

Western Australia

East Perth Redevelopment Act 1991

**East Perth Redevelopment Regulations  
1992**

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## East Perth Redevelopment Regulations 1992

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### CONTENTS

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1.	Citation	1
2.	Commencement	1
3A.	Terms used	1
3.	Exclusions from definition of development	2
4.	Application for development approval	4
5.	Fees	4
6.	Plans	4
7.	Penalties	5

### **Schedule 1**

### **Schedule 2 — Fees in relation to applications for development approval**

### **Notes**

Compilation table	11
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### **Defined Terms**



## East Perth Redevelopment Regulations 1992

### 1. Citation

These regulations may be cited as the *East Perth Redevelopment Regulations 1992*<sup>1</sup>.

### 2. Commencement

These regulations shall come into operation on the day on which the *East Perth Redevelopment Act 1991* comes into operation<sup>1</sup>.

### 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;

**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 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 maintenance or repair work by a public authority, utility services provider or local government, other than construction of a new building 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;
  - (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;
- (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
    - (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.

**r. 4**

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- (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. Fees**

The fee for an application for a development approval in relation to land that is in, or partly in, part of the redevelopment area to which a redevelopment scheme is applicable, 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 shall be —
  - (a) drawn on a white background; and
  - (b) drawn to a scale not smaller than 1:200; 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 develop, 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 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, 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, omit to supply to the Authority any

**r. 7**

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information or particulars which that person knows to be relevant to the application.

Penalty: \$1 000.

*[Regulation 7 amended in Gazette 2 Sep 2011 p. 3621.]*

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

**Schedule 1**

[Reg. 4]

EPRA Use Only

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
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 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.]*

**Schedule 2 — Fees in relation to applications for  
 development approval**

[r. 5]

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

**Table**

Item	Description	Fee
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.	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 —	
	(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
	(f) \$750 001 to \$1 000 000	\$2 000 + \$0.40 for every dollar over \$750 000
	(g) \$1 000 001 to \$5 000 000	\$3 000 + \$0.20 for every dollar over \$1 000 000

**East Perth Redevelopment Regulations 1992**

**Schedule 2** Fees in relation to applications for development approval

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<b>Item</b>	<b>Description</b>	<b>Fee</b>
	(h) \$5 000 001 to \$10 000 000	\$11 000 + \$0.20 for every dollar over \$5 000 000
	(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

*[Schedule 2 inserted in Gazette 2 Sep 2011 p. 3622-3.]*

**Notes**

- <sup>1</sup> 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**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<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
<b>Reprint 1: The East Perth Redevelopment Regulations 1992 as at 9 Jan 2004</b> (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)
<i>East Perth Redevelopment Amendment Regulations 2011</i>	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))

**Defined Terms**

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**Defined Terms**

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

<b>Defined Term</b>	<b>Provision(s)</b>
development approval .....	3A
heritage development policy .....	3A
heritage inventory .....	3A
heritage place .....	3A
heritage precinct.....	3A
public land.....	3A
Register of Heritage Places .....	3A
Scheme.....	3A
temporary use.....	3A
utility services .....	3A