



Western Australia

Armadaled Redevelopment Act 2001

Armadaled Redevelopment Regulations 2003

As at 24 Oct 2008

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Western Australia

Armadale Redevelopment Regulations 2003

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Defined Terms



Reprinted under the
Reprints Act 1984 as
at 24 October 2008

Western Australia

Armadale Redevelopment Act 2001

Armadale Redevelopment Regulations 2003

1. Citation

These regulations may be cited as the *Armadale Redevelopment Regulations 2003*¹.

2. 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 the City of Armadale;
 - (b) the erection of a sign within a building;
 - (c) the carrying out of routine work by a public authority or the City of Armadale 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 public authority or the City of Armadale;
 - (iii) a road, bridge or railway; or
 - (iv) land (including building and building improvements) set aside for public use;

- (d) the use of land, or any work on land, by the Authority, that where the land is held by the Authority or a public authority, providing the use or work complies with subregulation (2a);
- (e) the carrying out of any work on any building or structure if that work does not materially affect the external appearance of the building and is not related to a change of use, except where the building or structure —
 - (i) is located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) is the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) is included within a heritage strategy prepared and adopted under the Scheme clause 9.1;
- (f) the carrying out of work to which subregulation (2) applies;
- (g) the extension of a single house on a lot, or the erection of an outbuilding of less than 60 square metres in floor area, or the construction of a swimming pool, except where the extension, erection or construction —
 - (i) requires the exercise of the Authority's discretion to vary the provisions of the R-Codes; or
 - (ii) will be located on land included within a heritage strategy prepared and adopted under the Scheme clause 9.1; or
 - (iii) will be located on land affected by, or within, the "management area" within the meaning of that term in the *Swan River Trust Act 1988*²;
- (h) a home office, as defined by the Scheme clause 2;
- (i) any works or activities that are temporary and are in existence for less than 48 consecutive hours, or such longer time as may be agreed by the Authority on a case by case basis;

- (j) the erection, maintenance or alteration of a boundary fence or wall, if the proposal does not require the Authority to exercise its discretion under the Scheme or the R-Codes;
 - (k) minor filling, excavation or re-contouring of land, provided there is no more than a 0.5 m change to the natural ground level, which change is to include any sand pad or site works associated with building development.
- (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 17(8) of the Act; and
 - (b) that relate to —
 - (i) causing to be constructed to the satisfaction, and in accordance with the specifications, of the City of Armadale 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 City of Armadale the whole or any part of that land.
- (2a) For the purposes of subregulation (1)(d) —
- (a) the use or work must be categorised as permitted pursuant to the Scheme clause 6.2; and
 - (b) the use must be permitted without requiring the exercise of the Authority's discretion under that clause.
- (3) In this regulation —

R-Codes means the Residential Design Codes set out in provisions of the Statement of Planning Policy No. 1 State Planning Framework Policy continued by the *Planning and Development Act 2005* section 25;

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

Scheme means the Armadale Redevelopment Scheme 2004;

Water Corporation means the body established by section 4 of the *Water Corporation Act 1995*;

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

[Regulation 2 amended in Gazette 5 Apr 2007 p. 1526-7.]

3. Form of application

Form 1 in Schedule 1 is prescribed for the purposes of section 46(1) of the Act.

4. Fee for application

The fees specified in Schedule 2 are prescribed for the purposes of section 46(1) of the Act in relation to land to which a redevelopment scheme applies.

5. Plans

- (1) All plans accompanying an application for approval referred to in section 46(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 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;
 - (h) a statement giving details of the proposed use and operation of the proposed development; and
 - (i) a statement giving details of any signs or advertising structures that are proposed to be included in the proposed development.

r. 6

- (4) An application for approval referred to in section 46(1) of the Act is to be accompanied by 4 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.

