No. 20 of 1967

An Act relating to the Planning and Development of Land within the State; to repeal the Town Planning Act, 1929-1963 and to enact other provisions in lieu thereof; and for other purposes.

[Assented to 13th April, 1967.]

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

PART I
PRELIMINARY.

1. This Act may be cited as the “Planning and Development Act, 1966-1967”, and shall come into operation on a day to be fixed by proclamation.

2. This Act is arranged as follows:—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—ADMINISTRATION, ss. 6-27.

DIVISION 1—THE DIRECTOR AND DEPUTY DIRECTOR OF PLANNING, ss. 6-7:

DIVISION 2—THE STATE PLANNING AUTHORITY, ss. 8-18:

DIVISION 3—THE PLANNING APPEAL BOARD, ss. 19-27.

PART III.—PLANNING AREAS AND DEVELOPMENT PLANS, ss. 28-35.

DIVISION 1—PLANNING AREAS, ss. 28-29:

DIVISION 2—DEVELOPMENT PLANS, ss. 30-35.
PART IV.—IMPLEMENTATION OF AUTHORIZED DEVELOPMENT PLANS, ss. 36-39.

PART V.—INTERIM DEVELOPMENT CONTROL WITHIN THE METROPOLITAN PLANNING AREA, ss. 40-42.

PART VI.—CONTROL OF LAND SUBDIVISION, ss. 43-62.

PART VII.—LAND ACQUISITION AND SPECIAL PROVISIONS RELATING TO COMPENSATION, ss. 63-70.

PART VIII.—FINANCIAL PROVISIONS, ss. 71-74.

PART IX.—MISCELLANEOUS, ss. 75-81.

THE SCHEDULE.

3. (1) The Acts specified in the Schedule to this Act are hereby repealed.

(2) Notwithstanding such repeal—

(a) all regulations made under the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and to have effect as if the necessary power to make them had been enacted by this Act and as if any reference to the Town Planner therein were a reference to the Director and any reference to the Town Planning Committee therein were a reference to the board;

(b) such regulations may be amended or revoked by regulations made under this Act;

(c) every application made under the repealed Act to the Town Planner or a council for approval of a plan of subdivision (which has received the approval of the Town Planner by letter in the form known as letter form "A") or for approval of a plan of re-subdivision and not finally disposed of at the commencement of this Act shall be dealt with and disposed of as if this Act had not come into operation and as if the Director were the Town Planner and, subject to and in accordance with regulations which are hereby authorized to be made, an appeal shall lie to the board against the refusal of any such
application or against the approval of any such application subject to any condition or conditions, and the board shall hear and determine such appeal and may confirm the decision appealed against or give to the Director or the council, as the case may require, such directions as the board thinks fit, and the Director or the council, as the case may be, shall comply with such directions;

(d) every appeal made to the Town Planning Committee under the repealed Act and not disposed of immediately before the commencement of this Act shall be deemed to be an appeal to the board and shall, subject to any directions that may be given by the board, be dealt with by the board under this Act accordingly;

(e) any right of appeal to the Town Planning Committee under the repealed Act which had not expired at the commencement of this Act shall be deemed to be a right of appeal to the board under this Act, and this Act shall with such modifications as are necessary apply and have effect accordingly.

(3) Except as expressly provided in this Act, such repeal shall not affect any rights accrued under the repealed Act or the effect of any decision, consent, permission or approval made or granted under the repealed Act or of any condition attached to such consent, permission or approval.

(4) Where in any other Act, or in any document, rule or regulation a reference is made to the repealed Act or any provision thereof, that reference shall, so far as it is applicable, be read as a reference to this Act or to the corresponding provisions, if any, of this Act.

(5) The mention of particular matters in this section or in any other section of this Act shall not affect the general application of the Acts Interpretation Act, 1915-1957, to this Act, except to the extent that that Act is inconsistent with this Act.

4. (1) Except as otherwise expressly provided in this Act, this Act shall apply and have effect throughout the State.

(2) This Act shall apply to land subject to the provisions of the Real Property Act, 1886-1963, notwithstanding the provisions of that Act.

5. (1) In this Act, unless the context otherwise requires—
“acquiring authority”, in relation to any land reserved by a planning regulation means the person or body specified
in that regulation in whom or in which is vested the power to acquire such land for a purpose for which it is reserved:

"allotment" means—

(a) the whole of the land comprised in a land grant, certificate of title or registered conveyance; or

(b) a separately defined piece of land that is delineated on a Land Office plan or any portion of land so delineated which portion is physically separated from the remaining land delineated thereon by an intersecting space such as a road, drain, railway or other like space and for which a separate land grant has been or can be issued,

and includes any separately defined piece of land which is—

(i) delineated on a plan of subdivision deposited in the Lands Titles Registration Office or the General Registry Office;

(ii) wholly comprised in a certificate of title or registered conveyance but not delineated on a plan of subdivision so deposited;

(iii) delineated on a plan of re-subdivision duly approved and for the whole of which a certificate of title has been or can be issued;

(iv) comprised in a land grant, certificate of title or registered conveyance and physically separated from the remaining land comprised therein by an intersecting space such as a road, drain, railway or other like space and for which a separate certificate of title can be issued; or

(v) included in a land grant, certificate of title or registered conveyance, is more than twenty acres in extent and is delineated in a plan which forms part of an instrument registered or registrable in the Lands Titles Registration Office or the General Registry Office:

"amenity", in relation to an area, a planning area or a locality, includes such quality or condition in the area, planning area or locality as contributes to its pleasantness and harmony and to its better enjoyment:
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"area" means a municipality or district as defined in the Local Government Act, 1934-1966, and includes an area in relation to which any body corporate is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council:

"authorized development plan" means—

(a) a development plan that is pursuant to Division 2 of Part III of this Act declared to be an authorized development plan; or

(b) the Metropolitan Development Plan,

and includes any variation thereof made under this Act:

"certificate of title" means a certificate of title under the Real Property Act, 1886-1963:

"council" means a municipal council or a district council and includes any body corporate which is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council:

"Crown lands" means all lands in the State, except—

(a) lands reserved for or dedicated to any public purpose;

(b) lands lawfully granted, or contracted to be granted, in fee simple by or on behalf of the Crown;

(c) lands subject to any agreement, lease, or licence lawfully granted by or on behalf of the Crown,

and includes all lands which, having been granted or held under agreement or lease, have been or are surrendered, or, having been reserved or dedicated, have been or are lawfully resumed by proclamation, and all lands which, having been lawfully held by any person for any estate or interest, have been or are lawfully forfeited to or resumed by, or by any means whatsoever have reverted or revert to, or have been or are acquired by, the Crown:

"development plan"—

(a) in relation to a planning area or part of a planning area, means a plan and a report in explanation thereof prepared or deemed to be prepared by the Authority indicating, generally, the measures that, in the opinion
of the Authority, are necessary or desirable for providing for the most suitable development of the planning area; and

(b) in relation to the Metropolitan Planning Area, means the Metropolitan Development Plan and the Report on the Metropolitan Area of Adelaide 1962 in explanation thereof prepared and submitted by the Town Planning Committee in accordance with section 26 of the repealed Act:

“land grant” means a land grant under the Crown Lands Act, 1929-1967, or under any corresponding previous enactment:

“Land Office plan” means a public map or plan deposited in the Land Office at Adelaide:

“plan” includes plan of subdivision and plan of re-subdivision:

“plan of re-subdivision” means any plan, not being a plan of subdivision—

(a) which divides an allotment or allotments into five allotments or less, any one of which is twenty acres or less in extent; or

(b) which divides an allotment or allotments into five allotments or less, any one of which is twenty acres or less in extent and shows a proposed widening of any road, street or thoroughfare:

“plan of subdivision” means—

(a) any plan which divides the land delineated therein into more than five allotments, any one of which is twenty acres or less in extent;

(b) any plan which divides the land delineated therein into an allotment which, or into allotments any one of which, is twenty acres or less in extent and shows or makes, provision for any proposed road, street, thoroughfare, reserve or other space for public use; or

(c) any other plan which the Director requires pursuant to section 57 of this Act to be dealt with as a plan of subdivision:
“planning area” means any part of the State that is a planning area for the purposes of this Act by virtue of a declaration made under Division 1 of Part III of this Act, and includes the Metropolitan Planning Area:

“planning regulation” means a planning regulation made under Part IV of this Act:

“registered conveyance” means a conveyance registered under the Registration of Deeds Act, 1935-1962:

“the Authority” means the State Planning Authority established by section 8 of this Act:

“the board” means the Planning Appeal Board constituted pursuant to section 19 of this Act:

“the Director” means the person for the time being holding the office of Director of Planning:

“the Fund” means the Planning and Development Fund established under Part VIII of this Act:

“the Metropolitan Development Plan” means the Metropolitan Area of Adelaide Development Plan attached to and referred to in the Report on the Metropolitan Area of Adelaide 1962 prepared and submitted by the Town Planning Committee in accordance with section 26 of the repealed Act, and includes that Report:

“the Metropolitan Planning Area” means the part of the State that comprises—

(a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Elizabeth, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Salisbury, Thebarton, Unley, Walkerville, West Torrens and Woodville;

(b) the district council districts of Munno Para, Tea Tree Gully, East Torrens, Stirling and Noarlunga;

(c) the area of the Garden Suburb;

(d) the wards known as the Happy Valley, Coromandel, Clarendon and Kangarilla wards of the district council district of Meadows; and

(e) the portion of the Hundred of Willunga that lies within the district council district of Willunga.
“the Registrar-General” means the person for the time being holding the office of Registrar-General under the Real Property Act, 1886-1963, or the Registrar-General of Deeds under the Registration of Deeds Act, 1935-1962:

“the repealed Act” means the Town Planning Act, 1929-1963.

(2) For the purposes of this Act—

(a) a plan of subdivision shall be deemed to have been deposited in the Lands Titles Registration Office or the General Registry Office when it has been accepted by the Registrar-General and given its number as a deposited plan; and

(b) a plan of re-subdivision shall be deemed to have been duly approved when it has been approved by the Director under this Act or the Town Planner under the repealed Act and accepted by the Registrar-General for filing in the Lands Titles Registration Office.

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PART II.
ADMINISTRATION.

DIVISION 1.—THE DIRECTOR AND DEPUTY DIRECTOR OF PLANNING.

6. (1) For the purposes of this Act there shall be a Director of Planning and a Deputy Director of Planning each of whom shall either—

(a) be a corporate member of The Australian Planning Institute Incorporated;

or

(b) have qualifications and experience in regional and town planning which, in the opinion of the Minister, are appropriate to his duties and functions under this Act.

(2) Subject to subsection (3) of this section, the Director of Planning and the Deputy Director of Planning shall be appointed in accordance with the Public Service Act, 1936-1966.

(3) The officers who immediately before the commencement of this Act were respectively holding the offices of Town Planner and Deputy Town Planner shall, on and after the commencement of this Act and without any further formality of
appointment, be known, and be deemed to have been appointed, as the Director of Planning and the Deputy Director of Planning respectively subject to such conditions of appointment and employment as applied in relation to the offices of Town Planner and Deputy Town Planner respectively.

(4) Every reference in any Act, regulation, proclamation, instrument or other document to the Town Planner or the Government Town Planner shall, unless the context, subject-matter or any provision of this Act requires a different construction, be read as a reference to the Director.

7. (1) The Director shall perform such functions and duties as are imposed on him by this Act or assigned to him by the Minister.

(2) The Director shall be responsible to the Minister for the due performance of his functions and duties under this Act.

(3) The Deputy Director of Planning shall perform such functions and duties as the Minister may direct, and, during the absence of the Director by reason of illness or any other cause, or during any vacancy in the office of the Director, shall perform all such functions and duties as are imposed on, or assigned to, the Director by or under this Act.

(4) Where the Deputy Director of Planning so performs any of the functions or duties of the Director, references in this Act to the Director shall, in relation to such functions or duties, be read as references to the Deputy Director of Planning.

8. (1) For the purposes of this Act an authority by the name of the "State Planning Authority" is hereby established.

