

WESTERN AUSTRALIA.

TOWN PLANNING AND DEVELOPMENT.

No. 34 of 1972.

AN ACT to amend the Town Planning and
Development Act, 1928-1970.

[Assented to 16th June, 1972.]

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, 1972.*

Short title
and citation.

(2) In this Act the Town Planning and Development Act, 1928-1970, is referred to as the principal Act.

Reprinted
and
approved
for reprint
28th August,
1967, as
further
amended by
Acts
Nos. 25 of
1967, 31 of
1969, and 117
of 1970.

(3) The principal Act as amended by this Act may be cited as the Town Planning and Development Act, 1928-1972.

New section
7AA added.

2. The principal Act is amended by inserting immediately after section 7A a new section as follows—

Review of
schemes.

7AA. (1) A town planning scheme which—

- (a) has been prepared by a responsible authority;
- (b) has been approved by the Minister and published in the *Gazette*; and
- (c) contains zoning or land use provisions in relation to a district, or part of a district,

shall be examined—

- (d) if the Minister after consulting the local authority affected by notice in the *Gazette* so directs, in accordance with that direction; or
- (e) in each fifth year following the date on which it was last published in the *Gazette* with the approval of the Minister.

(2) (a) The examination required by subsection (1) of this section shall be effected by way of a report to the Minister by the local authority on the operation of the scheme.

(b) Where a report of the local authority recommends a review of the scheme, or the Minister after considering a report advises the local authority that a review is desirable, the scheme shall be reviewed within the period of six months or such longer period as the Minister may in writing agree from the date of the report or the date of the Minister's advice as the case may be.

(3) The review of a town planning scheme in accordance with the provisions of subsection (2) of this section shall be effected by way of the making of a new town planning scheme for the land to which the scheme relates, prepared in accordance with the provisions of this Act, and any reference in this Act to a scheme prepared in accordance with section seven of this Act shall be read and construed as including a reference to a scheme prepared on review in accordance with this section.

(4) Where two or more town planning schemes are consolidated the provisions of this section apply to those schemes as so consolidated with effect from the date on which they were last published in the *Gazette* as a consolidated scheme with the approval of the Minister. .

3. Section 20 of the principal Act is amended as to paragraph (a) of subsection (1)— Section 20 amended.

- (a) by deleting the passage “or subdivide,” in line three; and
- (b) by inserting the passage “, or subdivide any lot, or amalgamate any lot with any other lot whether within the same district or otherwise” immediately following the words “as a lot or as lots”, in line seven.

4. Paragraph (a) of subsection (5) of section 28A of the principal Act is amended— Section 28A amended.

- (a) by substituting for the passage “, on written demand being made in that behalf, to any person who satisfies the council that at the time of the demand he is”, in lines five to eight, the words “to the person who is”; and
- (b) by substituting for the words “and that”, in line ten, the words “and in relation to which the council is satisfied that” .