

# INDUSTRIAL LANDS DEVELOPMENT AUTHORITY

No. 60 of 1966.<sup>1</sup>

[As amended by Acts:

No. 32 of 1968, assented to 4th November, 1968;  
No. 17 of 1970,<sup>2</sup> assented to 29th April, 1970;  
No. 54 of 1971, assented to 15th December, 1971;  
No. 70 of 1972,<sup>3</sup> assented to 16th November, 1972;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to make further and better provision for Railway Marshalling Yards and Services at or near Kewdale, to make provision for the Development, under existing law, of Lands in the Kewdale and Cloverdale and other Areas for Industry, to establish the Industrial Lands Development Authority, and for incidental and other purposes.**

Long title amended by No. 17 of 1970, s. 3.

[Assented to 12th December, 1966.]

BE it enacted—

1. This Act may be cited as the *Industrial Lands Development Authority Act, 1966-1972*.

Short title. Amended by No. 70 of 1972, s. 1.

2. This Act shall come into operation on a date to be fixed by proclamation.<sup>1</sup>

Commencement.

<sup>1</sup> Came into operation 30th December, 1966. See *Gazette* 30/12/66, p. 3430.

<sup>2</sup> Came into operation 17th July, 1970. See *Gazette* 17/7/70, pp. 2117-8.

<sup>3</sup> Came into operation 8th December, 1972. See *Gazette* 8/12/72, p. 4613.

Construction.

3. This Act shall be construed in conjunction with the Metropolitan Region Town Planning Scheme Act, 1959, and the Town Planning and Development Act, 1928.

Inter-  
pre-  
ta-  
tion.  
Amended by  
No. 17 of  
1970, s. 4.

4. In this Act, unless the contrary intention appears,—

“amending Act” means the Kewdale Lands Development Act Amendment Act, 1970;

“Authority” means the Metropolitan Region Planning Authority constituted by the Metropolitan Region Town Planning Scheme Act, 1959;

“Development Authority” means the Industrial Lands Development Authority established by section five;

“Improvement Plan No. 1” means the plan prepared by the Authority for the development (among other lands) of the land, described in Part III of the Schedule;

“Minister” means the Minister for Industrial Development;

“Schedule” means the Schedule to this Act;

“section” means a section of this Act;

“the Fund” means the Industrial Lands Development Fund established under section six B;

“the Scheme” means the Metropolitan Region Scheme made by the Authority.

Development  
Authority.  
Amended by  
No. 17 of  
1970, s. 5.

5. (1) A body known as the “Industrial Lands Development Authority” is established.

(2) The Development Authority—

(a) is a body corporate, with perpetual succession, and shall have a common seal;

- (b) is capable, in its corporate name, of acquiring, holding, and disposing of, real and personal property in the State and of suing and being sued in that name;
- (c) is a corporate agency of the Crown in right of the State;
- (d) is capable of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer;
- (e) is empowered, with the approval of the Minister, to borrow money, on such terms and conditions (including a term that the Treasurer guarantee the repayment of, and the payment of interest on, the money borrowed) as the Treasurer approves, for the purposes of giving effect to this Act; and
- (f) has, subject to the Minister, the general administration of this Act.

(3) All courts, judges and persons acting judicially shall take notice of the seal of the Development Authority affixed to a document and shall presume that it was duly affixed.

6. (1) The Development Authority shall consist of five persons of whom one shall be—

- (a) the Town Planning Commissioner appointed under the Town Planning and Development Act, 1928;
- (b) the Under Secretary for Lands in the Department of Lands and Surveys;
- (c) the Executive Officer (Industries) in the Department of Development and Decentralisation appointed under the Public Service Act, 1904 or if the name of that office is, from time to time changed, or that office is abolished, such person holding such office as the Governor determines;
- (d) a person who is the secretary to, and executive officer of, the Development Authority; and

Constitution  
of Develop-  
ment  
Authority.  
Amended by  
No. 17 of  
1970, s. 6;  
No. 54 of  
1971, s. 2;  
No. 70 of  
1972, s. 3.

