

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 21 February, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act relating to the compensation payable in connection with the resumption of land in Growth Centres; and for purposes connected therewith.

BE it enacted by the Queen'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 "Growth Centres (Land Acquisition) Act, 1974".

2.

Growth Centres (Land Acquisition).

2. (1) In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

5 “appropriate Court” means the Land and Valuation Court, or a stipendiary magistrate or any two justices of the peace in petty sessions, as referred to in section 9 of the Land and Valuation Court Act, 1921;

“area” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919;

10 “base date”, in relation to any growth centre land, means, subject to section 11, the date specified in Column 3 of the Schedule opposite the description, appearing in Column 2 of the Schedule, of that land or of land of which that land forms part;

15 “council” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919, and includes a county council;

“description”, in relation to land, includes a description of land by reference—

20 (a) to land within an area;

(b) to land within an area, other than land specified or described as being excepted or excluded therefrom; and

25 (c) to plans or other matters, whether of the same or a different kind or nature;

“designated

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“designated land” means land in respect of which a notification under section 4 (1) is for the time being in force;

5 “growth centre land” means land described in Column 2 of the Schedule;

“Land and Valuation Court” means the Land and Valuation Court constituted by the Land and Valuation Court Act, 1921;

10 “Valuer-General” means the valuer-general appointed under the Valuation of Land Act, 1916.

(2) In this Act, a reference to a notification published under section 4 (1) is, where that notification is amended by a notification published under section 4 (3), a reference to that notification as so amended.

15 (3) In this Act, a reference to a section of the Public Works Act, 1912, includes a reference to that section as deemed to be modified or repealed and substituted by any Act, whether that other Act was enacted before or is enacted after the commencement of this Act.

20 (4) A reference in a section of this Act to the Constructing Authority shall, in so far as that section applies to a resumption in respect of which a council has caused a notice of resumption to be published in the Gazette, be construed as a reference to the council.

25 3. (1) The Governor may, by regulation, amend the Amendment of the Schedule by inserting one or more Parts, each containing—
Schedule.

(a) in Column 1 the number of the Part;

30 (b) in Column 2, opposite that number, a description of land, being land that is not for the time being described, or included in a description, in another Part of the Schedule; and

(c)

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(c) in Column 3, opposite that description, a date, being a date that is not earlier than the date of publication of the regulation in the Gazette.

(2) Where no notification is in force under section 4 (1) in relation to any land described in the Schedule, the Minister may, by order published in the Gazette, amend the Schedule so as to exclude—

- (a) the description of that land or any part thereof; or
- (b) that land or any part thereof from a description of land contained in the Schedule.

(3) Subsection (2) applies in relation to Parts 1, 2, 3 and 4 of the Schedule as well as in relation to any Parts inserted in pursuance of subsection (1).

4. (1) The Minister may, by notification published in the Gazette, declare that any land, being the whole or any part of growth centre land, described in the notification, is designated land for the purposes of this Act, whether or not a notification under this subsection was previously in force in respect of that land.

Notification
of design-
ated land.

(2) A notification published under subsection (1) in relation to land shall not have any force if the date of its publication is—

- (a) the day on which the period of five years, commencing on the base date applicable to that land, expires;
- or
- (b) a later day.

(3) The Minister may, by notification published in the Gazette—

- (a) revoke a notification published under subsection (1); or

(b)

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- 5 (b) amend a notification published under subsection (1) so as to exclude from a description of land contained in the lastmentioned notification so much of that land as is described in the notification published under this subsection.

5. Subject to section 11, a notification published under section 4 (1) in relation to any land shall, unless it is sooner revoked under section 4, cease to have any force—

Expiry of notification under s. 4 (1) and extension of base date.

- 10 (a) except as provided in paragraph (b)—on the day on which the period of five years, commencing on the base date applicable to that land, expires; or
- 15 (b) if, before the day on which the period of four years, commencing on that base date, expires, the Minister, by the same notification or by another notification so published, declares that that base date shall, in relation to that land, be effective for a further period of up to five years—on the day on which that further period expires.

- 20 6. (1) Where designated land is the subject of a resumption to which section 7 applies, the Valuer-General (by reference to information available to him) shall, as soon as practicable after a copy of a claim served under section 102 of the Public Works Act, 1912, in respect thereof, together with the solicitor's report thereon, has been forwarded to him
- 25 by the Constructing Authority, determine and notify to the Constructing Authority the average percentage increase or decrease (if any), between the base date applicable to the land and the date of resumption, in the value of the category, as determined by the Valuer-General, of estates or interests in
- 30 land in New South Wales that were, in the opinion of the Valuer-General, comparable with the estate or interest the subject of the claim, having regard, where relevant, to use, location and zoning and to the nature and state of the improvements and works (if any) on the land.

Valuer-General to determine percentage increase or decrease.

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(2) The average percentage increase or decrease determined under subsection (1) in relation to any estate or interest shall be taken into account when a valuation in relation to the estate or interest is made for the purposes of section 103 of the Public Works Act, 1912.

7. (1) Where designated land is the subject of a resumption and the appropriate Court would, but for this section, be required to determine the amount of compensation payable in respect of an estate or interest in the land in accordance with section 124 of the Public Works Act, 1912, the Court shall determine the amount of compensation in accordance with this section and not in accordance with section 124 of that Act.

Compensation for resumed designated land.

(2) For the purposes of determining the amount of compensation payable in respect of an estate or interest in land under this section, the appropriate Court shall—

- (a) determine the amount of compensation that would be payable had this section (subsection (6) excepted) not been enacted;
- 20 (b) determine the amount of the value of the estate or interest (together with, where relevant, the improvements (if any) erected and the works (if any) carried out on the land before the base date applicable to the land, but not including the improvements (if any) erected and the works (if any) carried out on or after the base date and before the date of resumption) as at the date of resumption;
- 25
- 30 (c) determine the amount (referred to in subsection (3) as "the base date valuation") of the value of the estate or interest (together with, where relevant, the improvements (if any) erected and the works (if any)

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5 any) carried out on the land before the base date, but not including the improvements (if any) erected and the works (if any) carried out on or after the base date and before the date of resumption) as at the base date; and

10 (d) determine the average percentage increase or decrease (if any), between the base date and the date of resumption, in the value of the category, as determined by the Court, of estates or interests in land in New South Wales that were, in the opinion of the Court, comparable with the estate or interest, having regard, where relevant, to use, location and zoning and to the nature and state of the improvements and works (if any) on the land.

15 (3) The appropriate Court shall determine the amount of compensation payable in respect of the estate or interest referred to in subsection (2)—

20 (a) by deducting the amount referred to in subsection (2) (b) from the amount referred to in subsection (2) (a);

(b) by adding to the remainder so obtained the base date valuation mentioned in subsection (2) (c); and

(c) where the Court determines—

25 (i) an average percentage increase under subsection (2) (d)—by adding to the sum obtained under paragraph (b) an amount equal to that percentage of the base date valuation; or

30 (ii) an average percentage decrease under subsection (2) (d)—by subtracting from the sum obtained under paragraph (b) an amount equal to that percentage of the base date valuation,

and where the Court determines that there has been neither an
35 average percentage increase nor decrease, no amount shall be added or subtracted under paragraph (c).

