



ANNO QUINTO

ELIZABETHAE II REGINAE

A.D. 1956.

No. 46 of 1956.

An Act to amend the Town Planning Act, 1929-1955.

[Assented to 22nd November, 1956.]

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 "Town Planning Act Amendment Act, 1956".

(2) The Town Planning Act, 1929-1955, as amended by this Act, may be cited as the "Town Planning Act, 1929-1956".

(3) The Town Planning Act, 1929-1955, is hereinafter referred to as "the principal Act".

Enactment of s. 14a of principal Act—

2. The following section is enacted and inserted in the principal Act after section 14 thereof :—

Easements.

14a. (1) If any plan of subdivision is deposited in the Lands Titles Registration Office or the General Registry Office and it is shown on the plan that any land comprised therein is subject or intended to be subject to an easement to the Minister of Works for sewerage purposes or for water supply purposes then, as from the time of deposit, the land shall, without compensation or payment to any person, be subject to an easement to the Minister of Works giving the Minister of Works his agents, servants and workmen full free and unrestricted liberty from time to time and at all times to break the surface of, dig, open

up and use the said land for the purpose of laying down, fixing, taking up, repairing, relaying or examining pipes therein and of using and maintaining those pipes for sewerage purposes or, as the case may be, water supply purposes together with the right to the Minister of Works with or without horses, plant, equipment, carts, motor vehicles and other carriages laden or unladen full, free and unrestricted right and liberty of entry, egress and regress from time to time and at all times for him and his agents, servants and workmen in, through, over, across and along the land for any of the purposes aforesaid.

(2) If any plan of subdivision is deposited in the Lands Titles Registration Office or the General Registry Office and it is shown on the plan that any land is subject or is intended to be subject to an easement to the council in the area of which the land is situated for drainage purposes then, as from the time of the deposit, the land shall, without compensation or payment to any person, be subject to an easement to the council of the area in which the land is situated giving the council, its agents, servants and workmen full, free and unrestricted liberty from time to time and at all times to break the surface of, dig, open up and use the said land for the purpose of laying down, fixing, taking up, repairing, relaying or examining drainage pipes therein for the purpose of the drainage of water and of using and maintaining such pipes together with the right to the council with or without horses, plant, equipment, carts, motor vehicles and other carriages laden or unladen full, free and unrestricted right and liberty from time to time and at all times for the council and its agents, servants and workmen in, through, on, over and along the said land for any of the purposes aforesaid.

(3) If by virtue of this section, any land is subject to an easement, the Registrar-General of Deeds shall, if the land affected is land under The Real Property Act, 1886-1945, make all such entries as may be necessary or proper to evidence that the land is subject to the easement or, if the land is not land under the said Act, register in the General Registry Office a memorial to the effect that the land is so subject. For the purpose of making any such entry or registering any such memorial it shall be sufficient description of the easement if reference is made to this section.

3. The principal Act is amended by adding at the end thereof the following heading and sections—

Enactment of
ss. 30 to 35 of
principal Act—

Other Subdivisions of Land.

Application of
ss. 31 to 34.

30. Sections 31, 32, 33 and 34 shall be construed subject to the preceding provisions of this Act and nothing in sections 31, 32, 33 and 34 shall apply to any plan of subdivision or plan of re-subdivision within the meaning of section 2.

No plan of
land to be
deposited
without
certificate of
approval.

31. (1) Except as allowed by this Act—

(a) no map or plan of any land situated within an area dividing such land into allotments or otherwise, or showing any street, road, or right-of-way, or intended street, road, or right-of-way, over such land or any part thereof; and

(b) no map or plan subdividing any land already so divided or part thereof, or showing any street, road, or right-of-way, or intended street, road or right-of-way, over such land or part, or over any part thereof,

shall be deposited in the Lands Titles Registration Office, or in the General Registry Office, unless the map or plan has been certified as approved by the Town Planner.

(2) The Registrar-General shall not be bound to accept any such plan or map unless he is satisfied that all persons who appear from the Register Book or any other instrument or document in the Lands Titles Registration Office or the General Registry Office to have any interest in the land shown in the plan or map, consent to what is proposed in the plan or map.

How certificate
of approval
obtained.

32. (1) Every such map or plan as mentioned in section 31 shall be submitted in duplicate by the person desiring to deposit the same, to the council of the area in which the land is situated.

(2) The council shall, within twenty-eight days, consider such map or plan and forward the same in duplicate to the Town Planner, with a memorandum under the hand of the clerk, stating whether the council has or has not any objections to the map or plan, and (if any) the nature of the objections.

(3) If the council has no such objection, the Town Planner shall, unless he is satisfied that there is sufficient reason for refusing his approval, certify the map or plan as approved, and shall return one part thereof to the council.

(4) If the council has any such objection, the Town Planner shall submit the same, with the map or plan, to the committee, which may either confirm the objection or overrule the same, in which latter case the Town Planner shall, unless he is satisfied that there is sufficient reason for refusing his approval, certify the plan as approved.

(5) If the committee confirms the objection, it may at any time review its decision, and vary the same if it sees fit.

33. (1) The Town Planner shall not approve of any such map or plan unless he is satisfied that there is no sufficient reason why his approval should be refused. Power to refuse approval.

(2) Without in any way limiting the discretion of the Town Planner under this section, it shall be a sufficient reason for refusing approval of any such map or plan if—

- (a) any road or street or intended road or street therein shown is of a less width than forty feet or cannot be made or drained without undue expense or is not necessary ;
- (b) the land therein comprised is intersected by or is bounded or partly bounded on any side by a line of railway, and a road or street is not shown on such plan on both sides of such line of railway, or on the side of such line which is adjacent to such land, as the case may be ;
- (c) the site or orientation of any building to be erected on such land is for any reason unsatisfactory ;
- (d) the effect of giving approval to the map or plan would be to enable a future subdivision or re-subdivision of the land comprised in the map or plan or of any of such land to be made contrary to the requirements of any of the preceding provisions of this Act.

(3) There shall be an appeal to the committee in accordance with the regulations against any refusal of the Town Planner to approve of any such map or plan.

34. The mode in which maps and plans to be deposited as required by section 31 are to be prepared, the particulars to be shown thereon, and all other requirements in relation thereto shall be as prescribed by regulations. Preparation of plans.

35. Nothing in section 29 shall preclude the deposit of a map or plan as provided by section 31. Application of s. 29.

Consequential
amendment
of s. 3 of
principal Act—
Application of
Act.

4. Section 3 of the principal Act is amended—

- (a) by inserting before the word "This" in the first line thereof the words "Except as provided by sections 30 to 34, inclusive";
- (b) by striking out subsection (2) thereof.

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

J. M. NAPIER, Governor's Deputy.