

TOWN PLANNING AND DEVELOPMENT.

9° and 10° GEO. VI., No. XVI.

No. 16 of 1945.

AN ACT to make provision in the Town Planning and Development Act, 1928-1944, for special powers in relation to the approval of plans of subdivision of land, which is situated within an irrigation district or a drainage district.

[Assented to 9th January, 1946.]

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

1. This Act may be cited as the *Town Planning and Development Act Amendment Act, 1945*, and shall be read as one with the Town Planning and Development Act, 1928-1944 (No. 39 of 1928 as amended by the Acts No. 16 of 1943 and No. 41 of 1944), hereinafter referred to as the principal Act.

Short title.
Cf. No. 41
of 1944, s. 4.

2. A section is inserted in the principal Act after section twenty-two as follows:—

New section.

22A. Where a plan or an amended plan of subdivision of land, relates to land situate within an irrigation district constituted under the Rights in Water and Irrigation Act, 1914-1941, or within a drainage district constituted under the Land Drainage Act, 1925-1941, the following provisions shall apply, that is to say:—

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(a) The plan or amended plan of subdivision when submitted to the Board for approval shall have stated thereon clearly and legibly that

the land comprised therein is situated within an irrigation district or within a drainage district, as the case may be, and give the name of such district.

- (b) On receipt of such plan or amended plan and before considering whether or not the same shall be approved, the Board shall refer the plan or amended plan to the irrigation board or the drainage board of the irrigation district or of the drainage district (as the case may require) in which the land comprised in such plan or amended plan is situated for examination, consideration and report to the Board.
- (c) The irrigation board or the drainage board concerned shall, as soon as reasonably may be, report in writing to the Board what (if any) additional irrigation works or drainage works will be required in the irrigation district or in the drainage district (as the case may be) by reason of such subdivision of land if the proposed subdivision of land is made or effected, and also state the estimated cost of carrying out such additional works.
- (d) Upon receipt of such report from the irrigation board or the drainage board concerned, the Board shall notify the applicant thereof in writing and require him to enter into or make with the irrigation board or the drainage board (as the case may require) a contract or arrangement satisfactory to the irrigation board or the drainage board for the carrying out of the additional works aforesaid and for the payment of the costs thereof or for the carrying out of part of such additional works and payment of part of the cost thereof where the circumstances are such that in the opinion of the irrigation board or the drainage board it would be impracticable or inequitable that the applicant should be responsible for carrying out the whole of such additional works and paying the whole of the costs thereof, and the

Board shall further require the applicant to notify the Board when such contract has been entered into or such arrangement made.

- (e) If any question shall arise between the applicant and the irrigation board or the drainage board as to the necessity or nature of such additional works aforesaid or any part thereof or the amount of the costs thereof such question shall be referred to the Magistrate of the Local Court of the district in which the land is situated and the decision of such Magistrate shall be final and conclusive.
- (f) When the applicant has entered into a contract or made an arrangement with the irrigation board or the drainage board concerned as required by paragraph (d) of this section, such irrigation board or drainage board, as the case may be, shall forthwith notify the Board thereof in writing.
- (g) When the Board has received from the irrigation board or the drainage board concerned the notification provided for in paragraph (e) of this section, and not before, the Board may proceed to examine and consider the said plan or amended plan of subdivision in accordance with the other provisions of this Act and to determine whether or not the Board shall approve of the same.
- (h) The Board shall not be bound to approve of the plan or amended plan of subdivision merely by reason of the fact that the applicant has entered into a contract or made an arrangement with the irrigation board or the drainage board concerned in conformity with paragraph (d) of this section if the Board considers that upon other grounds authorised by this Act such plan or amended plan of subdivision should not be approved.