

TOWN PLANNING AND DEVELOPMENT.

2° Elizabeth II., No. LXXIX.

No. 79 of 1953.**AN ACT to amend the Town Planning and
Development Act, 1928-1947.**

[Assented to 18th January, 1954.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Town Planning and Development Act Amendment Act, 1953.*

Short title
and citation.

(2) In this Act the Town Planning and Development Act, 1928-1947

Act No. 39 of 1928 as reprinted with amendments to and including Act No. 29 of 1947 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, in Volume 4 of the Reprinted Acts of the Parliament of Western Australia, 1951

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Town Planning and Development Act, 1928-1953.

S. 2
amended.

2. Section two of the principal Act is amended by—

- (a) deleting the interpretation, “Minister”;
- (b) adding after the interpretation, “Board” the following interpretation:—

“building line” means a line fixed by a local authority and shown on a plan for a town planning scheme approved by the Minister, which line is fixed in relation to a road, street, right of way, ocean, waterway, building, transport route, public place, reserve, land or other place or thing prescribed in the scheme.

S. 4
amended

3. Subsection (3) of section four of the principal Act is amended by adding after the word “Minister” in line six the following:—

but—

- (a) after the coming into operation of the Town Planning and Development Act Amendment Act, 1953, the term of appointment is for a period of two years; and
- (b) the term of the appointments which but for this paragraph would have expired on the fourth day of November, one thousand nine hundred and fifty-three is continued until appointments for the term of two years as mentioned in paragraph (a) of this subsection are made.

S. 5A
added.

4. The following section is added to the principal Act:—

Protection of
members of
the Board.

5A. (1) Where a matter or thing is done by the Board or a member of the Board if the matter or thing is done in good faith in or about

the exercise or purported exercise of any of the powers conferred upon and exercisable by it or him by or under the provisions of this Act, the member or any other member of the Board is not personally liable in respect thereof.

(2) Subject to the provisions of subsection (1) of this section, an action shall not be brought against the Board or any of its members—

- (a) until after the expiration of thirty days' notice in writing given to the Board, specifying the name of the person intending to bring the action or proceeding, the name of the person or persons against whom it is intended to proceed, and particulars of the cause or grounds of the action or proceeding;
- (b) after the expiration of twelve months from the time when the cause or the ground of action or proceedings arose.

5. Section six of the principal Act is amended by deleting the word, "and" in line seven and adding after the word, "factory" in that line the words, "and other". S. 6
amended.

6. The principal Act is amended by adding the following subsections to section ten:— S. 10
amended.

(4) A person who contravenes or fails to comply with the provisions of a town planning scheme is guilty of an offence. Penalty for
contravening
scheme.

Penalty: Fifty pounds.

(5) The provisions of the last preceding subsection do not prejudice or affect the other provisions of this section.

7. Section twenty-one of the principal Act is amended by— S. 21
amended.

- (a) deleting the words, "containing less than half an acre in area" in lines three and four of subsection (1);

- (b) adding after the word, "conveyance" in line eleven of subsection (1) the word, "lease";
- (c) deleting the words, "of a lesser area than half an acre" in lines four and five of subsection (2);
- (d) deleting the words, "twenty-one" in line two of subsection (1) and inserting the word, "ten".

S. 26
amended.

8. Section twenty-six of the principal Act is amended by—

- (a) adding after the subsection designation (1) the letter, "a" in brackets thus—(a);
- (b) deleting all words after the word, "approval" in line five of subsection (1);
- (c) adding new paragraphs to subsection (1) as follows:—

(b) The Minister may allow the appeal with or without conditions, affix further conditions, or reject the appeal either in whole or in part.

(c) Where the appeal is allowed the plan, transfer, conveyance, lease or mortgage shall be received, registered or deposited, subject to such conditions, if any, as the Minister may direct.

(d) The decision of the Minister is final.

First
Schedule
amended.

9. The First Schedule of the principal Act is amended by—

- (a) adding after the word, "generally" in line one of clause one the words "including probable new routes and junctions";
- (b) adding after the word, "grounds" where first appearing in line three of clause two the words, "public and private camping grounds and reserves";
- (c) adding after the word, "determining" in line two of paragraph (b) of clause five the words, "notwithstanding the provisions of section two hundred and twenty-five of the

Municipal Corporations Act, 1906-1951, and of section one hundred and forty-six of the Road Districts Act, 1919-1951”;

- (d) adding after the word, “owners” in paragraph (b) of clause six the words, “or among such other persons as may be provided for in the scheme”;
- (e) adding to clause seven the following paragraph:—
 - (h) in the case of buildings to be used for business or industry, the provision of accommodation or the location of the building on the site for the purpose of loading, unloading, servicing, parking or fuelling vehicles, with a view to preventing the obstruction of traffic on public streets or roads;
- (f) substituting for the words, “Limiting the number of apartment, tenement, detached or other dwelling houses to the acre” in lines one and two of clause eight, the words, “Limiting the number of buildings, rooms, dwelling units, or other accommodation units to the acre”;
- (g) adding after the word, “locality” in line three of clause eight the words, “or on any subdivision, allotment, or parcel of land, particularly or generally”;
- (h) deleting all words and figures after the word, “right-of-way” in line ten, of clause nine;
- (i) repealing clause ten and re-enacting the clause as follows:—

10. Classification or zoning of the scheme area for various types, kinds or classes of residences, flats, trade, business, industry, commercial, recreation, educational or other public or institutional purposes, and including areas for agricultural or rural use and for any other general or particular purposes, whether of the same class or kind as the class or

kind before enumerated or not and fixing the sites or areas for any of the purposes included in this Schedule and prohibiting in any of these zones or classification any building or use of land of or for a general or particular nature or purpose.

Second
Schedule
amended.

10. The Second Schedule of the principal Act is amended by—

- (a) substituting for the words, "Limiting the number of apartment, tenement, or detached or other family dwelling houses" in lines one and two of clause two the words, "Limiting the number of buildings, rooms, dwelling units or other accommodation units";
- (b) adding after the word, "locality" in line three of clause two the words, "or on any subdivision, allotment or parcel of land, particularly or generally";
- (c) repealing clause three and re-enacting the clause as follows:—

3. Classification or zoning reclassifying or re-zoning the area for residences, flats, trade, business, industry, commercial, recreation, educational or other public or institutional purposes, and including areas for agricultural or rural use and for any other general or particular purposes, whether of the same class or kind as the class or kind before enumerated or not, and fixing the sites or areas for any of the purposes included in this Schedule and prohibiting in any of these zones or classification any building or use of land of or for a general or particular nature or purpose. ;

- (d) substituting for the word, "with" in line three of clause six, the word, "without";
- (e) deleting all words and figures after the word, "right-of-way" in line eight of clause eight.