

Western Australia

Cambridge Endowment Lands Act 1920

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Western Australia

Cambridge Endowment Lands Act 1920

An Act relating to lands known as the Endowment Lands and the Lime Kilns Estate.

[Long title inserted by No. 38 of 1993 s.22.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Cambridge Endowment Lands Act 1920*¹.

[Section 1 amended by No. 38 of 1993 s.19.]

[2. Deleted by No. 38 of 1993 s.22.]

3. Interpretation

In this Act, unless the contrary intention appears —

Endowment Lands means those lands being portion of Swan Location 1911 containing 2,281 acres, which lands are comprised in Certificate of Title Volume 641, Folio 60, and are held by way of endowment and are known as the “Endowment Lands”;

financial year has the definition given by section 1.4 of the *Local Government Act 1995*;

Lime Kilns Estate means those lands being Swan Location 571, Perthshire Location Ak, portions of Perthshire Location Al and Am, and Swan Locations 585, 617, and 691, containing 1,290 acres, which lands are comprised in Certificate of Title Volume 675, Folio 9, and are known as the “Lime Kilns Estate”;

Perry Lakes redevelopment land means —

- (a) the land being Lot 713 on Deposited Plan 48234 and being —
 - (i) Lot 711 on Diagram 90080 and being the whole of the land in Certificate of Title Volume 2138 Folio 28;
 - (ii) part of Lot 25 on Deposited Plan 25810 and being part of the land in Certificate of Title Volume 2586 Folio 279; and
 - (iii) portion of road shown as Lot 2 on Deposited Plan 48234;

- (b) the land being that part of Lot 25 on Deposited Plan 25810 as is described as Stephenson and Underwood Avenues on Deposited Plan 48234 and being part of the land in Certificate of Title Volume 2586 Folio 279; and
- (c) the land being Lot 712 on Diagram 90077 and being the whole of the land in Certificate of Title Volume 2138 Folio 21;

road means a thoroughfare as defined in section 1.4 of the *Local Government Act 1995*;

the said lands means the Endowment Lands, the Lime Kilns Estate and Reserve ↑16921 but not the Perry Lakes redevelopment land.

[Section 3 inserted by No. 38 of 1993 s.20; amended by No. 14 of 1996 s.4; No. 43 of 2005 s. 54.]

Part II — Valuation and rating

[Heading inserted by No. 38 of 1993 s.22.]

[4, 5. Deleted by No. 38 of 1993 s.22.]

6. Valuation of lands on unimproved value

The unimproved value of land shall be determined in accordance with the *Valuation of Land Act 1978*.

[Section 6 inserted by No. 76 of 1978 s.6.]

7. Rates on unimproved value

- (1) Rates for any financial year in respect of the said lands or any portion thereof shall be imposed on the unimproved value.
- (2) Subject to this section and to section 7A, the *Local Government Act 1995* applies to the rating of land in the said lands.

[Section 7 amended by No. 76 of 1978 s.7; No. 2 of 1980 s.3; No. 14 of 1996 s.4.]

7A. Apportionment of rates burden between said lands and remainder of local government district in respect of financial years commencing on 1 July 1969 and 1 July 1980

[(1) and (2) deleted]

- (3) In respect of each financial year the Town of Cambridge shall determine the general rate to be imposed in relation to —
 - (a) the said lands, which general rate shall yield an amount (in this subsection called *the endowment lands assessment*) equal to the same percentage proportion (calculated to the nearest first decimal place) of the budget deficiency of the local government in respect of that financial year as the percentage proportion which the aggregate of the gross rental values of all land in the said lands bears to the aggregate of the gross rental values of all land in the district; and

- (b) the remainder of the district, which general rate shall yield the amount remaining after subtracting the endowment lands assessment from the amount of the budget deficiency of the local government in respect of that financial year.

