

TOWN PLANNING AND DEVELOPMENT.

No. 69 of 1975.

AN ACT to amend the *Town Planning and Development Act, 1928-1974*.

[Assented to 7th November, 1975.]

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, 1975*.

Short title
and
citation.

(2) In this Act the *Town Planning and Development Act, 1928-1974* is referred to as the principal Act.

Approved
for reprint
8th March,
1973 and
further
amended by
Nos. 19 and
30 of 1973
and 14 of
1974.

(3) The principal Act as amended by this Act may be cited as the Town Planning and Development Act, 1928-1975.

Section 9
amended.

2. Section 9 of the principal Act is amended—

(a) by adding after subsection (2) a subsection as follows—

(2a) Without limiting the generality of subsection (1) of this section regulations made under that subsection with regard to the variation of a scheme may require the payment by the owner of land of the costs incurred in the publication pursuant to the regulations of any notice prescribed therein relating to an amendment to a town planning scheme where the amendment is made at the request of that owner and is in respect of land owned by him. ; and

(b) by adding after subsection (3) the following subsections—

(4) A town planning scheme, or an amendment to a town planning scheme, made or adopted before the coming into operation of the Town Planning and Development Act Amendment Act, 1975 or any act or thing done pursuant to such a town planning scheme or amendment to a town planning scheme shall not be regarded as invalid by reason only of one or more of the following reasons, namely—

(a) that, in the notice of that town planning scheme or amendment to a town planning scheme, as the case may be, the date specified by the Board as the date on or before which objections to the scheme or amendment could be made was a date

earlier, but not more than seven days earlier, than the proper date;

(b) that the responsible authority did not accept for consideration an objection to that town planning scheme or amendment to a town planning scheme, as the case may be, being an objection that was made on or before the proper date but was not made—

(i) on or before the date specified in the notice of the scheme or amendment; or

(ii) more than seven days before the proper date;

(c) that a copy of the notice of that town planning scheme or amendment to a town planning scheme, as the case may be, was displayed in the offices of the responsible authority for a period, shorter, but not more than seven days shorter, than the prescribed period.

(5) In subsection (4) of this section—

“notice”, in relation to a town planning scheme or an amendment to a town planning scheme, means the notice notifying persons of their entitlement to make objections to that scheme or amendment;

“prescribed period”, in relation to a notice notifying persons of their entitlement to make objections to a town planning scheme or amendment to a town planning

scheme, means the period prescribed by the regulations as in force at the time that notice was displayed;

“proper date”, in relation to a town planning scheme or an amendment to a town planning scheme, means the earliest date that the Board could lawfully have specified as the date on or before which objections to that town planning scheme or amendment to a town planning scheme could be made. .
