

METROPOLITAN REGION TOWN PLANNING SCHEME.

No. 62 of 1968.

AN ACT to amend the Metropolitan Region Town
Planning Scheme Act, 1959-1966.

[Assented to 13th November, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and cita-
tion.

1. (1) This Act may be cited as the *Metropolitan Region Town Planning Scheme Act Amendment Act, 1968.*

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approved
for reprint
21st June,
1966
as amended
by Act No.
84 of 1966.

(2) In this Act the Metropolitan Region Town Planning Scheme Act, 1959-1966 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Region Town Planning Scheme Act, 1959-1968.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section thirty-six of the principal Act is amended— S. 36
amended.
(Applica-
tion of
ss. 11 and 12
of Town
Planning
Act to
Scheme.)

(a) by adding after the subsection designation “(2)”, the paragraph designation “(a)”;

(b) by adding to subsection (2) a paragraph as follows:—

(b) The Authority shall, within three months of the claim for injurious affection being made, or where such a claim is made before the date of the coming into operation of the Metropolitan Region Town Planning Scheme Act Amendment Act, 1968, within three months of that date, by notice in writing given to the claimant, either elect to acquire the land or advise that it does not intend to acquire the land. ;

(c) by adding after subsection (2) the following subsections—

(2a) Where the Authority elects to acquire the land as provided in subsection (2) of this section, if the Authority and the owner of the land are unable to agree as to the price to be paid for the land by the Authority, the price at which the land may be acquired by the Authority shall be the value of the land as determined in accordance with subsection (2b) of this section.

(2b) The value of the land referred to in subsection (2a) of this section shall be the value thereof on the date the Authority elects to acquire the land under that subsection, and that value shall be determined—

(a) by arbitration in accordance with the Arbitration Act, 1895;
or

(b) on the application of the owner of the land, made in the prescribed manner—

(i) by a Local Court, sitting at a place nearest to where the land lies—if the value of the land claimed by the owner thereof is not more than one thousand dollars; or

(ii) by the Supreme Court—if the value of the land claimed by the owner thereof is more than one thousand dollars;

or

(c) by some other method agreed upon by the Authority and the owner of the land,

and that value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to the Scheme. ;

(d) by adding after subsection (3) a subsection as follows—

(3a) Compensation for injurious affection to any land is payable only once under paragraph (a) of subsection (3) of this section, unless after the payment of that compensation further injurious affection to the land results thereafter from an alteration of the existing reservation on the land or the imposition of another reservation thereon. ; and

(e) by adding after subsection (6) the following subsections—

(7) Where compensation for injurious affection to any land has been paid under subsection (3) of this section, the Authority may lodge with the Registrar

of Titles a caveat against the land specifying the amount of compensation so paid and the date of the payment.

(8) On receipt of the caveat from the Authority, the Registrar of Titles shall enter it in the Register Book. .

4. Section thirty-six B of the principal Act is amended—

Amendment
to s. 36B.
(Valuations
by the
Board.)

- (a) by substituting for the word, "A" in line one of subsection (2), the passage, "Subject to subsection (3a) of this section, a"; and
- (b) by adding after subsection (3) subsections as follow—

(3a) Where any land with respect to which a valuation has been made under this section is not sold within a period of one year from the making of the valuation, the Board may, at the request of the owner of the land, if in the circumstances of the case it thinks it just to do, review the valuation and either confirm the valuation or vary it.

(3b) Where the Board reviews a valuation pursuant to subsection (3a) of this section, it shall notify the owner of the land and the Authority accordingly and thereupon subsection (3) of this section, with such modification as circumstances require, applies to the valuation as reviewed by the Board. .