[(4) deleted]

- (5) In this section —

budget deficiency has the same meaning as in section 6.1 of the *Local Government Act 1995*;

district means the local government district of Cambridge;

first decimal place means first decimal place after the decimal point in the number concerned;

general valuation has the meaning given by section 4 of the *Valuation of Land Act 1978*;

gross rental values, in relation to land in the said lands or in the district in a particular financial year, means the gross rental values set out in the most recent general valuation of land in the district determined by the Valuer-General under the *Valuation of Land Act 1978*;

the remainder of the district means that portion of the district remaining after subtracting the area of the said lands from the district.

[Section 7A inserted by No. 2 of 1980 s.4; amended by No. 7 of 1981 s.2; No. 38 of 1993 s.22; No. 14 of 1996 s.4.]

[8, 9 and 10. Deleted by No. 38 of 1993 s.22.]

[Parts III, IV and V deleted by No. 38 of 1993 s.22.]

Part VI — Powers of the local government

[Heading amended by No. 14 of 1996 s.4.]

39. Interpretation

In this Part **Town lands** means those portions of the said lands of which the Town of Cambridge is the registered proprietor.

[Section 39 inserted by No. 38 of 1993 s.21.]

40. Town of Cambridge's powers over Town lands

Notwithstanding the *Local Government Act 1995* the Town of Cambridge has all the powers of an owner of an estate in fee simple in respect of the Town lands.

[Section 40 inserted by No. 38 of 1993 s.21; amended by No. 14 of 1996 s.4.]

41. Proceeds of sales of Town lands

- (1) The Town of Cambridge is to establish an account called the "Cambridge Endowment Lands Account" (*the Account*).
- (2) The proceeds of any sale of Town lands are to be credited to the Account.
- (3) The Town of Cambridge may transfer such of the funds in the Account as it thinks fit into a reserve fund.
- (4) The Town of Cambridge may invest such of the funds in the Account as it thinks fit in any manner that a trustee may lawfully invest trust funds.
- (5) Moneys in the Account shall be applied by the Town of Cambridge in the development of the said lands.

[Section 41 inserted by No. 38 of 1993 s.21.]

Part VII — Local laws

[Heading amended by No. 57 of 1997 s.27(1).]

42. Additional powers of making local laws

- (1) The Town of Cambridge may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* to have effect within “the said lands” as to the following matters: —

[(1) Deleted]

- (2) Regulating and controlling the buildings to be erected on any part of the said lands sold or leased.
- (3) Prohibiting the erection of any building or buildings on the said lands, the plans of which the local government shall not approve.
- (4) Prohibiting the carrying on of any trade or business manufactures or otherwise on any part of the said land.
- (5) Regulating the number of houses to the acre which may be built on any part of the lands set apart as a residential district.
- (6) Prohibiting and regulating the area of lots into which any lands sold by the local government may be subdivided.
- (7) Regulating and controlling the building line of any street or way, and prohibiting any building extending beyond such line.
- (8) Regulating and controlling the portions of any public road which shall or may be devoted to or used for —
 - (a) carriage way;
 - (b) footway;
 - (c) tree planting;
 - (d) gardens;
 - (e) grass plots;

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- (f) island refuges;
 - (g) public conveniences;
 - (h) street lamps;
 - (i) fountains;
 - (j) monuments or memorials;
 - (k) poles.
- (9) Prohibiting, regulating, and controlling the erection of advertising hoardings on the said lands or any part thereof.
 - (10) Classifying the said lands into separate or combined districts for residence, factories, business, or noxious trades, and from time to time reclassifying the same.
 - (11) Prohibiting, regulating, and controlling the use of any districts so classified as residential district, factory district, business district, and noxious trade district, or a combined district.
 - (12) Prohibiting a purchaser of any part of the said lands from the local government from dividing or sub-dividing such land without the consent of the local government or from transferring, selling, assigning, leasing, or in any way parting with the possession of a portion of the said lands not being the whole so purchased by him without the consent of the local government.
 - (13) Prohibiting the erection in any classified district of any building other than a building designed and intended for the purpose of the district, and the plans for which have been approved of by the local government.
 - (14) Prohibiting the use of any building erected in any district for any purpose other than the classified purpose of such district.
 - (15) Prescribing the minimum area of land upon which any building to be used as a private residence may be

erected, and prohibiting the erection of any such building on a lesser area than the one prescribed.

