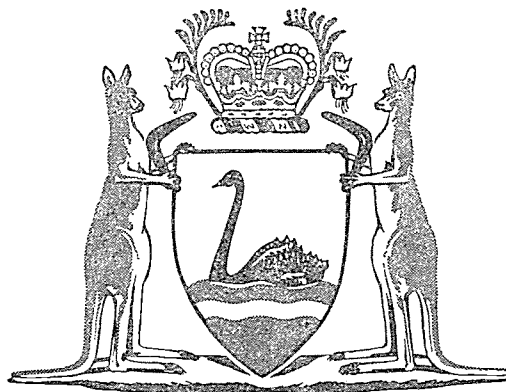


[265]



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

No. 6]

PERTH : TUESDAY, 26 JANUARY

[1982

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959-1981.

METROPOLITAN REGION (VALUATION BOARD) REGULATIONS 1967.

Published in the *Government Gazette* on 23 March 1967. Reprinted pursuant to the Reprinting of Regulations Act 1954, incorporating the following amendments published in the *Government Gazette* on—

4 February 1972;
13 April 1972;
30 November 1973;
31 December 1975; and
23 January 1981.

2

Reprinted pursuant to the Reprinting of Regulations Act 1954 by authority of the Attorney General dated 12 January 1982.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959-1981.

METROPOLITAN REGION (VALUATION BOARD) REGULATIONS 1967.

1. These regulations may be cited as the Metropolitan Region (Valuation Board) Regulations 1967.

2. 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.

Amended by
G.G. 30/11/73,
p. 4434.

3. (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 to these regulations, lodged with the Authority.

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

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

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

5. 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. 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. 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.

Amended by
G.G. 4/2/72,
p. 227;
G.G. 30/11/73,
p. 4434.

8. The fees payable to a member of the Board are, in the case of the member appointed to carry out the duties mentioned in regulation 5, the amount of the fees recoverable pursuant to regulation 9, of these regulations, and, in the case of any other member, the fees set out in the Second Schedule to these regulations.

Amended by
G.G. 30/11/73,
p. 4434.

9. (1) The fees payable by an applicant for a valuation are those set out in the Second Schedule to these regulations.

(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.

3

10. (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) of this regulation, 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. 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.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959-1981.
Metropolitan Region (Valuation Board) Regulations 1967.

Amended by
G.G. 4/2/72,
p. 227;
G.G. 13/4/72,
p. 805;
G.G. 30/11/73,
p. 4434.

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.

4

Amended by
G.G. 30/11/73,
p. 4434;
G.G. 31/12/75,
p. 4710;
G.G. 23/1/81,
p. 406.

Second Schedule.

Reg. 9.

Fee to be paid under Regulation 9 on Valuations determined by the Board--

| | |
|--|---|
| For the valuation of any property of any value not exceeding \$16 000 | \$80 |
| For the valuation of any property of any value exceeding \$16 000 but not exceeding \$50 000 | \$80 plus \$2.50 for each \$1 000 or part thereof in excess of \$16 000 |
| For the valuation of any property of any value exceeding \$50 000 by not exceeding \$250 000 | \$165 plus \$2 for each \$1 000 or part thereof in excess of \$50 000 |
| For the valuation of any property of any value exceeding \$250 000 | \$565 plus \$1.75 for each \$1 000 or part thereof in excess of \$250 000 |

Reg. 8.

Fees for Board Members (other than Chairman or Member appointed to carry out duties under regulation 5):

| | |
|----------------------------------|------|
| Full day .. | \$64 |
| Half day or portion thereof | \$48 |

Fees for Chairman (other than a member of the Public Service):

| | |
|----------------------------------|------|
| Full day .. | \$96 |
| Half day or portion thereof | \$72 |