



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 60 of 1970

An Act to amend the West Lakes Development Act,
1969.

[Assented to 10th December, 1970.]

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

Short titles.

1. (1) This Act may be cited as the "West Lakes Development Act Amendment Act, 1970".

(2) The West Lakes Development Act, 1969, as amended by this Act, may be cited as the "West Lakes Development Act, 1969-1970".

(3) The West Lakes Development Act, 1969, is hereinafter referred to as "the principal Act".

Amendment of
principal Act,
s. 2—
Interpretation.

2. Section 2 of the principal Act is amended by inserting after subsection (1) the following subsection:—

(1a) For the purposes of the Indenture, and without limiting the generality of the scheme referred to in recital (4) of the Indenture, the scheme shall be deemed to include—

(a) the excavation of the Basin, referred to in paragraph 25 of the Fourth Schedule to the Indenture, of impounded water to form a lake, the reclamation of land adjacent thereto and the development of parcels of land within West Lakes for residential, shopping, commercial, industrial, recreational or institutional development or for any number of such types of development;

- (b) the flushing of the Basin with seawater as provided in that schedule and the provision of bank protection along its shores;
 - (c) the entry of seawater into the Basin by way of the Water Conduit referred to in that schedule and constructed into Gulf St. Vincent and by way of the Head Works referred to therein which will be located at or towards the southern end of the Basin;
 - (d) provision for handling External Stormwater Drainage referred to in that schedule which enters West Lakes from land outside West Lakes;
 - (e) the provision within West Lakes of roads, bridges, Internal Stormwater Drainage referred to in that schedule and water and sewerage services in accordance with the Indenture and this Act;
- and
- (f) the laying out of certain roads, streets, vehicle parking areas and thoroughfares and the creation of allotments of land and their subsequent use as the Corporation within the meaning of the Indenture shall, subject to the Indenture and this Act, from time to time think necessary or desirable.

3. Section 4 of the principal Act is amended—

- (a) by inserting in subsection (1) after the passage “acquire or take” the passage “subject to and in accordance with the Land Acquisition Act, 1969,”;
- and
- (b) by striking out subsection (2).

Amendment of principal Act, s. 4—
Power of Minister to acquire land.

4. The following sections are enacted and inserted in the principal Act immediately after section 12 thereof:—

12a. Paragraph (k) of clause 5 of the Indenture shall be read and construed as if the passage “known as the Port Reach” at the end thereof were omitted therefrom.

Enactment of ss. 12a and 12b of principal Act—

Construction of clause 5(k) of the Indenture.

12b. Clause 11 of the Indenture shall be read and construed as if, after the word “scheme”, the following passage were inserted:— “, including the provision of such roads, streets, vehicle parking areas and thoroughfares and such works within West Lakes as the Corporation may, from time to time, think fit to provide for the amenity (including the future amenity) of West Lakes and all things necessary for the implementation and carrying out of the scheme”.

Construction of clause 11 of the Indenture.

Amendment of
principal Act,
s. 14—
Power to add
to West Lakes.

5. Section 14 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated as subsection (1) thereof) the following subsections:—

(2) As soon as practicable after the publication in the *Gazette* of a notice referred to in subsection (1) of this section, whether that publication was made before or after the commencement of the West Lakes Development Act Amendment Act, 1970—

(a) the Minister shall send the Registrar-General a copy of the notice;

and

(b) the Corporation shall deposit in the General Registry Office at Adelaide a revised Map and legend approved by the Minister which shall depict the boundary of West Lakes extended to include the parcel of land referred to in subsection (1) of this section and the Corporation shall at the same time inform the Registrar-General in writing that such revised Map and legend depict the boundary of West Lakes as so extended.

(3) Upon the deposit of the revised Map and legend as provided by subsection (2) of this section, the Registrar-General shall assign a General Registry Office number thereto and shall, by endorsement on the outside cover page of the Indenture, indicate that the Indenture has been amended in pursuance of the notice and that the revised Map and legend, which shall be referred to by that number, has been deposited in the General Registry Office whereupon the revised Map and legend shall be deemed to be substituted for the Map and legend constituting the First Schedule to the regulations contained in the Fifth Schedule to the Indenture and for every such previously substituted revised Map and legend.

(4) Notwithstanding anything contained in this Act or the Indenture, on and after the commencement of the West Lakes Development Act Amendment Act, 1970, without any further act or thing being done, the definition of "West Lakes" contained in clause 16 of the Indenture shall be deemed to be amended so that, and shall for all purposes thereafter be read and construed as if, all the land delineated in red on the Revised Map and legend of West Lakes deposited in the General Registry Office at Adelaide bearing No. 1113 of 1970 were included in West Lakes and the Map and legend constituting the First Schedule to the regulations contained in the Fifth Schedule to the Indenture shall be deemed to be amended so that, and shall for all purposes thereafter be read and construed as if, the boundary of West Lakes as depicted thereon were extended to include all the land delineated in red on that revised Map and legend.