(4)

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(4) For the purposes of subsection (2) (b) and (c), the amount of the value of an estate or interest is the amount that it may be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would
5 require.

(5) For the purposes of determining the value of an estate or interest in land under subsection (2) (c)—

(a) the estate or interest of any person in the land as at the base date applicable to the land shall be
10 disregarded;

(b) the estate or interest to which any person was entitled in relation to the land as at the date of resumption shall be deemed to have been held by that person as at the base date;

(c) the nature and state of any improvements or works on the land as at the base date shall be disregarded;
15 and

(d) the nature and state of any improvements or works on the land as at the date of resumption, being
20 improvements erected, or works carried out, before the base date, shall be deemed to have been the nature and state of the improvements or works on the land as at the base date.

(6) Notwithstanding anything in this section or in
25 section 124 of the Public Works Act, 1912, no compensation shall be allowed or awarded in respect of any improvements erected or works carried out, on or after the base date applicable to land the subject of a resumption and before the date of resumption, for which any necessary consent, pursuant
30 to the Local Government Act, 1919, or the ordinances made thereunder, had not been obtained, and, where any such necessary consent has been obtained and the consent is subject to any conditions stipulated by the responsible authority, the council or the Constructing Authority, the compensation to
35 be paid in respect of the improvements or works shall be

ascertained

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ascertained with due regard to those conditions and to the terms of any agreement entered into with the responsible authority, the council or the Constructing Authority in that connection.

5 (7) The amount of any compensation determined in accordance with this section shall, for the purposes of any section of the Public Works Act, 1912, or any other Act, be deemed to have been determined in accordance with section 124 of the Public Works Act, 1912.

10 8. (1) In this section, "appropriate authority" means—
 (a) the Valuer-General when determining an average percentage increase or decrease for the purposes of section 6; or
 (b) the appropriate Court when determining an average percentage increase or decrease for the purposes of section 7.

General provisions as to determining percentage increase or decrease.

15 (b) the appropriate Court when determining an average percentage increase or decrease for the purposes of section 7.

(2) In determining an average percentage increase or decrease for the purposes of section 6 or 7 in relation to a resumption to which section 7 applies, the appropriate
 20 authority shall take into account—

(a) such sales of land in New South Wales between the base date applicable to the resumed land and the date of resumption as appear to the appropriate authority to be relevant; and
 25 (b) any factors that, in the opinion of the appropriate authority, affected the value of land in New South Wales between those dates.

(3) In this section and in sections 6 and 7, a reference to land in New South Wales does not include a reference to
 30 land that is or has been growth centre land.

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9. (1) The Constructing Authority may, if it thinks fit, and upon such terms and conditions as it thinks fit, make to a claimant for compensation in respect of a resumption an advance payment of the compensation payable to him, where—

Advance
payment of
compensa-
tion.

5

(a) the claimant has applied to the Constructing Authority, in writing, therefor;

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(b) the Constructing Authority is satisfied that the claimant is entitled to compensation in respect of the resumption; and

(c) the Constructing Authority has made to the claimant an offer, in writing, of an amount in settlement of his claim.

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(2) Without affecting the generality of subsection (1), the terms and conditions referred to in that subsection may include terms and conditions—

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(a) requiring the claimant to obtain a release, to the extent of the amount of the advance payment, of claims for compensation by all or any of the persons having an estate or interest in the resumed land at the date of resumption, or a full release of claims, other than that of the claimant, to the extent to which the advance allows;

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(b) requiring the joinder of all or any persons, being persons who had an estate or interest in the resumed land at the date of resumption, as parties to, and in the execution of, a release referred to in paragraph (a);

(c) requiring the handing over of title deeds, abstracts of title, and other documents evidencing title, in respect of the resumed land;

(d)

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- (d) requiring the claimant to answer requisitions on title; and
- 5 (e) requiring the claimant to produce such evidence as the Constructing Authority may require as to the payment of rates or taxes which, if unpaid, would have been a charge on the resumed land immediately before the date of resumption.
- (3) Subject to subsection (7), an advance payment of compensation under this section shall be of an amount of
10 not less than eighty per centum of the amount of the offer referred to in subsection (1) (c) or, if there are two or more such offers, of the greater or greatest of those offers.
- (4) The interest (if any) payable under section 126 of the Public Works Act, 1912, in so far as that section applies
15 in respect of the resumption, on the amount of compensation paid in advance under this section shall be paid therewith, but no further interest is payable under that section in respect of the amount of compensation so paid.
- (5) Where, after the making of an advance payment
20 of compensation under this section to the claimant, the appropriate Court determines the compensation payable in respect of the resumption, only the amount remaining (if any) after deducting the amount so paid in advance is payable by the Constructing Authority.
- 25 (6) Where, after the making of an advance payment of compensation under this section to the claimant, the appropriate Court determines the compensation payable to the claimant in respect of the resumption, and the amount of compensation paid in advance under this section exceeds the
30 amount so determined, the Constructing Authority may recover the amount of any excess as a debt or liquidated demand in a court of competent jurisdiction.

(7)

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(7) The amount of compensation that would, but for this subsection, be payable under this section to the claimant may, to the extent to which any unpaid rates or taxes—

5 (a) were a charge on the land immediately before the date of resumption, being rates or taxes for which he was liable at the date of resumption; or

10 (b) would have been a charge on the land had the land not been resumed and had they been rates and taxes for which he would have been liable, upon assessment after the date of resumption, in relation to any period or time before that date,

be paid to the person or authority entitled to receive payment therefor, instead of being paid to the claimant, and the payment to that person or authority so entitled—

15 (c) shall operate as a discharge in favour of the claimant;

(d) shall operate as a release by the claimant of all claims and demands in respect of the resumption, but to the extent only of the amount so paid; and

20 (e) shall, for the purposes of subsections (5) and (6), be deemed to have been made to the claimant.

(8) In this section, “rates or taxes” means rates, taxes, assessments, outgoings or amounts of money.

10. (1) This section applies to a resumption of
25 designated land, being a resumption in respect of which a person is or was entitled to serve a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912.

(2) Institution by Constructing Authority of proceedings re compensation for resumed designated land.

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(2) Subject to subsection (3), where—

(a) at or before the expiration of the period of six months commencing on the date of a resumption to which this section applies—

5 (i) no agreement has been come to between a person who had an estate or interest in the resumed land at that date and the Constructing Authority as to the amount of compensation payable to him in respect thereof; and

10 (ii) that person's claim (if any) for compensation in respect thereof has not been determined in any proceedings;

15 (b) proceedings for the determination of that person's claim (if any) for compensation in respect thereof are not pending; and

(c) the amount of that person's claim (if any) for compensation in respect thereof exceeds \$200,

the Constructing Authority, at any time after the expiration
20 of that period, may, by summons or in such other manner as rules of court of the Supreme Court may, for the purposes of this subsection, prescribe, commence proceedings in the Supreme Court against that person for the determination of the compensation (if any) payable to him in respect of the
25 resumption.

