



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 41 of 1978

An Act to provide for the development of a certain area within the Municipality of the City of Tea Tree Gully and for other purposes.

[Assented to 6th April, 1978]

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 "Tea Tree Gully (Golden Grove) Development Act, 1978". Short title.

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement and expiry.

(2) This Act shall expire on the first day of January, 1998, and on and from that day shall for all purposes be deemed to have been repealed.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—THE COMMITTEE

PART III—DEVELOPMENT SCHEMES

PART IV—DEVELOPMENT CONTROLS

PART V—THE COMMISSION

PART VI—MISCELLANEOUS

THE SCHEDULES,

Arrangement of Act.

4. (1) In this Act, unless the contrary intention appears—

"the Chairman" means the Chairman of the Committee:

"the Commission" means the South Australian Land Commission constituted under the Land Commission Act, 1973-1977:

Interpretation.

PART I

“the Committee” means the Tea Tree Gully (Golden Grove) Development Committee constituted under section 8 of this Act;

“the Council” means the council of the Corporation of the City of Tea Tree Gully;

“the development Area” means the Development Area as constituted by subsection (1) of section 6 of this Act as from time to time varied pursuant to that section:

“Development Directions” means Development Directions prepared and published in accordance with section 17 of this Act:

“Development Scheme” means a Development Scheme published under subsection (5) of section 15 of this Act:

“Scheme Area” means the lands subject to a Development Scheme.

(2) In this Act, a reference to a public notice is a reference to a notice published—

(a) in the *Gazette*;

and

(b) in a newspaper circulating throughout the State.

Position of
Crown.

5. (1) Except as is provided in subsection (2) of this section, this Act does not bind the Crown.

(2) This Act applies to and in relation to the Commission to the same extent as it would have applied had the Commission not been an agency or instrumentality of the Crown.

The Develop-
ment Area.

6. (1) For the purposes of this Act the Development Area comprises the area bounded by a line on the plan set out in the first schedule to this Act and hatched and more particularly described in the second schedule to this Act.

(2) Subject to this section the Governor may from time to time by proclamation vary the boundaries of the Development Area so as to increase the area of land comprised in that area.

(3) A proclamation shall not be made under subsection (2) of this section that would have the effect of including, at the time that the proclamation was made, any land other than prescribed land.

(4) In this section “prescribed land” means land situated within the Municipality of the City of Tea Tree Gully being—

(a) Crown lands as defined for the purposes of the Planning and Development Act, 1966-1977;

(b) land held by an instrumentality or agency of the Crown;

or

(c) land owned by or under the care and control of the Council.

Land ceasing
to be part of
Development
Area, etc.

7. The Governor may, by proclamation, declare that any land comprised in the Development Area, whether or not that land is also comprised in a Scheme Area specified in the proclamation, shall cease to be part of the Development Area and as the case requires a Scheme Area and for the purposes of this Act that proclamation shall apply and have effect accordingly.

PART II

PART II

THE COMMITTEE

8. (1) There shall be a Committee entitled "The Tea Tree Gully (Golden Grove) Development Committee". The Committee.

(2) The Committee shall consist of four members appointed by the Governor of whom two shall be persons nominated by the Council.

(3) The Governor may appoint from amongst the members of the Committee a member to be Chairman of the Committee.

(4) Subject to this section, a member of the Committee shall hold office for such term, not exceeding three years, as is specified in the instrument of his appointment and shall be eligible for re-appointment.

(5) The Governor shall remove a member of the Committee, appointed on the nomination of the Council, from office if the Council by instrument in writing addressed to the Governor revokes the nomination of that member.

(6) The Governor may remove a member of the Committee from office on the ground of—

(a) mental or physical incapacity;

(b) dishonourable conduct;

or

(c) neglect of duty.

(7) The office of a member of the Committee shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by notice in writing addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (5) or (6) of this section.

(8) The Governor may, subject to this section, make such appointments as may be necessary to fill any vacancy occurring in the membership of the Committee.

(9) The Governor may appoint a suitable person to be a deputy of a member of the Committee in the absence of that member from the duties of his office and such a person while so appointed shall be deemed to be a member of the Committee.

(10) The Chairman and each other member of the Committee shall be entitled to receive such remuneration, allowances and expenses (if any) as may be respectively determined by the Governor.

9. (1) The Chairman shall preside at any meeting of the Committee at which he is present. Chairman, etc.

(2) If the Chairman is not present at a meeting of the Committee, the members of the Committee present may elect one of their number to preside at that meeting.

PART II

(3) At any meeting of the Committee, three members shall constitute a quorum and no business shall be transacted unless a quorum is present.

