



Western Australia

Land Drainage (Rating Grades) Regulations 1986

Compare between:

[14 Sep 2001, 01-a0-05] and [04 Jul 2006, 01-b0-06]

Land Drainage (Rating Grades) Regulations 1986

1. Citation

These regulations may be cited as the *Land Drainage (Rating Grades) Regulations 1986*¹.

2. Interpretation

(1) In these regulations —

“**drainage works**” has the meaning assigned to that expression in section 6(1) of the *Land Drainage Act 1925* and also includes a maintained watercourse, or an estuary, lake, lagoon, swamp, or marsh in which the water level is controlled to facilitate drainage or to prevent flooding;

“**holding**”, in relation to rural land, means adjoining land that is in the same ownership or is operated as a unit.

(2) Unless the contrary intention appears, words and expressions not otherwise defined in subregulation (1) but assigned a meaning in the *Land Drainage Act 1925* have the same meaning for the purposes of these regulations.

[Regulation 2 inserted in Gazette 30 Jun 1989 p. 1938.]

3. Grades of land

The grades into which land shall be divided for the purpose of fixing rates under the *Land Drainage Act 1925* are as defined in the Schedule.

Schedule

[Reg. 3]

Rural Land

Rural land — direct grade

1. Subject to clause 2, this grade comprises holdings or portions of holdings of rural land within a district that are capable of receiving direct benefit from drainage works, and for the purposes of determining whether land is of this grade —
 - [(a) deleted]*
 - (b) land is capable of receiving direct benefit from drainage works if —
 - (i) it has access to drainage works into which not less than 90% of the land that is to be determined to be of this grade is drained, either by gravity or by pumping, or could, through the use of internal drains not more than 1 metre deep, be drained; or
 - (ii) it is protected by drainage works from the entry of floodwaters from other land, a river or other watercourse, or the sea.

2. This grade does not include —
 - (a) any holding of at least 10 hectares of rural land within a district that —
 - (i) is uncleared; and
 - (ii) in the opinion of the Corporation, is incapable of being economically developed;
 - nor
 - (b) any portion of a holding of rural land within a district that —
 - (i) has an individual area of at least 5 hectares;
 - (ii) meets the conditions mentioned in paragraph (a)(i) and (ii); and
 - (iii) either taken alone or together with other portions, if any, of the same holding that satisfy the requirements of subparagraphs (i) and (ii), accounts for at least

10 hectares, or 10%, whichever is the greater, of the total area of the holding of which it is a part.

Rural land — general grade

This grade comprises all rural land within a district that does not come within the definition of rural land — direct grade in this Schedule.

Urban Land

Urban land — general grades

1. These grades comprise all urban land within a district that does not come within the definition of —
 - (a) urban land — caravan bay grade; or
 - (b) urban land — retirement village unit grade,in this Schedule.
2. These grades are defined according to the area of the land concerned as follows —
 - (a) not exceeding 2 500 m²;
 - (b) exceeding 2 500 m² but not exceeding 10 000 m²;
 - (c) exceeding 10 000 m² but not exceeding 15 000 m²;
 - (d) exceeding 15 000 m² but not exceeding 20 000 m²; and
 - (e) exceeding 20 000 m².

Urban land — caravan bay grade

This grade consists of all land in a district comprising a single caravan bay that is a lot within the meaning of the *Strata Titles Act 1985*.

Urban land — retirement village unit grade

1. This grade consists of land in a district comprising a single unit in a retirement village.
2. For the purposes of this grading “**retirement village**” means a number of units, the residents of which have a right to a life tenancy under a lease arrangement, or a similar form of lease, and are predominantly —
 - (a) over 55 years old and not in full-time employment; or

Land Drainage (Rating Grades) Regulations 1986
Schedule

(b) retired.

[Schedule amended in Gazette 1 Jul 1987 p. 2549; 30 Jun 1989 p. 1938; 6 Jul 1990 p. 3316 (Erratum in Gazette 13 Jul 1990 p. 3438); 29 Dec 1995 p. 6296.]

Notes

- ¹ This is a compilation of the *Land Drainage (Rating Grades) Regulations 1986* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Land Drainage (Rating Grades) Regulations 1986</i>	20 Jun 1986 p. 2063-4	20 Jun 1986
<i>Land Drainage (Rating Grades) Amendment Regulations 1987</i>	1 Jul 1987 p. 2549	1 Jul 1987 (see r. 2)
<i>Land Drainage (Rating Grades) Amendment Regulations 1989</i>	30 Jun 1989 p. 1938	30 Jun 1989
<i>Land Drainage (Rating Grades) Amendment Regulations 1990</i>	6 Jul 1990 p. 3316 (erratum 13 Jul 1990 p. 3438)	6 Jul 1990
<i>Water Agencies (Amendment and Repeal) Regulations 1995 Pt. 3</i>	29 Dec 1995 p. 6295-302	1 Jan 1996 (see r. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
Reprint of the <i>Land Drainage (Rating Grades) Regulations 1986</i> as at 14 September 2001 (includes amendments listed above)		
<u>These regulations were repealed by the Statute Law Revision Act 2006 s. 3(1) (No. 37 of 2006) as at 4 Jul 2006 (see s. 2)</u>		

- ² Short title changed to the *Water Agencies (Powers) Act 1984* by the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* s. 7.