



ANNO QUARTO

ELIZABETHAE II REGINAE

A.D. 1955

No. 55 of 1955

An Act to amend the Town Planning Act, 1929.

[Assented to 8th December, 1955.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Town Planning Act Amendment Act, 1955". Short titles.
- (2) The Town Planning Act, 1929, as amended by this Act, may be cited as the "Town Planning Act, 1929-1955".
- (3) The Town Planning Act, 1929, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement of Act.

3. Section 2 of the principal Act is amended— Amendment of principal Act, s. 2— Interpretation.
 - (a) by inserting therein after the definition of "area" the following definition :—

"committee" means the Town Planning Committee constituted by this Act ;
 - (b) by inserting therein after the definition of "Crown lands" the following definitions :—

"metropolitan area" means the area comprised within the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham,

Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens and Woodville, the District Council District of Salisbury, and the area comprised within the Garden Suburb ;

“ Minister ” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor ;

(c) by striking out the words “ Town Planner ” in paragraph (b) of the definition of “ plan of subdivision ” and by inserting in lieu thereof the word “ committee ”.

Repeal of s. 8
of principal Act
and enactment
of new
provisions—

4. (1) Section 8 of the principal Act is repealed and the following sections are enacted and inserted in the principal Act in lieu thereof :—

Town Planning
Committee.

8. (1) There shall be a committee called the “ Town Planning Committee ” which shall consist of—

(a) the Town Planner, who shall be chairman of the committee ; and

(b) four members appointed by the Governor.

(2) Any members appointed by the Governor may be persons who, at the time of their appointment, are members or officers of councils.

(3) Any member of the committee appointed by the Governor shall not, as such, be subject to the Public Service Act, 1936-1954.

(4) Every member of the committee appointed by the Governor shall hold office for four years : Provided that a member appointed to fill a casual vacancy shall hold office only for the balance of the term of office of the member in whose place he was appointed.

(5) On the expiration of his term of office a member of the committee appointed by the Governor shall be eligible for re-appointment.

(6) The members of the committee shall be paid such salary or other remuneration as is from time to time fixed by the Governor and shall be entitled to receive such travelling and similar expenses as are from time to time approved by the Minister.

Remove from
office.

8a. (1) The Governor may remove from office for misconduct or incapacity any member of the committee appointed by the Governor.

(2) The office of a member of the committee appointed by the Governor shall become vacant if he—

- (a) dies ;
- (b) resigns by written notice to the Minister ;
- (c) without leave of the Minister absents himself from four consecutive meetings of the committee ;
- (d) becomes bankrupt or makes an assignment of his property for the benefit of his creditors or compounds with his creditors for less than twenty shillings in the pound ;
- (e) is convicted of any offence triable on information in the Supreme Court ; or
- (f) is convicted of any other offence and receives a notice in writing from the Minister discharging him from office on the ground of that conviction.

8b. Any three members of the committee, one of whom is the chairman or the deputy chairman, shall constitute a quorum thereof. Quorum.

8c. The Governor may appoint one of the members of the committee to be the deputy chairman of the committee. Deputy
Chairman.

8d. The chairman shall preside at all meetings of the committee at which he is present. In his absence the deputy chairman shall preside. Chairman.

8e. No act or proceeding of the committee shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member. Validity
acts of
committee.

(2) The heading appearing before section 6 of the principal Act is amended by striking out the words "*Appeal Board*" therein and by inserting in lieu thereof the word "*Committee*".

5. Section 11 of the principal Act is amended—

- (a) by striking out the words “, and no plan of re-subdivision shall be lodged,” in the second and third lines thereof ;
- (b) by striking out the words “Town Planner” in the fifth line thereof and by inserting in lieu thereof the word “committee” :

Amendment of
principal Act,
s. 11—
Approval to
subdivisions,
etc.

- (c) by inserting after the word "situated" in the sixth line thereof "and, except as allowed by this Act, no plan of re-subdivision shall be lodged in the Lands Titles Registration Office or in the General Registry Office unless it has been approved by the Town Planner and the council of the area in which the land shown in the plan is situated";
- (d) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) If any plan of subdivision was, before the passing of the Town Planning Act Amendment Act, 1955, approved by the Town Planner and the council of the area in which the land shown in the plan is situated but the plan of subdivision was not before the said passing or is not within two months thereafter deposited in the Lands Titles Registration Office or the General Registry Office, as the case may be, it shall not be so deposited unless it is further approved by the committee and the committee may withhold approval to the plan of subdivision unless it conforms with the provisions of section 12a.

