

**ACTS AMENDMENT
(METROPOLITAN REGION
TOWN PLANNING SCHEME).**

No. 73 of 1982.

AN ACT to amend the Metropolitan Region Town Planning Scheme Act 1959-1981 and the Town Planning and Development Act 1928-1981.

[Assented to 29 October 1982.]

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:—

PART I—PRELIMINARY.

- 1.** This Act may be cited as the *Acts Amendment (Metropolitan Region Town Planning Scheme) Act 1982.* Short title.

PART II—METROPOLITAN REGION TOWN PLANNING
SCHEME ACT 1959-1981.

Citation.
Reprinted as
approved 27
December
1978 and
amended by
Acts Nos. 115
of 1979, 30,
73 and 78 of
1980 and 79
of 1981.

2. (1) In this Part the Metropolitan Region Town Planning Scheme Act 1959-1981 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Metropolitan Region Town Planning Scheme Act 1959-1982.

Section 4
repealed.

3. Section 4 of the principal Act is repealed.

Section 6
amended.

4. Section 6 of the principal Act is amended by inserting in its appropriate alphabetical position the following definition—

“ “metropolitan region” means the region described in the Third Schedule to this Act; ” .

Section 18A
amended.

5. Section 18A of the principal Act is amended by repealing subsection (4).

Section 25
amended.

6. Section 25 of the principal Act is amended by inserting before “and” after paragraph (e) the following paragraph—

“ (ea) to maintain and manage land held by it that is reserved under the Metropolitan Region Scheme for the purposes of parks and recreation and, where approval of the Minister has been first obtained, to carry out such works as may be incidental to such maintenance and management or be conducive to the use of the land for such purposes; ” .

7. Section 26 of the principal Act is amended— Section 26 amended.

(a) in subsection (2)—

(i) by deleting “one hundred dollars” and substituting the following—

“ \$500 ” ; and

(ii) by deleting “ten dollars” and substituting the following—

“ \$50 ” ; and

(b) by inserting after subsection (2) the following subsections—

“ (3) The court by or before which a person is found guilty of an offence against regulations made under this section may, whether or not it imposes any other punishment, order that the person convicted pay compensation to the Authority for the costs of any repairs rendered necessary or any loss of property suffered or expenses incurred through or by means of the offence, and upon a certified copy of the order under the hand of the officer having the custody of the record of the order being delivered to the Authority and registered by the Authority in the Local Court nearest to the place where the order was made the order may be enforced in the same way as if it had been a judgment of that Local Court.

(4) An order made against a person under subsection (3) of this section, or the institution of proceedings or the finding of a person to be guilty under regulations made under this section, does not affect any civil remedy against the person,

(5) In any civil proceedings arising from the same circumstances—

- (a) any sum recovered pursuant to an order made under subsection (3) of this section shall be taken into account in the assessment of any damages awarded; and
- (b) the record of any criminal proceedings under regulations made under this section in relation to an offence shall be admissible as evidence of the matters determined in those criminal proceedings and relevant to the issues. ” .

Section 27A inserted.

8. After section 27 of the principal Act the following section is inserted—

Powers relating to land reserved for parks and recreation.

- “ 27A. The Authority may, with the approval of the Minister, carry out on land held by it that is reserved under the Scheme for the purposes of parks and recreation such works as may be incidental to the maintenance and management of the land or be conducive to the use of the land for such purposes and may, in order to facilitate the maintenance and management of such land, enter into an agreement with any person under which that person may acquire a lease of, a licence in respect of, or any other estate or interest in, any such land. ” .

Section 33 amended.

9. Section 33 of the principal Act is amended—

- (a) in subsection (3), by inserting—
 - (i) before “the amendment” where it first occurs in paragraph (b); and
 - (ii) before “the report” in paragraph (b),

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Region Town Planning Scheme).*

the following—

“ a copy of ” ; and

(b) in subsection (4), by inserting after “after”
the following—

“ a copy of ” .

10. Section 33B of the principal Act is amended in subsection (1) by deleting “Regional” in the definition of “amending Act” and substituting the following—

Section 33B
amended.

“ Region ” .

11. Section 38 of the principal Act is amended in paragraph (b) of subsection (3) by inserting after “or order” the following—

Section 38
amended.

“ or the maintenance and management of any land held by the Authority that is reserved under the Scheme for the purposes of parks and recreation or the carrying out of any works incidental to such maintenance and management or conducive to the use of such land for those purposes ” .

12. The First Schedule to the principal Act is amended—

First
Schedule
amended.

