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Planning and Development Act 2005

Part 5-Local planning schemes

Division 5-Review of local planning schemes

9Apr/2006 - Current

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APPENDIX

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88. Local government to prepare consolidation

(1) For the purposes of section 90, a local government by which a local planning scheme was prepared is to prepare a consolidation of the scheme incorporating all the amendments that have been made to the scheme and are of effect on the day on which the resolution to prepare the consolidation is made.

(2) The consolidation is to be prepared —

(a) in the fifth year after approval was given to the scheme by the Minister under section 87;

(b) in the case of a scheme in respect of which a consolidation has been published in the *Gazette* under this Part, in the fifth year after the consolidation of the scheme was last so published; and

(c) in the case of a scheme in respect of which an exemption is granted under subsection (4)(b) or section 91(3), in the fifth year after the notice of exemption was published in the *Gazette*.

(3) Despite subsections (1) and (2), a local government is not required to prepare a consolidation of the scheme if the local government resolves instead to prepare a new scheme in substitution for that scheme.

(4) Despite subsections (1) and (2), the Minister may at any time, by notice in the *Gazette* —

(a) direct the local government by which a local planning scheme was prepared to prepare, within the period specified in the notice, a consolidation of the scheme; or

(b) exempt a local government from compliance with those subsections if the scheme does not contain any provision for the zoning or classification of land.

(5) If a consolidation is required under subsection (4)(a) before a consolidation has been prepared under a paragraph of subsection (2), the consolidation is not required under that paragraph.

(6) The Minister is to consult the local government before giving a direction under subsection (4)(a).

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4. Resolution to prepare a Scheme

(1) The resolution of a local government to prepare a Scheme for any land within its district shall be in the Form No. 1 in Appendix A.

(2) The resolution of a local government to prepare a Scheme for any land partly within its district and partly within an adjoining district shall be in the Form No. 1A in Appendix A.

(3) A local government that passes a resolution referred to in subregulation (1) and (2) shall within 28 days after passing that resolution forward to the Commission —

(a) a copy of the resolution certified by the Chief Executive Officer;

(b) a map marked “Scheme Area Map”, signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and

(c) a statement setting forth —

(i) the objects and intentions of the Scheme; and

(ii) the anticipated format of the Scheme.

(4) The resolution of the local governments of 2 or more adjoining districts to prepare or adopt a joint Scheme in respect of land that is situated partly within the district of each local government shall be in the Form No. 1A in Appendix A.

(5) Where the local governments of 2 or more adjoining districts pass a resolution referred to in subregulation (4), each local government shall within 28 days after the passing of that resolution forward to the Commission —

(a) a copy of the resolution certified by the Chief Executive Officer;

(b) a map marked “Scheme Area Map”, signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and

(c) a statement setting forth —

(i) the objects and intentions of the Scheme; and

(ii) the anticipated format of the Scheme.

(6) The Commission shall examine the copy of the resolution, the map and the statement forwarded pursuant to this regulation and shall as soon as reasonably practicable notify the local government in writing of the receipt of the documents together with —

(a) any adjustment that the Commission considers should be made to the Scheme area;

and

(b) any comments the Commission may have on the statement forwarded pursuant to this regulation.

[Regulation 4 amended in Gazette 15 May 1981 p. 1493; 7 Mar 1986 p. 704 and p. 708 (erratum in Gazette 14 Mar 1986 p. 751); 2 Aug 1996 p. 3632-3 and p. 3638-9.]

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Schedule Appendix A

Forms

Form No. 1

Town Planning and Development Act 1928 (as amended)

RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME

Lands Wholly within the District of the Local Government
Preparing the Scheme

(Name or Number of Town Planning Scheme.)

RESOLVED that the local government, in pursuance of section 7 of the *Town Planning and Development Act 1928* (as amended), prepare the above Town Planning Scheme with reference to an area situate wholly within the City/Town/Shire of and enclosed within the inner edge of a * border on a plan now produced to the Council of the local government and marked and certified by † under his hand dated the as "Scheme Area Map".

Dated this day of 20

(Chief Executive Officer.)

* Insert colour used on plan.
 † i.e., Chief Executive Officer.

Form No. 1A

Town Planning and Development Act 1928 (as amended)

RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME

Lands extending outside the District of the Local Government
Preparing the Scheme.

(Name or Number of Town Planning Scheme.)

RESOLVED that the local government, in pursuance of section 7 of the *Town Planning and Development Act 1928* (as amended), prepare the above Town Planning Scheme with reference to an area situate partly within the City/Town/ Shire of and partly within the City/Town/Shire of and enclosed within the inner edge of a * border on a plan now produced to the Council of the local government and marked and certified by † under his hand dated the as "Scheme Area Map".

Dated this day of 20

(Chief Executive Officer.)

* Insert colour used on plan.
 † i.e., Chief Executive Officer.

Form No. 1B