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**ELIZABETHAE II REGINAE**

A.D. 1972

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**No. 35 of 1972**

An Act to authorize the acquisition by the State Planning Authority of not more than ten thousand hectares of land for the purpose of establishing a new town and for purposes connected therewith.

[Assented to 13th April, 1972]

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

1. This Act may be cited as the "Murray New Town (Land Acquisition) Act, 1972". Short title.

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

"designated site" means the area of land declared by proclamation under section 3 of this Act to be the designated site for the purposes of this Act:

"establishment area" means the whole of the land that lies within the circumference of a circle having its centre the Murray Bridge Post Office and having a radius of thirty kilometres:

"the Authority" means the State Planning Authority, established by section 8 of the Planning and Development Act, 1966-1971:

"the Board" means the Planning Appeal Board established by the Planning and Development Act, 1966-1971:

“the date of the proclamation” means the day on which the proclamation under section 3 of this Act is published in the *Gazette*:

“the Director” means the person for the time being holding office as Director of Planning under the Planning and Development Act, 1966-1971:

“the Deputy Director” means the person for the time being holding office as Deputy Director of Planning under the Planning and Development Act, 1966-1971.

(2) During the absence of the Director by reason of illness or any other cause or during a vacancy in the office of the Director, the Deputy Director shall perform all such functions as are assigned to the Director under this Act.

(3) Where pursuant to subsection (2) of this section the Deputy Director performs the functions of the Director, references in this Act to the Director shall be read as a reference to the Deputy Director.

Declaration of  
designated site.

3. The Governor may by proclamation declare an area of land, of not more than ten thousand hectares, within the establishment area to be the designated site for the purposes of this Act.

Acquisition  
of land.

4. (1) The Authority may, with the approval of the Minister, either by agreement or compulsorily acquire any land within the boundaries of the designated site for the purposes of establishing a new town.

(2) In this section “land” includes any estate or interest (legal or equitable) in land and any easement, right, power or privilege in, under, over, affecting, or in connecton with, land.

Control of  
land  
subdivision.

5. (1) In addition to and without derogating from the powers conferred on the Director by Part VI of the Planning and Development Act, 1966-1971, the Director may refuse approval to a plan of subdivision or a plan of re-subdivision of any land that lies wholly or partly within the establishment area if, in the opinion of the Director, the approval of that plan would be prejudicial to the establishment of a new town within the establishment area.

(2) The Planning and Development Act, 1966-1971, shall apply to and in relation to a decision of the Director under subsection (1) of this section in all respects as if that decision were a decision of the Director under that Act.

6. (1) Subject to subsection (2) of this section on and after the date of the proclamation a person shall not, in relation to any land within the boundaries of the designated site—

Alterations to existing use.

(a) change the existing use to which land or any buildings or structures thereon were being put immediately before that day;

or

(b) construct, convert or alter any building or structure thereon, without the consent in writing of the Authority.

(2) For the purposes of this Act, the construction, conversion or alteration of any building or structure on any land referred to in subsection (1) of this section which any person or body is required and authorized by any Act to carry out shall be deemed to be a construction, conversion or alteration of the building or structure carried out with the consent in writing of the Authority pursuant to that subsection.

(3) The Authority may refuse to give its consent under this section in any case where it is satisfied that the giving of that consent would be prejudicial to the establishment of a new town within the boundaries of the designated site.

(4) A consent under this section may be given absolutely or subject to conditions imposed by the Authority and where any person purports to do or causes or permits an act of any kind to be done in pursuance of such a consent and such act is in breach of a condition to which the consent is subject, such act shall be deemed to have been done without the consent of the Authority and the consent may be revoked by the Authority and upon such revocation shall, for the purposes of this Act and the Land Acquisition Act, 1969, be deemed never to have been given by the Authority.

(5) The Planning and Development Act, 1966-1971, shall apply to and in relation to a decision of the Authority under this section in all respects as if that decision were a decision of the Authority under that Act.

7. (1) The owner of any land within the boundaries of the designated site may apply to the Minister for the grant by the Minister of a certificate in respect of that land and subject to this section the Minister may grant such a certificate but no proceedings shall be instituted and heard in any court or tribunal in respect of the grant of such a certificate or the failure or refusal of the Minister to grant such a certificate.

