

PL301*

East Perth Redevelopment Act 1991

East Perth Redevelopment Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *East Perth Redevelopment Amendment Regulations 2011*.

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 *East Perth Redevelopment Regulations 1992*.

4. Regulation 3A inserted

After regulation 2 insert:

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).

5. Regulation 3 amended

(1) In regulation 3(1):

- (a) in paragraph (a) delete “sign, including a”;
- (b) in paragraph (b) delete “building;” and insert:

building (other than one that is attached to the inside of a window);

- (c) delete paragraph (c) and insert:

- (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) in paragraph (d) delete “appearance; or” and insert:

appearance;

- (e) in paragraph (e) delete “structure.” and insert:

structure;

- (f) after paragraph (e) insert:

- (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.

(2) Delete regulation 3(2) and insert:

- (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).

6. Regulation 5 amended

In regulation 5:

- (a) delete “approval under section 40 of the Act” and insert:

a development approval

- (b) delete “applicable is” and insert:

applicable, and related fees, are

7. Regulation 6 amended

- (1) In regulation 6(1):

- (a) delete “approval under section 40 of the Act” and insert:

a development approval

- (b) in paragraph (b) delete “1:500; and” and insert:

1:200; and

- (c) after paragraph (a) insert:

and

- (2) In regulation 6(3):

- (a) in paragraph (e) delete “dimensions, design” and insert:

dimensions and design of,

- (b) in paragraph (e) delete “develop” and insert:

develop,

- (c) after each of paragraphs (a) to (e) insert:

and

8. Regulation 7 amended

In regulation 7(1) and (2) delete “approval under section 40 of the Act,” and insert:

a development approval,

9. Regulation 8 deleted

Delete regulation 8.

10. Schedule 1 amended

- (1) In Schedule 1 delete:

Office Use Only

Application No. _____

and insert:

EPRA Use Only

File No. _____

- (2) In Schedule 1 in Note 1 delete “6 copies” and insert:

5 copies

11. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Fees in relation to applications for development approval

[r. 5]

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

Item	Description	Fee
	(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
	(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

Note: The heading to regulation 4 is to read:

Application for development approval

Note: The heading to regulation 5 is to read:

Fees

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.