(5) On the commencement of the West Lakes Development Act Amendment Act, 1970, the Registrar-General shall by endorsement on the outside cover page of the Indenture, indicate that the Indenture has been amended by operation of this Act as amended by the West Lakes Development Act Amendment Act, 1970, and that the revised Map and legend, which shall be referred to by its General Registry Office number, has been deposited in the General Registry Office whereupon the revised Map and legend shall be deemed to be substituted for the Map and legend constituting the First Schedule to the regulations contained in the Fifth Schedule to the Indenture.

6. Section 15 of the principal Act is amended—

(a) by inserting after subsection (3) the following subsections:—

(3a) Paragraph 4 of the Fourth Schedule to the Indenture shall be read and construed as if the word “or” thirdly occurring therein were struck out and the word “to” were inserted in lieu thereof.

(3b) Paragraph 6 of the Fourth Schedule to the Indenture shall be read and construed as if—

(a) the word “All” in subparagraph (2) thereof were struck out and the passage “Subject to the West Lakes Development Act, 1969, as amended, and anything appearing elsewhere in this Indenture, all” were inserted in lieu thereof;

(b) after the passage “usually carried out” in subparagraph (2) thereof there were inserted the passage “pursuant to the Planning Act”;

and

(c) the passage “in accordance with such requirements” in subparagraph (2) thereof were struck out and the passage “to the standards of those requirements and, if any dispute arises between the Corporation and any such Council as to those standards or requirements or any of them, either party may, after giving notice in writing to the other party, refer the question in dispute to arbitration in accordance with the arbitration clause and the decision of the arbitrator on such question shall be binding upon both the Corporation and the Council” were inserted in lieu thereof.

Amendment of
principal Act,
s. 15—
Fourth
Schedule to the
Indenture to
have effect as
if expressly
enacted in this
Act.

(3c) Paragraph 13 of the Fourth Schedule to the Indenture shall be read and construed as if the passage commencing with the words "as determined" in the fourth line thereof and ending with the words "for the purposes of this paragraph" in the seventeenth line thereof were struck out and the passage "which have been determined by a committee consisting of Messrs. H. J. M. Hodgson, M. A. Kinnaid, C. W. Bonython and J. J. Vreugdenhill" were inserted in lieu thereof.;

(b) by inserting after subsection (4) the following subsection:—

(4a) Paragraph 16 of the Fourth Schedule to the Indenture shall be read and construed as if—

(a) the passage commencing with the words "developing an horsepower" in the fifteenth line thereof and ending with the words "in all" in the twentieth line thereof were struck out;

(b) the passage "8 knots" were struck out and the passage "5 knots" were inserted in lieu thereof;

and

(c) after the passage "West Lakes" lastly occurring therein there were inserted the passage "except in such areas and at such times as may be from time to time prescribed by the council.";

(c) by inserting after subsection (7) the following subsection:—

(7a) Paragraph 18 of the Fourth Schedule to the Indenture shall be read and construed as if the passage "as depicted upon the said Plan 2" were struck out and the passage "and to, in, over and under any one or more other roads or thoroughfares whether presently or hereafter existing either within West Lakes or between West Lakes or any part of it and the sea coast of Gulf St. Vincent," were inserted in lieu thereof.;

(d) by inserting after subsection (11) the following subsection:—

(11a) Paragraph 25 of the Fourth Schedule to the Indenture shall be read and construed as if—

(a) the passage "The width of the Basin will vary throughout its length but will average about 800 feet in width." were struck out from subparagraph (a) thereof;

(b) the passage "20 feet" were struck out from the sixteenth line of subparagraph (d) thereof and the passage "50 feet" were inserted in lieu thereof;

(c) after the passage "normal level of the water" in the seventeenth line of subparagraph (d) thereof there were inserted the passage "to enable, among other things, beaches to be provided where thought fit by the Corporation";

and

(d) the passage "Sufficient bridges will be provided across the Basin where and when reasonably required." were struck out from subparagraph (d) thereof and the passage "Bridges will be provided across the Basin as specified in the General Arrangement Design and drawings." were inserted in lieu thereof.;

(e) by inserting after subsection (12) the following subsection:—

(12a) Paragraph 26 of the Fourth Schedule to the Indenture shall be read and construed as if—