(4) Any decision of the Committee must be supported by a majority of the votes cast at the meeting.

(5) In the event of an equality of votes upon any matter the matter shall be decided by the Minister and for the purposes of this Act such a decision shall be deemed to be a decision of the Committee.

**Acts of
Committee.**

10. (1) No act or proceeding of the Committee shall be invalid or illegal by reason only of the number of members of the Committee not being complete at the time of the act or proceeding.

(2) Every act or proceeding of the Committee shall, notwithstanding any defect in the nomination or appointment of a member of the Committee, be as valid and effective as if that member had been validly appointed to the Committee.

(3) With the consent—

(a) of the Minister administering any Department of the Public Service of the State, the Committee may make use of the services of any officer of that Department;

(b) of the Council, the Committee may make use of the services of any officer or employee of the Council;

and

(c) of the Minister and of a body corporate created by or under any Act, the Committee may make use of the services of any officer or employee of that body corporate.

**Powers and
functions.**

11. The Committee shall have and may exercise such powers and functions as are imposed or conferred upon it by or under this Act.

Delegation.

12. (1) With the approval of the Minister, the Committee may by instrument in writing delegate to the Chairman or to any officer of the Council any of its powers and functions under this Act, except this power of delegation, and may by like instrument revoke any such delegation.

(2) The exercise or performance by a delegate of a power or function shall not limit or restrict the exercise or performance of that power or function by the Committee.

**Default by
Committee.**

13. (1) Where in the opinion of the Minister the Committee is unable to deal properly with affairs requiring its attention by reason of the refusal or failure of members of the Committee to attend meetings of the Committee, the Minister may recommend to the Governor that the Governor exercise his powers under subsection (2) of this section.

(2) Where the Minister makes a recommendation under subsection (1) of this section, the Governor may, by proclamation, appoint a suitable person to be the administrator of the affairs of the Committee.

(3) Upon the making of a proclamation under subsection (2) of this section—

(a) all powers and functions of the Committee are suspended;

and

(b) the administrator shall administer the affairs of the Committee and may, for the purposes of his administration, exercise any power or carry out any function that could, but for the proclamation, have been exercised or carried out by the Committee.

(4) The administrator may, by notice in writing, give directions to any person with a view to facilitating the administration of the affairs of the Committee under this section.

(5) A person who refuses or fails to comply with a direction given under this section shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(6) The Governor may, by subsequent proclamation, revoke or vary a proclamation under this section.

PART III

PART III

DEVELOPMENT SCHEMES

14. Notwithstanding anything in the Planning and Development Act, 1966-1977, neither the State Planning Authority nor the Council shall have power to exercise any power or function conferred on them under Part III or Part IV of that Act in or in relation to the Development Area otherwise than under and in accordance with the approval of the Minister.

Limitation on
exercise of
powers by the
State Planning
Authority or
Council.

15. (1) The Committee may from time to time in consultation with the Minister cause to be prepared a draft Development Scheme for part of the Development Area.

Development
Schemes.

(2) A draft Development Scheme prepared under subsection (1) of this section shall indicate with reasonable particularity the proposals for the development of the part of the Development Area to which it relates.

(3) If the Minister approves of the draft Development Scheme the Minister shall cause notice to be given in the *Gazette* and in a newspaper circulating throughout the State—

(a) indicating that such a draft Development Scheme has been prepared;

or

(b) stating where the draft Development Scheme may be examined by members of the public.

PART III

(4) The Committee shall consider any written representations received by it in relation to the draft Development Scheme within the period of two months next following the giving of the notice referred to in subsection (3) of this section, and shall forward a copy of all representations received by it together with its report thereon to the Minister.

(5) After consideration of the representations and reports (if any) referred to in subsection (4) of this section and after consideration of any other matter that to him seems relevant the Minister may—

(a) amend the draft Development Scheme and publish that scheme as the Development Scheme for the relevant part of the Development Area;

or

(b) republish the draft Development Scheme without amendment as the Development Scheme for the relevant part of the Development Area.

(6) The Committee may exercise its powers under subsection (1) of this section notwithstanding the fact that the part of the Development Area proposed to be the subject of the draft Development Scheme is already the subject of a Development Scheme.

Authorized
development
plan.

16. A Development Scheme published pursuant to subsection (5) of section 15 of this Act shall upon publication for all purposes be deemed to be an authorized development plan declared by proclamation under the Planning and Development Act, 1966-1977.

Development
Directions.

