



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 119 of 1978

An Act to amend the Planning and Development Act, 1966-1978.

[Assented to 7th December, 1978]

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 "Planning and Development Act Amendment Act (No. 2), 1978". Short titles.

(2) The Planning and Development Act, 1966-1978, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Planning and Development Act, 1966-1978".

2. This Act shall be deemed to have come into operation on the 19th day of September, 1978. Commencement.

3. Section 5 of the principal Act is amended—

(a) by striking out paragraph (b) of the definition of "allotment" and inserting in lieu thereof the following paragraph:—

(b) a separately defined piece of land that is delineated on a public map and separately identified by number or letter;

(b) by inserting the word "or" between paragraphs (iii) and (iv) of the definition of "allotment";

(c) by striking out paragraphs (iv) and (v) of the definition of "allotment" and inserting in lieu thereof the following paragraph:—

(iv) separately identified by number or letter in a plan prepared by the Registrar-General and accepted for filing in the Lands Titles Registration Office by him before the nineteenth day of September, 1978.

(d) by striking out from paragraph (a) of the definition of "plan of re-subdivision" the passage "any one of which is 30 hectares or less in extent";

Amendment of principal Act, s. 5—
Interpretation.

(e) by striking out from paragraph (b) of the definition of "plan of re-subdivision" the passage ", any one of which is 30 hectares or less in extent";

(f) by striking out from paragraph (a) of the definition of "plan of subdivision" the passage ", any one of which is 30 hectares or less in extent";

and

(g) by striking out from paragraph (b) of the definition of "plan of subdivision" the passage "which, or into allotments any one of which, is 30 hectares or less in extent" and inserting in lieu thereof the passage "or allotments".

Amendment of
principal Act,
s. 44—
Land not to
be sold, etc.,
except in
allotments.

4. Section 44 of the principal Act is amended by striking out subsection (5).

Amendment of
principal Act,
s. 45—
Plans of
subdivision and
resubdivision
to be approved.

5. Section 45 of the principal Act is amended by inserting after subsection (6) the following subsection:—

(7) Notwithstanding the foregoing provisions of this section, the approval of the Director and a council is not required for a plan of subdivision or resubdivision where—

(a) the plan was deposited with the Registrar-General before the first day of March, 1979, and the Registrar-General is satisfied by such evidence as he may require—

(i) that the plan was prepared, or preparation of the plan was substantially commenced, before the nineteenth day of September, 1978;

or

(ii) that significant sums were expended before the nineteenth day of September, 1978 with a view to subdivision or re-subdivision of the land;

and

(b) no allotment of less than 30 hectares in area is delineated on the plan.

Enactment of
s. 62a of
principal Act.

6. The following section is enacted and inserted in the principal Act after section 62:—

Subdivision
of land in
certain
cases.

62a. (1) Notwithstanding the foregoing provisions of this Part, where—

(a) a plan of subdivision, or resubdivision does not provide for the creation of an allotment of less than fifty hectares in area;

and

(b) the plan has been approved by the council of the area within which the land to which the plan relates is situated,

the Registrar-General shall accept the plan for deposit in the Lands Titles Registration Office.

(2) Where application is made to a council for its approval of a plan of subdivision or re-subdivision under this section, the council shall, at least two months before it decides the application, inform the Director in writing of the fact that it has received the application and shall furnish him with such information in relation to the application as the Director may reasonably require.

(3) Any representations made to the council by the Director or his nominee within two months of the day on which the Director is informed of the application shall be considered by the council.

(4) The council may refuse its approval under this section on any ground on which the Director or a council may refuse to approve a plan of subdivision or re-subdivision under any of the foregoing provisions of this Part.

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

K. D. SEAMAN, Governor