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(e) a person employed in the Treasury Department of the State appointed by the Treasurer for such period not exceeding three years as the Treasurer determines at the time the person is so appointed.

(2) The Governor may appoint one of the five persons mentioned in subsection (1) of this section to be Chairman of the Development Authority.

(3) The person holding, at the date of the coming into operation of the Industrial Lands Development Authority Amendment Act, 1971, the office of Deputy Co-ordinator (Industries) of the Department known as the Department of Development and Decentralisation shall be deemed to have been, on that date, appointed under subsection (2) of this section, Chairman of the Development Authority.

Meetings of  
the Develop-  
ment  
Authority.

(4) The Development Authority shall hold its meetings at such times and places as it determines but the Minister or the Chairman may, at any time, convene a meeting of the Development Authority.

(5) At any meeting of the Development Authority—

- (a) the Chairman thereof, if present, shall preside thereat and if the Chairman is not present the members of the Development Authority who are present shall select one of their number to be the Chairman for the purposes of that meeting;
- (b) three members of the Development Authority constitute a quorum;
- (c) each member of the Development Authority may cast a deliberative vote on any question;
- (d) any question shall be decided by a majority of the votes of the members present at the meeting but a question shall not be decided unless at least three members vote thereon.

(6) Subject to paragraph (b) of subsection (5) of this section, the performance or exercise of the functions, powers, rights, authorities, duties or obligations of the Development Authority shall not be affected by reason only of there being a vacancy in the office of a member of the Development Authority.

(7) When a member referred to in paragraph (a), (b) or (c) of subsection (1) of this section is not able or available to attend a meeting of the Development Authority that member may appoint in writing a fit and proper person as deputy to attend that meeting and act in the place of the member; and the person while so acting may perform or exercise any function, power, right, authority, duty or obligation which the member for whom he is the deputy, if he attended the meeting, could perform or exercise.

**6A.** (1) Notwithstanding the change of name of the Development Authority and the increase of the number of its members effected by the amending Act, the body corporate initially constituted under this Act is preserved and continues in existence as a body corporate under and subject to the provisions of this Act, under the name Industrial Lands Development Authority but so that the corporate identity of the body corporate shall not be affected.

Preservation and continued existence of body corporate. Added by No. 17 of 1970, s. 7.

(2) A reference in a law of the State and in any instrument in force immediately before the coming into operation of the amending Act, to the Kewdale Development Authority shall be read and taken to refer to the Industrial Lands Development Authority.

**6B.** (1) A Fund is hereby established which shall be known as the Industrial Lands Development Fund.

Establishment and control of the Fund. Added by No. 17 of 1970, s. 8.

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- (2) The Fund shall be kept in the Treasury.
- (3) The Fund shall consist of—
- (a) the proceeds of sales of land or any interest in land by the Development Authority;
  - (b) the proceeds of rents derived from land leased by the Development Authority;
  - (c) income derived from the investment of the Fund;
  - (d) any moneys that may be appropriated by law for the purposes of this Act;
  - (e) any moneys received by the Development Authority from any function carried out by it under the authority conferred on it by this Act including any moneys borrowed under such authority;
  - (f) any money paid with the prior approval of the Governor, into the Fund by the Treasurer which in his opinion are necessary for the effectual exercise by the Development Authority of its functions under this Act.

(4) Subject to this Act, the Fund shall be vested in and placed under the control of the Development Authority and may be operated upon in such manner as the Treasurer approves.

Investment  
of moneys  
in the Fund.  
Added by  
No. 17 of  
1970, s. 9.

6C. Moneys standing to the credit of the Fund may, until required by the Development Authority for the purposes of this Act, be temporarily invested by it as the Treasurer may direct—

- (a) in any securities in which moneys in the Public Account as defined in the Audit Act, 1904, may lawfully be invested;
- (b) on deposit in any bank,

and all interest derived from those securities or from the deposit shall be paid into the Fund.