(2) The Authority—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property;

(c) may, with the approval of the Minister, enter into any contract with any person to develop, or secure the development of, any land in any manner consistent with any authorized development plan, and may, in its name sue and be sued; and

(d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.
(3) In the exercise and discharge of its powers, duties, functions and authorities, the Authority shall, except where the Authority makes or is required to make a recommendation to the Minister or where the Authority is required to give effect to a direction of the board, be subject to the general control and direction of the Minister.

(4) All courts and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

(5) Subject to this section, the Authority shall consist of eleven members, that is to say—

(a) the Director who shall also be the chairman of the Authority;

(b) the person for the time being holding the office of Director and Engineer-in-Chief, of the Engineering and Water Supply Department in the public service of the State;

(c) the Commissioner of Highways appointed pursuant to the Highways Act, 1926-1963;

(d) the person for the time being holding the office of Surveyor-General; and

(e) seven other members appointed by the Governor of whom—

(i) one shall be nominated by the Minister of Housing;

(ii) one shall be nominated by the Minister of Transport;

(iii) one shall be nominated by the council of The Corporation of the City of Adelaide;

(iv) one shall be selected by the Governor from a panel of three names chosen by the governing body of the association presently known as the Municipal Association of South Australia and submitted by that association to the Minister;

(v) one shall be selected by the Governor from a panel of three names chosen by the governing body of The Local Government Association of South Australia Incorporated and submitted by that association to the Minister;
(vi) one shall be selected by the Governor from a panel of three names chosen by the governing body of the South Australian Chamber of Manufactures Incorporated, and submitted by that association to the Minister;

and

(vii) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Real Estate Institute of South Australia Incorporated and submitted by that association to the Minister.

(6) If the Minister has given to The Corporation of the City of Adelaide notice in writing requiring that corporation, within a time specified in the notice (being not less than two weeks), to nominate a person for appointment as a member under subparagraph (iii) of paragraph (e) of subsection (5) of this section and that corporation fails to nominate a person within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person required to be so nominated.

(7) If the Minister has given to the Municipal Association of South Australia, The Local Government Association of South Australia Incorporated, the South Australian Chamber of Manufactures Incorporated or the Real Estate Institute of South Australia Incorporated, notice in writing requiring that association, within a time specified in the notice (being not less than two weeks), to submit to the Minister a panel of three names chosen by the governing body of that association for the purposes of the appointment of a member under subparagraph (iv), (v), (vi) or (vii) of paragraph (e) of subsection (5) of this section, and that association fails to submit the panel to the Minister within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that subparagraph.

(8) A member of the Authority shall not, as such, be subject to the Public Service Act, 1936-1966, but this provision does not affect the rights, duties and obligations under that Act of any member who is otherwise an officer in the public service of the State.

(9) Every member of the Authority appointed by the Governor shall be appointed as such for such term of office not exceeding four years as the Governor specifies in the instrument of his appointment; but a member appointed to fill a casual vacancy shall be appointed only for the balance of the term of office of the member in whose place he was appointed.
(10) Where a person, who is a member of the Authority by virtue of paragraph (b), (c) or (d) of subsection (5) of this section, is, through illness or other cause, unable to perform his duties or functions as a member, he may, by notice in writing given to the chairman of the Authority, appoint a person as his deputy to act for him during the period of such inability, and the person so appointed shall, while so acting, be deemed to be a member of the Authority.

(11) On the expiration of his term of office as a member, a person appointed by the Governor shall, subject to subsection (5) of this section, be eligible for re-appointment.

9. (1) The Governor may, by notice in writing served on a member of the Authority, remove him from office on grounds of misconduct or incapacity to perform his duties or functions as a member.

(2) Where a member of the Authority, who was appointed pursuant to subparagraph (iii), (iv) or (v) of paragraph (e) of subsection (5) of section 8 of this Act, was at the time of his appointment as such a member or officer of a council, and after such appointment he ceased to be a member or officer of that council, the Governor may, at the request of the council, by notice in writing served on that member of the Authority, remove him from office on the ground that he has ceased to be a member or officer of that council.

10. The office of a member of the Authority appointed by the Governor shall become vacant if—

(a) he dies;

(b) he resigns by written notice given to the Minister;

(c) he is removed from office by the Governor pursuant to section 9 of this Act;

(d) he is absent without leave of the Minister from four consecutive meetings of the Authority;

(e) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar;

(f) he is convicted of any indictable offence; or

(g) he is convicted of any other offence and receives a notice in writing from the Minister discharging him from office on the ground of that conviction.
11. (1) The common seal of the Authority shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

(2) Any instrument executed in pursuance of such a resolution shall be attested by the signature of any two members.

(3) The procedure for the calling of meetings of the Authority and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Authority.

(4) Any six members of the Authority, one of whom is the chairman, shall constitute a quorum at any meeting of the Authority and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Authority and shall have and may exercise and discharge all the powers, duties, functions and authorities of the Authority.

(5) A decision carried by a majority of the votes cast by the members present at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause accurate minutes to be kept of its proceedings at meetings.

12. (1) The chairman shall preside at all meetings of the Authority at which he is present and in addition to a deliberative vote, shall, in the event of an equality of votes, have a second or casting vote.

(2) In the absence of the Director, the Deputy Director of Planning shall act as, and have all the powers of, the chairman and, when so acting, shall be deemed to be the chairman and a member of the Authority.

13. No act, proceeding or determination of the Authority shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member.

14. A member of the Authority shall, if the Governor thinks fit, be paid such fees or other remuneration as may from time to time be fixed by the Governor and shall be entitled to receive such travelling and other expenses as are from time to time approved by the Minister.

15. Notwithstanding anything contained in any other Act, no person shall be disqualified by acceptance of office, or by appointment, as a member of the Authority from holding the office of a member of the Authority under this Act and also any
other office, or from accepting and retaining any fees or other remuneration or payment payable to a member under this Act; but no member of either House of Parliament and no member of the board shall be appointed or hold office as a member of the Authority.

16. (1) There shall be a secretary to the Authority who shall be appointed by the Governor.

(2) The person so appointed shall be subject to the Public Service Act, 1936-1966.

(3) The office of secretary to the Authority may, if the Governor thinks fit, be held in conjunction with any other office in the public service of the State.

17. (1) With the approval of the Minister, the Authority may make use of the services of any of the officers in the branch of the public service of the State known as the South Australian State Planning Office.

(2) The Authority may, with the approval of the Minister and the consent of the Minister controlling any department of the public service of the State, and on such terms as may be mutually arranged, make use of the services of any of the officers or employees of that department.

(3) The Authority may, with the approval of the Minister and the consent of any body corporate created by or under any Act or of any council, and on such terms as may be mutually arranged, make use of the services of any of the officers or employees of such body or council.

18. (1) Subject to this Act, the Authority is charged with the responsibility of promoting and co-ordinating regional and town planning and the orderly and economic development and use of land within the State and shall have and may exercise and discharge such powers, duties, functions and authorities as are conferred on, imposed on or vested in the Authority by or under this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, the Authority—

(a) shall consider, and report to the Minister upon, such matters or proposals relating to the use, development or re-development of land as it thinks fit or as may be referred to it by the Minister;
(b) may carry out research into problems of regional and town planning and prepare and issue memoranda, reports, bulletins, maps or plans relating thereto; and

(c) may establish, or promote or foster the establishment of, committees which may or may not include members of the Authority to advise the Authority on such matters as may be referred to them by the Authority.

DIVISION 3.—THE PLANNING APPEAL BOARD.

19. (1) For the purposes of this Act there shall be a board called the "Planning Appeal Board" which shall, subject to this section, consist of four members appointed by the Governor of whom—

(a) one shall be—

(i) a Local Court Judge;

(ii) a special magistrate; or

(iii) a legal practitioner as defined in the Legal Practitioners Act, 1936-1964, of not less than ten years' standing,

who shall be the chairman of the board;

(b) one, who shall not be a member of the Authority, shall be selected by the Governor from a panel of three names chosen jointly by the governing bodies of the association presently known as the Municipal Association of South Australia and The Local Government Association of South Australia Incorporated and submitted jointly by those associations to the Minister;

(c) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Adelaide Division of The Australian Planning Institute Incorporated and submitted by that division of that institute to the Minister; and

(d) one, who shall not be a member of the Authority, but who, in the opinion of the Governor, has knowledge of and experience in public administration, commerce or industry.
(2) If the Minister has given to the Municipal Association of South Australia and The Local Government Association of South Australia Incorporated notice in writing requiring them within a time specified in the notice (being not less than two weeks), jointly to submit to the Minister a panel of three names chosen jointly by the governing bodies of those associations for the purposes of an appointment of a member under paragraph (b) of subsection (1) of this section, and those associations fail to submit the panel to the Minister within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that paragraph.

(3) If the Minister has given to the Adelaide Division of The Australian Planning Institute Incorporated notice in writing requiring it, within a time specified in the notice (being not less than two weeks), to submit to the Minister a panel of three names chosen by the governing body of that division for the purposes of the appointment of a member under paragraph (c) of subsection (1) of this section, and that division of that institute fails to submit the panel to the Minister within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that paragraph.

(4) The Governor may, as occasion requires, appoint such person as he considers fit and proper to act, in the place of a member of the board during that member's absence or incapacity.

(5) During the absence or incapacity of a member of the board, the person appointed in accordance with subsection (4) of this section to act in his place shall be entitled to act in the place of that member and, when so acting, shall be deemed to be a member of the board and, in the case of the person appointed to act in the place of the chairman, shall be deemed to be the chairman of the board.

(6) An appointment under subsection (4) of this section of a person to act in the place of a member and any exercise by him of his powers and functions as such shall not be questioned on the ground that the occasion for the appointment or for the exercise of those powers or functions had not arisen or had ceased.

(7) Any matter referred to the board for decision shall be determined by the board at a meeting convened by the chairman of the board.
(8) Subject to this section, any three members of the board, of whom the chairman of the board shall be one, shall be competent to transact any business of the board and shall have and may exercise and discharge all the powers, duties, functions and authorities of the board.

(9) A decision concurred in by any three members of the board shall be the decision of the board; but if all the members of the board are present when a matter is being heard or considered or re-heard or reconsidered by the board and the members are evenly divided as to their decision on the matter, the decision concurred in by the chairman and one other member of the board shall be the decision of the board.

(10) If during the hearing of an appeal or the consideration of any other matter by the board only three members are present and they are unable to concur in their decision thereon, the appeal or matter shall be postponed until all the members are present when it shall be re-heard or reconsidered by the board as the case may require.

(11) The chairman shall preside at all meetings of the board and at the hearing of all appeals before the board.

(12) A member of the board shall not, as such, be subject to the Public Service Act, 1936-1966, but this provision does not affect the rights, duties and obligations under that Act of any member who is otherwise an officer in the public service of the State.

(13) A member of the board shall be appointed for such term of office not exceeding four years as the Governor specifies in the instrument of his appointment and shall, subject to subsection (1) of this section, be eligible for re-appointment; but a member appointed to fill a casual vacancy shall be appointed only for the balance of the term of office of the member in whose place he was appointed.

20. The Governor may, by notice in writing served on a member of the board, remove him from office on grounds of misconduct or incapacity to perform his duties or functions as a member.

21. The office of a member of the board shall become vacant if—

(a) he dies;

(b) he resigns by written notice given to the Minister;
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21. He shall be removed from office by the Governor pursuant to section 20 of this Act;

22. He is absent without leave of the Minister from four consecutive meetings of the board;

23. He becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar;

24. He is convicted of any indictable offence; or

25. He is convicted of any other offence and receives a notice in writing from the Minister discharging him from office on the ground of that conviction.

22. No act, proceeding or determination of the board shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member.

23. A member of the board shall, if the Governor thinks fit, be paid such fees or other remuneration as may from time to time be fixed by the Governor and shall be entitled to receive such travelling and other expenses as are from time to time approved by the Minister.

24. Notwithstanding anything contained in any other Act, no person shall be disqualified by acceptance of office, or by appointment, as a member of the board from holding the office of a member of the board under this Act and also any other office or from accepting and retaining any fees or other remuneration or payment payable to a member of the board under this Act; but no member of either House of Parliament and no member of the Authority shall be appointed or hold office as a member of the board.