(3) Where, in relation to a resumption to which this section applies, a person who has served a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912, is a person against whom the Constructing
30 Authority may commence proceedings under subsection (2), the Constructing Authority shall not institute proceedings under that subsection against a person who has not served such a notice in relation to that resumption.

(4)

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(4) Proceedings instituted under subsection (2) shall, subject to the succeeding provisions of this section, be dealt with as if they were proceedings in respect of a claim referred to in section 9 (1) of the Land and Valuation Court Act, 1921, and, for the purposes only of section 9 (1) of that Act, a person against whom any such proceedings are instituted and who, before the institution of those proceedings, has not served a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912, shall be deemed to have made a claim for compensation for an amount that exceeds \$200.

(5) Upon remission to the Land and Valuation Court of proceedings instituted under subsection (2) in respect of a resumption, that Court may—

(a) where the Constructing Authority has not come to an agreement with any person as to the amount of compensation payable to that person in respect of the resumption and no person's claim for compensation in respect of the resumption has been determined in any proceedings—

- (i) determine the total amount of compensation payable in respect of the resumption;
- (ii) determine the nature and extent of the estates or interests in the land at the date of resumption and the persons entitled thereto; and
- (iii) give directions for or with respect to the apportionment of that total amount of compensation among those persons; or

(b) where the Constructing Authority has come to an agreement with any person as to the amount of compensation payable to that person in respect of

the

Growth Centres (Land Acquisition).

the resumption or any person's claim for compensation in respect of the resumption has been determined in any proceedings—

- 5 (i) determine the nature and extent of the estates or interests in the land at the date of resumption (other than the estate or interest of a person referred to in the foregoing provisions of this paragraph) and the persons entitled thereto; and
- 10 (ii) determine the amount of compensation payable in respect of each such estate or interest.

(6) The Land and Valuation Court may, if it thinks fit, before determining any matters referred to in subsection 15 (5), cause notice of the proceedings to be given to such persons as it thinks fit.

(7) Rules may be made under the Land and Valuation Court Act, 1921, for or with respect to proceedings under this section in the Land and Valuation Court, and in particular for or with respect to the joinder, in any such proceedings, 20 of parties, including a person whose joinder as a party is necessary to ensure that all matters in dispute (being matters within the jurisdiction of that Court under this section) may be determined.

25 (8) A determination of the Land and Valuation Court in proceedings under this section in respect of a resumption is binding on the Constructing Authority and all persons who had an estate or interest in the resumed land at the date of resumption, whether or not they appeared before that 30 Court on the hearing of the proceedings.

(9)

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(9) Nothing in—

- (a) subsection (2) affects the rule-making powers conferred by the Supreme Court Act, 1970; and
- 5 (b) subsection (7) affects the rule-making powers conferred by the Land and Valuation Court Act, 1921.

(10) In this section, a reference to a claim for compensation (however expressed) is a reference to a claim for compensation contained in a notice in writing served on the Constructing Authority under section 102 of the Public Works
10 Act, 1912.

11. Where, after the resumption of designated land—

Notification
and base
date to
continue
in force for
certain
purposes.

- 15 (a) the notification in force under section 4 (1) at the date of resumption ceases to have any force in relation to that land, the notification shall, for purposes connected with that resumption only, be deemed to continue in force;
- 20 (b) the land ceases to be growth centre land, the land shall, for purposes connected with that resumption only, be deemed to continue to be growth centre land; or
- 25 (c) the base date applicable to that land at the date of resumption ceases to be so applicable, that date, being the former base date applicable thereto, shall, for purposes connected with that resumption only, be deemed to be the base date applicable thereto,

until all proceedings and other matters connected with that resumption have been determined and completed.

- 12.** The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by
30 this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

SCHEDULE.

Growth Centres (Land Acquisition).

SCHEDULE.

Secs. 3, 4.

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
5	1. ALL THOSE pieces or parcels of land comprising the whole of the City of Albury and the whole of the Shire of Hume as shown edged red on map catalogued Plan Number 8165A in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October 1972.
10	2. ALL THOSE pieces or parcels of land comprising the whole of the Cities of Bathurst and Orange and the whole of the Shires of Abercrombie, Canobolas, Lyndhurst, Oberon and Turon as shown edged red on maps catalogued respectively Plan Number 8210A, Plan Number 8210C, Plan Number 8210D, Plan Number 8210E, Plan Number 8210F, Plan Number 8210G, Plan Number 8210H in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
15	3. ALL THOSE pieces or parcels of land being so much of the land within the Shire of Gosford and the Shire of Wyong as is comprised within the non-urban Sydney region within the meaning of the Land Development Contribution Management Act, 1970, shown edged red and tinted brown on plans catalogued LDC 3, LDC 4, LDC 7, LDC 8, LDC 9, LDC 14 and LDC 28 to LDC 38 inclusive and filed in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is shown by blue edging on plans catalogued 8339A to 8339Q inclusive in the office of the said Authority and also excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
20	4. ALL THOSE pieces or parcels of land comprising the whole of the City of Campbelltown as shown edged red on map catalogued Plan Number 8213A in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
25	AND ALSO all those pieces or parcels of land situated in the Municipality of Camden, parishes of Narellan, Cook, St. Peter and Minto in the County of Cumberland, the parish of Camden in the County of Camden: Commencing at a point	
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*Growth Centres (Land Acquisition).*SCHEDULE—*continued.*

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
5	being the north-western corner of the Hume Highway and Cobbitty Road and bounded thence generally on the north by the generally northern alignment of Cobbitty Road and its prolongation westerly across the Nepean River to its intersection with the common boundary of the counties of Cumberland and Camden thence generally on the south by part of the southern bank of the Nepean River to its intersection with the western boundary of the Municipality of Camden at the confluence of the Nepean River and Cobbitty Creek thence generally on the west, south and east by part of the boundary of the Municipality of Camden to its intersection with the northern bank of the Nepean River thence again on part of the south and generally on the east by part of the eastern boundary of the Municipality of Camden to its intersection with the westernmost north-eastern boundary of portion 5 parish of Minto County of Cumberland thence on the north-east by a line crossing the Hume Highway being the north-westerly prolongation of the westernmost north-eastern boundary of that portion 5 to the north-western alignment of the Hume Highway thence on the north-west by the north-western alignment of the Hume Highway to the point of commencement, as shown edged red on map catalogued Plan Number 8213B in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	
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40	AND ALSO all those pieces or parcels of land situate in the Shire of Wollondilly, Parishes of Wedderburn and Appin in the County of Cumberland, the Parish of Camden in the County of Camden: Commencing at the north-eastern corner of portion 112 Parish of Picton County of Camden and bounded thence on part of the west and south by part of the boundary of the Parish of Camden County of Camden to its intersection with the boundary of the County of Cumberland at the confluence of the Nepean and Cataract Rivers thence on the south-west and south by that county boundary to its intersection with the Metropolitan Catchment Area boundary as proclaimed in Government Gazette No. 79 of 13th July 1923 and thence again successively and	
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SCHEDULE

