

Western Australia

State Planning Commission Regulations 1962

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State Planning Commission Regulations 1962

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Compilation table

TOWN PLANNING AND DEVELOPMENT ACT 1928

State Planning Commission Regulations 1962

1. Citation

These regulations may be cited as the *State Planning Commission Regulations 1962*¹.

[Regulation 1 amended in Gazette 31 December 1986 p.5029.]

2. Interpretation

In these regulations unless the context requires otherwise —

“**Department**” means the Department of Planning and Urban Development;

“**subdivision**” includes re-subdivision;

“**the Act**” means the *Town Planning and Development Act 1928* (as amended);

words and expressions used in these regulations have when so used the same respective meanings as are given to them in and for the purposes of the Act.

[Regulation 2 amended in Gazette 31 December 1986 p.5029; 13 October 1989 p.3797.]

3. Regulations subject to regulations made by the Minister under the Act

These regulations are subject to any regulations made by the Minister under the provisions of the Act and are in addition thereto.

4. Approval application

- (1) A person desirous of obtaining, under the provisions of section 20 of the Act, the approval of the Commission to a subdivision of land or the amalgamation of lots shall make application therefor to the Commission in the Form 1A in the Appendix to these regulations.
- (2) Every application shall —
 - (a) be in writing signed by the owner of the land or by a person authorised to do so with the consent of the owner as evidenced in writing submitted to the Commission;
 - (b) be accompanied by 6 copies of the plan of the proposed subdivision or, as the case may be, the land the subject of the instrument or document affecting the same; and
 - (c) be lodged with the Department.

[Regulation 4 amended in Gazette 22 April 1977 p.1153; 31 December 1986 p.5030; 13 October 1989 p.3797.]

5. Not necessary to lodge approval application in certain cases

Where pursuant to the provisions of section 21 of the Act the approval of the Commission to a transfer, conveyance, lease or mortgage of any land is applied for, it shall not be necessary to lodge a form of application as required by regulation 4 of these regulations, but every such transfer, conveyance, lease or mortgage shall be accompanied by or contain a sketch of the portion of land with which it deals and be lodged with the Department, and the Commission may either endorse its approval on such transfer, conveyance, lease or mortgage or notify the party lodging the same that approval will be given

upon the performance of such conditions as it may think fit, and in either case return the document to the party lodging the same.

[Regulation 5 amended in Gazette 31 December 1986 p.5030; 13 October 1989 p.3797.]

6. Plans

- (1) Plans accompanying an application in accordance with regulation 4 of these regulations shall be drawn on a white background and clearly illustrate the proposals in respect of which the application is made.
- (2) Subject to subregulation (3) of this regulation, every plan shall be drawn to a scale not smaller than 1 : 2000 all measurements used on every plan shall be metric, and if the Commission considers it necessary there shall be shown —
 - (a) the dimension and area of each lot that it is proposed to subdivide or amalgamate;
 - (b) the dimension and area of each lot that it is proposed to establish;
 - (c) the position, use, condition and materials used in the construction of any building on the subject land and its relationship, including measurements, to the existing and proposed boundaries of that land;
 - (d) where it is proposed to create a street, road or way, contours at a vertical interval not greater than two metres, and where it is not proposed to create a street, road or way but the Commission so requires, contours at specified grid distances or positions;
 - (e) flood levels, land liable to inundation, swamps, streams and any land not naturally drained or having a natural outlet on the surface of the land;
 - (f) the location, names and widths of adjoining streets and roads, and the size and shape of adjoining lots or portions of land.

- (3) Notwithstanding the provisions of subregulation (2) of this regulation, the Commission may accept a plan drawn to a scale smaller than 1 : 2000 in any case where the land the subject of the application is of such size and dimensions that a plan drawn to a smaller scale sufficiently depicts in the opinion of the Commission the proposed subdivision or amalgamation.

*[Regulation 6 amended in Gazette 28 June 1973 p.2471;
22 April 1977 p.1153; 26 September 1980 p.3335;
26 August 1983 p.3150; 31 December 1986 p.5030.]*

[7. Repealed in Gazette 22 April 1977 p.1153.]