**6D.** Moneys standing to the credit of the Fund shall be available for, and may be applied, by the Development Authority—

Use of the Funds.  
Added by No. 17 of 1970, s. 10.

- (a) to the payment of capital expenditure, costs and other expenses incurred by it in, and in connection with the acquisition of any property, whether the property is land or an estate or interest in land acquired under the authority of this Act;
- (b) to the payment of expenditure incurred by the Development Authority in and in connection with, and as incidental to the maintenance, protection and management of any such property and the exercise of any function exercisable by it under this Act.

**6E.** (1) All books and accounts relating to the Fund shall be kept in such manner as the Treasurer approves and shall be subject to audit by the Auditor General under the Audit Act, 1904.

Audit of Accounts.  
Added by No. 17 of 1970, s. 11.

(2) A copy of each audit report shall be made available to the Development Authority through the Minister.

7. [*Repealed by No. 70 of 1972, s. 4.*]

**8.** (1) The function of the Development Authority is to acquire the land mentioned in Parts II, III, IV, V and VI of the Schedule in the manner provided by this Act and, in its discretion, to develop and sell or develop and lease the land.

Function of Development Authority.  
Amended by No. 17 of 1970, s. 12.

(1a) The Development Authority may purchase or otherwise acquire by agreement with the owner of the land, any land situated outside the metropolitan region as defined in section two of the Town Planning and Development Act, 1928, or in default of such agreement the Development Authority may, with the prior consent of the Governor, compulsorily acquire such land under the provisions of the Public Works Act, 1902, as if the land were required for a public work within the meaning of that Act.

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(1b) The Development Authority may exercise in relation to any land acquired, whether by agreement or compulsorily, under subsection (1a) of this section, any power conferred on it by this section.

(2) For the purposes of this Act, the Development Authority may subdivide the land acquired by it, provide roads and make provision for other services, in such manner as may be approved under the Acts mentioned in section three.

(3) The costs and expenses of the administration of this Act shall be a charge on the proceeds of the sales conducted by the Development Authority.

Restrictions  
against  
dealings  
in land  
acquired  
under this  
section.

(4) A person who has purchased or leased from the Development Authority any land referred to in Part IV, V or VI that has been acquired by the Development Authority or any land that the Development Authority has acquired under subsection (1a) of this section shall not—

- (a) sell, exchange, transfer, assign or encumber with any mortgage or other security or sublet or otherwise part with the possession of such land or his lease thereof to any other person; or
- (b) use such land for any purpose other than for the purpose for which he obtained it from the Development Authority,

without the prior consent in writing of the Minister.

Penalty: One thousand dollars.

(5) Where the Minister is of opinion that a person has to such a degree developed or used the land for the purpose for which it was obtained by him as to warrant the person being exempt from the provisions of subsection (4) of this section, the Minister may by writing under his hand, grant exemption to that person from those provisions and thereupon they cease to apply to the person and the land.



9. The whole or part of the land described in Part I of the Schedule shall, by virtue of the Railways (Standard Gauge) Construction Act, 1961, be taken, for the purposes of that Act, in the manner provided by the Public Works Act, 1902.

Land in Part I of Schedule taken.

10. The land described in Part II of the Schedule, being part of the land taken by virtue of the Midland Junction-Welshpool Railway Act, 1957, and being land to which paragraph (a) of subsection (7) of section thirty-seven of the Metropolitan Region Town Planning Scheme Act, 1959, applies, is deemed to have been declared, under that paragraph, as land to be held for the purposes of the Scheme and is by force of that subsection vested in the Authority for the purposes of the Scheme, that is to say, for inclusion in Improvement Plan No. 1.

Land in Part II of Schedule, acquisition by Authority.

11. (1) Subject to the succeeding provisions of this section, the land described in Part III of the Schedule, being part of the land included in Improvement Plan No. 1, shall be acquired by the Authority under the provisions of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959, and, for that purpose, the things required by that section to be done prior to the acquisition are deemed to have been done; and the land when so acquired shall be consolidated in a plan of subdivision with the land mentioned in section ten.