*Growth Centres (Land Acquisition).*SCHEDULE—*continued.*

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
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10	generally on part of the south and east by successively part of the generally northern boundary of that Metropolitan Catchment Area boundary, part of the generally northern boundary of O'Hares Catchment Area as proclaimed in Government Gazette No. 51 of 14th April 1927 and amended in Government Gazette No. 178 of 21st September 1934 and part of the generally western boundary of that amended O'Hares Catchment Area to its intersection with the northern boundary of the Shire of Wollondilly and thence successively on the north, generally on the north-east, again on the north, and generally on part of the east by part of the boundary of the Shire of Wollondilly to its intersection with the western boundary of the Parish of Camden, County of Camden at the confluence of the Mt. Hunter Rivulet and the Nepean River thence successively generally on the west and on the south by the generally western and the northernmost southern boundary of the Parish of Camden, County of Camden to the point of commencement but EXCLUDING thereout so much of such land as is within the Municipality of Camden. AND ALSO excluding thereout so much of such land as is contained in the Interim Development Order No. 1—Wollondilly as notified in Government Gazette No. 44 of 28th April, 1972 as shown edged red on map catalogued Plan Number 8213c in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in ownership of the Commonwealth of Australia.	
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40	AND ALSO all those pieces or parcels of land situate in the City of Liverpool and the Shire of Sutherland, Parish of Holsworthy and County of Cumberland: Commencing at a point being the intersection of the southernmost boundary of the City of Liverpool and the generally eastern bank of Georges River and bounded thence successively and generally on part of the south, part of the east and again part of the south by successively parts of the generally southern, eastern and southern boundaries of the City of Liverpool to the intersection with the north-western alignment of Heathcote Road and thence generally on the south-east by part of the generally north-western alignment of Heathcote Road to its intersection with the generally western bank of Tudera Creek and thence generally on the east by that generally	
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SCHEDULE

*Growth Centres (Land Acquisition).*SCHEDULE—*continued.*

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
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western bank to its intersection with the generally south-western bank of Georges River and thence generally on part of the north-east by part of that south-western bank to its intersection with the generally southern bank of Williams Creek and thence generally on part of the north by successively part of that generally southern bank of Williams Creek and its prolongation to the generally southern bank of Harris Creek, part of that generally southern bank to its intersection with the easterly prolongation of the northern boundary of Filed Plan 379366, that easterly prolongation of Filed Plan 379366, the northern boundary of that Filed Plan and its prolongation westerly across Heathcote Road to its intersection with the generally south-western alignment of that road and thence again on part of the north-east by part of that alignment to its intersection with the generally southern boundary of the proposed expressway shown on plan catalogued X5/16 in the office of the Department of Main Roads, Sydney and thence again generally on part of the north by respectively part of that generally southern boundary, the generally southern boundary of the proposed expressway shown on plan catalogued X5/17 in the office of the Department of Main Roads, Sydney and part of the generally southern boundary of the proposed expressway shown in plan catalogued X5/18 in the office of the Department of Main Roads, Sydney to its intersection with the generally eastern bank of Georges River and thence generally on the west by part of that generally eastern bank to the point of commencement as shown edged red on map catalogued Plan Number 8214 in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[20c]

1973-74

LEGISLATIVE ASSEMBLY

GROWTH CENTRES (LAND ACQUISITION) BILL, 1974

(Amendments to be proposed on committal of the Bill, pro formâ, under Standing Order No. 256A.)

Clause 2, page 2, lines 1 to 3. *Leave out* all words on these lines.

Clause 4, page 3, lines 25 and 26. *Leave out* "proclamation published in the Gazette". *Insert* "regulation".

Clause 4, page 4, line 3. *Leave out* "proclamation". *Insert* "regulation".

Clause 4, page 4, lines 4 to 9. *Leave out* all words on these lines. *Insert*—

“(2) Where no notification is in force under section 5 (1) in relation to any land described in the Schedule, the Minister may, by order published in the Gazette, amend the Schedule so as to exclude—

(a) the description of that land or any part thereof; or

(b) that land or any part thereof from a description of land contained in the Schedule.”

Clause 8, page 6, lines 6 to 8. *Leave out* subclause (1).

Clause 8, page 6, line 10. *Leave out* "to which this section applies".

Clause 8, page 6, line 29. *After* "out" *insert* "on or".

Clause 8, page 7, line 3. *After* "out" *insert* "on or".

Clause 8, page 8, line 27. *After* "out," *insert* "on or".

Clause 8, page 8, line 28. *Leave out* "to which this section applies".

Clause 8, page 8, line 34. *Leave out* "authority or". *Insert* "authority, the council or".

Clause 8, page 9, line 3. *Leave out* "authority or". *Insert* "authority, the council or".

Clause 10, page 10, lines 1 to 5. *Leave out* subclause (1).

Clause 10, page 10, lines 8 and 9. *Leave out* "to which this section applies".

Clause 11, page 12, lines 28 and 29. *Leave out* ", but does not apply to a resumption that is of a prescribed class or description".

Clause 12, page 16, line 16. *Leave out* "or".

Clause 12, page 16. *After line 16 insert—*

"(b) the land ceases to be growth centre land, the land shall, for purposes connected with that resumption only, be deemed to continue to be growth centre land; or"

Schedule, page 17, line 15. *Leave out* "Blaxland,".

Schedule, page 17, line 18. *Leave out* "Plan Number 8210B,".

Schedule, page 17, lines 26 to 33. *Leave out* all words on these lines.

Insert—

- "3. ALL THOSE pieces or parcels of land being so much 3rd October, of the land within the Shire of Gosford and the 1972." Shire of Wyong as is comprised within the non-urban Sydney region within the meaning of the Land Development Contribution Management Act, 1970, shown edged red and tinted brown on plans catalogued LDC 3, LDC 4, LDC 7, LDC 8, LDC 9, LDC 14 and LDC 28 to LDC 38 inclusive and filed in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is shown by blue edging on plans catalogued 8339A to 8339Q inclusive in the office of the said Authority and also excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.

Schedule, page 17, lines 35 and 36. *Leave out* "and the whole of the Municipality of Camden".

Schedule, page 17, line 37. *Leave out* "maps catalogued respectively". *Insert* "map catalogued".

Schedule, page 17, line 38. *Leave out* "and Plan Number 8213B".