- (16) Prohibiting the erection of any building which in the opinion of the local government would be unsightly or which would tend to destroy local amenities.
- (17) Prescribing the height of fences and hedges on any of the said lands sold or leased by the local government.
- (2) Any local law may impose a penalty not exceeding \$40 for the breach thereof.
- (3) Such local laws when confirmed by the Governor and published in the *Government Gazette* shall have the force of law.

[Section 42 amended by No. 113 of 1965 s.8; No. 38 of 1993 s.22; No. 14 of 1996 s.4; No. 57 of 1997 s.27(2).]

43. Power to levy tolls and charges

The power to make local laws shall also include power to levy thereunder tolls and charges to the pier, bathing booths, esplanade, bathing enclosures, grandstands, reserves, picnic kiosks, privies, aquariums, paddling ponds, piers, esplanades, buildings for public entertainment, sports grounds, and all buildings and places set apart by the local government on the said lands of whatsoever nature and kind soever.

[Section 43 amended by No. 14 of 1996 s.4.]

Part VIII — General

44. Application of *Local Government Act 1995*

All necessary provisions and powers contained in the *Local Government Act 1995*, and which may be required to be exercised for carrying this Act into effect shall apply to the said lands as if such powers and provisions were herein enacted, and in terms made applicable to this Act.

[Section 44 amended by No. 38 of 1993 s.22; No. 14 of 1996 s.4.]

45. Liquor license for premises within said lands not to be granted without local governments consent

No license under the *Liquor Control Act 1988*, or any statutory amendment or modification thereof shall be granted by any licensing authority to any person in respect of any building erected or to be erected on any part of the said lands without the consent in writing of the Town of Cambridge is first obtained.

[Section 45 amended by No. 38 of 1993 s.22; No. 14 of 1996 s.4; No. 73 of 2006 s. 114.]

46. Purchaser of land to hold same subject to this Act

- (1) Subject to subsection (2) any registered proprietor for the time being of a freehold or leasehold estate in any portion of the said lands purchased or leased from the City of Perth or the Town of Cambridge shall at all times hold such portion of the said lands subject to this Act and to any statutory amendment or modification thereof, and to any regulations or local laws made from time to time in pursuance thereof, and the Registrar of Titles is hereby directed to endorse on the certificate of title or lease for such portion of the said lands purchased or leased, the following statement: —

The registered proprietor for the time being of the lands above described will hold the same subject to the *Cambridge Endowment Lands Act 1920*, and to any

statutory amendment or modification thereof, and to all local laws and regulations made from time to time thereunder.

- (2) Subsection (1) shall not apply to any of the said lands which before the commencement of this subsection have been acquired from the City of Perth by the Workers' Homes Board under and for the purposes of the *Workers' Homes Act 1911*², whether by purchase or otherwise, or to any of the said lands which after the commencement of this subsection may at any time be acquired from the City of Perth by the said Workers' Homes Board for the purposes aforesaid and of which the said Workers' Homes Board has become registered, or may hereafter become or be entitled to be registered as the proprietor of an estate in freehold.
- (3) In the case of any of the said lands of which prior to the commencement of subsection (2) the Workers' Homes Board had become or is entitled to become the registered proprietor for an estate in freehold by reason of the acquisition thereof from the local government as mentioned in subsection (2), the Registrar of Titles shall forthwith upon receipt of an application under the seal of the said Board, and without payment of any fee, cancel the memorandum or statement indorsed prior to the commencement of subsection (2) upon the certificate of title of such lands, as required by subsection (1).
- (4) Whenever after the commencement of subsection (2) the Workers' Homes Board acquires from the local government for an estate in freehold any of the said lands (whether by purchase or otherwise) under and for the purposes of the *Workers' Homes Act 1911*², a notice to the Registrar of Titles under the seal of the said Board that the said lands have been so acquired under and for the purposes of the said Act shall be sufficient notice to the said Registrar that subsection (1) does not apply to the said lands as mentioned and described in the notice given by the said Board as aforesaid.

