

METROPOLITAN TOWN PLANNING
COMMISSION.

18° GEO. V., No. XXX.

No. 30 of 1927.

AN ACT to make provision for a Metropolitan Town
Planning Commission.

[Assented to 23rd December, 1927.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Metropolitan Town Planning Commission Act, 1927.*

Interpretation.

2. In this Act, unless inconsistent with the context or subject matter—

“Commission” means the Metropolitan Town Planning Commission.

“Local authority” means a council of a municipality, or a road board.

“Metropolitan area” means the municipal districts and road districts specified in the first schedule.

“Municipal district” means a district constituted, or deemed to have been constituted, by or under the Municipal Corporations Act, 1906.

“Road district” means a district constituted, or deemed to have been constituted, by or under the Roads Act, 1919.

“Schedule.”

“Schedule” means Schedule to this Act.

3. For the purposes of and subject to this Act, the Governor may appoint a Board, to be called the Metropolitan Town Planning Commission.

4. (1) The Commission shall consist of eight members as follows:—

Constitution of
Commission.
Ibid., s. 4.

(a) One member (being the mayor or a councillor of the City of Perth) nominated by the council of the City of Perth ;

(b) Three members, of whom one shall be nominated by each of the three groups of local authorities specified in the Second Schedule, and who shall be the mayor or a councillor of a municipality the council whereof is included in the group by which he is nominated, or a member of the road board included in the group by which he is nominated ;

Second
Schedule.

(c) Three members appointed by reason of their respective qualifications in the technical and professional matters to be dealt with or investigated by the Commission ; and

(d) The City Engineer.

(2) In the event of failure to nominate any member as aforesaid the Governor may appoint any member as representative of the body or bodies which failed to nominate.

5. The Governor—

Removal of
member.
Ibid., s. 5.

(a) may remove any person appointed as a member of the Commission ; and

(b) if any vacancy occurs in the Commission, whether by reason of any person appointed as being a mayor or councillor, or member of a road board, as aforesaid, ceasing to be such mayor, councillor, or member, or by reason of death, resignation, removal, incapacity, refusal to act or otherwise, may appoint some person to fill the vacancy :

Provided that in the event of the occurrence of any vacancy in the Commission the person appointed to fill such vacancy shall be appointed as representing the body or bodies represented by the member through whom the vacancy occurs, or otherwise as having qualifications in technical and professional matters similar to those of his predecessor.

Exercise of
powers, etc., of
Commission.
Ibid., s. 6.

6. (1) The powers, duties and authorities of the Commission may at any meeting be exercised and performed by a quorum consisting of any five members thereof.

Chairman.

(2) The Commission may elect one of its members to be chairman, and in the absence of the chairman from any meeting the members present may appoint a deputy chairman, who shall have and may exercise all the powers, duties and authorities of the chairman.

Meetings, etc.

(3) At all meetings of the Commission—

(a) the chairman (or, as the case may be, the deputy chairman) shall preside and shall have a deliberative vote, and in case there is an equal number of votes upon any question he shall have a second or casting vote; and

(b) the decision of the majority of the members present shall prevail.

Committees.

(4) The Commission may from time to time appoint or remove occasional or standing committees to investigate and report upon such matters as the Commission directs and may fix the quorum of every such committee.

First meeting.

Ibid., s. 7.

7. (1) The members of the Commission or the major part thereof shall hold their first meeting at such time and place as the Governor appoints by notice published in the *Gazette*; and on the day of the first meeting of the Commission, the Commission shall be and be deemed to be duly and legally constituted.

Subsequent
meetings.

(2) After the first meeting the Commission shall meet at such times and places as the Commission from time to time appoints.

Power to act
during vacancy.

(3) During the existence of any vacancy in the Commission the remaining members may (so long as there is a quorum) act as if no vacancy had occurred.

8. (1) Subject to this Act the Commission—

Power to
Commission to
appoint, etc.,
officers, etc.

Ibid., s. 8.

(a) may employ such engineers, surveyors, draughtsmen, clerks, and other persons to assist in the execution of this Act as it thinks necessary, and may remove any person so employed; and

(b) shall pay such salaries and allowances to the persons so employed as it thinks reasonable.

(2) The total costs and expenses which the Commission is by this Act authorised to incur for any purpose whatsoever shall not exceed Three thousand five hundred pounds.

Costs and
expenditure of
Commission.
See ibid. s. 8 (2)

9. The costs and expenses of the Commission as authorised by this Act shall be paid, as to one-fourth thereof by the Treasurer out of the consolidated revenue fund (which to the necessary extent is hereby appropriated), and as to three fourths thereof, by the local authorities in proportion to the population of the district of each local authority, and shall be contributed by instalments as prescribed.

