

Legislative Council—No 77A

As reported with an amendment, report adopted, Standing Orders suspended and passed remaining stages, 24 May 2005

South Australia

Naracoorte Town Square Bill 2005

A BILL FOR

An Act to alter the trusts applicable to the Naracoorte Town Square to enable certain works to be undertaken; and for other purposes.

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Preamble

- 1 By an indenture made on 14 September 1871 certain land in what is now Naracoorte was conveyed by its owner, George Ormerod of Robe Town, subject to certain trusts concerning the use of the land.
 - 2 The trusts required defined portions of the land to be used for the purpose of public roads, streets or thoroughfares and required the remainder to be held as a public common or reserve for the use or benefit of the inhabitants of the township and surrounding district. Under the terms of the trusts, no houses or buildings of any kind whatsoever were permitted to be erected on the reserve.
 - 3 The land to which the indenture applied is now described as the whole of the land comprised in Certificate of Title Register Book Volume 2012 Folio 115 and is held by the Naracoorte Lucindale Council subject to the same trusts.
 - 4 The prohibition on the erection of any houses or buildings was temporarily altered by the *The Naracoorte Town Square Act 1952* to enable a public bandstand to be built on the reserve. Public toilets are incorporated into that structure.
 - 5 It is now intended that, at the request of the Naracoorte Lucindale Council, the trusts again be altered to enable the existing public toilets to be refurbished or replaced, or alternative toilets built, and to enable the alteration of the areas set aside as road.
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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Naracoorte Town Square Act 2005*.

2—Interpretation

In this Act, unless the contrary intention appears—

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the Council means the Naracoorte Lucindale Council;

the indenture means the indenture made on 14 September 1871 referred to in the preamble to this Act and described in the preamble to *The Naracoorte Town Square Act 1952*;

the land means the land to which the indenture applies, being the whole of the land comprised in Certificate of Title Register Book Volume 2012 Folio 115;

the Minister means the Minister to whom the administration of the *Local Government Act 1999* is for the time being committed;

5 *the prescribed period* means the period of 5 years from the commencement of this Act.

3—Application of Act

10 Nothing in this Act derogates from the operation of the *Development Act 1993*, the *Roads (Opening and Closing) Act 1991* or any other Act or law applicable to the carrying out of the works referred to in section 4.

4—Council may undertake works

- (1) Despite the indenture and resulting trusts, the Council may during the prescribed period undertake any one or more of the following works on the land:
- 15 (a) the demolition or refurbishment of any existing building or other structure on the land that incorporates public toilets;
- (b) the building of public toilets in place of or in addition to any existing public toilets on the land;
- (c) the closure of any existing road or portion of road, or opening of any new road or portion of road, on the land;
- 20 (d) other public works for the benefit of the community.
- (2) No work referred to in subsection (1) may be undertaken except in accordance with plans and specifications approved in writing by the Minister prior to the commencement of that work.
- (3) The Minister may, in connection with the operation of subsections (1) and (2)—
- 25 (a) determine that particular classes of public works within the ambit of subsection (1) need not be subject to the operation of subsection (2);
- (b) determine that particular public works within the ambit of subsection (1)(d) may not be undertaken,

(and any such determination will have effect according to its terms).

30 5—Indenture and trusts to reflect alteration of roads

Where, prior to the expiry of the prescribed period—

- (a) a portion of the land that is held in trust for road purposes is closed under any Act or law; or
- 35 (b) a portion of the land that is held in trust as a public common or reserve is opened as road under any Act or law,

the indenture and resulting trusts will, from the commencement of that closure or opening, be taken—

- (c) to include the portion referred to in paragraph (a) as part of the land held in trust as a public common or reserve; and

- (d) to include the portion referred to in paragraph (b) as part of the land held in trust for road purposes.