

PD302*

Town Planning and Development Act 1928

Town Planning and Development (Subdivisions) Regulations 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Town Planning and Development (Subdivisions) Regulations 2000*.

2. Commencement

These regulations come into operation on the day on which Part 2 of the *Planning Legislation Amendment Act 1999* comes into operation.

3. Definitions

In these regulations —

“**deal with**” means transfer, convey, lease or mortgage;

“**dealing application**” means an application for approval under section 21(1)(a) of the Act to deal with land other than a lot;

“**dealing document**” means a transfer, conveyance, lease or mortgage document;

“**subdivision application**” means an application for approval under section 20(1)(a) of the Act to subdivide a lot.

4. Form of application

- (1) A subdivision application or dealing application is to be made to the Commission in a form and manner approved by the Commission and the Minister.
- (2) A subdivision application is to be lodged together with 8 copies (or such other number as the Commission requires) of a plan of subdivision, in a form approved by the Commission, that —
 - (a) clearly illustrates the proposed subdivision; and
 - (b) contains any other information the Commission requires.
- (3) A dealing application is to be lodged together with a sketch of the land to which it applies.

5. Matters to be considered in relation to subdivision

When considering a subdivision application the Commission is to have regard to all relevant matters including —

- (a) the size, shape and dimensions of each lot;
- (b) the provision of services to each lot;
- (c) drainage of the land;
- (d) access to each lot;
- (e) the amount of public open space to be provided; and
- (f) any relevant —
 - (i) town planning schemes;
 - (ii) regulations made by the Minister under the Act; and
 - (iii) local laws relating to town planning.

6. Approval

- (1) After considering a subdivision application or dealing application the Commission is to —
 - (a) approve the plan of subdivision or dealing;
 - (b) approve the plan of subdivision or dealing subject to conditions; or
 - (c) refuse to approve the plan of subdivision or dealing, and notify the applicant in writing.
- (2) If the Commission refuses to approve a plan of subdivision or dealing it must set out the reasons for the refusal in the notification to the applicant.

7. Endorsement of approval on diagram or plan of survey of subdivision

- (1) A diagram or plan of survey submitted to the Commission for endorsement under section 20AA of the Act is to be —
 - (a) made in writing; and

- (b) submitted together with 8 copies (or such other number as the Commission requires) of the plan or diagram of survey.
- (2) If the Commission endorses its approval on the diagram or plan of survey the Commission is to —
 - (a) give the diagram or plan to the Registrar of Titles under the *Transfer of Land Act 1893*; and
 - (b) give a copy of the diagram or plan of survey to the relevant local government.
- (3) If the Commission is not satisfied as to the matters set out in section 20AA(2), it is to notify the applicant and give the reasons for its dissatisfaction.

8. Endorsement of approval on dealing document

- (1) A person to whom approval has been given under section 21(1)(a) of the Act to deal with land other than a lot may, within 3 years of the date on which the approval was given —
 - (a) submit to the Commission a dealing document containing, or to which there is attached, a sketch of the relevant land; and
 - (b) request the Commission to endorse its approval of the dealing on that document.
- (2) If the Commission is satisfied that —
 - (a) the sketch is in accordance with the sketch submitted with the application; and
 - (b) if the approval was subject to conditions, the conditions have been complied with,

the Commission is to endorse its approval on the dealing document.
- (3) If the Commission endorses its approval on a dealing document the Commission is to —
 - (a) return the document to the applicant; and
 - (b) give a copy of the sketch contained in, or attached to, the document to the relevant local government.
- (4) If the Commission is not satisfied as to the matters set out in subregulation (2), it is to notify the applicant in writing setting out the reasons for its dissatisfaction.
- (5) If, at the expiration of 3 years from the date on which the Commission approved a dealing under section 21 of the Act, a dealing document has not been submitted to the Commission for endorsement, the approval ceases to have effect.

9. False or misleading information

A person who —

- (a) gives false or misleading information; or
- (b) fails to provide relevant information,

in, or in relation to, a subdivision application or dealing application commits an offence.

Penalty: \$1 000.

10. Repeal

The *State Planning Commission Regulations 1962* are repealed.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.