Schedule, page 17, lines 43 to 52; page 18, lines 6 to 54; and page 19, lines 6 to 14. *Leave out* all words on these lines. *Insert—*

"AND ALSO all those pieces or parcels of land situated in the Municipality of Camden, parishes of Narellan, Cook, St. Peter and Minto in the County of Cumberland, the parish of Camden in the County of Camden: Commencing at a point being the north-western corner of the Hume Highway and Cobbitty Road and bounded thence generally on the north by the generally northern alignment of Cobbitty Road and its prolongation westerly across the Nepean River to its intersection with the common boundary of the counties of Cumberland and Camden thence generally on the south by part of the southern bank of the Nepean River to its intersection with the western boundary

of the Municipality of Camden at the confluence of the Nepean River and Cobbitty Creek thence generally on the west, south and east by part of the boundary of the Municipality of Camden to its intersection with the northern bank of the Nepean River thence again on part of the south and generally on the east by part of the eastern boundary of the Municipality of Camden to its intersection with the westernmost north-eastern boundary of portion 5 parish of Minto County of Cumberland thence on the north-east by a line crossing the Hume Highway being the north-westerly prolongation of the westernmost north-eastern boundary of that portion 5 to the north-western alignment of the Hume Highway thence on the north-west by the north-western alignment of the Hume Highway to the point of commencement, as shown edged red on map catalogued Plan Number 8213B in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.

AND ALSO all those pieces or parcels of land situate in the Shire of Wollondilly, Parishes of Wedderburn and Appin in the County of Cumberland, the Parish of Camden in the County of Camden: Commencing at the north-eastern corner of portion 112 Parish of Picton County of Camden and bounded thence on part of the west and south by part of the boundary of the Parish of Camden County of Camden to its intersection with the boundary of the County of Cumberland at the confluence of the Nepean and Cataract Rivers thence on the south-west and south by that county boundary to its intersection with the Metropolitan Catchment Area boundary as proclaimed in Government Gazette No. 79 of 13th July 1923 and thence again successively and generally on part of the south and east by successively part of the generally northern boundary of that Metropolitan Catchment Area boundary, part of the generally northern boundary of O'Hares Catchment Area as proclaimed in Government Gazette No. 51 of 14th April 1927 and amended in Government Gazette No. 178 of 21st September 1934 and part of the generally western boundary of that amended O'Hares Catchment Area to its intersection with the northern boundary of the Shire of Wollondilly and thence successively on the north, generally on the north-east, again on the north, and generally on part of the east by part of the boundary of the Shire of Wollondilly to its intersection with the western boundary of the Parish of Camden, County of Camden at the confluence of the Mt. Hunter Rivulet and the Nepean River thence successively generally on the west and on the south by the generally western and the northernmost southern boundary of the Parish of Camden, County of Camden to the point of commencement but EXCLUDING thereout so much of such land as is within the Municipality of Camden. AND ALSO excluding thereout so

much of such land as is contained in the Interim Development Order No. 1—Wollondilly as notified in Government Gazette No. 44 of 28th April, 1972 as shown edged red on map catalogued Plan Number 8213c in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in ownership of the Commonwealth of Australia."

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 1, 1974.

An Act relating to the compensation payable in connection with the resumption of land in Growth Centres; and for purposes connected therewith. [Assented to, 19th March, 1974.]

BE it enacted by the Queen'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 "Growth Centres (Land Acquisition) Act, 1974".

2.

Growth Centres (Land Acquisition).

Interpreta-
tion.

2. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“appropriate Court” means the Land and Valuation Court, or a stipendiary magistrate or any two justices of the peace in petty sessions, as referred to in section 9 of the Land and Valuation Court Act, 1921;

“area” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919;

“base date”, in relation to any growth centre land, means, subject to section 11, the date specified in Column 3 of the Schedule opposite the description, appearing in Column 2 of the Schedule, of that land or of land of which that land forms part;

“council” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919, and includes a county council;

“description”, in relation to land, includes a description of land by reference—

(a) to land within an area;

(b) to land within an area, other than land specified or described as being excepted or excluded therefrom; and

(c) to plans or other matters, whether of the same or a different kind or nature;

“designated

Growth Centres (Land Acquisition).

“designated land” means land in respect of which a notification under section 4 (1) is for the time being in force;

“growth centre land” means land described in Column 2 of the Schedule;

“Land and Valuation Court” means the Land and Valuation Court constituted by the Land and Valuation Court Act, 1921;

“Valuer-General” means the valuer-general appointed under the Valuation of Land Act, 1916.

(2) In this Act, a reference to a notification published under section 4 (1) is, where that notification is amended by a notification published under section 4 (3), a reference to that notification as so amended.

(3) In this Act, a reference to a section of the Public Works Act, 1912, includes a reference to that section as deemed to be modified or repealed and substituted by any Act, whether that other Act was enacted before or is enacted after the commencement of this Act.

(4) A reference in a section of this Act to the Constructing Authority shall, in so far as that section applies to a resumption in respect of which a council has caused a notice of resumption to be published in the Gazette, be construed as a reference to the council.

3. (1) The Governor may, by regulation, amend the Schedule by inserting one or more Parts, each containing— Amendment
of the
Schedule.

(a) in Column 1 the number of the Part;

(b) in Column 2, opposite that number, a description of land, being land that is not for the time being described, or included in a description, in another Part of the Schedule; and

(c)

Growth Centres (Land Acquisition).

(c) in Column 3, opposite that description, a date, being a date that is not earlier than the date of publication of the regulation in the Gazette.

(2) Where no notification is in force under section 4 (1) in relation to any land described in the Schedule, the Minister may, by order published in the Gazette, amend the Schedule so as to exclude—

- (a) the description of that land or any part thereof; or
- (b) that land or any part thereof from a description of land contained in the Schedule.

(3) Subsection (2) applies in relation to Parts 1, 2, 3 and 4 of the Schedule as well as in relation to any Parts inserted in pursuance of subsection (1).

Notification
of design-
ated land.

4. (1) The Minister may, by notification published in the Gazette, declare that any land, being the whole or any part of growth centre land, described in the notification, is designated land for the purposes of this Act, whether or not a notification under this subsection was previously in force in respect of that land.

(2) A notification published under subsection (1) in relation to land shall not have any force if the date of its publication is—

- (a) the day on which the period of five years, commencing on the base date applicable to that land, expires; or
- (b) a later day.

(3) The Minister may, by notification published in the Gazette—

- (a) revoke a notification published under subsection (1); or

(b)

Growth Centres (Land Acquisition).

- (b) amend a notification published under subsection (1) so as to exclude from a description of land contained in the lastmentioned notification so much of that land as is described in the notification published under this subsection.

5. Subject to section 11, a notification published under section 4 (1) in relation to any land shall, unless it is sooner revoked under section 4, cease to have any force—

Expiry of notification under s. 4 (1) and extension of base date.