25. (1) There shall be a secretary to the board who shall be appointed by the Governor.

(2) The person so appointed shall be subject to the Public Service Act, 1936-1966.

(3) The office of secretary to the board may, if the Governor thinks fit, be held in conjunction with any other office in the public service of the State.
PART II
DIVISION III
Board to hear appeals.

26. (1) Any person aggrieved by a decision of the Authority, the Director or any council under this Act to refuse any consent, permission or approval or to grant any consent, permission or approval subject to any condition or conditions may appeal to the board, and the board shall hear and determine such appeal and shall in every such determination state the reasons therefor.

(2) The board may, by its determination, confirm the decision appealed against or give to the Authority, the Director or the council, against whose decision the appeal was made, such directions as the board thinks fit and the Authority, the Director or the council, as the case may be, shall, as soon as practicable after receiving notice of the determination, give effect to the determination.

(3) Subject to rules of court made under the Supreme Court Act, 1935-1967, any party to an appeal to the board may, within thirty days after the board's determination, appeal to the Supreme Court from such determination on any matter and the board may refer to the Supreme Court any question of law arising before the board, and on any such appeal or reference the Supreme Court may make such order and give to the board and any party to the appeal such directions touching the matter in dispute, and make any order as to costs as between the parties, as it thinks just and the board and the party to whom such directions are given shall be bound thereby and give effect thereto.

(4) An order or direction made or given by the Supreme Court under subsection (3) of this section is final and without appeal.

(5) As soon as practicable after the board makes a determination on an appeal or, where an appeal or reference has been made to the Supreme Court under subsection (3) of this section, as soon as practicable after the Court has made its order thereon, the secretary to the board shall cause to be delivered to the Authority and to the appellant and every other person who was a party to the appeal notice in writing setting out the determination or the determination and the order of the Court affecting the determination, as the case may be.

(6) The board shall cause its determination to be published in any manner it thinks fit.

27. (1) Every appeal to the board shall be by notice in writing setting out the grounds of appeal and particulars of the land affected.
(2) The notice shall be lodged with the secretary to the board within two months after the date of the notice of the decision appealed against or within such further time as the board allows and the board may refuse the appeal unless the notice is so lodged.

(3) A copy of the notice shall also be given within the period aforesaid to the Authority, the Director or the council against whose decision the appeal is made.

(4) The board shall fix a convenient time and place for hearing each appeal and shall give not less than seven days' notice to the parties to the appeal who may appear at the hearing of the appeal, personally or by counsel, solicitor or agent.

(5) The board may determine each appeal in such manner as it thinks proper having regard to all relevant matters and, in particular, to—

(a) the provisions of any authorized development plan, the law (whether general or special) applicable or having effect in relation to the locality within which the land, the subject of the appeal, is situated and the grounds upon which the decision appealed against was made;

(b) the health, safety and convenience of the community within, and in the vicinity of, the locality within which the land, the subject of the appeal, is situated;

(c) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land, the subject of the appeal, is situated; and

(d) the amenities of the locality within which the land, the subject of the appeal, is situated.

(6) The board may—

(a) by notice in writing signed by the secretary to the board acting under the direction of the chairman, require any person to attend before the board at any time and place specified in the notice and give evidence before the board or produce to the board any books or documents specified in the notice touching any matter relating to an appeal;

(b) inspect any books and documents produced to the board and retain them for such reasonable periods as the board thinks fit and may make copies or take extracts of such matters therein as are relevant to any appeal; and

(c) examine witnesses on oath or affirmation which may be administered by any member of the board.
(7) Any person who, being served with such notice, neglects or refuses to obey any requirements stated therein shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(8) The Governor may make regulations not inconsistent with this Act governing the practice and procedure relating to appeals to the board under this Act.

PART III.

PLANNING AREAS AND DEVELOPMENT PLANS.

DIVISION 1.—PLANNING AREAS.

28. (1) On the recommendation of the Authority, the Governor may, by proclamation declare any part of the State to be a planning area for the purposes of this Act.

(2) The proclamation shall also state that a plan and more particular description of the part of the State referred to in the proclamation may be inspected at such place or places as are specified in the proclamation.

(3) Upon the publication of the proclamation in the Gazette, that part of the State referred to in the proclamation shall, subject to this section, become a planning area for the purposes of this Act.

(4) On the recommendation of the Authority, the Governor may, by proclamation, declare—

(a) that any part of the State be added to a planning area;

or

(b) that any part of the State that is a planning area or part of a planning area shall cease to be, or shall cease to form part of, a planning area,

and on the publication of the proclamation in the Gazette, that part of the State shall form part of the planning area or shall cease to be, or shall cease to form part of the planning area, as the case may be.

(5) The Authority may recommend that any part of the State be declared a planning area or added to a planning area or that any part of the State that is a planning area or part of a
planning area be declared to cease to be, or cease to form part of a planning area and such recommendation shall be submitted by the Authority to the Minister.

(6) Before making any such recommendation the Authority shall invite representations from the council or councils within whose area or areas the part of the State concerned is situated and shall consider such representations (if any) and together with its recommendation shall forward to the Minister a report in writing on such representations (if any).

29. As soon as practicable after any part of the State becomes a planning area and whenever it considers it necessary thereafter, the Authority shall conduct an examination of the planning area and make an assessment of its future development, and for that purpose shall have regard to the following matters:

(a) Whether the facilities available within the planning area for the movement of persons and goods are adequate and whether, and if so, what, provision should be made to meet the future needs of the community within the planning area:

(b) Whether the open spaces such as parks, playgrounds, sports grounds and other places for public recreation within the planning area are or will be adequate to meet the future needs of the community within the planning area and whether, and if so, what, provision should be made for such open spaces:

(c) The classification or zoning of districts within the planning area for residential, commercial, industrial, rural or other purposes in order to meet the future needs of the community within the planning area:

(d) Whether any part of the planning area should be re-developed, either comprehensively or otherwise, in order to rectify existing conditions of bad or unsatisfactory lay-out or unhealthy or obsolete development:

(e) Whether, in the interests of the community within the planning area, the subdivision of any land within the planning area should be prohibited, regulated or permitted only subject to conditions, having regard, inter alia, to—
(i) the existence or non-existence and the future provision, within the planning area, of such services as sewers and water, gas and electricity supplies and public transport services and whether the cost of providing such services to such land would be advantageous, economical or otherwise;

(ii) the extent of land within the planning area already divided into allotments and the extent to which such land has not been used for the purposes for which the land has been so divided; and

(iii) the extent to which community facilities are or are likely to become available to the owners and occupiers of such land:

(f) Any matters which, in the opinion of the Authority, are necessary to be considered in order to ensure that the physical, social and economic development of the planning area might proceed in the best interests of the community within the planning area.

Division 2.—Development Plans.

30. (1) Upon conducting the examination of the planning area and making an assessment of its future development, the Authority shall, subject to this Act, prepare a development plan of the planning area.

(2) For the purposes of preparing the development plan, the Authority shall consult with—

(a) every council whose area or any part of whose area is within the planning area; and

(b) every body corporate or other authority which, in the opinion of the Authority, is responsible for the provision within the planning area of services referred to in subparagraph (i) of paragraph (e) of section 29 of this Act or such representatives as may be appointed for the purpose by such body corporate or other authority,

and shall, after obtaining from the Commissioner of Highways his detailed proposals for the development of roads and associated facilities for road traffic within the planning area.
(which proposals the Commissioner is hereby authorized and required to give the Authority within a reasonable time of being requested so to do), give due consideration to such proposals.

(3) When the development plan has been so prepared the Authority shall cause a copy thereof to be sent to each council whose area or any part of whose area is within the planning area and thereafter shall, by advertisement published in the Gazette and in a daily newspaper circulating generally throughout the State, give public notice that a copy of the development plan shall be open to public inspection at the office of the Authority and at the office of each such council, if any, for such period (not less than two months from the date of the publication of the advertisement in the Gazette) as shall be specified in the advertisement, and that the Authority will, until the end of that period, entertain written representations on the development plan or any part thereof.

(4) The Authority and each of such councils, if any, shall make a copy of the development plan available for inspection by any member of the public during ordinary office hours at their respective offices for such period as is specified in the advertisement.

(5) At any time during the period referred to in subsection (4) of this section, any person may lodge with the Authority representations in writing concerning the development plan or any part thereof.

(6) The Authority shall consider the representations and, having regard thereto, may amend the development plan as it thinks fit and any reference in section 31, 32, 33 or 34 of this Act to a development plan shall, if the development plan has been so amended, be read as including a reference to the development plan as so amended.

31. After the Authority has considered the representations, the Authority shall submit the development plan to the Minister together with a summary of the representations (if any) received by the Authority and a statement in writing describing the action taken or recommended by the Authority regarding each representation.

32. (1) The Minister shall consider the development plan and the summary and statement (if any) so submitted to him and shall forward the same to the Governor together with his recommendations thereon.
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(2) The Governor shall examine the development plan and the summary and statement (if any) and the recommendations of the Minister and may then decide—

(a) to proceed with the development plan without alteration; or

(b) to proceed with the development plan as modified by such alterations as he deems expedient arising out of the representations received and the recommendations (if any) made by the Minister; or

(c) to refer the development plan back to the Authority for consideration of such further matters as the Governor thinks fit; or

(d) not to proceed with the development plan.

33. (1) Where the Governor decides to proceed with the development plan without alteration, he may by proclamation declare the development plan to be an authorized development plan.

(2) Where the Governor decides to proceed with the development plan as modified by any alterations and considers that the alterations are of such a nature as do not justify the development plan or any part thereof being referred back to the Authority to be dealt with in accordance with subsections (4) to (9) (both inclusive) of this section, he may by proclamation declare the development plan as modified by the alterations which shall be specified in the proclamation to be an authorized development plan.

(3) It shall not be necessary to publish a copy of the development plan or any alteration thereto in the proclamation referred to in subsection (1) or subsection (2) of this section if the development plan and the alteration thereto are open to public inspection and a sufficient description of the development plan and the alteration thereto are included in such proclamation.

(4) Where the Governor decides to refer the development plan back to the Authority for consideration of such further matters as the Governor thinks fit, he may so refer the development plan to the Authority.

(5) Where the development plan is so referred back to the Authority, the Authority shall cause particulars of such further matters to be sent to each council whose area or any part of whose area is within the planning area affected by the development plan and thereafter shall by advertisement published in the Gazette and in a daily newspaper circulating generally
throughout the State, give public notice that a copy of the development plan and particulars of the further matters to be considered by the Authority shall be open to public inspection at the office of the Authority and each such council, if any, for such period (not less than two months from the publication of the advertisement in the Gazette) as shall be specified in the advertisement and that the Authority will, until the end of that period, entertain written representations on such further matters.

(6) The Authority and each of such councils, if any, shall make a copy of the development plan and particulars of the further matters to be considered by the Authority available for inspection by any member of the public during ordinary office hours at their respective offices for the period specified in the advertisement.

(7) At any time during the period referred to in subsection (6) of this section, any person may lodge with the Authority representations in writing concerning the further matters to be considered by the Authority.

(8) The Authority shall consider the representations and, having regard thereto, may amend the development plan as it thinks fit.

(9) The provisions of sections 31 and 32 of this Act shall thereafter, with such modifications as are necessary, apply to and in relation to the development plan.

34. (1) As soon as practicable after a development plan is declared to be an authorized development plan or after an authorized development plan is amended or altered in accordance with this Act, the Authority shall furnish every council whose area or any part of whose area is within the planning area affected by the development plan or amendment or alteration with a copy of the authorized development plan or amendment or alteration.

(2) The Authority and each of such councils shall make a copy of the authorized development plan and of every amendment or alteration thereof available for inspection by any member of the public during ordinary office hours at their respective offices.

35. (1) The Authority shall, from time to time, re-examine the planning area affected by an authorized development plan and may, if it considers fit, prepare a supplementary development plan of the planning area or any part thereof; but, if the
area of a council or any part thereof lies within a planning area that lies outside the Metropolitan Planning Area, the Authority shall not prepare a supplementary development plan affecting any part of the area of the council—

(a) unless the council has requested the Authority to do so; or

(b) unless the council has failed or refused to prepare and submit to the Minister within six months after being requested to do so by the Authority, a supplementary development plan relating to the area or part of the area of the council that lies within the planning area;

or

(c) unless a supplementary development plan of the area or part of the area of the council that lies within the planning area prepared by the council has been returned to the council by the Minister under this section.

