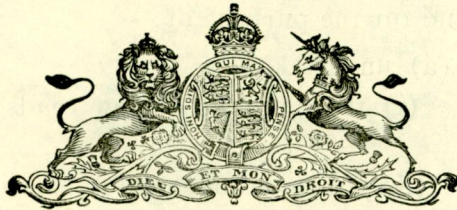


New South Wales.



ANNO QUINTO DECIMO

GEORGI VI REGIS.

\*\*\*\*\*

Act No. 46, 1951.

An Act to make further provisions in respect of the acquisition of lands by local government authorities; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th December, 1951.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Local Government (Land Acquisition) Amendment Act, 1951." Short title.

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*Local Government (Land Acquisition) Amendment.*

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Amendment  
of Act No.  
41, 1919.

Secs. 321 &  
322.

(Power to  
pre-plan  
and re-  
plan.)

Acquisition  
of lands  
for pre-  
planning,  
replanning  
and recon-  
struction.

**2.** (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended—

(a) by omitting sections three hundred and twenty-one and three hundred and twenty-two and by inserting in lieu thereof the following section:—

321. (1) The council may acquire, in any mode authorised under Part XXV of this Act, any land for the purpose of:—

(a) undertaking—

(i) the planning of new roads and subdivisions;

(ii) the rearrangement of existing roads and the replanning or resubdivision of existing parcels of land;

(iii) the demolition, rearrangement and reconstruction of buildings and works; and

(iv) the improvement and embellishment of the area;

(b) doing all or any of the following things—

(i) demolishing or repairing any building or erection thereon;

(ii) constructing new buildings or erections thereon;

(iii) altering, widening or extending any existing public road adjacent thereto;

(iv) closing any existing public road through such land;

(v) constructing and opening any new public road thereon;

(vi) altering the levels of such land, and altering existing drains, and constructing new drains and stormwater channels thereon;

(vii)

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*Local Government (Land Acquisition) Amendment.*

---

(vii) generally altering, remodelling, and improving such land and buildings in such manner as the council may think fit;

(viii) selling or leasing the whole or any portion of such land, in one or more lots, as elsewhere in this Act provided.

(2) In respect of land so acquired the council may—

(a) undertake all or any of the works referred to in paragraph (a) of subsection one of this section;

(b) do all or any of the things specified in paragraph (b) of subsection one of this section.

(3) The acquisition of land for any purpose specified in subsection one of this section shall be deemed to be acquisition of land for a purpose of this Act within the meaning of section five hundred and thirty-two of this Act.

(b) by inserting at the end of section five hundred and thirty-two the following new subsections:—

Sec. 532.  
(How to  
acquire  
land.)

(2) In addition to the powers conferred by subsection one of this section the council may acquire by lease, purchase, appropriation or resumption in accordance with this Part—

(a) any lands of which those proposed to be acquired for any purpose of this Act form part;

(b) any lands adjoining or in the vicinity of any land proposed to be acquired for any purpose of this Act;

(c) any lands which the council considers in the public interest should be made available for the purpose for which such land is reserved or zoned by any prescribed scheme under Part XIIA of this

Act

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*Local Government (Land Acquisition) Amendment.*

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Act or which are otherwise required to give effect to any provision included in any such prescribed scheme.

(3) Without limiting the generality of paragraphs (a) and (b) of subsection two of this section the powers conferred by such paragraphs may be exercised notwithstanding that the lands acquired thereunder—

(a) may or may not be required for or in connection with any purpose of this Act;

(b) may be so acquired for sale or re-sale and applying the proceeds thereof in defraying in whole or in part the expenses incurred by the council in carrying out any work upon lands:—

(i) acquired for any purpose of this Act; and

(ii) of which the lands acquired under paragraph (a) of subsection two of this section form part, or which adjoin or are in the vicinity of land acquired under paragraph (b) of that subsection.

(c) by omitting section five hundred and thirty-five.

Sec. 535.  
(Other adjoining land.)

Retrospective operation.

(2) The amendments made to the Local Government Act, 1919, as amended by subsequent Acts, by subsection one of this section shall be deemed to have been in force since the commencement of the Local Government Act, 1919, but shall not operate so as to validate the resumption of any land which has been effected before the date of commencement of this Act and which before that date has been by the final judgment of any court declared to be ultra vires and void.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1953.