Allocation of
cost.
See ibid., s. 9.

10. (1) The Commission shall inquire into and report upon the present conditions and tendencies of urban development in the metropolitan area and shall in such report set out—

Duties of the
Commission.
Ibid., s. 10.

- (a) general plans and recommendations with respect to the better guidance and control of such development or of any portion thereof; and
 - (b) estimates in reasonable detail of the cost involved in the construction, maintenance, and administration of all matters or things the subject of such recommendations.
- (2) Such matters or things may include—
- (a) street and road requirements generally, including extensions main arteries and radial systems, and the opening of new streets roads and highways, and the closing or diversion of existing streets roads or highways;
 - (b) existing means of transportation and probable future requirements with respect to railways tramways or other means of transportation;
 - (c) traffic and the regulation of traffic;
 - (d) waterfront and river improvement, and bridges;
 - (e) amenities, including the conservation of natural beauties, and the control or prohibition of nuisances, noises, and unsightly objects or structures;
 - (f) the classification of districts for residential, factory, business, or noxious trades purposes, or for the combination of any two or more of such purposes;

Matters dealt
with in report.

- (g) open spaces generally, including parks, parkways, playgrounds, sports grounds, drill grounds, and open spaces around public buildings and monuments and along water fronts ;
- (h) land subdivision and the laying out of streets and roads on private property ;
- (i) buildings structures and erections generally and building regulation ;
- (j) housing ;
- (k) food supplies, including the wholesale and retail distribution thereof ;
- (l) suggestions for the co-operation of public and private bodies and authorities and persons in the execution of any plan or recommendation ; and
- (m) such other matters and things incidental or relating to the subjects of its inquiry as the Governor directs, or the Commission thinks fit.

Recommendations as to legislative requirements.

(3) The said report shall include recommendations as to such amendments of existing legislation, and as to such proposals for future legislation, as the Commission thinks desirable for carrying into effect any of the objects or purposes recommended in its report.

Commission to consult with certain public authorities.
First Schedule.

(4) The Commission shall consult with the local authorities of the districts specified in the First Schedule, and with every public authority (including the Minister for Water Supply, Sewerage, and Drainage, the Commissioner of Railways, the Fremantle Harbour Trust Commissioners, and the Commissioner of Public Health) with respect to the subject-matter of any of its inquiries which may affect the powers duties obligations or responsibilities of any such local authority or public authority.

Report to the Minister.
First Schedule.

(5) The Commission shall report to the Minister and shall at the same time send copies of its report to the local authority of each district specified in the First Schedule, and to every public authority of which the powers duties obligations or responsibilities may be affected by the report.

Application of Royal Commissioners' Powers Act.
See ibid., s. 11.

11. For the purposes of this Act, the Commission shall have and may exercise the powers of a Royal Commission under the Royal Commissioners' Powers Act, 1902 ; and the provisions of that Act are incorporated herewith.

12. The Governor may make regulations for or with respect to— Regulations.
Ibid., s. 12.

(a) the nomination of members of the Commission ;
and

(b) generally, all matters necessary or convenient to be prescribed for carrying into effect the provisions of this Act.

13. This Act shall continue in operation until the thirty-first day of December one thousand nine hundred and thirty, and no longer, but may be determined in the meantime by proclamation. Duration of Act.
See ibid., s. 13.

THE FIRST SCHEDULE.

Sec. 2.

Municipal Districts.—The City of Perth, and the Claremont, Cottesloe, Fremantle, East Fremantle, North Fremantle, Guildford, Midland Junction, and Subiaco municipal districts.

Road Districts.—The Bassendean, Bayswater, Belmont, Canning District, Claremont, Cottesloe Beach, Fremantle, Melville, Peppermint Grove, Perth, South Perth, and Swan road districts.

THE SECOND SCHEDULE.

Sec. 4.

GROUP A.

The Fremantle Municipal Council.
The Mayor and Councillors of East Fremantle.
The Council of the North Fremantle Municipality.
The Fremantle Road Board.
The Melville Road Board.

GROUP B.

The Council of the Midland Junction Municipality.
The Council of the Guildford Municipality.
The Bassendean Road Board.
The Bayswater Road Board.
The Belmont Road Board.
The Canning District Road Board.
The South Perth Road Board.
The Swan Road Board.

GROUP C.

The Municipal Council of Subiaco.
The Council of the Municipality of Cottesloe.
The Council of the Municipality of Claremont.
The Claremont Road Board.
The Cottesloe Beach Road Board.
The Peppermint Grove Road Board.
The Perth Road Board.