17. (1) Subject to this section, the Committee may from time to time with the approval of the Minister prepare and publish in such manner as it thinks fit such Development Directions as are, in its opinion, necessary or expedient for carrying out and giving effect to a Development Scheme.

(2) The Committee may from time to time with the approval of the Minister amend, vary or revoke any such Development Directions.

(3) The Minister shall not give his approval under subsection (1) or subsection (2) unless he is satisfied that, not less than one month before he so gives his approval, the Committee—

(a) has caused to be given public notice of the place where the proposed Development Directions, or any amendment, variation, or revocation thereof, may be examined by the public;

and

(b) the Committee has considered any objections received in relation thereto.

PART IV

PART IV

DEVELOPMENT CONTROLS

18. Notwithstanding anything in the Planning and Development Act, 1966-1977, no regulation made under Part IV of that Act shall have any force or effect in or in relation to a Scheme Area.

Cessation of
effect of
planning
regulations.

19. Part V of the Planning and Development Act, 1966-1977, applies to and in relation to a Scheme Area as if—

Interim
Development
Control.

- (a) the land comprised in that Scheme Area were land subject to section 41 of that Act;
- (b) subsections (1), (2), (2a), (2b), (3), (4) and (4a) of section 41 of that Act were omitted therefrom;
- (c) the passage "Authority or of a council that is, in pursuance of a delegation under this section, empowered to grant that consent" in subsection (5) of section 41 of that Act were omitted and the word "Committee" were substituted therefor;
- (d) subsections (5a), (5b) and (5c) of section 41 of that Act were omitted therefrom;
- (e) the references in subsection (6) of section 41 of that Act to a regulation were references to a regulation under this Act;
- (f) for subsection (7) of section 41 of that Act there were substituted the following subsection:—

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

- (a) the provisions of any authorized development plan;
and
- (b) any relevant development directions.;
- (g) the passage "Authority or council" twice occurring in subsection (8) of section 41 of that Act were omitted and in each case the word "Committee" were substituted therefor;
and
- (h) the passage "Authority, or the council" in subsection (9) of section 41 of that Act were omitted and the word "Committee" were substituted therefor.

20. Part VI of the Planning and Development Act, 1966-1977, applies to and in relation to land within a Scheme Area as if—

Control of
land sub-
division.

- (a) after the passage "any Crown lands" in paragraph (b) of subsection (1) of section 43 of that Act there appeared the passage "other than lands the property of the South Australian Land Commission";
- (b) the references to "the Director" in section 44 of that Act were references to "the Committee";

PART IV

- (c) the passage "Director and the council within whose area the land depicted in the plan is situated" in subsections (1) and (3) of section 45 of that Act were omitted and the word "Committee" were substituted therefor;
- (d) subsections (2), (4), (5) and (6) of section 45 of that Act were omitted therefrom;
- (e) for section 45a of that Act there were substituted the following section:—

Refusal of
approval by
Committee.

45a. The Committee shall refuse approval of a plan of subdivision or a plan of re-subdivision if in the opinion of the Committee the relevant plan does not conform with any authorized development plan, the Development Directions (if any) and any regulations relating to that plan.;

- (f) sections 45b, 49, 50, 50a, 51, 52, 53 and 54 were omitted therefrom;
- (g) the references in sections 57, 58, 59 and 61 of that Act to the "Director" were references to the "Committee";

and

- (h) section 62 of that Act were omitted therefrom and no regulation made under that section has any force or effect in relation to that land.

PART V

PART V

THE COMMISSION

Additional
powers of
Commission.

21. (1) Subject to this Act, the Commission shall, in addition to and not in derogation from the powers and functions elsewhere conferred on it, have power to do all things necessary and convenient to carry out and give effect to every Development Scheme.

(2) Without limiting the generality of the power conferred on the Commission by subsection (1) of this section, the Commission may—

- (a) undertake and carry out or arrange for the undertaking and carrying out of such social and physical planning in relation to a Scheme Area as is necessary to carry out and give effect to a Development Scheme;
- (b) provide or arrange for the provision within a Scheme Area of buildings, roads, bridges, works for the supply of water, gas or electricity, sewerage or drainage works, amenities or other matters or things whether or not of the same kind as the foregoing, for or incidental to the carrying out or giving effect to a Development Scheme.

PART V

22. In the exercise of its powers and functions in relation to this Act, the Commission shall, subject to this Act and except where it is required to make a report or recommendation to the Minister, be subject to the general control and direction of the Minister.

Directions of
the Minister.

23. In the application of the Land Commission Act, 1973-1977, to the exercise by the Commission of its powers and functions in relation to this Act, the Land Commission Act, 1973-1977, shall apply and have effect as if—

Modification of
the Land
Commission
Act, 1973-1977.

