



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 23 of 1982

An Act to amend the Real Property Act, 1886-1980.

[Assented to 18 March 1982]

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

Short title^s.

1. (1) This Act may be cited as the "Real Property Act Amendment Act, 1982".

(2) The Real Property Act, 1886-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Real Property Act, 1886-1982".

Commence-
ment.

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

Amendment of
s. 2—
Arrangement
of Act.

3. Section 2 of the principal Act is amended by inserting after the item:

PART XIXA—RECTIFICATION OF CERTIFICATES, sections 223 a to 223 1 the item:

PART XIXAB—DIVISION AND AMALGAMATION OF ALLOTMENTS, sections 223 1a to 223 1p.

Repeal of
s. 101.

4. Section 101 of the principal Act is repealed.

Amendment of
s. 220—
Powers of
Registrar-
General.

5. Section 220 of the principal Act is amended by striking out from paragraph (4) the passage "He shall, upon such evidence as shall appear to him sufficient in that behalf, correct errors in certificates, or in the Register Book, or in entries made therein respectively, and supply omitted entries" and substituting the following passage:

He may, upon such evidence as he considers sufficient—

(a) correct errors in—

(i) the Register Book;

(ii) a certificate;

- (iii) any entry in the Register Book or a certificate;
- (iv) any plan of division or other plan in the Lands Titles Registration Office;

or

- (b) make any entry or notation in or upon the Register Book, a certificate, plan of division or other plan that has been erroneously omitted:.

6. The following Part is inserted after section 223 1 of the principal Act:

Insertion of
new Part
XIXAB.

PART XIXAB

DIVISION AND AMALGAMATION OF ALLOTMENTS

DIVISION I—PRELIMINARY

223 1a. (1) In this Part, unless the contrary intention appears—

Interpretation.

“allotment” means—

- (a) the whole of the land comprised in a certificate;
- (b) the whole of the land comprised in a registered conveyance of land that has not been brought under the provisions of this Act;
- (c) a separately defined piece of land that is delineated on a public map and separately identified by number or letter;
- (d) a separately defined piece of land delineated on a plan of division (whether described as such, or as a plan of subdivision or re-subdivision)—

- (i) that was, before the first day of January, 1900, deposited in the Lands Titles Registration Office or deposited or enrolled in the General Registry Office;

- (ii) that was, before the commencement of this Part, approved pursuant to statute and deposited, or accepted for filing, in the Lands Titles Registration Office, or deposited or enrolled in the General Registry Office;

or

- (iii) that has been deposited by the Registrar-General in the Lands Titles Registration Office in pursuance of this Part;

- (e) a separately defined piece of land identified by number or letter in a plan prepared by the Registrar-General and accepted for filing in the Lands Titles Registration Office,

but does not include any such land or piece of land that has ceased to be an allotment by virtue of subsection (2):

“amalgamation” means the amalgamation of two or more contiguous allotments into a single allotment:

- “area” means an area in relation to which a council is constituted:
- “the Commission” means the South Australian Planning Commission constituted under the Planning Act, 1982:
- “council” means a municipal or district council constituted under the Local Government Act, 1934-1980:
- “the Crown” includes a Minister of the Crown and any instrumentality or agency of the Crown declared by regulation to be an instrumentality or agency of the Crown to which this definition applies but does not include other instrumentalities or agencies of the Crown:
- “the Development Plan” means the Development Plan compiled under the Planning Act, 1982:
- “division” means the division of land into allotments, or the alteration of the boundaries of allotments, and includes subdivision and re-subdivision but does not include amalgamation or the division of land by strata plan:
- “the Fund” means the Fund kept at the Treasury and known as the “Planning and Development Fund”:
- “the Hills Face Zone” means the Hills Face Zone as defined in the Development Plan:
- “Metropolitan Adelaide” means Metropolitan Adelaide as defined in the Development Plan:
- “part allotment” means a piece of land described in a certificate as a part or portion of an allotment:
- “public map” means a public map as defined in the Crown Lands Act, 1929-1980:
- “thoroughfare” includes a walkway:
- “the Tribunal” means the Planning Appeal Tribunal constituted under the Planning Act, 1982.