- (a) except as provided in paragraph (b)—on the day on which the period of five years, commencing on the base date applicable to that land, expires; or
- (b) if, before the day on which the period of four years, commencing on that base date, expires, the Minister, by the same notification or by another notification so published, declares that that base date shall, in relation to that land, be effective for a further period of up to five years—on the day on which that further period expires.

6. (1) Where designated land is the subject of a resumption to which section 7 applies, the Valuer-General (by reference to information available to him) shall, as soon as practicable after a copy of a claim served under section 102 of the Public Works Act, 1912, in respect thereof, together with the solicitor's report thereon, has been forwarded to him by the Constructing Authority, determine and notify to the Constructing Authority the average percentage increase or decrease (if any), between the base date applicable to the land and the date of resumption, in the value of the category, as determined by the Valuer-General, of estates or interests in land in New South Wales that were, in the opinion of the Valuer-General, comparable with the estate or interest the subject of the claim, having regard, where relevant, to use, location and zoning and to the nature and state of the improvements and works (if any) on the land.

Valuer-General to determine percentage increase or decrease.

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(2) The average percentage increase or decrease determined under subsection (1) in relation to any estate or interest shall be taken into account when a valuation in relation to the estate or interest is made for the purposes of section 103 of the Public Works Act, 1912.

Compensation for resumed designated land.

7. (1) Where designated land is the subject of a resumption and the appropriate Court would, but for this section, be required to determine the amount of compensation payable in respect of an estate or interest in the land in accordance with section 124 of the Public Works Act, 1912, the Court shall determine the amount of compensation in accordance with this section and not in accordance with section 124 of that Act.

(2) For the purposes of determining the amount of compensation payable in respect of an estate or interest in land under this section, the appropriate Court shall—

- (a) determine the amount of compensation that would be payable had this section (subsection (6) excepted) not been enacted;
- (b) determine the amount of the value of the estate or interest (together with, where relevant, the improvements (if any) erected and the works (if any) carried out on the land before the base date applicable to the land, but not including the improvements (if any) erected and the works (if any) carried out on or after the base date and before the date of resumption) as at the date of resumption;
- (c) determine the amount (referred to in subsection (3) as "the base date valuation") of the value of the estate or interest (together with, where relevant, the improvements (if any) erected and the works (if any)

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any) carried out on the land before the base date, but not including the improvements (if any) erected and the works (if any) carried out on or after the base date and before the date of resumption) as at the base date; and

- (d) determine the average percentage increase or decrease (if any), between the base date and the date of resumption, in the value of the category, as determined by the Court, of estates or interests in land in New South Wales that were, in the opinion of the Court, comparable with the estate or interest, having regard, where relevant, to use, location and zoning and to the nature and state of the improvements and works (if any) on the land.

(3) The appropriate Court shall determine the amount of compensation payable in respect of the estate or interest referred to in subsection (2)—

- (a) by deducting the amount referred to in subsection (2) (b) from the amount referred to in subsection (2) (a);
- (b) by adding to the remainder so obtained the base date valuation mentioned in subsection (2) (c); and
- (c) where the Court determines—
- (i) an average percentage increase under subsection (2) (d)—by adding to the sum obtained under paragraph (b) an amount equal to that percentage of the base date valuation; or
 - (ii) an average percentage decrease under subsection (2) (d)—by subtracting from the sum obtained under paragraph (b) an amount equal to that percentage of the base date valuation,

and where the Court determines that there has been neither an average percentage increase nor decrease, no amount shall be added or subtracted under paragraph (c).

(4)

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(4) For the purposes of subsection (2) (b) and (c), the amount of the value of an estate or interest is the amount that it may be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

(5) For the purposes of determining the value of an estate or interest in land under subsection (2) (c)—

- (a) the estate or interest of any person in the land as at the base date applicable to the land shall be disregarded;
- (b) the estate or interest to which any person was entitled in relation to the land as at the date of resumption shall be deemed to have been held by that person as at the base date;
- (c) the nature and state of any improvements or works on the land as at the base date shall be disregarded; and
- (d) the nature and state of any improvements or works on the land as at the date of resumption, being improvements erected, or works carried out, before the base date, shall be deemed to have been the nature and state of the improvements or works on the land as at the base date.

cf. No. 29,
1915, s. 8
(11).

(6) Notwithstanding anything in this section or in section 124 of the Public Works Act, 1912, no compensation shall be allowed or awarded in respect of any improvements erected or works carried out, on or after the base date applicable to land the subject of a resumption and before the date of resumption, for which any necessary consent, pursuant to the Local Government Act, 1919, or the ordinances made thereunder, had not been obtained, and, where any such necessary consent has been obtained and the consent is subject to any conditions stipulated by the responsible authority, the council or the Constructing Authority, the compensation to be paid in respect of the improvements or works shall be

ascertained

Growth Centres (Land Acquisition).

ascertained with due regard to those conditions and to the terms of any agreement entered into with the responsible authority, the council or the Constructing Authority in that connection.

(7) The amount of any compensation determined in accordance with this section shall, for the purposes of any section of the Public Works Act, 1912, or any other Act, be deemed to have been determined in accordance with section 124 of the Public Works Act, 1912.

8. (1) In this section, "appropriate authority" means—
- (a) the Valuer-General when determining an average percentage increase or decrease for the purposes of section 6; or
 - (b) the appropriate Court when determining an average percentage increase or decrease for the purposes of section 7.

General provisions as to determining percentage increase or decrease.

(2) In determining an average percentage increase or decrease for the purposes of section 6 or 7 in relation to a resumption to which section 7 applies, the appropriate authority shall take into account—

- (a) such sales of land in New South Wales between the base date applicable to the resumed land and the date of resumption as appear to the appropriate authority to be relevant; and
- (b) any factors that, in the opinion of the appropriate authority, affected the value of land in New South Wales between those dates.

(3) In this section and in sections 6 and 7, a reference to land in New South Wales does not include a reference to land that is or has been growth centre land.

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Advance
payment of
compensa-
tion.

9. (1) The Constructing Authority may, if it thinks fit, and upon such terms and conditions as it thinks fit, make to a claimant for compensation in respect of a resumption an advance payment of the compensation payable to him, where—

- (a) the claimant has applied to the Constructing Authority, in writing, therefor;
- (b) the Constructing Authority is satisfied that the claimant is entitled to compensation in respect of the resumption; and
- (c) the Constructing Authority has made to the claimant an offer, in writing, of an amount in settlement of his claim.

(2) Without affecting the generality of subsection (1), the terms and conditions referred to in that subsection may include terms and conditions—

- (a) requiring the claimant to obtain a release, to the extent of the amount of the advance payment, of claims for compensation by all or any of the persons having an estate or interest in the resumed land at the date of resumption, or a full release of claims, other than that of the claimant, to the extent to which the advance allows;
- (b) requiring the joinder of all or any persons, being persons who had an estate or interest in the resumed land at the date of resumption, as parties to, and in the execution of, a release referred to in paragraph (a);
- (c) requiring the handing over of title deeds, abstracts of title, and other documents evidencing title, in respect of the resumed land;

(d)

Growth Centres (Land Acquisition).

