

1966.]

*Metropolitan Region Town  
Planning Scheme.*

[No. 84.]

## METROPOLITAN REGION TOWN PLANNING SCHEME.

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No. 84 of 1966.

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AN ACT to amend the Metropolitan Region Town  
Planning Scheme Act, 1959-1965.

[Assented to 12th December, 1966.]

**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:—

1. (1) This Act may be cited as the *Metropolitan Region Town Planning Scheme Act Amendment Act, 1966.*

Short title  
and citation.

(2) In this Act the Metropolitan Region Town Planning Scheme Act, 1959-1965 is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Metropolitan Region Town Planning Scheme Act, 1959-1966.

Commence-  
ment.

2. Section three of this Act shall come into operation on the date on which the State Transport Co-ordination Act, 1966, comes into operation and the remainder of this Act shall come into operation on a date to be fixed by proclamation.

S. 7  
amended.

3. Section seven of the principal Act is amended—

(a) by substituting for the word, “Eleven”, at the beginning of subsection (3), the word, “Twelve”;

(b) by deleting the word, “and”, following paragraph (c) of subsection (4); and

(c) by substituting for the passage, “represents.”, at the end of paragraph (d) of subsection (4), the following passage—

represents; and

(e) the Director General of Transport constituted under the State Transport Co-ordination Act, 1966, by virtue of his office. .

S. 36A  
added.

4. The principal Act is amended by adding, after section thirty-six, the following section—

Board of  
Valuers.

36A. (1) A Board of Valuers (in this section and in succeeding sections of this Act called “the Board”) is established.

(2) The Board shall consist of four members, including the Chairman, appointed by the Governor, each to hold office for two years and to be eligible for re-appointment.

(3) Each of the persons appointed to the Board shall be an Associate or a Fellow of the Commonwealth Institute of Valuers Incorporated, an association incorporated under the laws of South Australia, and, of those persons,—

- (a) one, who shall be Chairman, shall be nominated by the Authority; and
- (b) three shall be nominated by the body known as The Real Estate Institute of Western Australia, incorporated pursuant to the Associations Incorporation Act, 1895.

(4) The Board is constituted by the Chairman and any two members and may meet notwithstanding there being a vacancy on the Board.

(5) A vacancy on the Board occurs where a member dies, resigns or is removed by the Governor on the ground of his inefficiency, incapacity or misconduct.

(6) The members of the Board are entitled to such fees and expenses, in respect of attendances at meetings of, or while engaged in the business of, the Board, as the Governor may from time to time determine.

(7) Judicial notice shall be taken of the signature of the Chairman subscribed to any finding of the Board. .

5. The principal Act is amended by adding, after the section added by section four of this Act, the following section—

S. 36B  
added.

36B. (1) The owner of land that is subjected to injurious affection due to, or arising out of, the land being reserved under the Scheme for a public purpose who gives notice of his intention to sell the land and claim compensation shall, unless the Authority waives the

Valuations  
by the Board.

requirement, apply to the Board, in the prescribed manner, for a valuation of the land as not so affected and the Board shall thereupon make such a valuation.

(2) A valuation made by the Board pursuant to subsection (1) of this section shall be communicated to the applicant and to the Authority and, for the purposes of section thirty-six of this Act, a valuation so made is final.

(3) Upon receipt of a valuation made by the Board under this section, the Authority shall advise the owner of the subject land of the minimum price at which the land may be sold without affecting the amount of compensation (if any) payable to him under section thirty-six of this Act.

(4) The Governor may make regulations prescribing procedures for, and the fees payable on, applications to the Board and those regulations may make provision for the applicant to be heard and for his submissions to be supported by statutory declarations made under, and by virtue of, section one hundred and six of the Evidence Act, 1906. .

S. 37  
amended.

6. Section thirty-seven of the principal Act is amended—

(a) by adding, immediately after the subsection designation, “(5)”, at the commencement of subsection (5), the paragraph designation, “(a)”; and

(b) by adding to subsection (5) the following paragraphs—

(b) Where compensation has been paid, or is payable, in respect of land pursuant to section thirty-six of this Act, then, subject to the succeeding provisions of this subsection, there shall be deducted from the compensation assessed pursuant

to paragraph (a) of this subsection an amount that bears the same ratio to the compensation so assessed as the compensation paid or payable pursuant to that section bears to the unaffected value of the land, as determined under this Act.

(c) In assessing the amount to be deducted from compensation under the provisions of paragraph (b) of this subsection, the person lawfully appointed to determine the amount of compensation shall have regard to—

- (i) any improvements or demolitions lawfully made to or on the land, subsequently to the determination of the unaffected value of the land; and
- (ii) to the earlier termination of the tenure of the land, where the compensation might otherwise have been affected by an assurance given by the Authority, and which the Authority is authorised by this subparagraph to give, that the tenure was to be of a greater period. .

7. Section thirty-seven A of the principal Act is amended— S. 37A  
amended.

- (a) by deleting the words, “in accordance with the zoning classifications in the Scheme that relate thereto”, in lines four, five and six of subsection (1);
- (b) by deleting the words, “and as are in accordance with those zoning classifications”, in the penultimate and last lines of paragraph (b) of subsection (1); and
- (c) by deleting the words, “and with the zoning classifications in the Scheme that relate to the land”, in lines four and five of subsection (4).