(2) Sections 29 to 34 of this Act (both inclusive) shall, with such modifications as are necessary, apply to and in relation to any such re-examination or supplementary development plan as if such re-examination were an examination of the planning area referred to in section 29 of this Act or such supplementary development plan were a development plan.

(3) A council may examine the area of the council or any part thereof which is within the planning area affected by an authorized development plan and may, from time to time, prepare a supplementary development plan of the area of the council or any part thereof which is within that planning area.

(4) Such a supplementary development plan shall be of the same nature as a supplementary development plan that could be prepared by the Authority under subsection (1) of this section and the council shall, in relation thereto and in relation to matters incidental thereto, do all such things which the Authority would have been required to do under sections 29, 30 and 31 of this Act, if the plan were prepared by the Authority, as are appropriate and practicable.

(5) Where a supplementary development plan prepared by a council under this section is submitted to the Minister by the council together with a summary of the representations (if any) received by the council and a statement in writing describing the action taken or recommended by the council regarding each representation, the Minister shall, if he is satisfied that the
council has in relation to the plan and to matters incidental thereto, done all such things which the Authority would have been required to do under sections 29, 30 and 31 of this Act, if the plan were prepared by the Authority, as are appropriate and practicable, refer the plan, summary and statement to the Authority for a report as to whether the supplementary development plan is consistent with, or is a suitable variation of, the authorized development plan.

(6) If the Authority reports to the Minister that in its opinion the supplementary development plan is consistent with, or is a suitable variation of, the authorized development plan, the supplementary development plan shall be deemed to be a supplementary development plan prepared by the Authority and duly submitted to the Minister in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly; but if the Authority reports to the Minister that in its opinion the supplementary development plan is not consistent with, or is not a suitable variation of, the authorized development plan, the Authority shall furnish the Minister with its reasons for such opinion, and the Minister shall either—

(a) inform the council accordingly and return the plan to the council;

or

(b) treat it as a supplementary development plan prepared and duly submitted to the Minister by the Authority in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly.

(7) Where a supplementary development plan affecting any planning area or part of any planning area is declared by proclamation under this Act to be an authorized development plan, such authorized development plan shall, for the purposes of this Act, have effect as, and be deemed to be a variation of, and shall be incorporated with, every other existing authorized development plan affecting that planning area or part of the planning area, as the case may be.
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IMPLEMENTATION OF AUTHORIZED DEVELOPMENT PLANS.

36. (1) Subject to this Act, the Governor may, on the recommendation of the Authority or a council whose area or any part of whose area is within the planning area affected by an authorized development plan and on receiving from the Minister a certificate that in his opinion such of the provisions of section 38 of this Act as are applicable have been complied with, make such regulations, not repugnant to or inconsistent with any Act, as are necessary or expedient for the purpose of implementing and giving effect to the authorized development plan and the general principles contained therein and the objects thereof and any matters incidental thereto and for any other purpose (express or implied) for which planning regulations may be made under this Act.

(2) Such regulations shall be known as the planning regulations relating to that authorized development plan.

(3) Any planning regulations may be of general application or apply in specified cases and may be expressed to apply to the whole or any specified part of the planning area, and, unless otherwise provided or clearly intended, whether expressly or by necessary implication, shall apply to the whole of the planning area and shall apply to and bind the Crown and every instrumentality or agency of the Crown; but where a planning regulation is made on the recommendation of a council, it shall be expressed to have effect only in the area or that part of the area of the council which is within the planning area affected by the authorized development plan to which it relates, and it may provide that the regulation shall be administered or enforced or administered and enforced by the council.

(4) Without limiting the generality of the powers conferred by subsection (1) and subsection (3) of this section, a planning regulation may—

(a) define any zone or locality for specified purposes and purposes ancillary thereto;

(b) regulate, restrict or prohibit, either absolutely or subject to any prescribed conditions—

(i) the development of any land or any class of land within any zone or locality;

(ii) the manner or circumstances in which or the purposes for which any land, buildings or structures or any class thereof may be used either generally or in specified zones or localities within the planning area;
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(iii) the conversion or alteration or siting of buildings or structures or any class thereof and the general character of the external appearance of buildings and structures either generally or in specified zones or localities within the planning area or in any specified circumstances;

(c) prescribe the cases and circumstances in and under which—

(i) an existing building or structure within the planning area shall not be altered, enlarged or extended for the purposes of its existing use without the consent of the Authority or the council within whose area the building or structure is situated;

(ii) the use of any land within the planning area shall not be changed from its existing use without the consent of the Authority or the council within whose area the land is situated or the use of any land within the planning area may be changed from its existing use with the consent of the Authority or the council within whose area the land is situated; and

(iii) an existing use of land which is discontinued shall cease to be regarded as an existing use of the land for the purposes of this Act;

(d) reserve any land for any purpose for which the land may be compulsorily acquired or taken under any Act and—

(i) prohibit the carrying out or completion of any work or class of work on land so reserved without the consent in writing of the Minister;

(ii) prescribe the manner of and procedure for making, dealing with and disposing of applications for such consent and provide that such consent may be given subject to conditions;

and

(iii) provide that any land so reserved has ceased or will cease to be so reserved and confer on the Authority or a council power to determine the cases and circumstances in and under which and the purposes for which land that has ceased to be so reserved may thereafter be used;
(e) prescribe the cases and circumstances in and under which any planning regulation shall apply or shall not apply;

(f) empower the Governor, on the recommendation of the Authority or a council, by proclamation to exempt any land, subject to such terms and conditions as may be specified in the proclamation, from the operation of any planning regulation or part of a planning regulation and to prescribe the cases and circumstances in and under which and the purposes for which land so exempted may thereafter be used and by a like proclamation, to revoke or vary such exemption;

(g) define any zone or locality, consent to the subdivision of the whole or any part of which may be refused or granted subject to conditions that are appropriate to that zone or locality and define any such zone as expressly superseding a zone indicated on an authorized development plan;

(h) regulate, restrict or prohibit the development of any land abutting, adjoining or adjacent to a road and, for that purpose, may—

(i) regulate or prohibit the construction, forming or laying out of any means of access to or from the road;

(ii) regulate or prohibit the erection or making on the land of any building, structure, stockpile, earthworks or excavation which is within a prescribed distance from the road; and

(iii) regulate or prohibit the erection or making on the land of any building or structure, stockpile, earthworks or excavation for any use or purpose that is likely to cause increased and excessive vehicular traffic or traffic congestion or traffic hazard;

(i) provide for the conservation, preservation or enhancement of the natural beauty of the foreshores or banks of the ocean, harbours, rivers, creeks, lakes, lagoons and the like and of any routes or localities of scenic beauty or value;

(j) prohibit the alteration or destruction of buildings or sites of architectural, historical or scientific interest or natural beauty except with the consent of the Authority;
(k) prohibit the cutting down, topping, lopping or destruction of trees except with the consent of the Authority;

(l) regulate, restrict or prohibit the construction, erection or use of advertising devices, signs, panels or hoardings, whether illuminated or not, and whether attached to buildings or other structures or not;

(m) require suitable action to be taken for abating any impairment caused to any of the amenities in any locality within the planning area by reason of the ruinous or dilapidated condition of any object, building or structure on any land within the locality or the condition of any derelict, waste or neglected land;

(n) require the provision of space or accommodation appropriate to the use of any land within the planning area for the parking, loading, unloading, turning and fuelling of vehicles upon such land;

(o) regulate, restrict or prohibit, either absolutely or subject to any conditions which may be imposed by the Authority, the extraction from the soil of any turf, soil, sand, gravel, clay, rock, stone or similar minerals, the production of salt by the solar evaporation of sea water, the dressing and treatment of minerals or the manufacture of products therefrom;

(p) make provision for facilitating the re-development of localities within the planning area, either comprehensively or otherwise, and for remedying conditions of bad or unsatisfactory lay-out of land or unhealthy or obsolete development;

(q) provide that any regulation or part of a regulation shall be administered and enforced by the council of the area or part of the area to which the regulation relates;

(r) prescribe the manner of and procedure governing the making of and dealing with various applications to the Authority or a council and provide for the giving of public or other notice that any such application has been made;

(s) require the owner of any land on which any building, structure or work has been erected or carried out in contravention of any provision of this Act to remove such building or structure or to restore such land as far as is practicable to its former state and make provision for the enforcement of any such requirement;
(t) subject to Division 3 of Part II of this Act, prescribe the manner of making, hearing and disposing of such appeals, and prescribe the manner of giving effect to decisions on such appeals; and

(u) prescribe a penalty not exceeding two hundred dollars for a breach of any provision of a planning regulation or for any failure to comply with any notice given under or in pursuance of any such regulation, or with any term or condition subject to which any consent, permission or approval or any exemption is granted under this Act, and a daily penalty not exceeding fifty dollars for every day on which such breach or failure continues.

(5) The Authority may, with the approval of the council, by writing, delegate all or any of its powers and functions exercisable under any planning regulation in relation to any area or part of any area to the council of that area so that the delegated powers or functions may be exercised by the council.

(6) Every such delegation shall be revocable at the will of the Authority and shall not prevent the exercise of the delegated power or function by the Authority.

(7) No planning regulation shall be regarded as invalid on the ground—

(a) that it delegates to or confers upon any person or person of a class a discretion or a discretionary power or authority; or

(b) that it varies or re-constitutes the boundaries or location of any zone or other locality or any road shown in an authorised development plan.

(8) Where any provision of this Act provides that, in relation to any land, a thing may be done with the consent, permission or approval of a person or body or that a thing shall not or may not be done without the consent, permission or approval of a person or body, such consent, permission or approval may be given absolutely or subject to conditions imposed or expressed by the person or body concerned, including conditions limiting the operation or effect of the consent, permission or approval to a limited period or by reference to the applicant only or to the type of use which is made or to be made of the land by the applicant, or prescribing the type, size or kind of construction of any building or structure to be erected on the land or requiring the removal or alteration of any work or the re-instatement of any land.
(9) Where a person purports to do or causes or permits to be done an act of any kind in pursuance of any consent, permission or approval obtained or granted under this Act, but such act is, in any respect, in breach of a condition attached to such consent, permission or approval, such act shall be deemed to have been done without such consent, permission or approval and such consent, permission or approval may be revoked by the person or body that granted it.

(10) Where by any planning regulation, any land is reserved for any purpose referred to in paragraph (d) of subsection (4) of this section, such regulation shall also specify the acquiring authority in whom or in which is vested the power to acquire such land for such purpose.

(11) Where by any planning regulation any land is reserved for any purpose referred to in paragraph (d) of subsection (4) of this section or any land so reserved is declared to have ceased to be so reserved, the Director shall furnish the Registrar-General with a copy of the *Gazette* containing the regulation and the Registrar-General shall—

(a) if the land is under the provisions of the Real Property Act, 1886-1963, make on any certificate of title such entries as he deems necessary to indicate that the land is so reserved or has ceased to be so reserved, as the case may be; or

(b) if the land is not under the provisions of the Real Property Act, 1886-1963, record the fact that the land is so reserved or has ceased to be so reserved, as the case may be, by registering a memorial of the regulation in the General Registry Office under the Registration of Deeds Act, 1935-1962,

and if the land is held under an agreement, lease or licence under the Crown Lands Act, 1925-1967, the Director shall furnish the Director of Lands with a copy of the *Gazette* containing the regulation and the Director of Lands shall cause such entries as are necessary to be made on the instrument under which the land is held to record the fact that the land is so reserved or has ceased to be so reserved, as the case may be.

(12) During such time as any planning regulation reserving any land for any purpose referred to in paragraph (d) of subsection (4) of this section is in force, the land shall, for the purposes of the Land Tax Act, 1936-1966, the Waterworks Act, 1932-1966, the Sewerage Act, 1929-1966, and the Local Government Act, 1934-1966, be assessed for tax or rates having regard to the value of the land resulting from the use to which
it is put at the relevant time without regard, however, to the value the land would have if it were capable of being used for any purpose other than a purpose for which the land has been reserved.

