

AB301*

Armadale Redevelopment Act 2001

Armadale Redevelopment Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Armadale Redevelopment Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Armadale Redevelopment Regulations 2003**.

[* *Published in Gazette 29 August 2003, p. 3834-9.*

For amendments to 25 July 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 24.]

3. Regulation 2 amended

(1) Regulation 2(1) is amended as follows:

(a) by deleting paragraphs (d) and (e) and the “or” after paragraph (e) and inserting instead —

“

(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;

”;

(b) at the end of paragraph (f) by deleting “applies.” and inserting instead —

“

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*;
 - (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) After regulation 2(2) the following subregulation is inserted —
- “
- (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) Regulation 2(3) is amended by inserting in the appropriate alphabetical positions —
- “
- “**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;
 - “**Scheme**” means the Armadale Redevelopment Scheme 2004;
- ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.