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

1951, Dec 4, 1951.

H. ROBBINS,

*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 4 December, 1951.*

## New South Wales.



ANNO QUINTO DECIMO

# GEORGII VI REGIS.

\*\*\*\*\*

Act No. 46, 1951.

An Act to make further provisions in respect of the acquisition of lands by local government authorities; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th December, 1951.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Local Government (Land Acquisition) Amendment Act, 1951." Short title.

**2.**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,

*Chairman of Committees of the Legislative Assembly.*

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*Local Government (Land Acquisition) Amendment.*

---

Amendment  
of Act No.  
41, 1919.

Secs. 321 &  
322.

(Power to  
pre-plan  
and re-  
plan.)

Acquisition  
of lands  
for pre-  
planning,  
replanning  
and recon-  
struction.

**2.** (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended—

(a) by omitting sections three hundred and twenty-one and three hundred and twenty-two and by inserting in lieu thereof the following section:—

321. (1) The council may acquire, in any mode authorised under Part XXV of this Act, any land for the purpose of:—

(a) undertaking—

(i) the planning of new roads and subdivisions;

(ii) the rearrangement of existing roads and the replanning or resubdivision of existing parcels of land;

(iii) the demolition, rearrangement and reconstruction of buildings and works; and

(iv) the improvement and embellishment of the area;

(b) doing all or any of the following things—

(i) demolishing or repairing any building or erection thereon;

(ii) constructing new buildings or erections thereon;

(iii) altering, widening or extending any existing public road adjacent thereto;

(iv) closing any existing public road through such land;

(v) constructing and opening any new public road thereon;

(vi) altering the levels of such land, and altering existing drains, and constructing new drains and stormwater channels thereon;

(vii)

*Local Government (Land Acquisition) Amendment.*

(vii) generally altering, remodelling, and improving such land and buildings in such manner as the council may think fit;

(viii) selling or leasing the whole or any portion of such land, in one or more lots, as elsewhere in this Act provided.

(2) In respect of land so acquired the council may—

(a) undertake all or any of the works referred to in paragraph (a) of subsection one of this section;

(b) do all or any of the things specified in paragraph (b) of subsection one of this section.

(3) The acquisition of land for any purpose specified in subsection one of this section shall be deemed to be acquisition of land for a purpose of this Act within the meaning of section five hundred and thirty-two of this Act.

(b) by inserting at the end of section five hundred and thirty-two the following new subsections:— **Sec. 532.**  
(How to acquire land.)

(2) In addition to the powers conferred by subsection one of this section the council may acquire by lease, purchase, appropriation or resumption in accordance with this Part—

(a) any lands of which those proposed to be acquired for any purpose of this Act form part;

(b) any lands adjoining or in the vicinity of any land proposed to be acquired for any purpose of this Act;

(c) any lands which the council considers in the public interest should be made available for the purpose for which such land is reserved or zoned by any prescribed scheme under Part XIII A of this

**Act**

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*Local Government (Land Acquisition) Amendment.*

---

Act or which are otherwise required to give effect to any provision included in any such prescribed scheme.

(3) Without limiting the generality of paragraphs (a) and (b) of subsection two of this section the powers conferred by such paragraphs may be exercised notwithstanding that the lands acquired thereunder—

(a) may or may not be required for or in connection with any purpose of this Act;

(b) may be so acquired for sale or re-sale and applying the proceeds thereof in defraying in whole or in part the expenses incurred by the council in carrying out any work upon lands:—

(i) acquired for any purpose of this Act; and

(ii) of which the lands acquired under paragraph (a) of subsection two of this section form part, or which adjoin or are in the vicinity of land acquired under paragraph (b) of that subsection.

(c) by omitting section five hundred and thirty-five.

Sec. 535.  
(Other adjoining land.)

Retrospective operation.

(2) The amendments made to the Local Government Act, 1919, as amended by subsequent Acts, by subsection one of this section shall be deemed to have been in force since the commencement of the Local Government Act, 1919, but shall not operate so as to validate the resumption of any land which has been effected before the date of commencement of this Act and which before that date has been by the final judgment of any court declared to be ultra vires and void.

*In the name and on behalf of His Majesty I assent to this Act.*

K. W. STREET,  
Lieutenant-Governor.

Government House,  
Sydney, 10th December, 1951 .