(13) Where by any planning regulation—

(a) any land is reserved for any purpose referred to in paragraph (d) of subsection (4) of this section;

and

(b) the carrying out or completion of any work or class of work on that land without the consent in writing of the Minister is prohibited,

the owner of the land may, if the consent of the Minister is refused or granted subject to conditions, serve upon the acquiring authority, within six months after such consent is refused or granted subject to conditions, a written notice requiring that the and be acquired by the acquiring authority.

(14) The owner shall, not later than seven days after the notice is served on the acquiring authority, serve a copy thereof on the Minister.

(15) If within two months after the receipt of the notice the acquiring authority does not inform the owner in writing that the acquiring authority intends to acquire the land as soon as practicable and within four months after so informing the owner the acquiring authority has not acquired the land or served on the owner a notice to treat pursuant to the Compulsory Acquisition of Land Act, 1925-1966, with respect to the land, the owner may proceed to carry out or complete that work or class of work on that land without the consent in writing of the Minister and without incurring any penalty therefor.

(16) If any by-law made by a council is inconsistent with any provision of this Act or of any planning regulation made under this Act, such provision shall prevail and the by-law shall, to the extent of the inconsistency, be invalid.

37. (1) Notwithstanding anything contained in section 36 or any other section of this Act, no provision of any planning regulation shall be construed as preventing the continued use of any land or building for the purposes for which the land or building was being lawfully used at the time the regulation took effect or as preventing the carrying out or completion on any land of any work for which every consent, permission or approval required under any Act authorizing the work to be carried out had been obtained and was current.
(2) Notwithstanding any other provision of this Act, where—

(a) a person carrying on the business of manufacturing, warehousing or storage of goods had, before the commencement of this Act, been using any land in connection with that business or had acquired any land for use in connection with that business;

and

(b) such use or intended use was permitted or authorized by or under the Building Act, 1923-1965, or any by-law made thereunder, as in force at the commencement of this Act,

such person or his successor in business may, so long as he is the owner or occupier thereof, use or continue to use the land in connection with that business in accordance with such permission or authorization but the foregoing provision does not exempt such person from compliance with any provision of this Act or of any regulation requiring the provision on such land of space or accommodation appropriate to the use of such land for the parking, loading, unloading, turning or fuelling of vehicles on such land or regulating or prohibiting the construction, forming or laying out of any means of access to or from a road abutting, adjoining or adjacent to the land.

38. (1) Every recommendation by the Authority or a council for the making of any planning regulations under section 36 of this Act shall be submitted to the Minister.

(2) Before the Authority or a council submits such a recommendation to the Minister it shall, by notice published in the Gazette and in a daily newspaper circulating generally throughout the State, give public notice that it proposes to make a recommendation for the making of planning regulations under section 36 of this Act, that a copy of the proposed recommendation shall be open to public inspection during ordinary office hours at the office of the Authority or the council, as the case may be, for such period (being not less than two months from the date of the publication of the notice in the Gazette) as shall be specified in the notice and that the Authority or the council will, until the end of that period, entertain written objections to the proposed recommendation.

(3) The Authority or the council shall make a copy of the proposed recommendations available for inspection by any member of the public during ordinary office hours at its office for the period specified in the notice and, on payment of the prescribed fee, may furnish any applicant with a copy of such recommendations.
(4) At any time during the period referred to in subsection (3) of this section, any person may lodge with the Authority or the council, as the case may be, written objections to the proposed recommendation.

(5) The Authority or the council, as the case may be, shall afford each person who has so lodged such objections an opportunity to appear personally, or by counsel, solicitor or agent before the Authority or the council and to be heard in support of such objections.

(6) The Authority or the council shall, when submitting the recommendation to the Minister, forward to the Minister together with the recommendation a statement containing a summary of the objections, if any, and a description of the action, if any, taken or recommended by the Authority or the council regarding each objection.

(7) Before the Authority submits a recommendation under this section, the Authority shall consult with every council in whose area any land will be affected by the proposed recommendation.

(8) Every recommendation submitted by the Authority under this section shall be accompanied by a statement under the hand of the chairman of the Authority setting out the names of the councils which have been consulted by the Authority in accordance with subsection (7) of this section and a summary of the comments, if any, which have been made by such councils with respect to the proposed recommendation.

(9) Every recommendation submitted under this section by a council shall be referred by the Minister to the Authority for report and if the Authority reports that the recommendation is not in accordance or does not conform with the provisions and objects of the authorized development plan applicable to the area of the council, the Minister shall not proceed further with the recommendation and shall inform the council accordingly.

(10) No recommendation for the making of any planning regulation whereby any land is to be reserved for any purpose referred to in paragraph (d) of subsection (4) of section 36 of this Act shall be submitted to the Minister under this section by the Authority or a council unless—

(a) the acquiring authority concerned has consented in writing to such recommendation; and

(b) a copy of such consent is attached to such recommendation.
39. Without limiting the application of the Acts Interpretation Act, 1915-1957, the provisions of that Act shall, so far as the same are applicable, apply to and in relation to every planning regulation made under this Part of this Act.

PART V.

INTERIM DEVELOPMENT CONTROL WITHIN THE METROPOLITAN PLANNING AREA.

40. The provisions of this Part do not limit the application of, or derogate from, any other provisions of this Act.

41. (1) On the recommendation of the Authority, the Governor may, from time to time, by proclamation, declare that any land specified therein, being land within the Metropolitan Planning Area, shall be subject to this section.

(2) Subject to subsection (3) of this section, any land so declared shall be subject to this section for such period not exceeding five years as the Governor may specify by such proclamation.

(3) Any land so declared shall cease to be subject to this section—

(a) upon the expiration of the period referred to in subsection (2) of this section; or

(b) upon the declaration by a subsequent proclamation under subsection (4) of this section that it has ceased to be subject to this section,

whichever first occurs.

(4) On the recommendation of the Authority, the Governor may, by subsequent proclamation, declare that any land which had been previously declared to be subject to this section shall cease to be subject to this section.

(5) Where any land is subject to this section, no person shall, so long as the land is so subject—

(a) change the existing use to which the land or any buildings or structures thereon is or are lawfully being put; or

(b) construct, convert or alter any building or structure thereon,
without the consent in writing of the Authority or, where the Authority has by notice published in the *Gazette* delegated its power under this subsection to a council within whose area the land is situated (power to make or revoke such delegation being hereby conferred on the Authority), without the consent in writing of that council.

Penalty: Five hundred dollars.

(6) Subsection (5) of this section does not apply to the construction, conversion or alteration of any building or structure on any land by any person or body who or which is required and authorized by or under any Act to carry out such construction, conversion or alteration.

(7) Before granting or refusing its consent to any matter referred to in subsection (5) of this section, the Authority or council shall have regard to—

(a) the provisions of the Metropolitan Development Plan;

(b) the health, safety and convenience of the community within, and in the vicinity of, the locality within which the land is situated;

(c) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land is situated; and

(d) the amenities of the locality within which the land is situated.

(8) The Authority or council may grant its consent without attaching any conditions thereto or subject to such conditions as the Authority or council thinks proper.

42. (1) Where—

(a) a person makes an application to the Director for approval of a plan of subdivision relating to any land within the Metropolitan Planning Area to which Part VI of this Act applies; and

(b) the Director is of opinion that the whole or any part of the land lies within a prescribed locality,

the Director shall refer the plan of subdivision to the Authority for report and the Authority shall examine the plan and make a report to the Director in writing stating whether in its opinion the land or any part thereof lies within a prescribed locality and whether the plan conforms to the purposes, aims and objectives of the Metropolitan Development Plan and to the planning regulations (if any) relating to that plan.
(2) If the report of the Authority states that, in the opinion of the Authority, the land or any part thereof lies within a prescribed locality and that the plan does not conform to the purposes, aims and objectives of the Metropolitan Development Plan or to the planning regulations (if any) relating to that plan, the Director shall refuse to approve of the plan of subdivision.

(3) The Director shall thereupon send to the applicant notice of his decision to refuse to approve the plan of subdivision together with a copy of the report of the Authority.

(4) There shall be a right of appeal to the board against such decision of the Director and the board may, before determining the appeal, review the matters contained in the report of the Authority.

(5) In this section—

"prescribed locality"—

(a) means any zone indicated in the Metropolitan Development Plan as a General Industrial Zone, Light Industrial Zone, Extractive Industrial Zone, Special Industrial Zone, Hills Face Zone or Rural Zone; and

(b) where any such zone has been expressly superseded by a zone or locality defined for specified purposes by a planning regulation relating to the Metropolitan Development Plan, means the zone or locality so defined.

PART VI.

CONTROL OF LAND SUBDIVISION.

43. (1) This Part does not apply to—

(a) any land within the area of the City of Adelaide;

(b) any Crown lands; and

(c) any lands which are wholly used or intended to be wholly used for the business of primary production and are subject to any agreement, lease or licence granted by or on behalf of the Crown.
(2) For the purposes of subsection (1) of this section, "business of primary production" means the business of agriculture, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming, forestry or any other business consisting of the cultivation of soils, the gathering in of crops or the rearing of livestock.

44. (1) A person shall not—

(a) sell, grant, transfer, convey or mortgage any land, other than an allotment, or an undivided share of an allotment, to any person;

(b) enter into any contract of sale or agreement for sale and purchase of any land, other than an allotment or an undivided share of an allotment; or

(c) lease or grant a licence to use or occupy any land, other than an allotment or an undivided share of an allotment, for a term exceeding five years, whether as the term of the lease or licence or by way of option to renew the term of a lease or licence, without the approval in writing of the Director.

Penalty: Four hundred dollars.

(2) Where, after payment of any consideration for any transaction relating to land, it is found that the transaction cannot be completed without contravention of subsection (1) of this section, the amount of such consideration may be recovered by the person who paid it from the person to whom it was paid as a debt in any court of competent jurisdiction.

(3) Subsection (1) of this section shall apply to any person, whether the registered proprietor or not, or to any licensed land broker, licensed land agent, licensed land salesman or any other person acting as the agent of such person.

(4) Subsection (1) of this section shall not apply to any land that includes or constitutes a building or any portion of a building designed as a unit for separate occupation within a building unit scheme comprising three or more of such units erected on an allotment and approved by the council within whose area such allotment is situated if such land is held and dealt with as a unit for separate occupation within such a scheme.

(5) Subsection (1) of this section shall not apply to any piece of land over twenty acres in extent.
(6) It shall not be an offence under subsection (1) of this section if the contract, agreement, lease or licence referred to in that subsection contains a provision that such contract, agreement, lease or licence, as the case may be, is subject to the approval in writing of the Director.

45. (1) No plan of subdivision shall be deposited with or accepted by the Registrar-General and given a number as a deposited plan unless it has first been certified by a licensed surveyor within the meaning of the Surveyors Act, 1935-1961, and approved by the Director and the council within whose area the land depicted in the plan is situated.

(2) After the commencement of this Act, no plan of subdivision shall be submitted by any person to the Director or a council for approval unless the land depicted therein is under the provisions of the Real Property Act, 1886-1963.

(3) No plan of re-subdivision shall be accepted by the Registrar-General for filing in the Lands Titles Registration Office unless it has first been approved by the Director and the council within whose area the land depicted in the plan is situated.

(4) For the purposes of this section, a plan that, before the commencement of this Act, had been approved by the Town Planner under the repealed Act shall be deemed to have been approved by the Director.

(5) For the purposes of this Part, a council may authorize an officer of the council to approve or refuse approval of a plan of re-subdivision and any approval or refusal of approval of such a plan by that officer pursuant to such authorization shall be deemed to be an approval or refusal of approval, as the case may be, by the council.

46. Where a plan of subdivision has been deposited in the Lands Titles Registration Office or a plan of re-subdivision has been duly approved, the Registrar-General shall make such entries on every certificate of title affected by such plan as he deems necessary to record that the plan of subdivision has been so deposited or the plan of re-subdivision has been so approved.