(2) Where a statutorily authorized division of land was made before the commencement of this Part, or is made in pursuance of this Part, that division shall be taken to have superseded any former division insofar as it affected the same land (whether or not the former division was itself statutorily authorized) and hence any allotments that may have existed by virtue of any such former division of the land shall, to the extent to which it has been superseded, cease to exist.

(3) For the purposes of subsection (2) a division of land is statutorily authorized if effected in pursuance of this Part, or any previous enactment providing for the division of land.

Unlawful
division
of land.

223 1b. (1) A person shall not grant, sell, transfer, convey, mortgage or encumber an estate or interest (except a right of way or other easement) in land (whether or not the land has been brought under the provisions of this Act) unless that land constitutes the whole of an allotment, or of a number of allotments.

(2) Where land is comprised in a certificate, a person shall not grant, sell, transfer, convey, mortgage or encumber an estate or interest (except a right of way or other easement) in portion of the land comprised in the certificate unless—

(a) the portion of the land constitutes the whole of an allotment or of a number of allotments;

and

- (b) the remainder of the land comprised in the certificate constitutes the whole of an allotment or of a number of allotments.

(3) A transaction entered into in contravention of this section is void and no instrument purporting to give effect to such a transaction shall be registered.

(4) This section does not affect the validity of a contract to grant, sell, transfer, convey, mortgage or encumber an estate or interest in land if—

- (a) a division of land under this Part is contemplated by the parties to the contract;
- (b) the contract could, if the land were divided as contemplated by the parties, be carried into effect in conformity with this section;
- and
- (c) the contract is subject to a condition precedent preventing it from being carried into effect before the division takes effect.

(5) Where—

- (a) before the commencement of this Part—
- (i) land was laid out in a building unit scheme;
- and
- (ii) buildings were erected in accordance with the scheme;
- and
- (b) by virtue of leases or agreements with the registered proprietor of the land two or more persons have exclusive rights to occupy separate portions of the land,

this section does not affect the validity of an assignment of or other dealing with the rights of occupation existing under the leases or agreements referred to in paragraph (b).

(6) This section does not affect the validity of—

- (a) a transaction lawfully entered into before the commencement of this Part;
- or
- (b) a transaction of a class excluded by regulation from the provisions of this section.

(7) For the purposes of this section—

“allotment” includes a parcel of land consisting of an allotment together with a contiguous part allotment:

“estate” in land includes an estate of leasehold.

223 1c. This Part does not apply in respect of unalienated Crown lands or land alienated from the Crown otherwise than by grant in fee simple.

Application
of this Part.

DIVISION II—GENERAL PROCEDURES TO BE OBSERVED IN RELATION
TO DIVISION OF LAND

Application for
division.

223 1d. (1) An application for the division of land may be made by the registered proprietor of the land to the Registrar-General.

(2) The application must be in the prescribed form and accompanied by the prescribed fee.

(3) Subject to subsections (4) and (5), the application must be accompanied by—

(a) a plan of division delineating the allotments into which the applicant seeks to divide the land;

(b) the certificate of a licensed surveyor in the prescribed form;

(c) where any person, apart from the registered proprietor, appears from the certificate of title relating to the land to have an interest in the land—a certificate signed by that person certifying that he has consented to the division of the land;

and

(d) (i) a certificate of approval issued in respect of the plan under section 223 1f;

and

(ii) a certificate of approval issued in respect of the plan under section 223 1g,

and the applicant must comply with any requirements of the Registrar-General in relation to the application.

(4) The regulations may provide that in prescribed cases, or cases of a prescribed class, no certificate is required under subsection (3) (b) or (c) unless the Registrar-General specifically requires such a certificate, and, in any other case, the Registrar-General may, if he thinks fit, dispense with any such certificate.