6. Fee for revised plan

- (1) A person —
 - (a) who has made an application; and
 - (b) who wishes to revise a plan that accompanied the application,

must pay to the Authority, at the time the revised plan is provided to the Authority, a fee of \$50 or 10% of the fee paid by the person under section 46(1) of the Act in respect of the application, whichever is the greater amount.

- (2) The Authority may waive, in whole or in part, the payment of a fee under subregulation (1).

7. Offences

- (1) A person must not, in connection with an application for approval referred to in section 46(1) of the Act, make a statement or give any information that the person knows to be false in a material particular.

Penalty: \$1 000.

- (2) A person must not, in connection with an application for approval referred to in section 46(1) of the Act, omit to supply to the Authority any information or particulars that the person knows to be relevant to the application.

Penalty: \$1 000.

Schedule 1 — Form of application

[r. 3]

Office Use Only

Application No. _____

Form 1

Armadale Redevelopment Act 2001

(Section 46(1))

Application for approval to undertake development

To: Armadale 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 |

If signing on behalf of a body corporate state the nature of the authority by which signing.

- Note 1: This application is to be accompanied by 4 copies of the plan(s) and specifications for the development and the prescribed fee.
- Note 1A: The Authority requires applicants to undergo a sustainability audit, and the application is to be accompanied by —
- (a) the resulting “Sustainability Certificate”; and
 - (b) the proponents submissions requirements, that identify the performance of an application for development approval in respect of specific sustainability indicators.

- Note 2: It is an offence under regulation 7 of the *Armadale Redevelopment Regulations 2003* for a person —
- (a) to make a statement or give any information 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 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 12 Apr 2005 p. 1169; 29 Dec 2006 p. 5893.]

Schedule 2 — Fee for application

[r. 4]

[Heading inserted in Gazette 31 Aug 2007 p. 4448.]

| Estimated value of proposed development | Fee |
|--|--------------------------------------|
| Up to \$10 000 | \$100 |
| \$10 001 to \$50 000 | \$150 |
| \$50 001 to \$100 000 | \$250 |
| \$100 001 to \$1 000 000 | \$400 |
| \$1 000 001 to \$10 000 000 | \$0.75 for each \$4 000 plus \$400 |
| Greater than \$10 000 000 | \$1.00 for each \$4 000 plus \$1 000 |

[Schedule 2 inserted in Gazette 31 Aug 2007 p. 4448.]

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Notes

¹ This reprint is a compilation as at 24 October 2008 of the *Armadale Redevelopment Regulations 2003* 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>Armadale Redevelopment Regulations 2003</i> | 29 Aug 2003 p. 3834-9 | 29 Aug 2003 |
| <i>Armadale Redevelopment Amendment Regulations 2005</i> | 12 Apr 2005 p. 1169 | 12 Apr 2005 |
| <i>Armadale Redevelopment Amendment Regulations (No. 2) 2006</i> | 29 Dec 2006 p. 5893 | 1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369) |
| <i>Armadale Redevelopment Amendment Regulations 2006</i> | 5 Apr 2007 p. 1525-7 | 5 Apr 2007 |
| <i>Armadale Redevelopment Amendment Regulations 2007</i> | 31 Aug 2007 p. 4447-8 | r. 1 and 2: 31 Aug 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Sep 2007 (see r. 2(b)) |

Reprint 1: The *Armadale Redevelopment Regulations 2003* as at 24 Oct 2008 (includes amendments listed above)

² Repealed by the *Swan and Canning Rivers (Consequential and Transitional Provisions) Act 2006* s. 4. Under section 10(2) of that Act, a reference in a written law to the management area of the Swan River Trust may, where the context so requires, be read as if it had been amended to include or be a reference to the development control area under the *Swan and Canning Rivers Management Act 2006*.

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) |
|-------------------------|---------------------|
| R-Codes | 2(3) |
| routine work | 2(3) |
| Scheme | 2(3) |
| Water Corporation | 2(3) |
| water service | 2(3) |