- (d) requiring the claimant to answer requisitions on title; and
- (e) requiring the claimant to produce such evidence as the Constructing Authority may require as to the payment of rates or taxes which, if unpaid, would have been a charge on the resumed land immediately before the date of resumption.

(3) Subject to subsection (7), an advance payment of compensation under this section shall be of an amount of not less than eighty per centum of the amount of the offer referred to in subsection (1) (c) or, if there are two or more such offers, of the greater or greatest of those offers.

(4) The interest (if any) payable under section 126 of the Public Works Act, 1912, in so far as that section applies in respect of the resumption, on the amount of compensation paid in advance under this section shall be paid therewith, but no further interest is payable under that section in respect of the amount of compensation so paid.

(5) Where, after the making of an advance payment of compensation under this section to the claimant, the appropriate Court determines the compensation payable in respect of the resumption, only the amount remaining (if any) after deducting the amount so paid in advance is payable by the Constructing Authority.

(6) Where, after the making of an advance payment of compensation under this section to the claimant, the appropriate Court determines the compensation payable to the claimant in respect of the resumption, and the amount of compensation paid in advance under this section exceeds the amount so determined, the Constructing Authority may recover the amount of any excess as a debt or liquidated demand in a court of competent jurisdiction.

(7)

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(7) The amount of compensation that would, but for this subsection, be payable under this section to the claimant may, to the extent to which any unpaid rates or taxes—

- (a) were a charge on the land immediately before the date of resumption, being rates or taxes for which he was liable at the date of resumption; or
- (b) would have been a charge on the land had the land not been resumed and had they been rates and taxes for which he would have been liable, upon assessment after the date of resumption, in relation to any period or time before that date,

be paid to the person or authority entitled to receive payment therefor, instead of being paid to the claimant, and the payment to that person or authority so entitled—

- (c) shall operate as a discharge in favour of the claimant;
- (d) shall operate as a release by the claimant of all claims and demands in respect of the resumption, but to the extent only of the amount so paid; and
- (e) shall, for the purposes of subsections (5) and (6), be deemed to have been made to the claimant.

(8) In this section, “rates or taxes” means rates, taxes, assessments, outgoings or amounts of money.

Institution
by Con-
structing
Authority
of proceed-
ings re
compensa-
tion for
resumed
designated
land.

10. (1) This section applies to a resumption of designated land, being a resumption in respect of which a person is or was entitled to serve a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912.

(2)

Growth Centres (Land Acquisition).

(2) Subject to subsection (3), where—

(a) at or before the expiration of the period of six months commencing on the date of a resumption to which this section applies—

(i) no agreement has been come to between a person who had an estate or interest in the resumed land at that date and the Constructing Authority as to the amount of compensation payable to him in respect thereof; and

(ii) that person's claim (if any) for compensation in respect thereof has not been determined in any proceedings;

(b) proceedings for the determination of that person's claim (if any) for compensation in respect thereof are not pending; and

(c) the amount of that person's claim (if any) for compensation in respect thereof exceeds \$200,

the Constructing Authority, at any time after the expiration of that period, may, by summons or in such other manner as rules of court of the Supreme Court may, for the purposes of this subsection, prescribe, commence proceedings in the Supreme Court against that person for the determination of the compensation (if any) payable to him in respect of the resumption.

(3) Where, in relation to a resumption to which this section applies, a person who has served a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912, is a person against whom the Constructing Authority may commence proceedings under subsection (2), the Constructing Authority shall not institute proceedings under that subsection against a person who has not served such a notice in relation to that resumption.

(4)

Growth Centres (Land Acquisition).

(4) Proceedings instituted under subsection (2) shall, subject to the succeeding provisions of this section, be dealt with as if they were proceedings in respect of a claim referred to in section 9 (1) of the Land and Valuation Court Act, 1921, and, for the purposes only of section 9 (1) of that Act, a person against whom any such proceedings are instituted and who, before the institution of those proceedings, has not served a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912, shall be deemed to have made a claim for compensation for an amount that exceeds \$200.

(5) Upon remission to the Land and Valuation Court of proceedings instituted under subsection (2) in respect of a resumption, that Court may—

- (a) where the Constructing Authority has not come to an agreement with any person as to the amount of compensation payable to that person in respect of the resumption and no person's claim for compensation in respect of the resumption has been determined in any proceedings—
 - (i) determine the total amount of compensation payable in respect of the resumption;
 - (ii) determine the nature and extent of the estates or interests in the land at the date of resumption and the persons entitled thereto; and
 - (iii) give directions for or with respect to the apportionment of that total amount of compensation among those persons; or
- (b) where the Constructing Authority has come to an agreement with any person as to the amount of compensation payable to that person in respect of

the

Growth Centres (Land Acquisition).

the resumption or any person's claim for compensation in respect of the resumption has been determined in any proceedings—

- (i) determine the nature and extent of the estates or interests in the land at the date of resumption (other than the estate or interest of a person referred to in the foregoing provisions of this paragraph) and the persons entitled thereto; and
- (ii) determine the amount of compensation payable in respect of each such estate or interest.

(6) The Land and Valuation Court may, if it thinks fit, before determining any matters referred to in subsection (5), cause notice of the proceedings to be given to such persons as it thinks fit.

(7) Rules may be made under the Land and Valuation Court Act, 1921, for or with respect to proceedings under this section in the Land and Valuation Court, and in particular for or with respect to the joinder, in any such proceedings, of parties, including a person whose joinder as a party is necessary to ensure that all matters in dispute (being matters within the jurisdiction of that Court under this section) may be determined.

(8) A determination of the Land and Valuation Court in proceedings under this section in respect of a resumption is binding on the Constructing Authority and all persons who had an estate or interest in the resumed land at the date of resumption, whether or not they appeared before that Court on the hearing of the proceedings.

(9)

Growth Centres (Land Acquisition).

(9) Nothing in—

- (a) subsection (2) affects the rule-making powers conferred by the Supreme Court Act, 1970; and
- (b) subsection (7) affects the rule-making powers conferred by the Land and Valuation Court Act, 1921.

(10) In this section, a reference to a claim for compensation (however expressed) is a reference to a claim for compensation contained in a notice in writing served on the Constructing Authority under section 102 of the Public Works Act, 1912.

Notification
and base
date to
continue
in force for
certain
purposes.

11. Where, after the resumption of designated land—

- (a) the notification in force under section 4 (1) at the date of resumption ceases to have any force in relation to that land, the notification shall, for purposes connected with that resumption only, be deemed to continue in force;
- (b) the land ceases to be growth centre land, the land shall, for purposes connected with that resumption only, be deemed to continue to be growth centre land; or
- (c) the base date applicable to that land at the date of resumption ceases to be so applicable, that date, being the former base date applicable thereto, shall, for purposes connected with that resumption only, be deemed to be the base date applicable thereto,

until all proceedings and other matters connected with that resumption have been determined and completed.

