

South Australia

Metropolitan Adelaide Road Widening Plan Act 1972

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

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Metropolitan Adelaide Road Widening Plan Act 1972*.

3—Definitions

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

building includes part of a building;

building work means—

- (a) any work that is for the time being building work within the meaning of the *Building Act 1970*; and
- (b) any other work that may be prescribed,

but does not include any work or any work of a class or kind for the time being declared by the Minister under subsection (2) of this section not to be building work for the purposes of this Act;

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;

land to which this Act applies means land to which, pursuant to section 4 of this Act, this Act for the time being applies;

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;

the Commissioner means the Commissioner of Highways appointed by or pursuant to the *Highways Act 1926*;

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.

- (2) The Minister may by notice in the Gazette declare any work not to be building work for the purposes of this Act and may by notice published in a like manner amend, vary or revoke any such declaration.

4—Application of Act

- (1) This Act shall apply to all land shown on the Plan as possibly required for road widening and all land within six metres of the boundary of that land.
- (1a) This Act shall cease to apply to any land referred to in subsection (1) of this section when—
 - (a) a plan is deposited under section 27B of the *Highways Act 1926* relating to that land; or
 - (b) that land is otherwise acquired by the Commissioner for road widening purposes,whichever event first occurs.
- (2) Nothing in this Act contained shall limit or restrict the generality of the application of the *Highways Act 1926*.

5—Commissioner to prepare Plan

- (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.
- (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—Certain building work not to be carried out without consent of Commissioner

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.

7—Effect of building work carried out in contravention of section 6

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 for road widening purposes.

8—Application for consent etc

- (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; or
 - (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 arising from a claim for compensation in respect of land acquired by the Commissioner for road widening purposes it shall lie upon the claimant to prove that any 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.

9—Powers of Commissioner

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—Regulations

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

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1972	98	<i>Metropolitan Adelaide Road Widening Plan Act 1972</i>	9.11.1972	1.1.1974 (<i>Gazette</i> 1.11.1973 p2722)
1976	56	<i>Metropolitan Adelaide Road Widening Plan Act Amendment Act 1976</i>	11.11.1976	1.5.1977 (<i>Gazette</i> 24.3.1977 p885)

Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 254.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3		
s 3(1)	s 3 redesignated as s 3(1) by 56/1976 s 3(d)	1.5.1977
building work	substituted by 56/1976 s 3(a)	1.5.1977
land to which this Act applies	inserted by 56/1976 s 3(b)	1.5.1977
<i>structure</i>	<i>deleted by 56/1976 s 3(c)</i>	1.5.1977
s 3(2)	inserted by 56/1976 s 3(d)	1.5.1977
s 4		
s 4(1)	substituted by 56/1976 s 4	1.5.1977
s 4(1a)	inserted by 56/1976 s 4	1.5.1977
s 6	amended by 56/1976 s 5(a)	1.5.1977
	(a) and (b) repealed by 56/1976 s 5(b)	1.5.1977
s 7	amended by 56/1976 s 6	1.5.1977
s 8		
s 8(5)	substituted by 56/1976 s 7	1.5.1977