(5) The certificates referred to in subsection (3) (d) are not required—

(a) in respect of the division of land within the City of Adelaide;

or

(b) in respect of a division of land necessary to give effect to a transaction to which the Crown is a party.

(6) Except where the Registrar-General otherwise determines, an application for the division of land shall not be made unless the land has been brought under the provisions of this Act.

(7) Where an application for division of land that has not been brought under the provisions of this Act is permitted by the Registrar-General, references in this Part that are appropriate to, or in relation to, land that has been brought under the provisions of this Act shall, in relation to that application, be read subject to appropriate adaptations and modifications.

(8) Where a person applies to the Registrar-General for the division of land and before the application is determined—

(a) title to the land subject to the application is transferred;

or

- (b) a mortgagee becomes entitled to exercise a power of sale in relation to the land subject to the application,

the successor in title to the land, or the mortgagee, is entitled to proceed with the application and shall, within one month of becoming so entitled, inform the Registrar of that fact and of whether he proposes to proceed with the application.

- (9) Where notice is not given to the Registrar-General as required by subsection (8), the Registrar-General may reject the application.

223 1e. (1) Where due application is made to the Registrar-General for the division of land, the Registrar-General may deposit and register the plan of division to which the application relates in the Lands Titles Registration Office.

Deposit and registration of plan of division in Lands Titles Registration Office.

(2) Upon deposit and registration of a plan of division in the Lands Titles Registration Office, all land shown on the plan as a road, street, thoroughfare, reserve or other similar open space shall, by virtue of this Act and without payment of compensation—

- (a) vest in fee simple in the council for the area in which the land is situated for the purposes indicated on the plan;

or

- (b) where the land is not within the area of a council—

- (i) if provision is made by the regulations for the land to vest in a prescribed authority—vest in that authority;

or

- (ii) in any other case—revert to the Crown.

(3) Every road, street or thoroughfare that vests in a council or other authority or reverts to the Crown under this section shall, for all purposes, be regarded as a public road, street or thoroughfare.

(4) Upon deposit and registration of a plan of division in the Lands Titles Registration Office, the Registrar-General shall make such entries on the certificates relating to land affected by the plan as he considers necessary to record—

- (a) the fact that the plan of division has been deposited and registered;

or

- (b) the vesting of land in a council or other authority, or the reversion of land to the Crown, under subsection (2).

DIVISION III—CERTIFICATES OF COUNCIL AND THE COMMISSION

223 1f. (1) A person who desires to divide land may apply—

- (a) where the land is within the area of a council—to the council;

or

- (b) where the land is not within the area of a council—to the Commission,

for a certificate of approval under this section.

Certificate of the council.

- (2) An application under this section—
- (a) must be in the prescribed form;
 - (b) must be accompanied by the prescribed fee;
 - (c) must be accompanied by a copy of the plan of division;
- and
- (d) must be accompanied by such other documents as may be prescribed.
- (3) Where upon an application under this section, the council or Commission is satisfied—
- (a) that the division of the land in accordance with the plan is not prohibited by or under the Planning Act, and any planning authorization required in respect of that division has been given;
 - (b) that the allotments resulting from the division may lawfully be used for the purposes proposed by the applicant;
 - (c) that the plan delineates the easements (if any) necessary for the purposes of drainage or electricity supply;
 - (d) that the requirements of this Part relating to the provision of open space, or payment in lieu of such provision have been satisfied;
 - (e) that the requirements of the regulations relating to—
 - (i) roads and access to land;
 - (ii) road widening or provision for future road widening;
 - (iii) footpaths, water tables and kerbing;
 - (iv) bridges, culverts and drains;
 - (v) electricity supply;
 - (vi) the allocation of street names and other names that may be applicable to the locality,have been satisfied;
- and
- (f) that any other requirements of the regulations as to which the council or the Commission is required by the regulations to satisfy itself under this section have been satisfied,
- it may issue a certificate of approval in respect of the plan of division.
- (4) A certificate of approval may be issued under this section notwithstanding that requirements referred to in subsection (3) have not been satisfied if—
- (a) the requirements are designated by the regulations as requirements to which this subsection applies;
- and
- (b) the applicant has entered into binding arrangements for the satisfaction of the requirements and those arrangements are supported by adequate security.

