other structure, that is listed on the heritage inventory or the Register of Heritage Places;

heritage precinct means a precinct (a group of places that may or may not be heritage places) that is listed on the heritage inventory or the Register of Heritage Places;

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public land means land owned by, or under the care, control and management of, the State or a local government;

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

Scheme means the East Perth Redevelopment Scheme under Part 4 of the Act;

temporary use means —

- (a) an authorised public event; or
- (b) the location of a single vehicle or single stall on public land, selling food or other items or providing a community service;

utility services has the meaning given in the *Planning and Development Act 2005* section 4(1).

[Regulation 3A inserted in Gazette 2 Sep 2011 p. 3618-19.]

3. Exclusions from definition of development

- (1) The following works, acts and activities do not 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; (other than one that is attached to the inside of a window);
 - (c) the carrying out of ~~routine~~ maintenance or repair work by a public authority, utility services provider or a local government ~~authority including routine work on~~
 - ~~(i) electrical power lines or cables or any, other than construction of a new 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 improvements thereon) set aside for public use or structure;~~
 - (d) the carrying out of work inside a building which is not related to a change of use of any part of the building and does not alter its external appearance; ~~or~~
 - (e) the carrying out of work for the maintenance of any building or structure where that work does not materially affect the external appearance of the building or structure;
- ~~(2) In subregulation (1) **routine work** means work for the purposes of repair, maintenance or upkeep but does not include any new construction or alteration.~~
- (f) the carrying out of subdivision works, including, to the extent necessary for the subdivision, site works, road works, the provision of reticulated services (for example, water, gas, electricity and telecommunications) and landscaping;
 - (g) the carrying out of excavation, backfilling or the construction of a retaining wall, if the change in natural ground level (the ground level existing at the time of the most recent subdivision of the land) does not exceed 0.5 m;
 - (h) the demolition or removal of a minor or ancillary structure, including a patio, pergola, carport, fence, shed, store room or similar structure, but not including a retaining wall that exceeds 0.5 m in height;
 - (i) the construction of a fence or wall not exceeding 1.8 m in height, other than —
 - (i) a retaining wall; or

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- (ii) a fence or wall on a boundary to a public open area, for example, a street, walkway or park; or
 - (iii) a fence or wall within the front set back of a lot;
 - (j) the construction of a swimming pool, but not including fences or other structures associated with the pool;
 - (k) the erection, for the duration of authorised construction work, of a temporary building, structure or sign associated with that work;
 - (l) the erection, for the duration of an authorised public event, of a temporary building, structure or sign associated with that event;
 - (m) the location of a single vehicle or single stall on public land, selling food or other items or providing a community service, for less than 24 hours.
- (2) A declaration that work, an act or an activity does not constitute development has effect in relation to a heritage place or precinct only if the work, act or activity does not require development approval in accordance with Development Policy no. 2: Development of Heritage Places, adopted by the Authority under the Scheme.
- (3) A declaration, by subregulation (1)(f) or (j), that work, an act or an activity does not constitute development is not limited by any of the other paragraphs of subregulation (1) other than paragraph (i).

[Regulation 3 amended in Gazette 2 Sep 2011 p. 3619-20.]

4. Application for development approval

Form 1 in Schedule 1 is prescribed for the purpose of section 41 of the Act.

5. Fee Fees

The fee for an application for a development approval ~~under section 40 of the Act~~ in relation to land that is in, or partly in,

part of the redevelopment area to which a redevelopment scheme is applicable ~~is, and related fees, are~~ as specified in Schedule 2.

[Regulation 5 amended in Gazette 2 Sep 2011 p. 3621.]

6. Plans

- (1) All plans accompanying an application for [a development approval](#) ~~under section 40 of the Act~~ shall be —
 - (a) drawn on a white background; [and](#)
 - (b) drawn to a scale not smaller than 1:~~500~~[200](#); and
 - (c) clearly illustrate the proposal in respect of which the application is made.
- (2) All measurements used on the plan shall be metric.
- (3) A plan shall 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; [and](#)
 - (b) the existing and the proposed means of access for pedestrians and vehicles to and from the land; [and](#)
 - (c) the location, number, dimension and layout of all car parking spaces intended to be provided; [and](#)
 - (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; [and](#)
 - (e) the location, dimensions; [and](#) design [of](#), and particulars of the manner in which it is proposed to develop₂ any landscaped area, including the retention of existing trees and vegetation; [and](#)
 - (f) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended

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to retain, including details of materials of construction, finishes and external colour; and

- (g) a statement of or plans indicating the impact of the proposed development on views, privacy and overshadowing.

[Regulation 6 amended in Gazette 2 Sep 2011 p. 3621.]

7. Penalties

- (1) A person shall not, in connection with an application for [a development](#) approval ~~under section 40 of the Act~~, make a statement or give any information which that person knows is false in a material particular.