Amendment of principal Act, s. 12—

Preparation and approval of plans.

6. Section 12 of the principal Act is amended—

- (a) by inserting before the words "Town Planner" occurring in the fifth, seventh and ninth lines thereof in every case the words "committee or the";
- (b) by inserting after the word "grounds" in the ninth line thereof the words ", apart from those set out in section 12a,".

Enactment of s. 12a of principal Act—

Grounds upon which approval may be withheld.

7. The following section is enacted and inserted in the principal Act after section 12 thereof:—

12a. (1) The committee may withhold approval to any plan of subdivision unless the committee is satisfied—

- (a) that the area to be subdivided or any part thereof, is not liable to inundation by drainage waters or flood waters ;
- (b) that all allotments, reserves, or parcels of land contained in the plan can be satisfactorily drained ;

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- (c) that the plan provides for such reserves or easements as are necessary for the purpose of coping with drainage problems ;
 - (d) that the land and every portion thereof, is suitable for the purpose for which it is to be subdivided ;
 - (e) that there is sufficient provision for shopping sites ;
 - (f) that the proposed mode of subdivision would not destroy any natural beauty spot on the subdivided land : Provided that approval shall not be withheld pursuant to this paragraph if the committee is satisfied that the land upon which the natural beauty spot is situated has been offered by the owner of the land for sale to the Government and the council of the area in which the land is situated at a price which in the opinion of the Land Board is reasonable and the offer has been refused by both the Government and the council ;
 - (g) that any proposed road, street, or thoroughfare is so graded as to be capable of being conveniently connected with any existing street, road or thoroughfare ;
 - (h) that any proposed road, street, or thoroughfare is not inconvenient for traffic and that sufficient provision is made for convenient intercommunication with neighbouring localities ;
 - (i) if the land is situated within a municipality that the council of that municipality has notified the committee that the roadway of every proposed street or road has to a width of at least twenty-four feet been adequately formed and paved and all necessary bridges and culverts to carry every such roadway have been constructed or that the applicant for approval to the plan has made binding arrangements satisfactory to the council under which every such roadway will, at the cost of the applicant, be formed to a width of twenty-four feet and paved with consolidated metal to a depth of four inches and sealed with bitumen, tar or asphalt or will be paved in any other manner agreed between the applicant and the council and every such bridge or culvert will, at the cost of the applicant, be constructed ;

(j) that the plan provides for reasonably adequate reserves for public gardens and public reserves having regard to the existing reserves which will be available for the use of persons residing on the land subdivided by the plan.

(2) If the land is situated in the metropolitan area, and if the Engineer-in-Chief does not certify to the committee that the land can be advantageously and economically sewered and reticulated with water, the committee shall not approve of the plan unless the Minister consents to the giving of the approval.

Enactment of ss. 13 and 13a of principal Act—

8. Section 13 of the principal Act is repealed and the following sections are enacted in lieu thereof :—

Appeal from decision of council or Town Planner.

13. There shall be an appeal in accordance with the regulations to the committee against any refusal of a council to approve of any plan or against any refusal of the Town Planner to approve of any plan of re-subdivision.

Appeal from decision of committee.

13a (1) If the committee refuses to approve of a plan of subdivision (whether on appeal as provided by section 13 or otherwise) the person submitting the plan may, within thirty days after receiving notice of the refusal, by notice of appeal in writing, request the committee to re-consider the matter. The committee shall thereupon reconsider the matter and the appellant may appear before the committee or may submit any representations in writing to the committee.

(2) If after re-consideration of any plan under subsection (1) the committee refuses to approve the plan, the committee shall make a report to the Minister setting out its reasons for its refusal.

(3) Every such report shall be laid before both Houses of Parliament and may be considered by a joint committee appointed for the purpose by both Houses of Parliament in pursuance of the Joint Standing Orders. The joint committee shall consider the plan of subdivision and the report of the committee and any other matters deemed relevant by the joint committee and may after consideration thereof approve the plan, in which case the plan shall be deemed to be approved for the purposes of this Act, or may uphold the decision of the committee.

Amendment of principal Act, s. 20—
Power to enter land.

9. Section 20 of the principal Act is amended by inserting after the word "Minister" in the second line thereof the words "or any member of the committee".