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 4 December, 1951.*

## New South Wales.



ANNO QUINTO DECIMO

# GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1951.

An Act to make further provisions in respect of the acquisition of lands by local government authorities; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

1. This Act may be cited as the "Local Government Short title. (Land Acquisition) Amendment Act, 1951."

Local Government (Land Acquisition) Amendment.

**2.** (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment of Act No. 41, 1919.

**5** (a) by omitting sections three hundred and twenty-one and three hundred and twenty-two and by inserting in lieu thereof the following section:—

Secs. 321 & 322.

(Power to pre-plan and re-plan.)

321. (1) The council may acquire, in any mode authorised under Part XXV of this Act, any land for the purpose of:—

Acquisition of lands for pre-planning, replanning and reconstruction.

(a) undertaking—

**10** (i) the planning of new roads and subdivisions;

(ii) the rearrangement of existing roads and the replanning or resubdivision of existing parcels of land;

**15** (iii) the demolition, rearrangement and reconstruction of buildings and works; and

(iv) the improvement and embellishment of the area;

**20** (b) doing all or any of the following things—

(i) demolishing or repairing any building or erection thereon;

(ii) constructing new buildings or erections thereon;

**25** (iii) altering, widening or extending any existing public road adjacent thereto;

(iv) closing any existing public road through such land;

(v) constructing and opening any new public road thereon;

**30** (vi) altering the levels of such land, and altering existing drains, and constructing new drains and stormwater channels thereon;

(vii)

*Local Government (Land Acquisition) Amendment.*

(vii) generally altering, remodelling, and improving such land and buildings in such manner as the council may think fit;

5 (viii) selling or leasing the whole or any portion of such land, in one or more lots, as elsewhere in this Act provided.

(2) In respect of land so acquired the council may—

10 (a) undertake all or any of the works referred to in paragraph (a) of subsection one of this section;

15 (b) do all or any of the things specified in paragraph (b) of subsection one of this section.

(3) The acquisition of land for any purpose specified in subsection one of this section shall be deemed to be acquisition of land for a purpose of this Act within the meaning of section five hundred and thirty-two of this Act.

(b) by inserting at the end of section five hundred and thirty-two the following new subsections:—

Sec. 532.  
(How to acquire land.)

25 (2) In addition to the powers conferred by subsection one of this section the council may acquire by lease, purchase, appropriation or resumption in accordance with this Part—

(a) any lands of which those proposed to be acquired for any purpose of this Act form part;

30 (b) any lands adjoining or in the vicinity of any land proposed to be acquired for any purpose of this Act;

35 (c) any lands which the council considers in the public interest should be made available for the purpose for which such land is reserved or zoned by any prescribed scheme under Part XIA of this Act

Act

Local Government (Land Acquisition) Amendment.

Act or which are otherwise required to give effect to any provision included in any such prescribed scheme.

5 (3) Without limiting the generality of paragraphs (a) and (b) of subsection two of this section the powers conferred by such paragraphs may be exercised notwithstanding that the lands acquired thereunder—

10 (a) may or may not be required for or in connection with any purpose of this Act;

(b) may be so acquired for sale or re-sale and applying the proceeds thereof in defraying in whole or in part the expenses incurred by the council in carrying out any work upon lands:—

15 (i) acquired for any purpose of this Act; and

20 (ii) of which the lands acquired under paragraph (a) of subsection two of this section form part, or which adjoin or are in the vicinity of land acquired under paragraph (b) of that subsection.

(c) by omitting section five hundred and thirty-five.

Sec. 535.  
(Other adjoining land.)

25 (2) The amendments made to the Local Government Act, 1919, as amended by subsequent Acts, by subsection one of this section shall be deemed to have been in force since the commencement of the Local Government Act, 1919, but shall not operate so as to validate the  
30 resumption of any land which has been effected before the date of commencement of this Act and which before that date has been by the final judgment of any court declared to be ultra vires and void.

Retrospective operation.

No. , 1951.

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## A BILL

To make further provisions in respect of the acquisition of lands by local government authorities; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[MR. CAHILL;—22 November, 1951.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Local Government (Land Acquisition) Amendment Act, 1951." Short title.

*Local Government (Land Acquisition) Amendment.*

2. (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
41, 1919.