8. Commission to have regard for certain matters when plan lodged for subdivision

In considering a plan of subdivision submitted to it for approval the Commission shall, subject to the provisions of sections 23² and 24 of the Act, have regard to the following matters: —

- (a) the size, dimensions and shape of each lot;
- (b) the situation and planning of each lot in relation to services, both present and prospective;
- (c) the existing and proposed access to each lot;
- (d) the amount of public open space to be provided in the land to be subdivided;
- (e) the provisions of any operative or proposed town planning scheme, of any regulations under the Act made by the Minister, and of any town planning by-laws by the local authority of the district wherein the land to be subdivided or amalgamated is situated;
- (f) the drainage of the land, and whether the land for drainage is to be vested in the local authority or some other public body or a government department;
- (g) whether the land has been declared unfit for building under the provisions of the *Health Act 1911*. (as amended); and

- (h) any other matter relating to the proposed subdivision or amalgamation which the Commission in its opinion considers necessary or desirable in relation thereto.

*[Regulation 8 amended in Gazette 28 June 1973 p.2471;
22 April 1977 p.1153; 26 August 1983 p.3150;
31 December 1986 pp.5029, 30.]*

9. Commission may approve of or reject plan

- (1) In respect of any plan of subdivision submitted in accordance with these regulations, the Commission may —
 - (a) reject the plan giving its reasons;
 - (b) approve the plan; or
 - (c) approve the plan subject to such conditions as it deems fit requiring that the conditions be satisfied prior to endorsement of its approval to a plan or diagram of survey pursuant to regulation 10 (2).
- (2) The Commission shall notify the applicant of its determination in writing.

*[Regulation 9 amended in Gazette 31 December 1986 p.5030;
13 October 1989 p.3797.]*

10. Time for diagram to be submitted

- (1) A person who has been notified of the Commission approval under these regulations to a subdivision or amalgamation may at any time within 3 years of the date of the Commission letter notifying the applicant of such approval submit to the Department the diagram of survey or the plan of survey, or the sketch accompanying or drawn on a transfer, conveyance, lease or mortgage, relating to the subdivision or amalgamation, in respect of which the Commission approval was given, together with 8 copies of that diagram, plan or sketch, and request that the approval of the Commission be endorsed on the diagram or plan or the document accompanied by or containing the sketch.

r. 10A

- (2) If the Commission is satisfied that —
- (a) the diagram, plan or sketch referred to in subregulation (1) of this regulation is in accordance with that previously submitted to it by the applicant; and
 - (b) that diagram, plan or sketch is in conformity with and complies with Titles Office requirements; and
 - (c) the conditions (if any) specified by the Commission have been complied with;

the Commission shall cause its approval to be endorsed on the diagram or plan, or on the transfer, conveyance, lease or mortgage accompanied by or containing the sketch and thereupon the diagram or plan, or the document accompanied by or containing the sketch shall be delivered to the applicant upon payment of the prescribed fee.

- (3) Where a diagram, plan or document accompanied by or containing a sketch, relating to a subdivision or amalgamation which the Commission had approved under these regulations, is not submitted to the Commission for endorsement thereon of that approval within the time specified in subregulation (1) of this regulation the approval so given shall upon the expiration of the time so specified lapse and be void and of no further effect.

[Regulation 10 amended in Gazette 26 September 1980 p.3335; 31 December 1986 pp.5029-30; 13 October 1989 p.3797.]

10A. Applicant desiring to proceed within 2 years

- (1) Notwithstanding anything in regulation 10 where the Commission has approved of an application made for the approval of a plan of subdivision or amalgamation the applicant shall, if the applicant desires to proceed with the proposal contained in the application, within the period of 3 years commencing on the date of the letter evidencing such approval —
- (a) lodge at the Office of Titles a diagram or plan of survey of the subdivision or amalgamation in question; and

- (b) comply with the conditions imposed by the Commission with respect to the subdivision or amalgamation.
- (2) Where the Commission is satisfied that an applicant has, within the time fixed under subregulation (1), complied with the conditions imposed by the Commission in relation to an approval of a subdivision or amalgamation and paid the prescribed fee the Commission shall signify its approval of the subdivision or amalgamation, as the case may be, by an endorsement to that effect on the diagram or plan of survey of the subdivision or amalgamation.

[Regulation 10A inserted in Gazette 31 December 1986 p.5029; amended in Gazette 13 October 1989 p.3797.]