Land in Part III of Schedule, acquisition by Authority. Amended by No. 32 of 1968, s. 2.

(2) Without limiting the power conferred on it by subsection (1) of this section, the Authority is not obliged to acquire any part of the land mentioned in that subsection, if the land in that part—

- (a) is vested in the Crown, or in any agency of the Crown, in right of the State; or
- (b) has been so developed for industrial purposes, or been acquired in such manner or subject to such conditions for development for industrial purposes by some other

person, as to render it, in the opinion of the Development Authority, unnecessary or undesirable that the land be acquired by the Authority.

(3) The Development Authority may, subject to such conditions as the Treasurer may approve, take a transfer of any part of the land mentioned in subsection (1) of this section that is vested in the Crown, or in an agency of the Crown in right of the State, without the land being first acquired by the Authority.

Disposition  
of lands in  
Parts II and  
III of  
Schedule.

12. The Authority shall sell the lands consolidated pursuant to section eleven to the Development Authority for the purpose mentioned in subsection (4) of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959, and, to that end, the approval of the Governor is deemed to have been given and notified, as required by that subsection.

Acquisition  
by Develop-  
ment  
Authority of  
lands in  
Parts IV, V  
and VI.  
Added by  
No. 17 of  
1970, s. 13.

12A. (1) The land mentioned in—

- (a) Part IV of the Schedule may, notwithstanding the provisions of the Industrial Development (Kwinana Area) Act, 1952, be acquired by and transferred to the Development Authority, upon such terms and conditions as it and the Minister to whom the administration of that Act is for the time being committed by the Governor, agree upon, and of which the Treasurer approves;
- (b) Part V of the Schedule may, notwithstanding the provisions of the Industrial Development (Resumption of Land) Act, 1945, be acquired by and transferred to the Development Authority, upon such terms and conditions as it and the Minister as defined in that Act, agree upon, and of which the Treasurer approves;

- (c) Part VI of the Schedule may be acquired by and transferred to the Development Authority from the Authority under subsection (4) of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959.

13. (1) The Treasurer is authorised to make such advances as may be necessary to give effect to the provisions of sections ten and eleven of this Act and those moneys shall be repayable by the Authority or the Development Authority, as the case may require, out of moneys resulting from the sale or other disposition of the lands in respect of which the advance was made.

Finance.

(2) The Treasurer, on behalf of the State, is authorised to guarantee, on such terms and conditions as he thinks fit, the repayment of, and the payment of interest on, any money borrowed by the Development Authority under this Act.

(3) The Treasurer shall cause any money required for fulfilling any guarantee given by him pursuant to this section to be paid out of the Public Account which account is hereby, to the necessary extent, appropriated accordingly; and the Treasurer shall cause any amounts received or recovered by him from the Development Authority or otherwise in respect of money so paid by him to be paid into the Public Account.

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SCHEDULE.

PART I.

*Extension to the Kewdale Marshalling Yards.*

All that portion of land bounded by lines starting from a point on the north-eastern boundary of lot 16 of Swan Location 2753, as shown on Land Titles Office Diagram 21484 situate 6 chains 74 and four tenths links north-westerly from its eastern corner and extending south-south-easterly to the southern corner of lot 4 of location 2776, as shown on Land Titles Office Diagram 17430 and onwards to the

Sections  
9, 10 and 11.  
Amended by  
No. 32 of  
1968, s. 3;  
No. 17 of  
1970, s. 14.

south-western side of Sultana Road (Road Number 6009); thence south-south-westerly to a point on the south-eastern boundary of location 1349 situate about 5 chains south-westerly from its eastern corner; thence south-westerly along that boundary and onwards to the north-eastern side of the Gosnells-Beechboro Controlled Access Road; thence southerly to a point on the north-eastern side of Hardey Road situate about one chain south-easterly from the southern corner of location 4617; thence north-westerly along that side to a point situate in prolongation north-easterly of the north-western boundary of lot 13 of Canning Location 292, as shown on Land Titles Office Plan 3217; thence north-easterly along that prolongation to the eastern side of the Midland Junction-Welshpool Railway, as shown on Land Titles Office Plan 7494; thence generally northerly along that side to the north-eastern boundary of lot 16 of Swan Location 2753, as shown on Land Titles Office Diagram 21484 aforesaid and thence south-easterly along that boundary to the starting point.

