

TOWN PLANNING AND DEVELOPMENT.

No. 98 of 1965.

AN ACT to amend the Town Planning and Development Act, 1928-1962.

[Assented to 17th 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:—

1. (1) This Act may be cited as the *Town Planning and Development Act Amendment Act, 1965.*

Short title
and citation.

(2) In this Act the Town Planning and Development Act, 1928-1962, is referred to as the principal Act.

Reprinted as
approved
for reprint
26th June,
1962, and
amended by
Act No. 45
of 1962.

(3) The principal Act as amended by this Act may be cited as the Town Planning and Development Act, 1928-1965.

S. 9
amended.

2. Section nine of the principal Act is amended by adding after subsection (2) a subsection as follows—

(3) Regulations made under this section may prescribe penalties not exceeding one hundred pounds for offences against the regulations. .

S. 10
amended.

3. Subsection (4) of section ten of the principal Act is amended—

(a) by adding after the subsection designation “(4)”, the paragraph designation, “(a)”;

(b) by substituting for the words, “Fifty pounds” in line four, the words, “Two hundred and fifty pounds”; and

(c) by adding a paragraph as follows—

(b) Where a person contravenes the provisions of a town planning scheme by using land contrary to those provisions, he is liable to a fine of two hundred and fifty pounds, and in the case of a continuing offence to a further fine not exceeding ten pounds in respect of each day on which the offence continues after conviction. .

S. 20
amended.

4. Section twenty of the principal Act is amended by adding after subsection (3) subsections as follow—

(4) Where the Board has approved a plan of subdivision of land upon condition that portion thereof be set aside and vested in the Crown for parks, recreation grounds or open spaces generally, if the local authority in whose district the portion is situated and the Board

approve, the owner of the land may, in lieu thereof, pay to that local authority a sum that represents the value of the portion.

(5) For the purposes of subsection (4) of this section, the value of the portion shall be such percentage of the unimproved value of the land of which the portion forms part as valued, at the cost of the owner of the land, by the Commissioner of Taxation appointed under the Land Tax Assessment Act, 1907, as at the date of approval of the plan of subdivision of the land by the Board, as the area of the portion bears to the area of that land.

(6) All money received by a local authority under subsection (4) of this section shall be paid into a separate account of the local authority and shall be applied—

- (a) for the purchase of land by the local authority for parks, recreation grounds or open spaces generally, in the locality in which the land included in the plan of subdivision referred to in that subsection is situated;
- (b) in repaying any loans raised by the local authority for the purchase of any such land; or
- (c) with the approval of the Minister, for the improvement or development of any such land as parks, recreation grounds or open spaces generally.

5. Section twenty-seven of the principal Act is amended by substituting for the words, “fifty pounds” in line four, the words, “two hundred and fifty pounds”. S. 27
amended.

6. Section twenty-eight A of the principal Act is amended by adding after subsection (2) a subsection as follows— S. 28A
amended.

(2a) (a) Where a subdivider to whom subsection (1) of this section applies, has provided more or less than a half of the portion of the

road referred to in that subsection, the amount that he is liable to pay to the municipality under that subsection, shall be reduced or increased, as the case requires, by the value of the portion of the land so provided that is in excess of, or less than, the half.

(b) For the purpose of this subsection the value referred to in paragraph (a) of this subsection shall be such value as is agreed upon by the subdivider and the municipality as being the value of the portion on the day immediately preceding the day on which the portion of the road in respect of which the subdivider is liable to contribute, is or was constructed, or in default of such agreement such value as is assessed at the joint cost of the subdivider and the municipality by a person appointed by the Minister competent to value the portion.

S. 34
amended.

7. Section thirty-four of the principal Act is amended by adding after the word, "Act" being the last word in the section, the passage, "and in particular, for prescribing penalties not exceeding one hundred pounds for offences against the regulations".