(5) Arrangements of a kind referred to in subsection (4) (b) must, if the regulations so require, be in a form prescribed by the regulations.

(6) A certificate of approval issued under this section shall, if it has not been lodged with the Registrar-General together with an application for division of the land within twelve months of the date of issue, lapse at the expiration of that period.

223 1g. (1) A person who proposes to divide land may apply to the Commission for a certificate of approval under this section.

Certificate
of the
Commission.

(2) An application under this section—

(a) must be in the prescribed form;

(b) must be accompanied by the prescribed fee;

(c) must be accompanied by a copy of the plan of division;

and

(d) must be accompanied by such other documents as may be prescribed.

(3) Where the Commission is satisfied upon an application under this section—

(a) that the plan of division delineates the easements (if any) necessary for the purpose of providing water supply and sewerage services;

(b) that the requirements of the Minister of Water Resources relating to the provision of water supply and sewerage services have been satisfied;

(c) any amounts that the applicant is required to pay to the Commission in respect of the provision of open space have been paid;

and

(d) that any requirements of the regulations as to which the Commission is required by the regulations to satisfy itself under this section have been satisfied,

it may issue a certificate of approval in respect of the plan of division.

(4) A certificate of approval may be issued under this section notwithstanding that requirements referred to in subsection (3) have not been satisfied if—

(a) the requirements are designated by the regulations as requirements to which this subsection applies;

and

(b) the applicant has entered into binding arrangements for the satisfaction of the requirements and those arrangements are supported by adequate security.

(5) Arrangements of a kind referred to in subsection (4) (b), must, if the regulations so require, be in a form prescribed by the regulations.

(6) A certificate of approval issued under this section shall, if it has not been lodged with the Registrar-General together with an application for division of the land within twelve months of the date of issue, lapse at the expiration of that period.

List of requirements to be furnished by council or Commission.

223 lh. (1) Where a person who desires to divide land makes due application to a council or the Commission for a certificate of approval under this Division, the council or the Commission shall furnish the applicant with a statement of the requirements (if any) that must be satisfied if the certificate of approval is to be issued and of the time within which the requirements are to be satisfied.

(2) If the applicant satisfies the stated requirements within the stipulated time, a certificate of approval shall be issued by the council or the Commission (as the case may require).

Open space requirements.

223 li. (1) Where a plan of division delineates more than 20 allotments into which land is to be divided, and one or more of the allotments delineated on the plan is less than one hectare in area—

(a) the council for the area in which the land is situated may require that up to 12.5 per centum in area of the land delineated on the plan be vested in the council to be held by it as open space, or may, in its discretion, instead of imposing such a requirement, require the applicant to pay to the council the prescribed contribution in respect of open space;

or

(b) if the land is not within the area of a council—the Commission, may require that up to 12.5 per centum in area of the land delineated in the plan be vested in the Crown to be held by it as open space, or may, in its discretion, instead of imposing such a requirement, require the applicant to pay to the Commission the prescribed contribution in respect of open space.

(2) Where a plan of division provides for the creation of 20 allotments or less, and one or more of the allotments delineated on the plan is less than one hectare in area, the Commission may require the applicant to pay to the Commission for credit to the Fund the prescribed contribution in respect of open space.

(3) Subject to subsection (4), the prescribed contribution in respect of open space is—

(a) where the land to which the plan of division applies is within Metropolitan Adelaide—five hundred dollars for each new allotment delineated on the plan that does not exceed one hectare in area;

and

(b) where the land to which the plan of division applies is outside Metropolitan Adelaide—two hundred dollars for each new allotment delineated on the plan that does not exceed one hectare in area.