Penalty: \$1 000.

- (2) A person shall not, in connection with an application for [a development](#) approval ~~under section 40 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.

~~8. Appeal~~

~~Where the Authority has made a decision under section 43 of the Act in respect of a development on land in part of the redevelopment area to which the redevelopment scheme does not apply, the applicant may apply to the State Administrative Tribunal for a review of the decision in accordance with Part V of the Town Planning Act.~~

[Regulation ~~8~~7 amended in Gazette ~~30 Dec 2004~~ 2 Sep 2011 p. ~~6952~~3621.]

[~~8.~~ Deleted in Gazette 2 Sep 2011 p. 3622.]

Schedule 1

[Reg. 4]

Office ~~EPR~~A Use Only
Application ~~File~~ No.

FORM 1

EAST PERTH REDEVELOPMENT ACT 1991

SECTION 40

APPLICATION FOR APPROVAL TO UNDERTAKE DEVELOPMENT

To : East Perth 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

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Schedule 1

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~~⁵ 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 is 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 particular which that person knows to be relevant to the application.

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

[Form 1 (correction to Reprint in Gazette 27 Feb 2004 p. 639); amended in Gazette 29 Dec 2006 p. 5894; [2 Sep 2011 p. 3622.](#)]

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Fees in relation to applications for application for development approval under section 40 **Schedule 2**

Schedule 2 — Fees in relation to applications for application for development approval under section 40

[r. 5]

[Heading inserted in Gazette 2 Sep 2011 p. 3622.]

Table

<u>Item</u>	<u>Description</u>	<u>Fee</u>
1.	For an application for an in principle approval of development described in item 2 or 3	25% of the fee that would be applicable under item 2 or 3 for an application for approval of such development, to a maximum of \$5 000
2.	Estimated value of proposed development For an application for approval of development described in paragraph (a) of the definition of <i>development</i> in section 3 of the Act, other than in relation to a temporary use, where the estimated cost of the development is —	Fee \$
	(a) up to \$10 000	\$150
	(b) \$10 001 to \$50 000	\$250
	(c) \$50 001 to \$200 000	\$350
	(d) \$200 001 to \$500 000	\$500
	(e) \$500 001 to \$750 000	\$1 000
	Up to \$10 000 \$10 001 to \$50 000 \$50 001 to \$100 000	50 100 250 350
		\$2 000 + \$0.40 for every

Inserted Cells

Inserted Cells

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Schedule 2 Fees in relation to applications for application for development approval under section 40

<u>Item</u>	<u>Description</u>	<u>Fee</u>
 \$100 001 to \$1 000 000 000	dollar over \$750 000
	(g) \$1 000 001 to \$10 to \$5 000 000	\$0.75 for each \$43 000 + \$250.20 for every dollar over \$1 000 000
	Greater than (h) \$5 000 001 to \$10 000 000	\$0.50 for each \$411 000 + \$10.20 for every dollar over \$5 000 (to a maximum of \$12 500) 000
	(i) greater than \$10 000 000	\$21 000 + \$0.15 for every dollar over \$10 000 000, to a maximum of \$50 000
3.	For an application for approval of the following development — (a) a material change in use where there is no development described in paragraph (a) of the definition of <i>development</i> in section 3 of the Act; or (b) development described in paragraph (a) of the definition of <i>development</i> in section 3 of the Act, in relation to a temporary use	\$200
4.	For an amendment of a development approval	25% of the fee that was applicable under item 2 or 3 for the approval, to a maximum of \$5 000

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Fees in relation to applications for application for development approval under section 40 **Schedule 2**

[Schedule_2 inserted in Gazette ~~6 Oct 1998~~ [2 Sep 2011](#) p. ~~5550~~ [3622](#)-
[3](#).]

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Notes

- ¹ This is a compilation of the *East Perth Redevelopment Regulations 1992* 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>East Perth Redevelopment Regulations 1992</i>	30 Jun 1992 p. 2870-3	1 Jul 1992 (see r. 2 and <i>Gazette</i> 1 Jul 1992 p. 2945)
<i>East Perth Redevelopment Amendment Regulations 1998</i>	6 Oct 1998 p. 5549-50	6 Oct 1998
Reprint 1: The East Perth Redevelopment Regulations 1992 as at 9 Jan 2004 (includes amendments listed above) (correction in <i>Gazette</i> 27 Feb 2004 p. 639)		
<i>East Perth Redevelopment Amendment Regulations 2004</i>	30 Dec 2004 p. 6952	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>East Perth Redevelopment Amendment Regulations (No. 2) 2006</i>	29 Dec 2006 p. 5894	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)
East Perth Redevelopment Amendment Regulations 2011	2 Sep 2011 p. 3618-23	r. 1 and 2: 2 Sep 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Sep 2011 (see r. 2(b))