

TOWN PLANNING AND DEVELOPMENT.

No. 14 of 1974.

AN ACT to amend the Town Planning and
Development Act, 1928-1973.

[Assented to 16th October, 1974.]

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, 1974.*

Short title
and citation.

(2) In this Act the Town Planning and Development Act, 1928-1973 is referred to as the principal Act.

Reprinted as
approved for
reprint 8th
March, 1973
and further
amended by
Acts Nos. 19
of 1973 and
30 of 1973.

(3) The principal Act as amended by this Act may be cited as the Town Planning and Development Act, 1928-1974.

Commence-
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section 3 of this Act shall come into operation on a date to be fixed by proclamation.

Section 4
amended.

3. Section 4 of the principal Act is amended—

(a) as to subsection (2)—

(i) by deleting the word “three” in line three and substituting the word “four”;

(ii) by adding after the passage “surveyor,” in line five the passage “a person whose name is selected from a panel of three names submitted to the Minister by The Local Government Association of Western Australia (Inc.)”;

(b) by adding after subsection (2) a subsection as follows—

(2a) If The Local Government Association of Western Australia (Inc.) fails to submit to the Minister a panel of names for the appointment of a member in accordance with subsection (2) of this section within thirty days after the receipt by it of a written request from the Minister so to do, the Minister may nominate for appointment as member of the Board, in place of that body’s default, a person willing to act as member. ; and

(c) as to subsection (3)—

(i) by deleting the word “and” in line eleven;

(ii) by deleting the passage “made.” in line eighteen and substituting the passage “made; and”;

(iii) by adding after paragraph (b) the following paragraph—

(c) the first term of the first member whose appointment is made after selection of his name from a panel of three names submitted to the Minister by The Local Government Association of Western Australia (Inc.) shall expire on the same day as the term of the members appointed immediately before the coming into operation of section three of the Town Planning and Development Act Amendment Act, 1974, expires. .

4. Section 23 of the principal Act is amended by deleting the expression “(e)” in line four of paragraph (g) and substituting the expression “(f)”. Section 23
amended.

5. Section 28 of the principal Act is amended by adding after subsection (2) the following subsection— Section 28
amended.

(3) (a) All land on a plan or diagram of subdivision deposited at the Office of Titles or the Registry of Deeds that is shown as road widening or is for the purpose of extending or adding to a public street or road is hereby declared—

(i) to form part of the public street or road; and

(ii) to be dedicated to the public use.

(b) The provisions of paragraph (a) of this subsection—

(i) are deemed to have operated—

(A) in the case of a plan or diagram of subdivision deposited before the coming into operation of the Local Government Act Amendment Act (No. 4), 1969, on and from the date of the registration of a transfer of a lot on the plan or diagram at the Office of Titles or the Registry of Deeds; and

(B) in the case of a plan or diagram of subdivision deposited after the coming into operation of the Local Government Act Amendment Act (No. 4), 1969 but before the coming into operation of the Town Planning and Development Act Amendment Act, 1974, on and from the date of the approval of the Inspector of Plans and Surveys;

(ii) operate, in the case of a plan or diagram of subdivision deposited after the coming into operation of the Town Planning and Development Act Amendment Act, 1974, on and from the date of approval of the Inspector of Plans and Surveys. .
