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ELIZABETHAE II REGINAE

A.D. 1972

No. 98 of 1972

An Act to provide for the preparation of a Metropolitan Adelaide Road Widening Plan and for purposes connected therewith or incidental thereto.

[Assented to 9th November, 1972]

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

Short title.

1. This Act may be cited as the "Metropolitan Adelaide Road Widening Plan Act, 1972".

Commencement.

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

Definitions.

3. In this Act, unless the contrary intention appears—

“building” includes part of a building:

“building work” means—

(a) the erection or construction of any new building or structure;

and

(b) any addition to, repair or alteration of any existing building or structure;

“Council” means a municipal or district council and includes any body corporate vested with the powers of a municipal or district council pursuant to any Act:

“road” means any street, road, thoroughfare, terrace, court, lane, alley, cul-de-sac or place commonly used by the public, or to which the public are permitted to have access:

“structure” includes part of a structure:

“the Commissioner” means the Commissioner of Highways appointed by or pursuant to the Highways Act, 1926-1972:

“the Plan” means the Metropolitan Adelaide Road Widening Plan as deposited pursuant to section 5 of this Act and includes that plan as from time to time amended or varied by an amendment or variation as so deposited.

4. (1) This Act shall apply to and in relation to the land abutting any road shown on the Plan to be subject to road widening until the day of deposit referred to in section 27b of the Highways Act, 1926-1972, of a plan that relates to that road or until so much of that land as is shown on the Plan as being required for road widening has been acquired by the Commissioner, whichever day first occurs.

Application of Act.

(2) Nothing in this Act contained shall limit or restrict the generality of the application of the Highways Act, 1926-1972.

5. (1) The Commissioner shall prepare a plan to be known as the “Metropolitan Adelaide Road Widening Plan” and the Commissioner may from time to time amend or vary that plan.

Commissioner to prepare Plan.

(2) The Plan shall be deposited with the Registrar-General of Deeds in the General Registry Office at Adelaide pursuant to the provisions of the Registration of Deeds Act, 1935, as amended, and any amendments or variations to the Plan shall be deposited in a like manner.

6. A person shall not, without the consent of the Commissioner, suffer or permit any building work to be carried out on land to which this Act applies—

Certain building work not to be carried out without the consent of the Commissioner.

(a) in the case of building work being the erection or construction of any new building or structure, within six metres of the boundary of that portion of that land shown on the Plan as being required for road widening;

and

(b) in the case of building work being any addition to, repair or alteration of any existing building or structure, on that portion of that land shown on the Plan as being required for road widening.

Effect of
building work
carried out in
contravention
of s. 6.

7. Notwithstanding any other Act or law, the value of any building work carried out in contravention of section 6 of this Act and (without limiting the generality of the foregoing) any enhancement in the value of any building or structure arising from that building work shall not be taken into account in fixing the compensation payable in respect of land acquired by the Commissioner pursuant to subsection (5) of section 27b of the Highways Act, 1926-1972.

Applications
for consent,
etc.

8. (1) An application for the consent of the Commissioner under this Act shall be made in the prescribed manner and shall contain the prescribed particulars.

(2) The Commissioner shall within thirty days of receipt of an application for consent—

(a) grant his consent;

(b) refuse his consent;

or

(c) grant his consent subject to such conditions as are contained therein.

(3) If within the period of thirty days referred to in subsection (2) of this section the Commissioner has not taken any of the steps referred to in that subsection it shall be presumed that he has granted his consent.

(4) For the purposes of this Act, building work carried out in contravention of, or a breach of any condition of a consent given under this section shall be deemed to have been carried out without the consent of the Commissioner.

(5) In any proceedings under section 27b of the Highways Act, 1926-1972, it shall lie upon the person claiming compensation to prove that building work referred to in section 7 of this Act was carried out with the consent of the Commissioner.

(6) Any condition that is imposed in a consent given under this section shall be binding on the person in relation to whom the consent was given and upon the successors in title or occupancy of that person.

Powers of
Commissioner.

9. The Commissioner may enter into any arrangements with any Council for the purposes of facilitating the making of application by any person for the consent of the Commissioner under this Act

and such arrangements shall have effect as if they were enacted in this Act.

10. The Governor may make such regulations as are necessary ^{Regulations.} or expedient for giving effect to the powers and objects of this Act.

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

M. L. OLIPHANT, Governor