(4) The Commission may, on the advice of the Valuer-General, by notice published in the *Gazette*, vary the contributions payable under subsection (3) in proportion to the average variation in the market value of land during the financial year that ended on the thirtieth day of June last preceding the publication of the notice, but not more than one such variation shall be made in any one year.

(5) For the purposes of this section, where a plan of division divides a number of existing allotments into an equal or lesser number of allotments, the allotments into which the land is divided shall not be regarded as being new allotments, and where a plan divides a number of existing allotments into a greater number of allotments, the number by which the greater number of allotments exceeds the existing number of allotments shall be deemed to be the number of new allotments created by the plan and, for the purpose of determining the area of the new allotments, the largest allotment delineated on the plan shall be regarded as the first of the new allotments, the next to largest shall be regarded as the second, and so on.

(6) Any moneys received by a council in consequence of a requirement imposed under subsection (1) (a) shall be paid into a trust fund and applied by the council for the purpose of acquiring or developing land as open space.

223 lj. Where a council or the Commission refuses to grant a certificate under this Division in respect of a plan of division, it shall notify the applicant in writing of the reasons for its decision.

Notice of refusal of certificate to be given.

223 lk. (1) A person aggrieved by the refusal of the Commission or a council to issue a certificate under this Division may within two months from the day on which he receives notice of the refusal, or such longer period as may be allowed by the Tribunal, appeal against that refusal to the Tribunal.

Appeal to the Planning Appeal Tribunal.

(2) Upon an appeal under this section the Tribunal may confirm, vary or reverse the decision subject to the appeal.

DIVISION IV—AMALGAMATION

223 ll. (1) Where a person is the registered proprietor of two or more contiguous allotments, he may apply to the Registrar-General for amalgamation of those allotments into a single allotment.

Amalgamation.

(2) An application under this section—

- (a) must be in the prescribed form;
- (b) must be accompanied by the prescribed fee;
- (c) must be accompanied by any duplicate certificates relating to the allotments to be amalgamated;
- (d) must, if the Registrar-General so requires, be accompanied by a plan of the allotments to be formed by the amalgamation;

and

- (e) must be accompanied by such other documents as may be prescribed.

(3) Upon receipt of an application under this section, the Registrar-General may—

- (a) amalgamate the allotments to which the application relates into a single allotment;

(b) make such entries and notations in or upon the Register Book or plans of division or other plans in the Lands Titles Registration Office as are necessary to evidence the amalgamation;

and

(c) cancel certificates in respect of the amalgamated allotments and issue a new certificate in respect of the allotment formed by the amalgamation.

(4) Upon amalgamation of allotments into a single allotment, the allotments out of which the single allotment was formed cease to be allotments for the purposes of this Act.

DIVISION V—MISCELLANEOUS PROVISIONS

Transitional provision.

223 1m. (1) Notwithstanding the repeal of the Planning and Development Act, 1966-1981, Part VI of that Act, and the regulations relevant to that Part, continue to apply in relation to a plan of division that had been approved under that Act, or in respect of which an application had been made, before the commencement of the Real Property Act Amendment Act, 1982.

(2) Where before the commencement of this Part, a plan of division in respect of which approval was not required under the Planning and Development Act, 1966-1981, was lodged with the Registrar-General, the Registrar-General may deal with the plan as if this Part has not been enacted.

(3) For the purposes of the continued application of Part VI of the Planning and Development Act, 1966-1981, and the regulations relevant to that Part, under this section, references to the Director shall be construed as references to the Chairman of the Commission.

Easements.