11. Commission to forward to local authority

When any diagram or plan of survey or document accompanied by or containing a sketch has been endorsed with the Commission approval pursuant to the provisions of regulation 5 or regulation 10 of these regulations, the Commission shall forward a copy of the diagram, plan or sketch to the local authority of the district wherein the land the subject of the diagram, plan or sketch is situated.

[Regulation 11 amended in Gazette 31 December 1986 p.5030; 13 October 1989 p.3797.]

[12. Repealed in Gazette 22 April 1977 p.1153.]

13. False information

Any person who furnishes any false information on the form of application under these regulations, or any false particulars in any plan, diagram or sketch submitted for the purpose of any application, or who omits to supply to the Commission any relevant information or particulars under these regulations commits an offence and is liable to a penalty not exceeding \$200.

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*[Regulation 13 amended in Gazette 26 September 1980 p.3336;
31 December 1986 p.5030.]*

Appendix

Form 1A

Town Planning and Development Act 1928

(Regulation 4)

**APPLICATION FOR APPROVAL OF PLAN OF
*SUBDIVISION/AMALGAMATION**

(To be accompanied by four copies of sketch of subdivision or amalgamation showing the dimensions, the area and the other information required by regulation 6 — all measurements to be metric).

To: The State Planning Commission

- 1 *City/Town/Shire of.....
- 2 Name(s) of owner(s) in full
Surname Other Names.....
(Mr/Mrs/Miss)
Surname Other Names.....
(Mr/Mrs/Miss)
- 3 Address in full.....
- 4 Applicant's Name in full (if owner, put "Self").....
.....
- 5 Address for Correspondence.....
..... Phone.....
- 6 Locality of *Subdivision/Amalgamation (Street, Suburb, etc.).....
.....
- 7 Titles Office Land Description: *Whole/Part Lot(s).....
Location.....
*Diagram/Plan.....
Certificate(s) of Title Vol. Fol.
Vol. Fol.
- 8 Name of nearest road junction or intersection.....
.....
- 9 Are there any buildings on the land? *Yes/No.
If "Yes" indicate present use of buildings.

Sch.

- 10 State purpose and proposed use of the lots within the
*Subdivision/Amalgamation.
.....
.....
- 11 Does owner own any adjacent lots? *Yes/No.
If "Yes" give details.
.....
- 12 Does the owner or a proposed purchaser intend to amalgamate any of the
proposed lots with adjacent land? *Yes/No. If "Yes" give details.
.....
- 13 State whether land is in a gazetted Drainage District or Irrigation District.
Give name of District.
.....
- 14 State whether underground power is to be provided on land.
.....
- 15 State whether any State Energy Commission transmission wires, gas pipe
lines or other works are situated in the land or are located within
30 metres of the boundary of the land.
.....

.....
Signature(s) of Owner(s)
(See regulation 4 (2))

Date

* Delete whichever does not apply.

*[Appendix amended in Gazette 22 April 1977 p.1154;
26 September 1980 pp.3335-36; 26 August 1983 p.3150;
31 December 1986 p.5030.]*

Notes

- ^{1.} This reprint is a compilation as at 20 January 1997 of the *State Planning Commission Regulations 1962* published in the *Gazette* on 19 December 1962 and includes the amendments effected by the other regulations referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Town Planning Board Regulations 1962</i>	19 Dec 1962 pp.4018-22	1 Jan 1963 (see <i>Gazette</i> 19 Dec 1962 p. 4018)
<i>Amending regulations</i>	28 Jun 1973 p.2471	28 Jun 1973
<i>Amending regulations</i>	22 Apr 1977 pp.1153-54	1 May 1977
<i>Amending regulations</i>	26 Sep 1980 pp.3334-36	29 Sep 1980
<i>Amending regulations</i>	26 Sep 1980 p.3336	26 Sep 1980
<i>Town Planning Board Amendment Regulations 1983</i>	26 Aug 1983 p.3150	26 Aug 1983
<i>Town Planning Commission Amendment Regulations 1986</i>	31 Dec 1986 pp.5029-30	19 Jan 1987 (see regulation 2)
<i>State Planning Commission Amendment Regulations 1989</i>	13 Oct 1989 p.3797	13 Oct 1989

- ^{2.} Repealed by the *Town Planning and Development Amendment Act 1986* (Act No. 26 of 1986) section 8 (1).