- (a) paragraphs (b) and (c) were omitted from subsection (3) of section 12 of that Act;
- (b) in subsection (4) of section 12 of that Act immediately before the passage “by the Commission” there appeared the passage “for residential purposes”;
- (c) in Part III of that Act there appeared immediately before section 15 the following section:—

14a. In this Part, a reference to “this Act” shall be read and construed as including a reference to the “Tea Tree Gully (Golden Grove) Development Act, 1978”.

Interpretation.

and

- (d) in subsection (1) of section 20 of that Act, after the passage “for the purposes of this Act” there appeared the passage “or for the purposes of the Tea Tree Gully (Golden Grove) Development Act, 1978”.
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PART VI

PART VI

MISCELLANEOUS

Powers of
entry.

24. (1) Any person authorized by the Committee may, at any reasonable time enter upon and inspect any land within the Development Area.

(2) A person shall not, without reasonable excuse, proof of which shall lie upon him, obstruct any person authorized under subsection (1) of this section in the exercise of a power conferred on him by that subsection.
Penalty: Five hundred dollars.

Road closure.

25. (1) Notwithstanding the provisions of any other Act but subject to this section the Minister may, from time to time, at the request of the Committee, by notice in the *Gazette* close such roads within any Scheme Area as shall not be required as roads for the implementation of a Development Scheme.

(2) Not less than fourteen days before he proposes to exercise the power conferred on him by subsection (1) of this section, the Minister shall cause notice to be published in a newspaper circulating generally throughout the State setting out with reasonable particularity the description of the roads in respect of which he proposes to so exercise his power.

(3) Upon the closure of any roads provided for in subsection (1) of this section, the land that comprised that road shall, without payment of any compensation or consideration therefor, vest in the Commission for an estate in fee simple freed from all encumbrances, if any.

(4) When land has become vested in the Commission pursuant to this section—

(a) the Registrar-General of Deeds shall, on the application of the Commission, register the land under the provisions of the Real Property Act, 1886-1975, in the name of the Commission to the extent of the estate so vested in the Commission;

and

(b) if required by the Registrar-General of Deeds the Commission shall furnish the Registrar-General with a plan of the land to which the application made under this section relates certified by a licensed surveyor.

Powers of
Governor to
dispense with
compliance
with Act or
law.

26. (1) The Governor may, upon consideration of any special circumstances, by regulation dispense with, suspend or vary so far as is necessary for the implementation of any Development Scheme any provisions of an Act or enactment having the force of law which is in force within a Scheme Area and which in the opinion of the Governor would prevent or impede such implementation and any such regulation shall apply and have effect as if it were enacted in this Act.

(2) The Governor may from time to time by regulation revoke or vary any regulation made under subsection (1) of this section and that revocation or variation shall have effect as if it were enacted in this Act.

Summary
proceedings.

27. (1) Proceedings in respect of an offence against this Act shall be disposed of summarily.

(2) Notwithstanding any other Act or law, proceedings for an offence against this Act may be commenced within twelve months from the day on which it is alleged that the offence was committed.

28. (1) The Governor may make such regulations as are necessary or expedient to be made for the purposes of this Act and for giving effect to and implementing any Development Scheme. **Regulations.**

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

- (a) provide for and prescribe any matter or thing relating to applications or to the practice of or proceedings before, the Committee;
- (b) prescribe the requirements to be complied with in relation to any plan of subdivision or plan of re-subdivision and any other matter or thing in relation to such plans;
- (c) prescribe the matters that the Committee may consider in approving or refusing its approval of plans of subdivision or re-subdivision;
- (d) provide for and prescribe fees to be paid in relation to any matter or thing under this Act;
- (e) provide for and prescribe penalties not exceeding five hundred dollars for a breach of or non-compliance with any regulation.

SECOND SCHEDULE

THE PARTICULAR DESCRIPTION OF THE LAND DELINEATED BY THE FIRST SCHEDULE

The whole of the land contained in the Certificates of Title, Volume and Folio numbers as set out hereunder:—

4022/596; 4022/293; 3798/76-79 (inc.); 1896/11; 4046/386; 1951/178; 3948/7-8 (inc.); 1951/176; 1951/183; 4083/981; 4038/909-911 (inc.); 4047/71; 1774/29; 3965/191; 4014/734; 4040/483; 4039/296; 4022/289-290 (inc.); 4022/93; 4022/946; 4022/603; 4022/295; 4014/445; 4022/921; 4022/288; 4022/83; 4076/534; 3935/136; 4043/442; 4046/337; 4047/548; 4008/912; 4105/881; 4049/579; 4049/612; 3844/187; 1907/190; 3948/6; 3611/125; 4022/256;