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PART II.

*Land Excised from Kewdale Marshalling Yards  
for Development.*

All that portion of land bounded by lines starting from the intersection of the north-eastern alignment of Acton Avenue with a north-western boundary of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 and extending north-easterly and generally easterly along northern boundaries of that Marshalling Yard to a point on the south-eastern boundary of lot 17 of Swan Location 33, as shown on Land Titles Office Plan 5216 situate about 2 chains 50 links south-westerly from its eastern corner; thence south to a southern boundary of the Marshalling Yard aforesaid; thence generally westerly, generally south-westerly and generally south-easterly along boundaries of that Marshalling Yard to the northern corner of lot 75 of Canning Location 2, as shown on Land Titles Office Plan 2653; thence south-westerly, north-westerly, generally westerly and north-easterly along boundaries of the Marshalling Yard and Road Diversions, as shown on Land Titles Office Plan 7258 aforesaid to the south-western alignment of Orrong Road; thence south-easterly and north-easterly along boundaries of Part of Canning Location 2, as shown on Land Titles Office Plan 8167 to the south-western alignment of Paterson Road and thence generally north-easterly along boundaries of the Marshalling Yard and Road Diversions, as shown on Land Titles Office Plan 7258 aforesaid to the starting point.

Less land required for Railway Service Sidings.

All that portion of land bounded by lines starting from a point on the north-western boundary of Lot 18 of Swan Location 33, as shown on Land Titles Office Plan 5216, situate about 2 chains 50 links south-westerly from its northern corner and extending north-easterly and south-easterly along boundaries of that lot and south-easterly along north-eastern boundaries of Lots 33 and 34, as shown on Land Titles Office Diagram 18027 to the western corner of Part of Lot 32 of Swan Location 33 aforesaid, as shown coloured in green on Land Titles Office Plan 7258; thence westerly in prolongation of the northern boundary of that part to a point situate south of the starting point and thence north to that starting point.

All that portion of land bounded by lines starting from a point on the north-western boundary of Lot 11 of Swan Location 33, as shown on Land Titles Office Plan 2799, situate 2 chains 74 and five-tenths links south-westerly from its northern corner and extending north-easterly and south-easterly along boundaries of that lot to a point on its north-eastern boundary situate 3 chains 48 and three-tenths links south-easterly from its northern corner and thence westerly to the starting point.

All that portion of land bounded by lines starting from a point on the north-western boundary of Swan Location 4871 situate 3 chains 47 and two-tenths links south-westerly from its northern corner and extending north-easterly and south-easterly along boundaries of that location to a point on its north-eastern boundary situate 4 chains 40 and three-tenths links south-easterly from its northern corner and thence westerly to the starting point.

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PART III.

*Land Acquired for Development.*

All that portion of land bounded by lines starting from the intersection of the north-eastern alignment of Acton Avenue with a north-western boundary of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 and extending generally north-easterly along south-eastern boundaries of Parts of Swan Location 34, as shown on Land Titles Office Plan 8167 to the south-western side of Abernethy Road; thence north-westerly along that side to the north-western side of May Street; thence north-easterly to a point on the south-western side of Belgravia Street situate 5 chains north-westerly from its intersection with the north-western side of May Street aforesaid; thence south-easterly along that side about 35 links; thence about 64 degrees 54 minutes, about 5 chains 26 and two-tenths links; thence about 100 degrees 10 minutes, about 3 chains 49 and four-tenths links to the north-western side, of May Street, aforesaid; thence

