



City of Perth
City Planning Scheme
No. 2

Part 6

Enforcement



41 Notices and Expenses under the Act

A notice required to be given by the local government under Section 218 of the Act is to be a 60 day notice signed by the Chief Executive Officer and sent by registered post to the owner or any occupier or lessee of the premises affected by the notice.

NOTE: 1. *The reference to the Act is to the Planning and Development Act 2005.*
2. *Subject to Amendment No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.*

42 Entry and Inspection Powers

- (1) An authorised officer exercising the power of entry under clause 79 of the Deemed Provisions or any other person accompanying an authorised officer who -
 - (a) finds a person committing; or
 - (b) on reasonable grounds suspects a person of having committed, a breach of a provision of this Scheme,may ask that person his or her name and address.
- (2) A person who -
 - (a) in any way delays or obstructs an authorised officer in the exercise of his or her powers under this clause; or
 - (b) when asked to do so under subclause (1), refuses to give his or her name or address or gives a false name or address,commits an offence.
- (3) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (1) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

NOTE: 1. *Subject to Amendment No. 35 gazetted on 24 February 2017.*

43 Offences

- (1) Subject to clause 61 of the Deemed Provisions, a person shall not erect, alter or add to a building, or use or change the use of any land or building, or permit or suffer any land or building to be used or the use of any land or building to be changed for any purpose -
 - (a) other than a purpose permitted or approved of by the local government in the use area in which that land or building is situated;
 - (b) unless all approvals, consents or licences required by this Scheme or any other law have been granted or issued;
 - (c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by this Scheme or any other law have been and continue to be complied with; and



(d) unless all standards laid down and all requirements prescribed by this Scheme or determined by the local government under this Scheme with respect to that building or that use of that land or building have been and continue to be complied with.

(2) Where the local government has granted development approval for the development of land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing, a person shall not use or permit or suffer the use of that land for any purpose while the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.

- NOTE:**
1. *A person who fails to comply with a provision of this Scheme is guilty of an offence and is subject to the penalty set out in Part 13 of the Planning and Development Act 2005.*
 2. *Subject to Amendment No. 35 gazetted on 24 February 2017.*