(a) the passage "and shall be designed and constructed in accordance with the requirements of such municipality in which that part of West Lakes lies and of the Commissioner of Highways." were struck out from subparagraph (3) and the following passage were inserted in lieu thereof:—
"and shall be designed and constructed to such requirements by way of engineering designs and specifications as may be agreed between the Corporation, such municipality in which that part of West Lakes lies and the Commissioner of Highways, having regard to recognized engineering design practice, efficiency and economy. In the event of the Corporation, the municipality and the Commissioner of Highways or any number of them failing to agree as to such requirements or any of them within six weeks after the Corporation, by notice in writing given by it to the other parties, requires the parties to set out their respective requirements in respect of the works

or any nominated part thereof, the Commissioner of Highways shall determine the requirements in accordance with which those works or that part of those works shall be designed and constructed and his decision shall be binding on the Commissioner of Highways, the Corporation and the municipality.”;

- (b) the passage “The Corporation of the City of Port Adelaide and The Corporation of the Town of Henley and Grange,” were struck out from subparagraph (9) and the passage “and The Corporation of the City of Henley and Grange” were inserted in lieu thereof;

and

- (c) at the end of subparagraph (9) thereof there were inserted the following passage:—
“Notwithstanding anything elsewhere in this Indenture provided for, the total contribution to the costs of External Drainage Works to be borne by The Corporation of the City of Henley and Grange shall not exceed seventeen thousand dollars.”;

- (f) by inserting after subsection (14) the following subsection:—

(14a) Paragraph 29 of the Fourth Schedule to the Indenture shall be read and construed as if the passage “Reduced Level Datum, as at the 21st day of May 1969, or used” were struck out and the passage “Port Adelaide Datum defined” were inserted in lieu thereof.

Enactment of
ss. 15a and
15b of
principal Act—

Corporation's
road making
responsibility
limited.

7. The following sections are enacted and inserted in the principal Act immediately after section 15 thereof:—

15a. (1) Notwithstanding anything contained in the Planning and Development Act, 1966-1967, as amended, the Local Government Act, 1934-1936, as amended, or in any other law, the Corporation within the meaning of the Indenture shall not be required to form, construct, pave or seal or to make any binding arrangement for the forming, constructing, paving or sealing of the roadway of any existing or proposed road or street within West Lakes to a width in excess of thirty-two feet and shall not be required to pave any road or street with a pavement of a higher standard than that which, in accordance with recognized engineering design practice, is appropriate to the traffic to be carried by that road or street.

(2) If any dispute arises between the Corporation and any municipal council as to such standard or requirement, either party may, by giving notice in writing to the other party, refer the question in dispute to arbitration in accordance with the arbitration clause and the decision of the arbitrator on that question shall be binding upon both the Corporation and the council.

15b. (1) In this section—

Authorized
persons.

“authorized person” means a person appointed under this section as an authorized person for the purposes of this section.

(2) The Minister may, by notice published in the *Gazette*, from time to time and as occasion requires, appoint such persons as he thinks fit to be authorized persons for the purposes of this section.

(3) An authorized person shall hold office as such from such day as is specified in the notice of his appointment until—

(a) he dies;

(b) he resigns by notice in writing served on the Minister;
or

(c) he is removed from office by notice in writing given to him by the Minister.

(4) Where an authorized person has reason to believe that any person is acting or has acted in contravention of, or in such a manner as not to comply with, any resolution referred to in subsection (8) of section 15 of this Act, the authorized person may require that person to state his full name and address.

(5) A person who fails or refuses truthfully to state his full name and address upon being required to do so by the authorized person shall be guilty of an offence.

(6) Where an authorized person has reason to believe that a person has committed an offence under subsection (5) of this section the authorized person may apprehend that person and as soon as practicable thereafter deliver that person into the custody of a member of the police force.

(7) A person apprehended by an authorized person under subsection (6) of this section who fails to remain in the custody of the authorized person until such time as that person is delivered into the custody of a member of the police force shall be guilty of an offence.

(8) A person guilty of an offence under this section shall on conviction by a court of summary jurisdiction be liable to a penalty not exceeding one hundred dollars.

Enactment of
s. 16a of
principal Act—

8. The following section is enacted and inserted in the principal Act immediately after section 16 thereof:—

Appeal to
Planning
Appeal Board.

16a. (1) Any applicant for the consent, permission or approval of the Authority or any Council under the West Lakes Regulations contained in the Fifth Schedule to the Indenture, who is aggrieved by a decision of the Authority or Council to refuse its consent, permission or approval or to grant its consent, permission or approval subject to any condition or conditions, may appeal to the Planning Appeal Board constituted under the Planning and Development Act, 1966-1967, as amended, and that board shall have jurisdiction to hear and determine, and shall hear and determine, every such appeal as if it were an appeal under that Act as amended.

(2) For the purposes of any such appeal and all matters relating thereto, the provisions of sections 26 and 27 of the Planning and Development Act, 1966-1967, as amended, and the regulations governing the practice and procedure relating to appeals to the board under that Act and made under subsection (8) of section 27 of that Act shall, *mutatis mutandis*, apply and have effect as if any appeal under this section were an appeal referred to in section 26 of that Act.

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

J. W. HARRISON, Governor.