north-easterly along that side to the north-eastern side of Pearl Road, a point on a south-western boundary of lot 2 of locations 30, 31, 32 and 33, as shown on Land Titles Office Plan 7512; thence generally south-easterly along boundaries of that lot and onwards to the south-eastern side of Uranium Street; thence north-easterly to the south-western side of Hardey Road; thence south-easterly along that side to the south-eastern side of Rason Road; thence north-easterly along the prolongation north-easterly of that side to the south-western side of the Gosnells-Beechboro Controlled Access Road, as shown on Land Titles Office Plan 7067; thence south-easterly along that side to a point situate in prolongation north-easterly of the north-western boundary of lot 13 of Canning Location 292, as shown on Land Titles Office Plan 3217; thence south-westerly to the northern corner of that lot; thence south-easterly along the south-western side of Hardey Road aforesaid to the northernmost north-eastern corner of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 aforesaid and thence generally westerly along northern boundaries of that Marshalling Yard to the starting point.

All that portion of land bounded by lines starting from the western corner of Part of Lot 261 of Canning Location 2 as shown coloured in green on Land Titles Office Plan 7258 and extending north-westerly along the north-eastern boundary of Part of Lot 262 to the south-eastern boundary of Part of Canning Location 2 as shown coloured in green on Land Titles Office Plan 8167; thence north-easterly along that boundary and onwards to the northernmost north-western corner of Part of Lot 61 of Swan Location 34 as shown coloured in green in Land Titles Office Plan 7258 aforesaid and thence south-westerly along the north-western boundary of that part and onwards to and along north-western boundaries of Parts of Lots 258, 259, 260 and 261 of Canning Location 2 as shown coloured in green on Land Titles Office Plan 7258 aforesaid to the starting point.

All that portion of land bounded by lines starting from the southern corner of Part of Lot 92 of Canning Location 2 as shown coloured in green on Land Titles Office Plan 7258 and extending northerly and north-westerly along boundaries of that part to the westernmost western corner of Part of Canning Location 2 as shown coloured in green on Land Titles Office Diagram 33010; thence northerly along the western boundary of that part to its northernmost western corner; thence north-easterly about 5 chains along the north-western boundary of that part; thence south-south-westerly to a point on the south-western boundary of Lot 92 aforesaid as shown on Land Titles Office Plan 2653 situate about 50 links south-easterly from the starting point and thence north-westerly along that boundary to the starting point.

All those pieces of land being portion of Canning Location 2 and being—

- (a) Lots 67, 68, 69, 73, 74, 75 and 76, two parts of Lot 66 and part of Lots 71, 72 and 77, on plan 2653, in each case, the whole of the land comprised in the respective Certificates of Title, Volume 1093 Folio 463, Volume 1093 Folio 464, Volume 499 Folio 116, Volume 545 Folio 125, Volume 939 Folio 55, Volume 1300 Folio 549, Volume 1291 Folio 361, Volume 379 Folio 146, Volume 380 Folio 176, Volume 458 Folio 70, Volume 1036 Folio 502 and Volume 1244 Folio 971; and
- (b) part of Lot 92 on plan 7258, the whole of the land comprised in Certificate of Title, Volume 1226 Folio 131.

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PART IV.

Any land vested in Her Majesty that—

- (a) was acquired as being required for industry generally under the authority of section five of the Industrial Development (Kwinana Area) Act, 1952;
  - (b) is referred to in the Second Schedule to that Act
- and which has not already been disposed of under that Act or, if a lease or a licence has been granted to a person under that Act, in respect of the land, such land on the expiration or earlier determination of the lease or licence.

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PART V.

Any land vested in Her Majesty and from time to time dedicated under section eleven of the Industrial Development (Resumption of Land) Act, 1945, and which has not already been disposed of under the Act, or if leased to a person under that Act, such land on the expiration or earlier determination of the lease.

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PART VI.

Any land from time to time acquired by the Authority under the provisions of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959, in order that it may be used for industrial purposes and which has not already been disposed of under that Act, or if leased to a person under that Act, such land on the expiration or earlier determination of the lease.