Together with that portion of section 2101 contained in C.T. 4049/582; and allotments numbered 1, 2, 3 and 4, on Filed Plan 3495;

And

- (a) (i) That portion of Hill Road running easterly from the northerly production of the western boundary of sec. 2117 to the junction of Hill Road and Garfield Roads;
- (b) (i) That portion south of the centre line of John Road running easterly from the centre line of Ladywood Road to the northerly production of the western boundary of sec. 2150;
- (ii) That portion of John Road running easterly from the northerly production of the western boundary of sec. 2150 to the southerly production of the eastern boundary of the land contained in C.T. 4022/295;
- (c) (i) That portion of Ladywood Road running north from the westerly production of the southern boundary of sec. 2125 to the westerly production of the northerly boundary of sec. 2140;
- (ii) That portion of Ladywood Road east of the centre line running north from the westerly production of the northern boundary of sec. 2140 to the westerly production of the northern boundary of sec. 2106;
- (d) (i) That portion of Yatala Vale Road running easterly from the intersection of Yatala Vale Road with the western boundary of the Corporation of the City of Tea Tree Gully to the southerly production of the western boundary of sec. 2143;
- (ii) That portion of Yatala Vale Road north of the centre line running easterly from the southern production of the western boundary of sec. 2143 to the southerly production of the eastern boundary of the land contained in C.T. 3965/191;
- (iii) That portion of Yatala Vale Road north of the centre line running easterly from the southerly extension of the western boundary of the land contained in C.T. 3611/125 to the intersection of Yatala Vale Road with the centre line of Hancock Road;
- (e) That portion of Grenfell Road north of the centre line running easterly from the northerly production of the western boundary of section 1599 to the south eastern tip of the land contained in C.T. 4046/386;
- (f) (i) That portion of Hancock Road west of the centre line running northerly from the easterly production of the southern boundary of sec. 2146 to the intersection of Hancock Road with Golden Grove Road;
- (ii) That portion of Garfield Road running northerly from the southern intersection of Garfield Road with Golden Grove Road to the northern junction of Garfield Road and Golden Grove Road;
- (g) (i) That portion of Golden Grove Road north west of the centre line running north easterly from the north easterly production of the southern boundary of the land contained in C.T. 4047/71 to the south-easterly production of the north-eastern boundary of the land contained in C.T. 4047/71;
- (ii) That portion of Golden Grove Road running north-easterly from the south-easterly production of the north-eastern boundary of the land contained in C.T. 4047/71 to the westerly production of the northern boundary of the land contained in C.T. 4049/612;
- (h) That portion of Greenwith Road south of the centre line running easterly from the north-easterly production of the north-western boundary of the land contained in C.T. 4049/612 to the northerly production of the eastern boundary of the land contained in C.T. 4049/612;
- (i) (i) That portion of Golden Grove Road north-west of the centre line running north-easterly from the easterly production of the southern boundary of the land described in C.T. 4022/603 to the southerly production of the eastern boundary of the land contained in C.T. 4022/603;
- (ii) That portion of Golden Grove Road west of the centre line running north-easterly from the south-easterly production of the southern boundary of the land contained in C.T. 4014/445 to the junction of Richardson Road and Golden Grove Road;
- (iii) That portion of Golden Grove Road running westerly from the junction of Golden Grove Road and Richardson Road to the junction of Golden Grove Road and Target Hill Road;

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- (iv) That portion of Golden Grove Road south of the centre line running south-westerly from the junction of Golden Grove Road and Target Hill Road to the northerly production of the eastern boundary of sec. 486;
 - (j) That portion of Target Hill Road north of the centre line running north-west from the junction of Target Hill Road and Golden Grove Road to the south-westerly production of the south-eastern boundary of the land contained in C.T. 3887/182;
 - (k) That portion of Rifle Range Road running northerly from the junction of Rifle Range Road and Golden Grove Road to the westerly production of the northern boundary of sec. 2286—thence south of the centre line of the said road running north-westerly to the north-easterly production of the south-eastern boundary of the land contained in C.T. 3935/139;
 - (l) That portion of Government Road running northerly from the junction of Government Road and Hill Road to the junction of Government Road and Golden Grove Road;
 - (m) That portion of Government Road running north-westerly from the south-westerly production of the southern boundary of the land contained in C.T. 4022/83 to the junction of Government Road and Golden Grove Road.

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

K. SEAMAN, Governor