



Western Australia

Planning and Development Act 2005 2

## **Metropolitan Region (Valuation Board) Regulations 1967**

These regulations were repealed by the *Planning and Development Regulations 2009* r. 58(a) as at 1 Jul 2009 (see r. 2(b) and *Gazette* 19 Jun 2009 p. 2225).

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# **Metropolitan Region (Valuation Board) Regulations 1967**

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## **Metropolitan Region (Valuation Board) Regulations 1967**

### **1. Citation**

These regulations may be cited as the *Metropolitan Region (Valuation Board) Regulations 1967*<sup>1</sup>.

### **2. Interpretation**

In these regulations, unless the contrary intention appears —  
*Act* means the *Metropolitan Region Town Planning Scheme Act 1959*, as from time to time amended;

*Board* means the Board of Valuers established by the Act.

### **3. Notification of sale and application for valuation**

- (1) An owner intending to sell land that is subjected to injurious affection due to, or arising out of, the land being reserved under the Scheme shall, if intending to claim compensation pursuant to section 36 of the Act, —

- (a) give notice to the Authority of his intention to sell; and
- (b) apply to the Board for a valuation of the land,

in accordance with the form set out in the First Schedule, lodged with the Authority.

- (2) The owner shall indicate on the form lodged in accordance with subregulation (1) whether or not it is his intention to be heard on the making of the valuation.

**r. 4**

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- (3) An applicant may be heard in person or by counsel.

*[Regulation 3 amended in Gazette 30 Nov 1973 p. 4434.]*

**4. Valuation required**

Unless the Authority waives the requirement for a valuation, it shall present the application made pursuant to regulation 3 to the Board and shall notify the applicant of the day and time fixed for the making of the valuation.

**5. Preliminary report prior to valuation**

The Chairman of the Board shall appoint a member (other than himself) to carry out an inspection of the subject land, to prepare and summarise the data necessary for the making of a valuation and to present a preliminary report to the Board, all prior to the day fixed for the making of the valuation.

**6. Evidence as a statutory declaration**

Where an applicant for a valuation proposes to adduce evidence to the Board of values or other matters relevant to the making of a valuation, that evidence shall be presented by way of statutory declaration made pursuant to section 106 of the *Evidence Act 1906*, lodged in triplicate.

**7. Proceedings of the Board**

The Board may adjourn its proceedings, from time to time and from place to place, as it sees fit, and proceedings of the Board shall not be impugned for want of formality.

*[8. Repealed in Gazette 22 Jul 1988 p. 2503.]*

**9. Fees**

- (1) The fees payable by an applicant for a valuation are the maximum amounts of remuneration set out in the *Land Valuers*

*Licensing (Remuneration) Notice 1992* published in the *Gazette* of 25 September 1992 at pages 4747-4750.

- (2) The Authority shall, upon receipt of the valuation from the Board, notify the applicant therefor of the fees payable by him and shall not advise the applicant of the minimum price at which the land may be sold, until those fees have been paid.
- (3) The fees payable pursuant to this regulation may be recovered by the Authority in any court of competent jurisdiction.

*[Regulation 9 amended in Gazette 30 Nov 1973 p. 4434; 16 Jan 1987 p. 104; 31 Aug 1990 p. 4480; 13 Nov 1992 p. 5584.]*

#### **10. Review of minimum price**

- (1) Where an owner of land that has been valued by the Board is unable to sell the land for the minimum price advised by the Authority pursuant to section 36B of the Act, he may, on submitting evidence of his attempts to sell at that price, require the Authority to review the minimum price.
- (2) Where upon a requirement for review pursuant to subregulation (1), the Authority does not elect to purchase the land as provided by the Scheme, it shall give further consideration to the minimum price, in the light of the evidence produced by the owner, and may review the price or not, as it sees fit.

#### **11. Form of claim for compensation**

An owner of land that has been valued pursuant to the Act and these regulations shall submit any claim for compensation in accordance with Form 4 Prescribed by the Scheme.

**First Schedule**

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**First Schedule**

*METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959*

*Metropolitan Region (Valuation Board) Regulations 1967*

**NOTICE OF INTENTION TO SELL**

To:

THE METROPOLITAN REGION PLANNING AUTHORITY:

I, .....

of .....

being the owner of the following land:

No. .... Street ..... District .....

and being Lot ..... on Plan/Diagram .....

Location ..... Certificate of Title .....

Vol. .... Folio .....

HEREBY GIVE NOTICE in accordance with the provisions of section 36 of the Metropolitan Region Town Planning Scheme Act of my intention to sell the property described herein.

.....

Signature.

**APPLICATION FOR VALUATION**

To:

THE BOARD OF VALUERS:

I HEREBY APPLY for a valuation to be made of my property a description of which is set out above and I undertake to pay to the Board a fee in accordance with the scale of fees prescribed by the regulations.

It is/is not\* my intention to be heard on the making of the valuation.

.....

Signature.

\* Delete words that are inapplicable.

*[First Schedule amended in Gazette 4 Feb 1972 p. 227; 13 Apr 1972 p. 805; 30 Nov 1973 p. 4434.]*

*[Second Schedule repealed in Gazette 22 Jul 1987 p. 2503.]*

**Notes**

<sup>1</sup> This is a compilation of the *Metropolitan Region (Valuation Board) Regulations 1967* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Metropolitan Region (Valuation Board) Regulations 1967</i>	23 Mar 1967 p. 827-8	23 Mar 1967
<i>Untitled regulations</i>	4 Feb 1972 p. 227	4 Feb 1972
<i>Untitled regulations</i>	13 Apr 1972 p. 804-5	13 Apr 1972
<i>Untitled regulations</i>	30 Nov 1973 p. 4434	30 Nov 1973
<i>Untitled regulations</i>	31 Dec 1975 p. 4710	31 Dec 1975
<i>Metropolitan Region (Valuation Board) Amendment Regulations 1980</i>	23 Jan 1981 p. 406	23 Jan 1981
<b>Reprint of the Metropolitan Region (Valuation Board) Regulations 1967 in Gazette 26 Jan 1982 p. 265-8 (includes amendments listed above)</b>		
<i>Metropolitan Region (Valuation Board) Amendment Regulations 1986</i>	16 Jan 1987 p. 104	16 Jan 1987
<i>Metropolitan Region (Valuation Board) Amendment Regulations 1987</i>	22 Jul 1988 p. 2503	22 Jul 1988
<i>Metropolitan Region (Valuation Board) Amendment Regulations 1990</i>	31 Aug 1990 p. 4480	31 Aug 1990
<i>Metropolitan Region (Valuation Board) Amendment Regulations 1992</i>	13 Nov 1992 p. 5584	13 Nov 1992
<b>Reprint of the Metropolitan Region (Valuation Board) Regulations 1967 as at 7 Jun 2002 (includes amendments listed above)</b>		
<b>These regulations were repealed by the <i>Planning and Development Regulations 2009 r. 58(a)</i> as at 1 Jul 2009 (see r. 2(b) and <i>Gazette 19 Jun 2009 p. 2225</i>)</b>		

<sup>2</sup> Formerly made under s. 44 of the *Metropolitan Region Town Planning Scheme Act 1959*, continued under s. 263 of the *Planning and Development Act 2005*.



## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Act .....	2
Board .....	2