

PI301\*

Town Planning and Development Act 1928

## **Town Planning Amendment Regulations 2002**

Made by the Minister under sections 8 and 9 of the Act.

**1. Citation**

These regulations may be cited as the *Town Planning Amendment Regulations 2002*.

**2. The regulations amended**

The amendments in these regulations are to the *Town Planning Regulations 1967\**.

[\* Reprinted as at 28 May 1996.

For amendments to 21 February 2002 see 2000 Index to Legislation of Western Australia, Table 4, p. 356.]

**3. Regulation 3 amended**

Regulation 3 is amended by inserting in the appropriate alphabetical positions —

“

“**authorised person**” means a person or body appointed under regulation 3A as an authorised

person for the purposes of the regulation in which the expression is used;

**“Department”** means the department of the Public Service principally assisting the Minister in the administration of this Act;

”.

**4. Regulation 3A inserted**

After regulation 3 the following regulation is inserted —

“

**3A. Authorised persons**

- (1) Subject to subregulation (3), the Minister may by instrument in writing appoint any person or body to whom this regulation applies to be an authorised person for the purposes of any one or more of these regulations.
- (2) This regulation applies to —
  - (a) any officer employed in the office of the Minister;
  - (b) the chief executive officer of the Department;
  - (c) any officer of the Department nominated in writing for the purposes of this section by the chief executive officer of the Department;
  - (d) the Commission and any member of the Commission;
  - (e) the secretary of the Commission; and
  - (f) any committee established under the *Western Australian Planning Commission Act 1985*.
- (3) The Minister shall not appoint a person or body referred to in subregulation (2)(d), (e) or (f) as an authorised person for the purposes of regulation 13, 14, 19, 20 or 25AA.
- (4) The appointment of a person or body as an authorised person for the purposes of a regulation does not preclude the Minister from exercising or performing a function under that regulation.
- (5) The appointment may be made subject to such conditions, qualifications, limitations or exceptions as the Minister may specify.
- (6) The appointment may be amended or revoked by the Minister by instrument in writing.

”.

**5. Regulation 11 amended**

Regulation 11(1)(b) is amended by inserting after “the Minister” —

“ or an authorised person ”.

**6. Regulation 13 amended**

(1) Regulation 13(2) is amended by inserting after “the Minister” —

“ or an authorised person ”.

(2) Regulation 13(3) is amended by deleting “to the Minister under subregulation (2) that he give his consent” and inserting instead —

“ that consent be given ”.

**7. Regulation 14 amended**

(1) Regulation 14(1), (1a), (1b) and (2) are each amended by inserting after “Minister” —

“ or authorised person ”.

(2) Regulation 14(4) is amended by inserting after “Minister” in the 3 places where it occurs —

“ or authorised person ”.

**8. Regulation 15 amended**

(1) Regulation 15(1) is amended by deleting “the Minister has given his consent” and inserting instead —

“ consent has been given ”.

(2) Regulation 15(5) is amended by deleting “Minister” and inserting instead —

“ Commission ”.

**9. Regulation 17 amended**

Regulation 17(1) is amended as follows:

(a) in paragraph (a) by deleting “by the Commission or the Minister, as the case requires,”;

(b) by deleting “by the Minister” and inserting instead —

“ by the Commission ”.

**10. Regulation 19 amended**

Regulation 19 is amended by inserting after “Minister” —

“ or an authorised person ”.

**11. Regulation 20 amended**

(1) Regulation 20(1) is amended by inserting after “Minister” —

“ or authorised person ”.

- (2) Regulation 20(2) is amended by deleting “by the Minister”.
- (3) Regulation 20(3) is amended as follows:
  - (a) by deleting “specified by the Minister” and inserting instead —  
“ specified ”;
  - (b) by inserting after “approved by the Minister” —  
“ or an authorised person ”.

## 12. Regulation 25 amended

- (1) Regulation 25(1) is amended as follows:
  - (a) in paragraph (d) by deleting “to the Minister”;
  - (b) in paragraph (f) by deleting “the Minister giving his” and inserting instead —  
“ the giving of ”;
  - (c) in paragraph (fa)(ii) by deleting “by the Commission or the Minister, as the case requires,”;
  - (d) in paragraph (fb) —
    - (i) by deleting “by the Commission or the Minister, as the case requires,”;
    - (ii) by deleting “that the Commission or the Minister, as the case requires, has”.
- (2) Regulation 25(2) is amended as follows:
  - (a) in paragraph (h) by deleting “to the Minister”;
  - (b) in paragraph (k) by deleting “by the Commission or the Minister, as the case requires,”;
  - (c) in paragraph (o) —
    - (i) by inserting after “if the Minister” —  
“ or an authorised person ”;
    - (ii) by deleting “the Minister may” and inserting instead —  
“ the Minister or that person may ”;
    - (iii) by deleting “the Minister considers” and inserting instead —  
“ the Minister or that person considers ”;
  - (d) in paragraph (p) —
    - (i) by deleting “the Minister gives” and inserting instead —  
“  
the Minister or an authorised person gives  
”;
    - (ii) by deleting “the Minister is” and inserting instead —  
“ the Minister or the authorised person is ”.

**13. Regulation 25AA amended**

- (1) Regulation 25AA(1)(c) is amended by inserting after “to the Minister” —  
“ or an authorised person ”.
- (2) Regulation 25AA(3) is amended as follows:
  - (a) by deleting “the Minister shall” and inserting instead —  
“ the Minister or the authorised person shall ”;
  - (b) by deleting “of the Minister”.
- (3) Regulation 25AA(4) is amended by deleting “of the Minister” in both places where it occurs.
- (4) Regulation 25AA(6) is amended by inserting after “the Minister” —  
“ or an authorised person ”.

**14. Regulation 25B amended**

- Regulation 25B(4)(c) is amended by inserting after “the Minister” —  
“ or an authorised person ”.

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

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