(a) by deleting “Group A.” and substituting the following—

“ South-West Group ” ;

(b) by deleting “Group B.” and substituting the following—

“ North-West Group ” ;

(c) by deleting “Group C.” and substituting the following—

“ South-East Group ” ; and

(d) by deleting "Group D." and substituting the following—

" Eastern Group " .

Third
Schedule
added.

13. After the Second Schedule to the principal Act the following schedule is added—

" THIRD SCHEDULE. (Section 6).

DESCRIPTION OF METROPOLITAN REGION.

All that portion of the State bounded by a line starting from the south-western corner of Swan Location 2745 (South Latitude 31 degrees 27 minutes 23.105 seconds, East Longitude 115 degrees 33 minutes 35.604 seconds), being a point on the northernmost northern boundary of the district of the Shire of Wanneroo, and extending easterly, generally southerly, again easterly, again generally southerly and again easterly along the boundaries of that district to the intersection of the prolongation northerly of the eastern boundary of Location 1584 with the prolongation westerly of the northern boundary of Location 2478, being a north-western corner of the district of the Shire of Swan; thence generally easterly, generally northerly, generally easterly, southerly, easterly and again southerly along the boundaries of that district to the easternmost south-eastern corner of Location 1817, being a point on the northernmost northern boundary of the district of the Shire of Mundaring; thence easterly, generally southerly, again easterly, again generally southerly, generally westerly, again southerly, again easterly, again southerly and again westerly and generally north-westerly along boundaries of the district of the Shire of Mundaring to the intersection of the left bank of the Darkin River with the prolongation northerly of the western boundary of late Pre-emptive Poison Right 8/228, being the easternmost north-eastern corner of the district of the Shire of Kalamunda; thence southerly along the easternmost eastern boundary of the district of the Shire of Kalamunda to the prolongation east of the southern boundary of Canning Location 710, being a north-eastern corner of the district of the Town of Armadale; thence generally southerly, generally south-easterly, westerly and south-westerly along the boundaries of the district of the Town of Armadale to the 33 Mile Post on the north-eastern side of Albany Highway, being a north-eastern corner of the district of the Shire of Serpentine-Jarrahdale; thence generally south-easterly, southerly, generally

westerly and northerly along boundaries of the district of the Shire of Serpentine-Jarrahdale to the north-eastern corner of Lot 3 of Cockburn Sound Location 16, as shown on Land Titles Office Diagram 2909, being a south-eastern corner of the district of the Shire of Rockingham; thence generally westerly along the boundaries of the district of the Shire of Rockingham to the south-western corner of Lot 236 as shown on Land Titles Office Plan 7931(2), (South Latitude 32 degrees 27 minutes 24.586 seconds, East Longitude 115 degrees 44 minutes 52.324 seconds); thence west 17 820.4 metres to East Longitude 115 degrees 33 minutes 30 seconds; thence north 110 932.1 metres to South Latitude 31 degrees 27 minutes 23.105 seconds and thence east 148 metres to the starting point. " .

PART III—TOWN PLANNING AND DEVELOPMENT
ACT 1928-1981.

14. (1) In this Part the Town Planning and Development Act 1928-1981 is referred to as the principal Act.

Citation.
Reprinted as
approved 22
May 1980
and
amended by
Acts Nos. 72
of 1980 and
79 of 1981.

(2) The principal Act as amended by this Act may be cited as the Town Planning and Development Act 1928-1982.

15. Section 2 of the principal Act is amended— Section 2 amended.

(a) by inserting after the section designation "2" the following subsection designation—

“ (1) ” ;

(b) by deleting the definition of “metropolitan region”; and

(c) by inserting at the end of the section the following subsection—

“ (2) After the coming into operation of Part III of the Acts Amendment (Metropolitan Region Town Planning Scheme) Act 1982, the meaning to be given to a reference, however expressed,

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in any written law, or other instrument, or document to the metropolitan region as defined in or for the purposes of this Act or to the districts of the municipalities specified in the Third Schedule to this Act shall, unless otherwise provided in that written law, instrument, or document, be the meaning that that reference had immediately before the coming into operation of that Part. ” .

Section 7B
amended.

16. Section 7B of the principal Act is amended in paragraph (a) of subsection (1) by deleting “metropolitan region;” and substituting the following—

“ region described in the Third Schedule to the Metropolitan Region Town Planning Scheme Act 1959 as the metropolitan region, ” .

Third
Schedule
deleted.

17. The Third Schedule to the principal Act is deleted.