10. The following headings and sections are enacted and inserted in the principal Act after section 25 thereof:—

Enactment of
ss. 26 to 29 of
principal Act—

Developmental Plan for Metropolitan Area of Adelaide.

26. (1) The committee shall, as soon as may be, make an examination of the metropolitan area and an assessment of its probable development and for that purpose shall have regard to the following matters:—

Duty of
committee to
prepare plan
for metro-
politan area.

- (a) Whether, after taking into consideration the probable development of the metropolitan area and the provision made or likely to be made for public transport in the metropolitan area, the existing principal highways are adequate to provide for the needs of the metropolitan area and what provision should be made for principal highways in that area:
- (b) Whether the open spaces, such as parks, playgrounds, sports grounds, public gardens and other public reserves, in the metropolitan area are adequate or will be adequate to meet the probable needs of the metropolitan area and what provision should be made for such open spaces:
- (c) The classification and zoning of districts for industrial purposes and for the proper segregation of noxious trades and, in order to meet the probable development of the metropolitan area, what areas should be set aside for industrial development and for noxious trades within the metropolitan area:
- (d) Whether in the interests of the community, the subdivision of any land within the metropolitan area should be prohibited or permitted only subject to conditions having regard, in particular, to the provision of public services such as sewers, water supplies, electricity supplies, gas supplies, public transport services and the like and whether the cost of providing any of such services to the land would be other than advantageous or economical:
- (e) Any other general matters which in the opinion of the board are necessary to be provided for in order to secure that the metropolitan area will develop in a manner in the best interests of the community.

(2) After making its examination and assessment the committee shall prepare a plan indicating, so far as can be done, the measures deemed necessary or desirable for providing for the proper development of the metropolitan area. For the purpose of preparing the plan the committee may consult with any council the area of which is within the metropolitan area, any public authority and any body corporate by which any of the public services referred to in paragraph (d) of subsection (1) is provided.

(3) The plan shall be submitted by the committee to the Minister together with a report in explanation of the plan including, among other things, any recommendation of the committee as to any regulations which, in the opinion of the committee, are necessary to be made for carrying into effect the measures recommended by the committee in its plan and report.

Submission of
plan to
Parliament.

27. (1) The plan shall thereupon be laid before both Houses of Parliament. The report of the committee shall, at the same time, be laid before both Houses of Parliament.

(2) Either House of Parliament may, by resolution notice of which has been given at any time within twenty-eight sitting days of that House after the plan was laid before it, refer the plan back to the committee for reconsideration either generally or as regards any matter referred to in the resolution. The committee shall thereupon reconsider the plan and make such alterations thereto as the committee deems requisite and shall make a further report upon the plan as so altered.

(3) The altered plan and report shall, after being submitted to the Minister, be laid before both Houses of Parliament and subsection (2) shall apply in respect of every plan to the intent that either House of Parliament may, as provided by subsection (2), from time to time refer back to the committee the plan for further reconsideration.

Supply of copy
of plan and
report to
councils.

28. As soon as may be after the plan or any alteration or variation thereof is laid before Parliament, the Minister shall supply a copy thereof together with a copy of the committee's report thereon to every council the area of which is within the metropolitan area.

Power to Prohibit Subdivisions in Public Interest.

29. (1) This section shall apply within the metropolitan area and any other part of the State to which the Governor by proclamation declares that this section shall apply.

Power to
prohibit
subdivision.

(2) If satisfied that for the purpose of preserving any area as an open space or that for any reason whatsoever in the public interests it is desirable so to do, the Governor, on the application of the owner of the land, may by proclamation declare that any land in any part of the State to which this section applies shall not be sub-divided into allotments for sites for residences, shops, factories or other like premises.

(3) Any such proclamation may be varied or revoked by a subsequent proclamation.

(4) No plan of subdivision with respect to any land to which any such proclamation applies shall be approved under this Act.

(5) During such time as any such proclamation applies to any land, the land shall, for the purposes of the Land Tax Act, 1936-1952, the Waterworks Act, 1932-1954, the Sewerage Act, 1929-1953, and the Local Government Act, 1934-1954, be assessed having regard to the value of the land resulting from the use to which it is put at the relevant time and no regard shall be had to the value the land would have if it were subdivided or were capable of being subdivided into allotments for sites for residences, shops, factories or other like premises.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.