47. Where, in the opinion of the Registrar-General, a dealing in any land cannot be registered unless a proper plan of subdivision has been deposited in the Lands Titles Registration Office or a plan of re-subdivision has been duly approved, he may refuse to accept for registration any instrument purporting to give effect to such dealing until the plan of subdivision has been so deposited or the plan of re-subdivision has been
so approved; but, notwithstanding that such a plan of re-
subdivision has not been so approved, he may, subject to the
directions, if any, of the Minister, accept for registration any
instrument purporting to convey any land to or from the
Crown, whether in right of the Commonwealth or in right of the
State or to or from any person who, in his opinion, is an agent or
instrumentality of the Crown, whether in right of the
Commonwealth or in right of the State.

48. (1) When any plan of subdivision of any land, other
than land subject to any agreement, lease or licence granted by
or on behalf of the Crown, has been accepted by the Registrar-
General and given a number as a deposited plan or any plan of
re-subdivision of any such land is accepted by the Registrar-
General for filing in the Lands Titles Registration Office, every
road, street, thoroughfare, reserve or other like open space
shown thereon shall, by operation of this Act, become vested
for the purpose indicated on the plan in fee simple in the
council of the area in which it is situated without compensation
or payment to any person.

(2) The Registrar-General shall make on any certificate of
title such entries as he deems necessary to record the vesting of
any land under subsection (1) of this section.

(3) Every road, street, or thoroughfare vested in a council
pursuant to this section shall, for all purposes, be a public road,
street or thoroughfare.

49. The Director or a council may refuse approval to a plan of
subdivision or plan of re-subdivision if—

(a) the land shown thereon, or any part thereof, is liable to
inundation by tidal, drainage or flood waters;

(b) there is no provision, or insufficient provision, for the
safe and efficient drainage and disposal of storm
water from the land or any part thereof;

(c) the plan does not provide for reserves or easements
necessary for water supply, sewerage or drainage
purposes;

(d) a water supply sufficient for domestic purposes is not
available or cannot be made available to each
allotment defined therein;

(e) sewerage cannot be disposed of from each allotment
defined therein without risk to health;

(f) the land, or any part thereof, is unsuitable for the
purpose for which it is to be subdivided or re-
subdivided, whether because of the proximity of the
land to an airport or otherwise;
(g) the natural slope of the whole of the land in any allotment is steeper than a gradient of 1 in 4;

(h) the proposed mode of subdivision or re-subdivision would destroy any site of exceptional natural beauty or any site or building of architectural, scientific or historical interest in the land: but approval shall not be refused pursuant to this paragraph if the Director or the council is satisfied that the land upon which the site is located has been offered by the owner of the land for sale to the Government, the Authority and the council of the area in which the land is situated at a price which in the opinion of the Land Board is reasonable and the offer has not been accepted by the Government, the Authority and the council within three months after the offer has been made;

(i) the proposed mode of subdivision or re-subdivision would be unsuitable having regard to the use to which the land may be put under this Act or any regulation made thereunder or under the Building Act, 1923-1965, or any by-law or regulation made thereunder;

(j) the proposed mode of subdivision or re-subdivision would, if given effect to, cause an infringement of any provision of this Act or the Building Act, 1923-1965, or any by-law or regulation made thereunder;

(k) there is no provision for shop sites, or the provision made for shop sites is unsatisfactory or insufficient having regard to the shops and shop sites in the locality;

(l) access from each allotment defined therein to the carriageway of any existing or proposed road, street or thoroughfare is not safe and convenient;

(m) access from any allotment defined therein is not permitted under any Act or regulation;

(n) any proposed road, street or thoroughfare is not so graded or so capable of being graded as to be capable of being safely and conveniently connected with any existing road, street or thoroughfare;

(o) any proposed road, street or thoroughfare is unsafe or inconvenient for traffic, or does not provide for convenient inter-communication with neighbouring localities;

(p) adequate provision for roads is not made on the plan;
Further grounds of refusal by Director or council may be prescribed.

Further grounds of refusal by council.

50. Without limiting the powers contained in sections 49, 51 and 52 of this Act, the Director or a council may refuse approval to a plan of subdivision or plan of re-subdivision for any ground or reason that may be prescribed by regulation made under section 36 or section 62 of this Act.

51. (1) Without limiting the powers contained in section 49 of this Act, a council may refuse approval to a plan of subdivision unless the council is satisfied—

(a) that—

(i) the roadway of every proposed road or street, to a width of at least twenty-four feet, and every water-table, channel and footpath of every proposed road or street has been formed in a manner satisfactory to the council and in conformity with a road location and grading plan signed by a licensed surveyor within the meaning of the Surveyors Act, 1935-1961, and submitted to and approved by the council prior to the commencement of the work;

and

(ii) the roadway of every proposed road or street has been adequately constructed, paved and sealed with bitumen, tar or asphalt or other material approved by the council and all bridges, culverts, underground drains and inlets thereto necessary in accordance with recognized engineering design practice,
and the water-tables, channels, kerbs and footpaths of every proposed road or street have been constructed in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a prescribed engineer and submitted to and approved by the council prior to the commencement of the work;

or

(b) that, before the commencement of any work referred to in paragraph (a) of this subsection which has not been carried out or completed to the satisfaction of the council, the applicant has made binding arrangements satisfactory to the council that the work will be carried out or completed to the satisfaction of the council at the cost of the applicant and within such time as may be specified by the council.

(2) Notwithstanding anything contained in sections 319 and 328 of the Local Government Act, 1934-1966, where a plan of subdivision has been approved by a council and—

(a) the roadway of any proposed road or street shown thereon has been constructed, paved or sealed by or on behalf of the owner of the land delineated thereon, or any necessary bridges, culverts, drains or inlets or the water-tables, channels, kerbs or footpaths of any such proposed road or street have been constructed by or on behalf of that owner, in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a prescribed engineer and submitted to and approved by the council prior to the commencement of the work;

(b) such proposed road or street has by virtue of section 48 of this Act or any corresponding previous enactment become a public road or street;

and

(c) any work of a kind referred to in paragraph (a) of this subsection which had been carried out by or on behalf of the owner aforesaid is also carried out thereafter by the council,

the council shall not be entitled to recover the cost or expenses of such work or any part thereof from the owners of any rateable property abutting on such public road or street, or abutting on
the footpath of any such public road or street, as the case may be, where such ratable property constituted or formed part of the land delineated on the plan of subdivision.

(3) In this section—

"prescribed engineer" means a person who, being—

(a) a corporate member of the Institution of Engineers, Australia; or

(b) the holder of qualifications which exempt him from the Associate membership examination of the Institution of Engineers, Australia, practises the profession of engineer.

(4) Before a council approves a plan of subdivision, it may require the applicant to satisfy the council that all connections for water supply and sewerage services to any allotment defined therein which, in the opinion of the Director and Engineer-in-Chief of the Engineering and Water Supply Department, are necessary and would need to be laid under the surface of any proposed road have been made before the roadway of such road has been sealed.

52. (1) Without limiting the powers contained in section 49 of this Act, the Director may refuse approval to a plan of subdivision or plan of re-subdivision if—

(a) in the opinion of the Director and Engineer-in-Chief of the Engineering and Water Supply Department, the requirements of the Minister of Works for the provision of water supply and sewerage services to each allotment defined therein have not been or can not be met;

(b) the plan defines more than twenty allotments and does not provide as reserves at least twelve and one half per centum of such of the land depicted thereon as in the Director's opinion is usable for the purpose for which the land is being divided;

(c) the plan defines not more than twenty new allotments (all or any of which are not more than two acres in extent) and—

(i) does not provide as reserves at least twelve and one half per centum of such of the land depicted thereon as in the opinion of the Director is usable for the purposes for which the land is being divided; or

(ii) the owner of the land depicted thereon has not paid or has not, to the satisfaction of the Authority, bound himself to pay to the Authority to be paid into the Fund an amount representing one hundred dollars (if the land is situated in the Metropolitan Planning Area), or forty dollars (if the land is situated outside the Metropolitan Planning Area) for each of such allotments as is not more than two acres in extent:

Provided that, for the purposes of this paragraph, where the plan divides a number of existing allotments into an equal or a lesser number of allotments, such last mentioned allotments shall be deemed not to be new allotments defined by the plan and where the plan divides a number of existing allotments into a greater number of allotments, the number by which the greater number of allotments exceeds the number of existing allotments shall be deemed to be the number of new allotments defined by the plan, and the appropriate amount referred to in subparagraph (ii) of this paragraph shall become payable in respect of each of such new allotments as are not more than two acres in extent;

(d) the land is situated in a locality the development of which, in the opinion of the Director, is premature, having regard to—

(i) the availability or non-availability of, and the cost of providing, such services as roads, sewerage, water supplies, electricity, gas and public transport to the land;

(ii) the availability or non-availability of community facilities;

(iii) the amount of land in the vicinity of the land depicted thereon which is already divided into allotments and the extent to which such allotments have not been used for the purposes for which they were so divided;

or

(iv) any proposals contained in any authorized development plan;

(e) in the opinion of the Director, the natural features and the general character of the land depicted thereon or any part thereof (including the trees and vegetation thereon) or of the localities in the vicinity
thereof, would be materially impaired, altered or destroyed by reason of the nature of the proposed subdivision or re-subdivision or of any building or engineering operations involved in giving effect to such proposed subdivision or re-subdivision;

(f) in the opinion of the Director, the area to be subdivided or re-subdivided, or any part thereof, or areas immediately adjacent thereto, will be subjected to undue erosion from surface waters, or any other cause by reason of the character of the proposed subdivision or re-subdivision, or of the building or engineering operations involved in its establishment; or

(g) an existing road or street abuts on an area proposed to be subdivided or re-subdivided and it is necessary to widen that road or street in order to provide a thoroughfare of adequate width having regard to existing and future planning requirements and provision has not been made on the plan for such widening as the Director considers necessary; but the Director shall not refuse approval under this paragraph—

(i) to any plan of subdivision on the grounds that an abutting road should be widened by more than fifty feet and provision has not been made on the plan for such widening;

(ii) to any plan of re-subdivision on the grounds that the abutting road should be widened to a total width in excess of fifty feet and provision has not been made on the plan for such widening, or that from a corner allotment an area in excess of two hundred and fifty square feet abutting a junction or intersection of two or more roads shown on the plan is necessary for widening and improving visibility at the junction or intersection and provision has not been made on the plan for such widening; or

(iii) to any plan where any building suitable for occupation exists on any part of the land considered necessary for road widening purposes if no other part of the land is
required under this paragraph for road widening purposes or if the plan makes provision for such other road widening as is required under this paragraph.

(2) Where a plan defines not more than twenty new allotments, the owner of the land depicted thereon may pay or bind himself to the satisfaction of the Authority to pay to the Authority such amount as is referred to in subparagraph (ii) of paragraph (c) of subsection (1) of this section and upon receipt of such amount by the Authority, the Authority shall pay the same into the Fund.

(3) Where the owner referred to in subsection (2) of this section has so bound himself to pay such amount to the Authority and has failed to pay such amount to the Authority in accordance with the terms under which he is so bound, the Authority may, without prejudice to any other remedy it may have, recover such amount from the owner as a debt in any court of competent jurisdiction.

53. (1) Subject to this section, any plan of subdivision of any land which has a frontage on the sea coast, or any lake side, or bank of a river, or open aqueduct, or any bank of a creek which is shown on an authorized development plan as suitable or desirable for preservation or protection, shall make provision for a reserve at least one hundred feet in width along such frontage and the rear of any allotment depicted on the plan shall not abut such reserve.

(2) The Director may, in relation to any plan of subdivision, dispense with or modify the requirements of subsection (1) of this section.

54. Where the Director or a council refuses approval to a plan, the Director or council, as the case may be, shall, when notifying the applicant of the refusal of such approval, inform him of the reasons for refusing such approval.