5 (a) by omitting sections three hundred and twenty-one and three hundred and twenty-two and by inserting in lieu thereof the following section:—

Sees. 321 &  
322.  
(Power to  
pre-plan  
and re-  
plan.)

321. (1) The council may acquire, in any mode authorised under Part XXV of this Act, any land for the purpose of:—

Acquisition  
of lands  
for pre-  
planning,  
replanning  
and recon-  
struction.

(a) undertaking—

10 (i) the planning of new roads and subdivisions;

(ii) the rearrangement of existing roads and the replanning or resubdivision of existing parcels of land;

15 (iii) the demolition, rearrangement and reconstruction of buildings and works; and

(iv) the improvement and embellishment of the area;

20 (b) doing all or any of the following things—

(i) demolishing or repairing any building or erection thereon;

(ii) constructing new buildings or erections thereon;

25 (iii) altering, widening or extending any existing public road adjacent thereto;

(iv) closing any existing public road through such land;

30 (v) constructing and opening any new public road thereon;

(vi) altering the levels of such land, and altering existing drains, and constructing new drains and stormwater channels thereon;

(vii)

*Local Government (Land Acquisition) Amendment.*

(vii) generally altering, remodelling, and improving such land and buildings in such manner as the council may think fit;

5 (viii) selling or leasing the whole or any portion of such land, in one or more lots, as elsewhere in this Act provided.

(2) In respect of land so acquired the council may—

10 (a) undertake all or any of the works referred to in paragraph (a) of subsection one of this section;

15 (b) do all or any of the things specified in paragraph (b) of subsection one of this section.

(3) The acquisition of land for any purpose specified in subsection one of this section shall be deemed to be acquisition of land for a purpose of this Act within the meaning of section 20 five hundred and thirty-two of this Act.

(b) by inserting at the end of section five hundred and thirty-two the following new subsections:—

Sec. 532.  
(How to acquire land.)

25 (2) In addition to the powers conferred by subsection one of this section the council may acquire by lease, purchase, appropriation or resumption in accordance with this Part—

(a) any lands of which those proposed to be acquired for any purpose of this Act form part;

30 (b) any lands adjoining or in the vicinity of any land proposed to be acquired for any purpose of this Act;

35 (c) any lands which the council considers in the public interest should be made available for the purpose for which such land is reserved or zoned by any prescribed scheme under Part XIIIA of this Act

Act

Local Government (Land Acquisition) Amendment.

Act or which are otherwise required to give effect to any provision included in any such prescribed scheme.

5 (3) Without limiting the generality of paragraphs (a) and (b) of subsection two of this section the powers conferred by such paragraphs may be exercised notwithstanding that the lands acquired thereunder—

10 (a) may or may not be required for or in connection with any purpose of this Act;

(b) may be so acquired for sale or re-sale and applying the proceeds thereof in defraying in whole or in part the expenses incurred by the council in carrying out any work upon lands:—

15 (i) acquired for any purpose of this Act; and

20 (ii) of which the lands acquired under paragraph (a) of subsection two of this section form part, or which adjoin or are in the vicinity of land acquired under paragraph (b) of that subsection.

(c) by omitting section five hundred and thirty-five.

Sec. 535.  
(Other adjoining land.)

25 (2) The amendments made to the Local Government Act, 1919, as amended by subsequent Acts, by subsection one of this section shall be deemed to have been in force since the commencement of the Local Government Act, 1919, but shall not operate so as to validate the  
30 resumption of any land which has been effected before the date of commencement of this Act and which before that date has been by the final judgment of any court declared to be ultra vires and void.

Retrospective operation.



# LOCAL GOVERNMENT (LAND ACQUISITION) AMENDMENT BILL, 1951.

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## EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to clarify the purposes for which land may be acquired under the Local Government Act;
- (b) to enable land to be acquired for resale and recoupment of council's expenses in carrying out any work on resumed lands;
- (c) to enable land to be resumed for purposes of which such land is reserved or zoned under any town planning scheme.

LOCAL GOVERNMENT (LAND ACQUISITION) AMENDMENT  
BILL, 1981

REPORTS

The Government has introduced the Local Government (Land Acquisition) Amendment Bill, 1981, to amend the Local Government (Land Acquisition) Act, 1976. The Bill provides for the acquisition of land for the purposes of local government and for the vesting of such land in the local government. It also provides for the compensation to be paid to the persons whose land is so acquired. The Bill is intended to give effect to the recommendations of the Commission on Land Acquisition, which was set up in 1978. The Commission's report was published in 1980. The Bill is expected to be passed by the Government in the near future.

