



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 76 of 1967

An Act to amend the Planning and Development Act, 1966-1967.

[Assented to 23rd November, 1967]

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, 1967" and shall come into operation on the day on which the Real Property Act Amendment (Strata Titles) Act, 1967, comes into operation. Short titles and commencement.

(2) The Planning and Development Act, 1966-1967, as amended by this Act, may be cited as the "Planning and Development Act, 1966-1967".

(3) The Planning and Development Act, 1966-1967, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Subsection (1) of section 5 of the principal Act is amended by inserting after the passage "and includes" immediately following paragraph (b) of the definition of "allotment" therein the passage "a unit within the meaning of Part XIXB of the Real Property Act, 1886-1967, in respect of which a certificate of title is in force under that Act and". Amendment of principal Act. s. 5— Interpretation.

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

4. Section 44 of the principal Act is amended—

(a) by striking out subsection (4) thereof and inserting in lieu thereof the following subsection :—

(4) Subsection (1) of this section shall not apply to any land that constitutes a building or portion of a building designed, held and dealt with as a unit for separate occupation within a building unit scheme laid out in an allotment and comprising two or more of such units where—

(a) the predominant rights to the exclusive use and occupation of each of those units are, under or by virtue of a lease, underlease or tenancy or other agreement or the ownership of shares in a company, vested in a person who is or in persons who are, in consequence or in pursuance of such lease, underlease, agreement or ownership of shares, either in possession of the units or entitled to the rents and profits thereof;

and

(b) the plans and specifications for that building unit scheme have been approved, by the council within whose area the allotment is situated, under the provisions of the Building Act, 1923-1965, and the regulations made thereunder, not earlier than the first day of January, 1940, and not later than the day of the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967. ;

and

(b) by inserting after the word "extent" in subsection (5) thereof the passage "being a portion of an allotment of land separately owned, where the remaining portion of the allotment so owned is also over twenty acres in extent".

Amendment of
principal Act,
s. 59—
Penalty for
dividing land
otherwise than
in accordance
with plans.

5. Section 59 of the principal Act is amended—

(a) by striking out from subsection (1) thereof the passage—

“—

(a) shown on a plan of subdivision which has been deposited, at any time before or after the

commencement of this Act, in the Lands Titles Registration Office or the General Registry Office ; or

(b) shown on a plan of re-subdivision which has been, at any time before or after the commencement of this Act, duly lodged in the Lands Titles Registration Office or the General Registry Office or which has been duly approved,";

(b) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) For the purposes of subsection (1) of this section, a person shall be deemed to divide an allotment if, being the owner of the allotment, he, without the approval in writing of the Director, sells, agrees or offers to sell, conveys, transfers, mortgages or otherwise disposes of a part only of that allotment, or he, without the approval in writing of the Director, leases or grants a licence to use or occupy for a term exceeding five years (whether expressed as the term of the lease or licence or by way of option to renew the term of the lease or licence or otherwise) a part only of that allotment where, in either case, that part of the allotment does not constitute a building or portion of a building designed, held and dealt with as a unit for separate occupation within a building unit scheme laid out in an allotment and comprising two or more of such units and—

(a) the predominant rights to the exclusive use and occupation of those units are, under or by virtue of leases, under-leases or tenancy or other agreements or the ownership of shares in a company, vested in a person who is or in persons who are, in consequence or in pursuance of such leases, under-leases, agreements or ownership of shares, either in possession of the units or entitled to the rents and profits thereof ;

and

(b) the plans and specifications for the building unit scheme have been

approved, by the council within whose area the allotment is situated, under the provisions of the Building Act, 1923-1965, and the regulations made thereunder, not earlier than the first day of January, 1940, and not later than the day of the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967. ;

and

(c) by inserting after the word "approved" being the last word in subsection (4) thereof the passage " , or if the agreement, offer, lease or licence referred to in subsection (2) of this section contains a provision that such agreement, offer, lease or licence, as the case may be, is subject to the approval in writing of the Director".

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

J. M. NAPIER, Governor's Deputy.