223 1n. (1) Where it appears from a plan of division deposited (before or after the commencement of the Real Property Act Amendment Act, 1982) in the Lands Titles Registration Office that any land delineated on the plan is subject or intended to be subject to an easement in favour of the Minister of Water Resources for sewerage purposes or for water supply purposes, the land shall be subject to an easement in favour of the Minister of Water Resources entitling the Minister, his agents, servants and workmen at any time to break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, re-laying or examining pipes and of using and maintaining those pipes for sewerage or water supply purposes, as the case may be, and to enter the land at any time (if necessary with vehicles and equipment) for any of those purposes.

(2) Where it appears from a plan of division deposited (before or after the commencement of the Real Property Act Amendment Act, 1982) in the Lands Titles Registration Office that any land delineated on the plan is subject or intended to be subject to an easement, in favour of a council or the Crown, for drainage purposes, the land shall be subject to an easement in favour of the council or the Crown entitling the council or the Crown through its agents, servants and workmen at any time

to break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, re-laying or examining drains or drainage pipes for the purpose of the drainage of water, sewerage or other effluents and of using and maintaining such drains and pipes, and to enter the land at any time (if necessary with vehicles and equipment) for any of those purposes.

(3) Where it appears from a plan of division deposited (before or after the commencement of the Real Property Act Amendment Act, 1982) in the Lands Titles Registration Office that any land delineated on the plan is subject or is intended to be subject to an easement not exceeding four metres in width in favour of The Electricity Trust of South Australia for electricity supply purposes, the land shall be subject to an easement in favour of The Electricity Trust of South Australia, entitling The Electricity Trust of South Australia, its agents, servants and workmen at any time—

(a) to enter upon and to pass either with or without motor vehicles or other vehicles along or over the land;

(b) to construct and lay—

(i) under the surface of the land ducts, pipes, conductors, cables, wires and other works;

and

(ii) on the surface of the land incidental or ancillary works for the transmission of electricity (including, without limiting the generality of the foregoing, manholes and cable markers);

(c) without limiting the generality of any other right, to erect on any portion of the land designated "T/F" in the plan to a height not exceeding four metres or such other height as may be shown in the plan from the surface of the land, equipment for transforming electricity and incidental or ancillary works (including, without limiting the generality of the foregoing, such walls or other structures as The Electricity Trust of South Australia considers necessary);

(d) from time to time to break the surface of, dig, open up and use the land for any of the purposes referred to in this subsection;

(e) to inspect, repair, alter, remove and replace any works referred to in this subsection;

and

(f) to transmit electricity by means of any such works.

(4) No right to compensation arises—

(a) by virtue of the fact that land becomes subject to an easement under this section;

or

(b) by virtue of the exercise of rights conferred by an easement under this section.

(5) If by virtue of this section, any land is subject to an easement, the Registrar-General shall make such entries in the Register Book as are necessary to evidence the easement.

(6) The Registrar-General may, upon the application of the registered proprietor made with the consent of the proprietor of the easement, or upon the application of the proprietor of the easement made with the consent of the registered proprietor, vary or extinguish an easement under this section and make such consequential entries in the Register Book as he thinks fit.

Division of
land within
the Hills
Face Zone.

223 lo. (1) Subject to subsection (2), no application shall be made under this Part for the division of land within the Hills Face Zone.

(2) An application for the division of land within the Hills Face Zone may be made if—

(a) the number of allotments resulting from the division is equal to, or less than, the number of allotments into which the land subject to the plan of division is already divided;

or

(b) the application is authorized under subsection (3).

(3) If the Governor is satisfied that a proposed division of land within the Hills Face Zone is consistent with the principles and objects expressed in the Development Plan and with the public interest, he may, by proclamation made on the advice of the Commission, authorize an application under this Part for that proposed division.

Regulations.

223 lp. The Governor may make such regulations as are contemplated by this Part, or as are necessary or expedient for the purposes of this Part.

Amendment of
s. 223md.
Certificate
in relation
to strata plan.

