

## METROPOLITAN REGION TOWN PLANNING SCHEME (No. 2).

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No. 95 of 1965.

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**AN ACT to amend the Metropolitan Region Town  
Planning Scheme Act, 1959-1965.**

*[Assented to 8th December, 1965.]*

**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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Metropolitan Region Town Planning Scheme Act Amendment Act (No. 2), 1965.*

(2) In this Act the Metropolitan Region Town Planning Scheme Act, 1959-1965, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Region Town Planning Scheme Act, 1959-1965.

2. Subsection (2) of section thirty-seven of the principal Act is amended by adding after the word, "Any" being the first word in the subsection, the words, "purchase moneys or".

S. 37  
amended.

3. The principal Act is amended by adding after section thirty-seven a section as follows—

S. 37A  
added.

37A. (1) Where the Authority certifies in writing to the Minister that for the purpose of advancing the planning, development and use of any land within the metropolitan region in accordance with the zoning classifications in the Scheme that relate thereto—

Power of  
Authority  
to acquire  
certain land.

(a) the land should be dealt with in all or any of the following ways, namely—planned, replanned, designed, redesigned, consolidated, resubdivided, cleared, developed, reconstructed or rehabilitated; or

(b) provision should be made for the land to be used for such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary and as are in accordance with those zoning classifications,

and the Authority so certifies and so recommends to the Minister that in order that the land shall be so dealt with or used for the purpose, it should be acquired by the Authority, if the Minister accepts the recommendation of the Authority, which shall be accompanied by an Improvement Plan, including such supporting maps and texts as the Minister may require, he shall forward the recommendation as soon as practicable thereafter to the Governor.

(2) If the Governor accepts the recommendation of the Authority, the Authority may while the Scheme has the force of law as

provided in this Act, purchase or otherwise acquire the land the subject of the recommendation by agreement with the owner thereof or in default of such agreement, the Authority may acquire the land compulsorily under and subject to the Public Works Act, 1902, as modified by this section.

(3) Subject to this section, the provisions of the Public Works Act, 1902, apply to the taking of any land compulsorily under this section, with such modifications as circumstances require and in so applying those provisions any reference to the Minister for Works shall be read as a reference to the Minister for Town Planning.

(4) For the purpose of advancing the development of land in the metropolitan region in accordance with the Improvement Plan referred to in subsection (1) of this section and with the zoning classifications in the Scheme that relate to the land, the Authority, with the approval of the Governor, may—

- (a) construct, repair, rehabilitate or improve buildings, works, improvements or facilities on land acquired or held by it under this Act;
- (b) return, sell, lease, exchange or otherwise dispose of any buildings, works, improvements or facilities and the land appurtenant thereto and any land howsoever acquired by the Authority under this Act, to any person, or public authority upon such terms and conditions as the Authority with the approval of the Governor thinks fit; and particulars of any return, sale, lease, exchange or disposal to any person shall within one month of the Governor's approval be notified by the Authority in the *Government Gazette*.

"Person"  
includes body  
corporate.  
See s. 4,  
No. 30 of  
1918.

(5) Nothing in this section shall be construed as taking away or in any way derogating from or diminishing any power otherwise conferred by this or any other Act upon the Authority. .

4. Paragraph (a) of subsection (3) of section thirty-eight of the principal Act is amended by substituting for the words, "for the purpose of the provisions or likely provisions of the Scheme or an order" in lines five, six and seven, the words, "under any provisions of this Act". <sup>S. 38</sup>  
amended.

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