Immediate acquisition in cases of hardship.

(2) The Minister shall not grant a certificate in respect of any land unless upon such evidence as he considers adequate he is satisfied that the owner of the land has in consequence of the proclamation under section 3 of this Act suffered financial hardship or is likely to suffer financial hardship.

(3) Upon a certificate being granted under subsection (1) of this section the Authority shall forthwith either by agreement or compulsorily acquire the land the subject of the certificate.

(4) A certificate under this section shall set out—

(a) the name of the owner;

(b) a description of the land;

and

(c) a statement that the Minister is satisfied as to the matter set out in subsection (2) of this section.

Attribution  
of price for  
land.

8. Where any sale of land the whole or any part of which is situated within the establishment area takes place on or after the twenty-ninth day of March, 1972, and the Minister is satisfied that the price paid in relation to that sale was by reason of the enactment of this Act higher or lower than the price that would have been paid for that land had this Act not been enacted, the Minister may, after consulting with the Valuer-General, attribute in relation to that sale a price that in his opinion would have been a fair price for the land had this Act not been enacted and for the purposes of determining the value of any land acquired under this Act the price so attributed shall be deemed to be the price paid in relation to that sale.

Modification of  
the Land  
Acquisition Act,  
1969.

9. The Land Acquisition Act, 1969, in its application to the acquisition of land under this Act shall be read and construed as if—

(a) paragraph (k) were omitted from section 25 of that Act and the following paragraph were inserted in its stead—

(k) on and after the twenty-ninth day of March, 1972, any sales, transactions, arrangements, licences or approvals effected or obtained with respect to the land, and any improvements to the land effected, on or after that day shall not be taken into account unless it is proved that they were effected or obtained *bona fide*;

and

(b) there were inserted after paragraph (k) of section 25 of that Act the following paragraph:—

(l) where the value of the land is enhanced by reason of all or any of the following matters—

(i) the change of any use to which the land or any building or structure thereon was put that occurred on or after the twenty-ninth day of March, 1972, and before the date of the proclamation as defined for the purposes of the Murray New Town (Land Acquisition) Act, 1972.

(ii) the construction, conversion or alteration of any building or structure on the land that occurred on or after the twenty-ninth day of March, 1972, and before the date of the proclamation as defined for the purposes of the Murray New Town (Land Acquisition) Act, 1972;

(iii) the change of any use to which the land or any building or structure thereon was put that had the consent in writing of the Authority pursuant to section 6 of the Murray New Town (Land Acquisition) Act, 1972, and that occurred on or after the date of the proclamation as defined for the purposes of that Act and before the date of acquisition;

or

(iv) the construction, conversion or alteration of any building or structure on the land that had the consent in writing of the Authority pursuant to section 6 of the Murray New Town (Land Acquisition) Act, 1972, and that occurred on or after the date of the proclamation as defined for the purposes of that Act and before the date of acquisition,

the amount of that enhancement shall be taken into account.

10. (1) Any of the following persons, that is to say—

(a) any member of the Authority;

(b) any member of the board;

or

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Power to  
inspect land  
or premises.

(c) the Director, or any person authorized by him,

may at any reasonable time enter upon and inspect any land or buildings or structures within the establishment area for the purposes of this Act but no building or structure shall be so entered pursuant to this subsection unless the owner or occupier thereof has been given reasonable notice of intention to enter the same.

(2) A person shall not obstruct any person in the exercise of any power conferred by this section.

Penalty: One hundred dollars.

**Financial provisions.**

**11. Part VIII—Financial Provisions of the Planning and Development Act, 1966-1971, shall apply and have effect in all respects as if—**

(a) the purposes of this Act were the purposes of that Act;

(b) the functions and duties of the Authority under this Act were the functions and duties of the Authority under that Act;

and

(c) the acquisition of land under this Act by the Authority were the acquisition of land under that Act by the Authority.

**Expiration of Act.**

**12. (1) This Act shall expire on the 1st day of March, 1982.**

(2) The expiration of this Act shall not affect anything done under or pursuant to this Act before the day upon which this Act expires.

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

**J. M. NAPIER, Governor's Deputy**