7. Section 223 md of the principal Act is amended by striking out subsection (6) and substituting the following subsection:—

(6) The Commission shall not grant an application under subsection (2) unless the applicant has paid to it for the credit of the Planning and Development Fund a contribution calculated on the basis set forth in sections 223 li (3) and (4) as if the strata plan were a plan of division and the units delineated on the plan were new allotments.

Consequential
amendments.

8. The principal Act is amended as shown in the schedule to this Act.

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

K. D. SEAMAN, Governor

THE SCHEDULE

The following amendments, which are consequential upon the provisions of the Planning Act, 1982, are made to the principal Act:

Provision Affected	How Amended
Section 223m (1)	(a) By inserting after the definition of "building" the following definition: "the Commission" means the South Australian Planning Commission constituted under the Planning Act, 1982.:
Section 223mc (2)	(b) By striking out the definition of "the Director". By striking out paragraph (d) and substituting the following paragraph: (d) the certificate of the Commission applying to the strata plan and referred to in section 223md (2);:
Section 223mc (4)	By striking out paragraph (f) and substituting the following paragraph: (f) the certificate of the Commission applying to the strata plan and referred to in section 223md (2);:
Section 223md (2)	By striking out the passage "the Director may issue to the applicant or applicants a certificate signed by him" and substituting the passage "the Commission may issue to the applicant or applicants a certificate".
Section 223md (3) (e)	By striking out the passage "any authorized development plan within the meaning of the Planning and Development Act, 1966-1967" and substituting the passage "any provision of the Planning Act, 1982, or of the Development Plan compiled under that Act,".
Section 223md (4)	By striking out subsection (4) and substituting the following subsection: (4) The Commission may refuse an application referred to in subsection (2) if the strata plan, or the building unit scheme to which it relates, would contravene or be inconsistent with the Planning Act, 1982, or the Development Plan compiled under that Act.
Section 223md (4a)	(a) By striking out the passage "the Director" wherever it occurs and substituting, in each case, the passage "the Commission". (b) By striking out from paragraph (a) the passage "provision of the Planning and Development Act or the regulations or the authorized development plan referred to in that subsection" and substituting the passage "the relevant provision of the Planning Act, 1982, or the Development Plan compiled under that Act". (c) By striking out subparagraphs (i) and (ii) of paragraph (a) and substituting the following subparagraph: (i) did not contravene, or is not inconsistent with any provision of the Planning Act, 1982, or the Development Plan compiled under that Act;.
Section 223md (5)	By striking out the passage "the Director" wherever it occurs and substituting, in each case, the passage "the Commission".
Section 223me (1)	By striking out the passage "the Director" wherever it occurs and substituting, in each case, the passage "the Commission".
Section 223me (2) and (3)	By striking out subsections (2) and (3) and substituting the following subsections: (2) The applicant or applicants may appeal to the Planning Appeal Tribunal constituted under the Planning Act, 1982, against any decision of the Commission or a council refusing an application referred to in section 223md or granting any such application subject to compliance with any conditions. (3) Upon an appeal under subsection (2), the Planning Appeal Tribunal may confirm, vary or reverse the decision subject to appeal and may make any consequential or ancillary order or direction that it considers necessary or expedient in the circumstances of the case.
Section 223nh (2)	By striking out the passage "the Planning and Development Act, 1966-1967," and substituting the passage "the Planning Act, 1982".
Section 223nh (3)	By striking out the passage "the Director" and substituting the passage "the Commission".
Section 223nh (5) (a)	(a) By striking out the passage "the Director" and substituting the passage "the Commission". (b) By striking out the passage "any authorized development plan within the meaning of the Planning and Development Act, 1966-1967," and substituting the passage "any provision of the Planning Act, 1982, or of the Development Plan compiled under that Act".

THE SCHEDULE—*continued*

Provision Affected	How Amended
Section 223nr (2)	(a) By striking out from paragraph (c) the passage "the Director" and substituting the passage "the Commission", (b) By striking out paragraph (f).