

PLANNING

PD301

**TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING AMENDMENT REGULATIONS 1996**

Made by the Minister for Planning.

Citation

1. These regulations may be cited as the *Town Planning Amendment Regulations 1996*.

Principal regulations

2. In these regulations the *Town Planning Regulations 1967** are referred to as the principal regulations.

[* *Reprinted as at 28 October 1976.*
For amendments to 23 January 1996 see 1994 Index to Legislation of Western Australia, Table 4, pp. 285-6.]

Regulation 3 amended

3. Regulation 3 of the principal regulations is amended by inserting after "Town Planning Scheme Amendent" the following —

“ or “Amendment” ”.

Regulation 13 amended

4. Regulation 13 (1) of the principal regulations is repealed and the following subregulations are substituted —

“

(1) On completion of the preparation of the Scheme documents pursuant to the provisions of these regulations, the local authority shall —

- (a) if it resolves to proceed with the Scheme, adopt the proposed Scheme in accordance with the Act; or
- (b) if it resolves not to proceed with the Scheme, notify the Commission in writing of that resolution.

”

Regulation 14 amended

5. Regulation 14 (4) of the principal regulations is repealed and the following subregulation is substituted —

“

(4) Within 42 days, or any longer period approved by the Minister, of being notified of any modifications required by the Minister, the local authority shall —

- (a) if it resolves to proceed with the Scheme —
 - (i) settle the modifications with the Commission together with any other modifications which appear to be necessary at that time;
 - (ii) request the Commission to obtain the consent of the Minister to the further modifications; and
 - (iii) resubmit the Scheme documents with the required modifications duly carried out;

or

- (b) if it resolves not to proceed with the Scheme, notify the Commission in writing of that resolution.

”

Regulation 17 amended

6. Regulation 17 (2) (b) of the principal regulations is repealed and the following paragraph is substituted —

“

(b) that it does not wish to proceed with the Scheme.

”

Regulation 18 amended

7. (1) Regulation 18 (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) Within 28 days of passing a resolution under regulation 17 (2) the responsible authority shall forward to the Commission —

- (a) a schedule of submissions made on the Scheme;
- (b) its recommendations made in respect of those submissions;
- (c) particulars of the modifications (if any) to the Scheme recommended by the responsible authority;

- (d) a copy of the resolution passed under regulation 17 (2); and
- (e) if that resolution was a resolution under regulation 17 (2) (b), a summary of the reasons why the responsible authority does not wish to proceed with the Scheme.

”.

(2) Regulation 18 (2) of the principal regulations is amended by deleting “(1) (b)” and substituting the following —

“ (1) (a) ”.

Regulation 21 amended

8. (1) Regulation 21 (1) of the principal regulations is amended by deleting “subsection (2) of section 7” and substituting the following —

“ section 7 (2a) ”.

(2) Regulation 21 (2) of the principal regulations is amended —

(a) by deleting “Upon” and substituting the following —

“ Within 42 days of ”;

(b) by deleting “if it desires to proceed”;

(c) by inserting after paragraph (c) the following —

“ and ”; and

(d) by deleting paragraph (d) and the “and” at the end of that paragraph.

Regulation 25 amended

9. Regulation 25 (g) of the principal regulations is amended by deleting “, evidence of the adoption being endorsed on the amending documents in the manner prescribed in regulation 21 (2)”.

Regulation 25AA amended

10. Regulation 25AA (6) of the principal regulations is repealed and the following subregulation is substituted —

“

(6) Within 42 days, or any longer period approved by the Minister, of being notified of any modifications required by the Commission, the local authority shall —

(a) if it resolves to proceed with the Amendment—

(i) settle the modifications with the Commission together with any other modifications which appear to be necessary at that time; and

(ii) resubmit the Amendment documents with the required modifications duly carried out;

or

(b) if it resolves not to proceed with the Amendment, notify the Commission in writing of that resolution.

”.

Regulation 25AB amended

11. Regulation 25AB of the principal regulations is amended —

- (a) after the semicolon at the end of paragraph (a) by inserting the following —
“ and ”;
- (b) at the end of paragraph (b) by deleting “; and” and substituting a full stop; and
- (c) by deleting paragraph (c).

K. R. LEWIS, Minister for Planning.