55. (1) Where—

(a) a plan of subdivision has been at any time deposited in the Lands Titles Registration Office or, before the commencement of this Act, in the General Registry Office; and
(b) it is shown on the plan that any land comprised therein is subject or intended to be subject to an easement in favour of the Minister of Works for sewerage purposes or for water supply purposes,

the land shall, as from the time of such deposit, and without compensation or payment to any person, be subject to an easement in favour of the Minister of Works giving the Minister of Works, his agents, servants and workmen full, free and unrestricted right and liberty, from time to time and at all times, to break the surface of, dig, open up and use the 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 or water supply purposes, as the case may be, together with the full, free and unrestricted right and liberty, with or without horses, plant, equipment, carts, motor vehicles and other carriages, laden or unladen, of entry, egress and regress, from time to time and at all times, in, through, over, across and along the land for any of the purposes aforesaid.

(2) Where—

(a) a plan of subdivision has been at any time deposited in the Lands Titles Registration Office, or, before the commencement of this Act, in the General Registry Office; and

(b) it is shown on the plan that any land comprised therein is subject or is intended to be subject to an easement, in favour of the council in whose area the land is situated, for drainage purposes,

the land shall, as from the time of such deposit, and without compensation or payment to any person, be subject to an easement in favour of the council of the area in which the land is situated, giving the council, its agents, servants and workmen full, free and unrestricted right and liberty, from time to time and at all times, to break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, relaying or examining drains or drainage pipes therein for the purpose of the drainage of water and of using and maintaining such drains and pipes, together with the full, free and unrestricted right and liberty, with or without horses, plant, equipment, carts, motor vehicles and other carriages, laden or unladen, of entry, egress and regress, from time to time and at all times, in, through, over, across and along the land for any of the purposes aforesaid.

(3) If by virtue of this section, any land is subject to an easement, the Registrar-General shall, if the land affected is land subject to the provisions of the Real Property Act, 1886-
1963, 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 subject to the provisions of that Act, register in the
General Registry Office a memorial to the effect that the land is
so subject, and, 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.

(4) An easement to which any land is subject by virtue of this
section may, upon application in writing to the Registrar-
General by the Minister of Works or the council of the area in
which the land is situated, as the case may require, and with the
consent in writing of all persons having a registered interest in
the land, by order of the Registrar-General, be varied or
extinguished and upon such variation or extinction, as the case
may be, the Registrar-General shall, without fee, make all such
entries or register such memorial as may be necessary or proper
to evidence such variation or extinction.

56. The Registrar-General shall not be obliged to accept any
plan of subdivision sought to be deposited or any plan of re-
subdivision sought to be filed in the Lands Titles Registration
Office unless he is satisfied that all persons who appear from the
Register Book or any instrument registered in the Lands Titles
Registration Office or the General Registry Office to have any
interest in the land depicted thereon have signified their
consent in writing on the plan to the proposed subdivision or
re-subdivision, as the case may be.

57. The Director may require any plan sought to be approved
by him or to be filed in the Lands Titles Registration Office as a
plan of re-subdivision to be prepared and dealt with as a plan
of subdivision, and in such a case the plan shall not be approved
by him or accepted by the Registrar-General except as a plan of
subdivision.

58. (1) The Director may approve a plan of re-subdivision
subject to compliance with any of the following conditions:—
(a) that any mortgage registered in the Lands Titles
Registration Office or the General Registry Office
and affecting a portion only of the land depicted on
the plan of re-subdivision is discharged;
(b) that a mortgage collateral to one so registered and
affecting portion only of the land depicted on the
plan of re-subdivision be given over the remaining
portion of the land so depicted and be registered in
the Lands Titles Registration Office or the General
Registry Office;
Penalty for dividing land otherwise than in accordance with plans.


(1) No person shall divide any allotment—

(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,

except in accordance with a plan of subdivision deposited in the Lands Titles Registration Office or the General Registry Office or a plan of re-subdivision duly approved under this Act or the repealed Act.

(2) A person shall be deemed to divide an allotment within the meaning of this section if, being the owner of the allotment, he sells, agrees or offers to sell, conveys, transfers, mortgages, leases or grants a licence to use or occupy for a term exceeding five years whether as the term of the lease or licence or by way of option to renew the term of the lease or licence, or otherwise disposes of, a part only of that allotment which

(c) that the title to any defined portion of the land depicted on the plan of re-subdivision be consolidated with the title to other land specified by the Director;

(d) that a specified easement of any description be granted or reserved and be registered over any defined portion of land depicted on the plan of re-subdivision; or

(e) that a defined portion of the land depicted on the plan of re-subdivision be transferred to the council of the area in which the land is situated or to the Crown as a road or for road widening purposes, as the case may require.

(2) The Registrar-General shall not be obliged to accept for registration any instrument affecting the whole or any portion of land depicted on a plan of re-subdivision which has been approved by the Director subject to any of the conditions in subsection (1) of this section unless and until such condition has been fulfilled or complied with.
part of the allotment does not include or constitute a building or portion of a building that is designed, held or disposed of as a unit for separate occupation within a building unit scheme comprising three or more of such units erected on the allotment and approved by the council within whose area the allotment is situated.

(3) A person who contravenes any provision of this section shall be guilty of an offence and liable to a penalty not exceeding four hundred dollars.

(4) It shall not be an offence against this section for a person, being the owner of an allotment, to agree or offer to sell a part only of that allotment subject to the necessary plan of subdivision being deposited in the Lands Titles Registration Office or to the necessary plan of re-subdivision being duly approved.

60. (1) Notwithstanding anything contained in the Real Property Act, 1886-1963, the Registrar-General may correct any error or omission which, in his opinion, exists in any plan in the Lands Titles Registration Office or the General Registry Office.

(2) In correcting any such error or omission the Registrar-General shall not erase or render illegible the original words, figures or other symbols, and shall date and initial the correction.

(3) The Registrar-General shall notify the council in whose area the land depicted on the plan is situated of every correction made under this section.

61. (1) If satisfied that it is desirable in the public interest or otherwise to preserve any land as an open space, the Governor, on the application of the owner of the land, may, by proclamation, declare that the land shall not be divided into allotments or used for any purpose not in keeping with its character as an open space.

(2) The Governor may by subsequent proclamation vary or revoke a proclamation made under this section or under section 29 of the repealed Act.

(3) While any proclamation made under this section or under section 29 of the repealed Act is in force in relation to any land, the Director shall not approve any plan purporting to divide such land in contravention of such proclamation.
(4) During such time as any proclamation—

(a) made under this section and which declares that any land shall not be divided into allotments or used for any purpose not in keeping with its character as an open space; or

(b) made under section 29 of the repealed Act and which declares that any land shall not be divided into allotments for any purpose,

is in force, the land shall, for the purposes of the Land Tax Act, 1936-1966, the Waterworks Act, 1932-1966, the Sewerage Act, 1929-1966, and the Local Government Act, 1934-1966, be assessed for tax or rates having regard to the value of the land resulting from the use to which it is put at the relevant time without regard however to the value the land would have if it were subdivided or were capable of being subdivided into allotments or if it were capable of being used for any purpose not in keeping with its character as an open space.

(5) Where—

(a) a proclamation has been made under this section or section 29 of the repealed Act declaring that any land shall not be divided into allotments or shall not be used for any purpose not in keeping with its character as an open space; and

(b) a subsequent proclamation has been made under subsection (2) of this section by virtue of which that land or any part thereof ceases to be affected by the proclamation referred to in paragraph (a) of this subsection,

the owner of the land or part thereof that has ceased to be so affected shall, on the publication of the subsequent proclamation in the Gazette, be liable to pay and shall pay to the appropriate taxing or rating authority under each of the Acts referred to in subsection (4) of this section a sum of money representing the difference (if any) between the amount of the tax or rates paid in respect of the land or part of the land in question for such period (not exceeding five years) during which the first mentioned proclamation applied to it as immediately preceded such publication of the subsequent proclamation and the amount that would have been payable in respect thereof for that period if it had not been affected by that proclamation and such sum shall be recoverable by that taxing or rating authority from the owner as a debt in any court of competent jurisdiction.
62. (1) In addition to the other powers to make regulations conferred by this Act, the Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions and objects of this Part.

(2) Without limiting the generality of the provisions of subsection (1) of this section, such regulations may prescribe—

(a) the manner in which plans are to be prepared, the particulars to be shown thereon and other requirements to be complied with in relation to plans;

(b) the procedure to be followed for applying for the approval of the Director or of a council to any plan and the procedure to be followed before or when the Director or a council approves any plan;

(c) the grounds, in addition to those set out in this Act, upon which the Director or a council may refuse approval to a plan;

(d) minimum sizes, or dimensions of frontages of allotments shown on plans;

(e) minimum widths of roads or classes of roads shown on plans of subdivision;

(f) standards and types of construction of different classes of roads, water-tables, channels, kerbs and footpaths and drains for disposal of storm water which are required to be provided on lands shown on plans of subdivision;

(g) fees to be paid under this Part;

(h) a penalty not exceeding two hundred dollars for a breach of any provision of a regulation made under this section or for any failure to comply with any notice given under or in pursuance of any such regulation or with any term or condition subject to which any approval is granted and a daily penalty not exceeding fifty dollars for every day on which such breach or failure continues;

(i) such matters as are necessary or expedient to provide for or in relation to appeals to the board against any decision of the Director or a council under this Part or under the regulations under this section.
PART VII.

LAND ACQUISITION AND SPECIAL PROVISIONS RELATING TO COMPENSATION.

63. (1) In this Part of this Act, unless the contrary intention appears, "land" includes any estate or interest (legal or equitable) in land and any easement, right, power, or privilege in, under, over, affecting, or in connection with, land.

(2) The Authority may, with the approval of the Minister, either by agreement or compulsorily, acquire or take land for the purpose of developing it and making it suitable for any purpose for which the land is proposed to be, or is, reserved, or is to be used, preserved or developed under any authorized development plan or planning regulation made under this Act.

(3) The Compulsory Acquisition of Land Act, 1925-1966, (except sections 49, 79, 80, 81 and 82 thereof) is hereby incorporated with this Act and shall apply and have effect in relation to the acquisition or taking of land under this section by the Authority as if—

(a) this Act were the special Act referred to in that Act;

(b) the purposes for which land may be acquired or taken under this Act were the works or undertaking authorized by such special Act to be executed;

(c) the Authority were the promoters of an undertaking; and

(d) land acquired or taken by the Authority for the purposes of development under this Act were land required for the purposes of this Act.

(4) The Authority may develop any land so acquired or taken or any land vested in the Authority and render it suitable for any purpose for which the land is proposed to be or is reserved or is to be used, preserved or developed under any authorized development plan or planning regulation made under this Act, and may, with the approval of the Minister and subject to such conditions (if any) as the Minister may impose, sell, transfer, lease, exchange or otherwise dispose of the whole or any part of such land.

(5) Notwithstanding anything contained in this section—

(a) the Authority shall not subdivide or resubdivide any land acquired or taken by it under powers conferred
on it by this section except for the purpose of re-developing it or re-building on it, or rendering it suitable for re-development or rebuilding on it; and

(b) the Authority shall not sell any land so subdivided or re-subdivided except for carrying into effect the purposes of an authorized development plan.

(6) All moneys derived by the Authority from the sale, leasing or other disposal of land shall be paid by the Authority into the Fund.

(7) In this section, unless the context otherwise requires, "develop" includes re-develop.

64. (1) Where—

(a) under any planning regulation any land has been reserved for any purpose referred to in paragraph (d) of subsection (4) of section 36 of this Act; and

(b) the owner of the land or any part thereof has, after the publication of the regulation in the Gazette, in good faith and after taking all reasonable steps to obtain the best price therefor—

(i) sold the land or part thereof at a lesser price than he could reasonably have expected to receive therefor if the land had not been so reserved; or

(ii) been unable to sell the land or part thereof in consequence of the reservation,

the owner shall, subject to this Act, be entitled to compensation from the acquiring authority specified in the regulation.

(2) The compensation payable under this section shall—

(a) for the purposes of subparagraph (i) of paragraph (b) of subsection (1), be the difference between—

(i) the value of the land at the date of the sale as affected by the reservation;

and

(ii) the value of the land at that date as not so affected;

and

(b) for the purposes of subparagraph (ii) of paragraph (b) of subsection (1), be the difference between—
(i) the value of the land at the date of the claim for compensation as affected by the reservation;

and

(ii) the value of the land at that date as not so affected.