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[Section 46 amended by No. 15 of 1936 s.2; No. 38 of 1993 s.22; No. 14 of 1996 s.4.]

[47. Deleted by No. 111 of 1979 s.3(2).]

Notes

¹ This is a compilation of the *Cambridge Endowment Lands Act 1920* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>City of Perth Endowment Lands Act 1920</i>	31 of 1920	31 Dec 1920	31 Dec 1920
<i>City of Perth Endowment Lands Act Amendment Act 1936</i>	15 of 1936	3 Dec 1936	3 Dec 1936
<i>Decimal Currency Act 1965</i>	113 of 1965	14 Feb 1966	Sections 4-9 (incl.) operative 14 Feb 1966: Balance on Assent
<i>City of Perth Endowment Lands Act Amendment Act (No. 2) 1970</i>	103 of 1970	8 Dec 1970	8 Dec 1970
<i>Acts Amendment and Repeal (Valuation of Land) Act 1978 Pt II</i>	76 of 1978	20 Oct 1978	1 Jul 1979 (see section 2 and <i>Gazette</i> 11 May 1979 p.1211)
<i>State Energy Commission Act 1979 s. 3(2)</i>	111 of 1979	21 Dec 1979	1 Feb 1980 (see section 2 and <i>Gazette</i> 1 Feb 1980 p.284)
<i>City of Perth Endowment Lands Amendment Act 1980</i>	2 of 1980	25 Aug 1980	25 Aug 1980
<i>City of Perth Endowment Lands Amendment Act 1981</i>	7 of 1981	18 May 1981	18 May 1981
<i>City of Perth Restructuring Act 1993 Pt. 5</i>	38 of 1993	20 Dec 1993	1 Jul 1994 (see ss. 2(3) and 3(1))
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see section 2)
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 27</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see section 2(1))

Short title	Number and year	Assent	Commencement
<i>Perry Lakes Redevelopment Act 2005</i> Pt. 6	43 of 2005	19 Dec 2005	19 Dec 2005 (see s. 2(1))
<i>Liquor and Gaming Legislation Amendment Act 2006</i> s. 114	73 of 2006	13 Dec 2006	7 May 2007 (see s. 2(2) and <i>Gazette</i> 1 May 2007 p. 1893)

² Repealed by the *Housing Act 1946* which was repealed by the *Housing Act 1980* (No. 58 of 1980).

³ Sections 23 and 24 of the *City of Perth Restructuring Act 1993* (No. 38 of 1993) read as follows —

“

23. Endowment Act by-laws (transition)

By-laws made under the Endowment Act and in force immediately before division day continue to apply in relation to the said lands (as defined in that Act) on and after division day as if they had been made under that Act by the Town of Cambridge and may be amended or repealed by that Town.

24. Transfer of lands to Town of Cambridge

- (1) In this section, “**land**” includes any estate or interest in land.
- (2) On division day, all land within the said lands (as defined in the Endowment Act) which immediately before division day is owned by or vested in the City of Perth and which is not contracted to be sold, is transferred to and becomes the property of or vested in (as the case may be) the Town of Cambridge.
- (3) On division day, Reserve ↑16921 is vested in the Town of Cambridge.
- (4) The Town of Cambridge is not liable to indemnify the City of Perth for any expenses incurred before division day in connection with land transferred under subsections (2) and (3).

”