

TOWN PLANNING AND DEVELOPMENT.

No. 32 of 1978.

AN ACT to repeal and re-enact section 5AA, sub-section (8) of section 42, and section 55 of the Town Planning and Development Act, 1928-1976.

[Assented to 22nd May, 1978.]

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, 1978*.

Short title
and citation.

(2) In this Act the Town Planning and Development Act, 1928-1976 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Town Planning and Development Act, 1928-1978.

Reprinted as
approved
for reprint
8th March,
1973, and
amended
by Acts Nos.
19 and 30 of
1973,
14 of 1974,
69 of 1975,
and 103 of
1976.

Commence-
ment.

2. This Act shall come into operation on the day on which the Town Planning and Development Act Amendment Act, 1976 comes into operation.

Section 5AA
repealed and
re-enacted.

3. Section 5AA of the principal Act is repealed and re-enacted as follows—

Statements
of planning
policy.

5AA. (1) Without prejudice to the generality of section five of this Act the Board may, with the approval of the Minister, and The Metropolitan Region Planning Authority may, with the approval of the Minister, prepare statements of planning policy.

(2) A statement of planning policy may make provision for any matter which may be the subject of a town planning scheme under this Act but shall be directed primarily towards broad general planning and facilitating the co-ordination of planning throughout the State by all local authorities and may be prepared so as to apply—

- (a) generally or in a particular class of matter or in particular classes of matters; and
- (b) throughout the State or in a specified portion or specified portions of the State, whether or not a town planning scheme has been prepared or is being prepared in that portion or those portions of the State.

(3) In the preparation of a statement of planning policy the Board or The Metropolitan Region Planning Authority, as the case may be, shall have regard to—

- (a) demographic, social and economic factors and influences;
- (b) conservation of natural resources for social, economic, environmental, ecological and scientific purposes;
- (c) characteristics of land;

- (d) characteristics and disposition of land use;
- (e) amenity and environment;
- (f) communications; and
- (g) developmental requirements of public authorities,

in respect of the State, portion of the State, or portions of the State, as the case may be, and shall in any case where the statement of planning policy is likely to affect a district or districts in particular consult the local authority for that district or the local authorities for those districts with respect thereto and in any other case shall consult the Local Government Association of Western Australia (Inc.), the Country Shire Councils' Association of W.A. and the Country Town Councils' Association with respect thereto.

(4) A statement of planning policy shall have no force or effect until approved by the Governor.

(5) The Board or The Metropolitan Region Planning Authority, as the case may be, shall cause a copy of the approved statement of planning policy to be published in the *Government Gazette* and shall further cause a copy of the approved planning policy to be forwarded to each local authority, any portion of the district of which is included in the area covered by the statement.

(6) A statement of planning policy may be varied or amplified by amendments prepared by the Board or The Metropolitan Region Planning Authority, as the case may be, and approved by the Minister, or may be revoked by a subsequent statement of policy prepared by the Board or The Metropolitan Region Planning Authority, as the case may be, and approved by the Minister.

(7) Subsections (3), (4), and (5) of this section apply, with such modifications as are necessary, to and in relation to amendments and subsequent statements referred to in subsection (6) of this section. .

Section 42
amended.

4. Subsection (8) of section 42 of the principal Act is repealed and re-enacted as follows—

(8) Where the Chairman or any other member—

(a) is ill or absent; or

(b) disqualifies himself in respect of a particular appeal by reason of the possibility of a conflict of interest,

the Minister may appoint another eligible person to act in his stead during the illness or absence or in the particular appeal, as the case may be, and the person so appointed shall while so acting have all the powers and perform all the duties of the Chairman or member in whose stead he is appointed to act. .

Section 55
repealed and
re-enacted.

5. Section 55 of the principal Act is repealed and re-enacted as follows—

Regulations
and rules.

55. (1) The Governor may make such regulations as are necessary or convenient for giving effect to the provisions of this Part in respect of appeals to the Minister and, without limiting the generality of the foregoing, may make regulations prescribing—

(a) the time and manner of giving notice, and the persons and bodies to be given notice of, an appeal;

(b) the time and manner of referring an appeal to the Minister;

(c) the time and manner of giving any other notice, and the persons and bodies to be given any other notice, required under this Part or the regulations;

- (d) the time and manner of maintaining an appeal;
- (e) the procedure to be followed on an appeal;
- (f) the fees to be paid in relation to an appeal; and
- (g) the forms to be used in relation to an appeal.

(2) The Appeal Tribunal may make such rules as are necessary for giving effect to the provisions of this Part in respect of appeals to the Tribunal and, without limiting the generality of the foregoing, may make rules prescribing in respect of such appeals like matters to those referred to in subsection (1) of this section in respect of appeals to the Minister. .
