

1963.]

*Metropolitan Region Town
Planning Scheme.*

[No. 29.]

METROPOLITAN REGION TOWN PLANNING SCHEME.

12° Elizabeth II., No. XXIX.

No. 29 of 1963.

**AN ACT to amend the Metropolitan Region Town
Planning Scheme Act, 1959-1962.**

[Assented to 13th November, 1963.]

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, 1963.* Short title and citation.

(2) In this Act the Metropolitan Region Town Planning Scheme Act, 1959-1962, 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, 1959-1963.

S. 36
amended.

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

- (a) by substituting for the passage, “subsections (3), (4) and (5)” in line two of paragraph (c) of subsection (1), the passage, “subsections (3), (4), (5) and (6)”;
- (b) by adding after the word, “conditions”, being the last word in paragraph (b) of subsection (3), the words, “that are unacceptable to the applicant”;
- (c) by adding after the word, “land” in line five of paragraph (b) of subsection (4) the words, “or grants permission to carry out development on the land subject to conditions that are unacceptable to the applicant”;
- (d) by adding after the word, “refused” being the last word in subsection (5) the words, “or the permission is granted subject to conditions that are unacceptable to the applicant”; and
- (e) by adding a subsection as follows—
 - (6) (a) Subject to this section, the compensation payable for injurious affection due to or arising out of the land being reserved under the scheme for a public purpose, where no part of the land is purchased or acquired by the Authority, shall not exceed the difference between—
 - (i) the value of the land as so affected by the existence of such reservation; and
 - (ii) the value of the land as not so affected.

(b) The value referred to in subparagraphs (i) and (ii) of paragraph (a) of this subsection shall be assessed as at the date the land is sold as referred to in paragraph (a) of subsection (3) of this section or the date on which the application for permission to carry out development on the land is refused or the permission is granted subject to conditions that are unacceptable to the applicant.

3. Subsection (5) of section thirty-seven of the principal Act is amended— S. 37
amended.

- (a) by inserting after the word, "land", in line two, the words, "or improvements thereon";
 - (b) by inserting after the word, "land", in line six, the words "and improvements";
 - (c) by adding after the word, "increase" in line seven the words, "or decrease"; and
 - (d) by adding after the word, "Scheme" being the last word in the subsection the words, "and having regard to values current at the time of acquisition but in assessing the amount of compensation regard shall be had to any amounts of compensation already paid or payable in respect of the land under section thirty-six of this Act."
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