27

Act No. 1951

PROOF

No. , 1951.

# A BILL

To make further provisions in respect of the acquisition of lands by local government authorities; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. CAHILL;—22 November, 1951.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**1.** This Act may be cited as the "Local Government (Land Acquisition) Amendment Act, 1951."

*Local Government (Land Acquisition) Amendment.*

2. (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment of Act No. 41, 1919.

5 (a) by omitting sections three hundred and twenty-one and three hundred and twenty-two and by inserting in lieu thereof the following section:—

Sees. 321 & 322.

(Power to pre-plan and re-plan.)

321. (1) The council may acquire, in any mode authorised under Part XXV of this Act, any land for the purpose of:—

Acquisition of lands for pre-planning, replanning and reconstruction.

- 10 (a) undertaking—
  - (i) the planning of new roads and subdivisions;
  - (ii) the rearrangement of existing roads and the replanning or resubdivision of existing parcels of land;
  - 15 (iii) the demolition, rearrangement and reconstruction of buildings and works; and
  - (iv) the improvement and embellishment of the area;
  - 20 (b) doing all or any of the following things—
    - (i) demolishing or repairing any building or erection thereon;
    - (ii) constructing new buildings or erections thereon;
    - 25 (iii) altering, widening or extending any existing public road adjacent thereto;
    - (iv) closing any existing public road through such land;
    - (v) constructing and opening any new public road thereon;
    - 30 (vi) altering the levels of such land, and altering existing drains, and constructing new drains and stormwater channels thereon;

(vii)

*Local Government (Land Acquisition) Amendment.*

- (vii) generally altering, remodelling, and improving such land and buildings in such manner as the council may think fit;
- 5 (viii) selling or leasing the whole or any portion of such land, in one or more lots, as elsewhere in this Act provided.

- (2) In respect of land so acquired the council may—
- 10 (a) undertake all or any of the works referred to in paragraph (a) of subsection one of this section;
- (b) do all or any of the things specified in paragraph (b) of subsection one of this section.
- 15

(3) The acquisition of land for any purpose specified in subsection one of this section shall be deemed to be acquisition of land for a purpose of this Act within the meaning of section five hundred and thirty-two of this Act.

20

(b) by inserting at the end of section five hundred and thirty-two the following new subsections:—

Sec. 532.  
(How to acquire land.)

- (2) In addition to the powers conferred by subsection one of this section the council may acquire by lease, purchase, appropriation or resumption in accordance with this Part—
- 25 (a) any lands of which those proposed to be acquired for any purpose of this Act form part;
- 30 (b) any lands adjoining or in the vicinity of any land proposed to be acquired for any purpose of this Act;
- (c) any lands which the council considers in the public interest should be made available for the purpose for which such land is reserved or zoned by any prescribed scheme under Part XIIA of this Act
- 35

*Local Government (Land Acquisition) Amendment.*

Act or which are otherwise required to give effect to any provision included in any such prescribed scheme.

5

(3) Without limiting the generality of paragraphs (a) and (b) of subsection two of this section the powers conferred by such paragraphs may be exercised notwithstanding that the lands acquired thereunder—

10

(a) may or may not be required for or in connection with any purpose of this Act;

15

(b) may be so acquired for sale or re-sale and applying the proceeds thereof in defraying in whole or in part the expenses incurred by the council in carrying out any work upon lands:—

20

(i) acquired for any purpose of this Act; and

(ii) of which the lands acquired under paragraph (a) of subsection two of this section form part, of which adjoin or are in the vicinity of land acquired under paragraph (b) of that subsection.

(c) by omitting section five hundred and thirty-five.

Sec. 535.  
(Other adjoining land.)

25

(2) The amendments made to the Local Government Act, 1919, as amended by subsequent Acts, by subsection one of this section shall be deemed to have been in force since the commencement of the Local Government Act, 1919, but shall not operate so as to validate the resumption of any land which has been effected before the date of commencement of this Act and which before that date has been by the final judgment of any court declared to be ultra vires and void.

Retrospective operation.

30