(3) Where, after the publication of the planning regulation in the Gazette, the owner has been unable to sell the land or such part thereof in consequence of the reservation as aforesaid, the acquiring authority specified in the regulation may nevertheless, exercise his or its powers to acquire or take such land or such part thereof, by agreement or compulsorily, for the purpose for which the land has been reserved.

(4) In order to obtain compensation referred to in subsection (1) of this section, a person who is entitled to compensation under that subsection must, within such time, if any, as may be prescribed, deliver to the acquiring authority specified in the planning regulation notice in the prescribed form of his claim stating therein such particulars as are prescribed and whether, in the event of a dispute as to the amount of compensation, the claimant desires to have such amount determined by arbitration under this Act.

(5) No claimant shall be entitled to institute any proceedings for the recovery of the amount of his claim until after the expiration of two months from the delivery of his notice of claim as provided by subsection (4) of this section nor to any compensation under this section if the land or part thereof has been or is being acquired by the acquiring authority or if it has ceased to be so reserved.

(6) Within twenty-one days after the receipt of the notice of claim by the acquiring authority, the acquiring authority shall—

(a) notify the claimant that the acquiring authority admits the claim for compensation and that the compensation claimed will be paid to the claimant; or

(b) offer the claimant such amount as he or it thinks reasonable in satisfaction of the claim, and notify the claimant that the amount offered will be paid to him if he accepts the offer; or

(c) notify the claimant that he or it disputes the claim for compensation.

(7) The claimant shall, within twenty-one days after the receipt of the offer, by notice in writing, notify the acquiring authority whether he does or does not accept the offer.
65. If the acquiring authority—

(a) offers the claimant an amount in satisfaction of the claim for compensation, and the claimant does not notify him or it as provided by subsection (7) of section 64 of this Act that he accepts the offer; or

(b) notifies the claimant that he or it disputes the claim for compensation,

the claim shall be a disputed claim and shall be determined—

(i) by agreement between the parties;

(ii) by an action for compensation by the claimant against the acquiring authority; or

(iii) by arbitration pursuant to section 66 of this Act.

66. The provisions of section 29 of the Compulsory Acquisition of Land Act, 1925-1966, are incorporated in this section as if—

(a) they were expressly enacted herein;

(b) a disputed claim for compensation referred to therein were a disputed claim referred to in section 65 of this Act;

(c) the parties to a disputed claim for compensation referred to therein were parties to a disputed claim referred to in section 65 of this Act; and

(d) all other necessary and consequential modifications were made thereto accordingly.

67. Where a claim for compensation under section 64 of this Act becomes a disputed claim, an action for compensation may be instituted by the claimant against the acquiring authority in any court having jurisdiction in personal actions up to the amount claimed, and the action shall be heard and determined in the same manner as ordinary actions, but—

(a) the action shall be tried without a jury;

(b) the court shall have no power to direct a reference to arbitration unless by consent of the parties; and

(c) costs shall be at the discretion of the court.

68. (1) Where—

(a) under any planning regulation any land has been reserved for any purpose referred to in paragraph (d) of subsection (4) of section 36 of this Act;

(b) any person has received or has become entitled to receive from the acquiring authority an amount by way of compensation to which he is entitled under this Act by reason of the reservation of such land or any part thereof; and

(c) such land or such part thereof has subsequently been compulsorily acquired or taken by the acquiring authority,

the amount of, and right to, compensation referred to in paragraph (b) of this subsection shall, notwithstanding anything contained in any Act, be taken into account in determining the compensation payable by the acquiring authority in respect of the compulsory acquisition or taking.

(2) Notwithstanding anything contained in any Act, but subject to subsection (1) of this section and section 70 of this Act, in determining the amount of compensation payable by the acquiring authority in respect of the compulsory acquisition or taking of any land which by virtue of a planning regulation is reserved for any purpose referred to in paragraph (d) of subsection (4) of section 36 of this Act, no regard shall be had to the fact that the land is reserved or to the value of any improvements on the land which had, after the reservation, been effected without the consent in writing of the Minister.

69. (1) Where, pursuant to any planning regulation, the Authority has refused its consent to—

(a) the alteration or destruction of any building or site of architectural, historical or scientific interest or natural beauty; or

(b) the cutting down, topping, lopping or destruction of any trees,

or has granted its consent thereto subject to conditions, any person having an interest in such building, site or trees who suffers damage or incurs expenditure in respect of that interest in consequence of the refusal, or the granting subject to conditions, of such consent shall be entitled to receive from the Authority compensation as provided by this section.

(2) The amount of the compensation shall be determined in accordance with rules which shall be prescribed by regulations under this section which, without limiting the effect of the foregoing provisions, may provide for and regulate the practice and procedure to be followed in connection with any claims for such compensation.
(3) Notwithstanding any other provision of this section, the Authority may, with the approval of the Minister, either by agreement or compulsorily, acquire or take the land on which such building, site or trees is or are situated, together with such land adjacent thereto as the Authority considers necessary, for the purpose of preserving the architectural, historical or scientific interest therein or the natural beauty thereof and the provisions of subsections (3), (4) and (6) of section 63 of this Act shall apply and have effect as if they were incorporated in this section.

(4) If the Authority has not—

(a) acquired or agreed to acquire the land or given to the person or persons referred to in subsection (1) of this section notice to treat in accordance with the Compulsory Acquisition of Land Act, 1925-1966; or

(b) paid or agreed to pay to such person or persons the compensation for damage suffered or expenditure incurred in respect of such interest in consequence of the refusal, or the granting subject to conditions, of such consent,

any such person may institute an action for compensation against the Authority in any court having jurisdiction in personal actions up to the amount claimed and the action shall be heard and determined as if it were an action instituted under section 67 of this Act.

(5) Where any compensation is determined under subsection (4) of this section, the Authority shall, subject to this section, pay the compensation to the person entitled thereto.

(6) Where—

(a) any person has received from the Authority an amount by way of compensation to which he is entitled under subsection (1) of this section; and

(b) the land on which the building, site or trees referred to in that subsection is or are situated has subsequently been compulsorily acquired or taken under any Act,

such amount may, notwithstanding anything contained in any Act, be taken into account in determining the amount of compensation payable in respect of the compulsory acquisition or taking.

70. Where any compensation in respect of any matter or thing is payable under any provision of this Act and also under any other provision of this Act or any other Act, it shall not be payable both under the first-mentioned provision and that other provision nor shall any greater amount of compensation be payable under the first-mentioned provision than would be payable under that other provision.
PART VIII.

FINANCIAL PROVISIONS.

71. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

72. (1) There shall be established in the Treasury a fund to be known as the Planning and Development Fund.

(2) There shall be paid into the Fund—

(a) moneys made available by the Treasurer, out of appropriations authorized by Parliament, for the purposes of the carrying out by the Authority of its functions and duties under this Act;

(b) all moneys derived by the Authority from the sale, leasing and other disposal by the Authority of any land vested in the Authority;

(c) all moneys received by the Authority pursuant to section 52 of this Act;

(d) the amount of all loans raised and advances received by the Authority under this Act; and

(e) all other moneys that are required to be paid into the Fund by this Act.

(3) The Treasurer may, from time to time, make to the Authority from moneys appropriated by Parliament for the purposes of the carrying out by the Authority of its functions and duties under this Act, such advances on such terms and conditions as he thinks fit.

73. (1) For the purposes of carrying out any of its functions or duties under this Act the Authority may, with the approval of the Minister and the concurrence of the Treasurer, borrow money and mortgage or charge any of the property vested in the Authority, or enter into any other transaction for making any of the property vested in the Authority security for any loan.

(2) The Treasurer may guarantee the repayment of any loan made or proposed to be made to the Authority for the purposes of the carrying out by the Authority of any of its functions and duties under this Act. Any such guarantee may extend to the payment of interest and to any expenses incidental to any loan the repayment of which is so guaranteed and its recovery by the lender.
(3) The Treasurer may pay out of the general revenue of the State any money which he becomes liable to pay under or by virtue of any guarantee given under this section, and this Act, without any further appropriation, shall be sufficient authority for any such payment.

74. The moneys standing to the credit of the Fund may, with the approval of the Minister and without any further appropriation than this Act, be used by the Authority for all or any of the following purposes:

(a) the acquisition and development of any land which may be acquired or developed by the Authority under this Act;

(b) the payment of moneys, whether by way of compensation or otherwise, which the Authority becomes liable to pay under this Act;

(c) the payment of rates, taxes and other charges due and payable by the Authority in respect of land vested in or held by the Authority;

(d) the transfer to any reserve for the repayment of any moneys advanced to or borrowed by the Authority for the purposes of this Act;

(e) the payment of principal, interest and expenses in respect of moneys advanced to or borrowed by the Authority for the purposes of this Act;

(f) the maintenance of any property owned or held by or vested in the Authority; and

(g) any purposes authorized by or under this Act as a purpose for which the Fund may be applied.

PART IX.

MISCELLANEOUS.

75. (1) On or before the thirty-first day of October in each year the Authority shall furnish the Minister with a report (signed by the chairman and two other members of the Authority) on its administration and the work that had been undertaken by the Authority during the year ended on the thirtieth day of June preceding the report.
(2) On or before the thirty-first day of October in each year the Director shall furnish the Minister with a report on the performance of his duties and functions during the year ended on the thirtieth day of June preceding the report.

(3) On or before the thirty-first day of October in each year the chairman of the board shall furnish the Minister with a report on the work carried out by the board during the year ended on the thirtieth day of June preceding the report.

(4) The Minister shall cause each of such reports to be laid before both Houses of Parliament within three weeks after receiving the same if Parliament is then sitting or, if Parliament is not then sitting, within two weeks after the commencement of the next sitting of Parliament.

76. (1) The Authority shall keep books of account in such manner and form as is in accordance with recognized methods of accounting and at the end of each financial year shall produce a financial statement showing accurately and in detail its receipts and expenditure and profit and loss and a balance-sheet.

(2) The Auditor-General shall make an annual audit of the accounts of the Authority and for the purpose of any audit may exercise any of the powers which he could exercise for the purpose of auditing the accounts of a Government department.

(3) The Authority shall pay to the Treasurer as a fee for every audit such sum as the Treasurer thinks reasonable.

77. (1) The Director may, with the approval of the Minister, prepare plans, reports and do other work (not being surveying) for any person, and may charge for any work so done such fees as are approved by the Minister.

(2) Any money collected by the Director under this section shall be paid into the General Revenue of the State.

78. (1) Any member of the Authority or of the board and the Director or any person authorized in writing by him or by the Minister may at any reasonable time, enter upon and inspect any land or buildings for any of the purposes of this Act or to ascertain whether the provisions of this Act are being observed, but no building shall be entered pursuant to this subsection unless the owner or occupier thereof has been given reasonable notice of intention to enter the same.
(2) The powers conferred by subsection (1) of this section may also be exercised by any person authorized by the council of the area in which the land or buildings are situated.

(3) No person shall obstruct any person in the exercise of any power conferred by this section.

Penalty: Fifty dollars.

79. (1) In addition to the other powers to make regulations conferred by this Act, the Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions and objects of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, such regulations may—

(a) prescribe all matters required or authorized to be prescribed under this Act and such other matters as are necessary or convenient for carrying out the objects of this Act;

(b) provide for fees to be payable under this Act and prescribe the fees so payable;

(c) provide for the Authority, the Director, the board and each council to keep and maintain registers to be available for public inspection containing such particulars as are prescribed; and

(d) provide for and prescribe penalties not exceeding, in each case, one hundred dollars, for the breach of any provision of such regulation.

80. Where—

(a) a person has been convicted of an offence against this Act; and

(b) the offence continues after he is so convicted,

he shall be guilty of an offence against this section and shall be liable, for each such offence, to a penalty not exceeding five hundred dollars and an additional penalty not exceeding fifty dollars for each day on which the offence continues.

81. Proceedings for offences against this Act or against any provision of this Act shall be disposed of summarily.

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

EDRIC BASTYAN, Governor.
THE SCHEDULE

ACTS REPEALED

Town Planning Act, 1929.
Town Planning Act Amendment Act, 1955.
Town Planning Act Amendment Act, 1956.
Town Planning Act Amendment Act, 1967.
Town Planning Act Amendment Act, 1963.