Regulations.

12. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE.

Growth Centres (Land Acquisition).

SCHEDULE.

Secs. 3, 4.

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
1.	ALL THOSE pieces or parcels of land comprising the whole of the City of Albury and the whole of the Shire of Hume as shown edged red on map catalogued Plan Number 8165A in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
2.	ALL THOSE pieces or parcels of land comprising the whole of the Cities of Bathurst and Orange and the whole of the Shires of Abercrombie, Canobolas, Lyndhurst, Oberon and Turon as shown edged red on maps catalogued respectively Plan Number 8210A, Plan Number 8210C, Plan Number 8210D, Plan Number 8210E, Plan Number 8210F, Plan Number 8210G, Plan Number 8210H in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
3.	ALL THOSE pieces or parcels of land being so much of the land within the Shire of Gosford and the Shire of Wyong as is comprised within the non-urban Sydney region within the meaning of the Land Development Contribution Management Act, 1970, shown edged red and tinted brown on plans catalogued LDC 3, LDC 4, LDC 7, LDC 8, LDC 9, LDC 14 and LDC 28 to LDC 38 inclusive and filed in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is shown by blue edging on plans catalogued 8339A to 8339Q inclusive in the office of the said Authority and also excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
4.	ALL THOSE pieces or parcels of land comprising the whole of the City of Campbelltown as shown edged red on map catalogued Plan Number 8213A in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia. AND ALSO all those pieces or parcels of land situated in the Municipality of Camden, parishes of Narellan, Cook, St. Peter and Minto in the County of Cumberland, the parish of Camden in the County of Camden: Commencing at a point	3rd October, 1972.

*Growth Centres (Land Acquisition).*SCHEDULE—*continued.*

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
	<p>being the north-western corner of the Hume Highway and Cobbitty Road and bounded thence generally on the north by the generally northern alignment of Cobbitty Road and its prolongation westerly across the Nepean River to its intersection with the common boundary of the counties of Cumberland and Camden thence generally on the south by part of the southern bank of the Nepean River to its intersection with the western boundary of the Municipality of Camden at the confluence of the Nepean River and Cobbitty Creek thence generally on the west, south and east by part of the boundary of the Municipality of Camden to its intersection with the northern bank of the Nepean River thence again on part of the south and generally on the east by part of the eastern boundary of the Municipality of Camden to its intersection with the westernmost north-eastern boundary of portion 5 parish of Minto County of Cumberland thence on the north-east by a line crossing the Hume Highway being the north-westerly prolongation of the westernmost north-eastern boundary of that portion 5 to the north-western alignment of the Hume Highway thence on the north-west by the north-western alignment of the Hume Highway to the point of commencement, as shown edged red on map catalogued Plan Number 8213B in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.</p> <p>AND ALSO all those pieces or parcels of land situate in the Shire of Wollondilly, Parishes of Wedderburn and Appin in the County of Cumberland, the Parish of Camden in the County of Camden: Commencing at the north-eastern corner of portion 112 Parish of Picton County of Camden and bounded thence on part of the west and south by part of the boundary of the Parish of Camden County of Camden to its intersection with the boundary of the County of Cumberland at the confluence of the Nepean and Cataract Rivers thence on the south-west and south by that county boundary to its intersection with the Metropolitan Catchment Area boundary as proclaimed in Government Gazette No. 79 of 13th July 1923 and thence again successively and</p>	

SCHEDULE

*Growth Centres (Land Acquisition).***SCHEDULE—continued.**

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
	<p>generally on part of the south and east by successively part of the generally northern boundary of that Metropolitan Catchment Area boundary, part of the generally northern boundary of O'Hares Catchment Area as proclaimed in Government Gazette No. 51 of 14th April 1927 and amended in Government Gazette No. 178 of 21st September 1934 and part of the generally western boundary of that amended O'Hares Catchment Area to its intersection with the northern boundary of the Shire of Wollondilly and thence successively on the north, generally on the north-east, again on the north, and generally on part of the east by part of the boundary of the Shire of Wollondilly to its intersection with the western boundary of the Parish of Camden, County of Camden at the confluence of the Mt. Hunter Rivulet and the Nepean River thence successively generally on the west and on the south by the generally western and the northernmost southern boundary of the Parish of Camden, County of Camden to the point of commencement but EXCLUDING thereout so much of such land as is within the Municipality of Camden. AND ALSO excluding thereout so much of such land as is contained in the Interim Development Order No. 1—Wollondilly as notified in Government Gazette No. 44 of 28th April, 1972 as shown edged red on map catalogued Plan Number 8213C in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in ownership of the Commonwealth of Australia.</p> <p>AND ALSO all those pieces or parcels of land situate in the City of Liverpool and the Shire of Sutherland, Parish of Holsworthy and County of Cumberland: Commencing at a point being the intersection of the southernmost boundary of the City of Liverpool and the generally eastern bank of Georges River and bounded thence successively and generally on part of the south, part of the east and again part of the south by successively parts of the generally southern, eastern and southern boundaries of the City of Liverpool to the intersection with the north-western alignment of Heathcote Road and thence generally on the south-east by part of the generally north-western alignment of Heathcote Road to its intersection with the generally western bank of Tudera Creek and thence generally on the east by that generally</p>	

SCHEDULE

Growth Centres (Land Acquisition).

SCHEDULE—continued.

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
	<p>western bank to its intersection with the generally south-western bank of Georges River and thence generally on part of the north-east by part of that south-western bank to its intersection with the generally southern bank of Williams Creek and thence generally on part of the north by successively part of that generally southern bank of Williams Creek and its prolongation to the generally southern bank of Harris Creek, part of that generally southern bank to its intersection with the easterly prolongation of the northern boundary of Filed Plan 379366, that easterly prolongation of Filed Plan 379366, the northern boundary of that Filed Plan and its prolongation westerly across Heathcote Road to its intersection with the generally south-western alignment of that road and thence again on part of the north-east by part of that alignment to its intersection with the generally southern boundary of the proposed expressway shown on plan catalogued X5/16 in the office of the Department of Main Roads, Sydney and thence again generally on part of the north by respectively part of that generally southern boundary, the generally southern boundary of the proposed expressway shown on plan catalogued X5/17 in the office of the Department of Main Roads, Sydney and part of the generally southern boundary of the proposed expressway shown in plan catalogued X5/18 in the office of the Department of Main Roads, Sydney to its intersection with the generally eastern bank of Georges River and thence generally on the west by part of that generally eastern bank to the point of commencement as shown edged red on map catalogued Plan Number 8214 in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.</p>	

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 March, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 1, 1974.

An Act relating to the compensation payable in connection with the resumption of land in Growth Centres; and for purposes connected therewith.
[Assented to, 19th March, 1974.]

BE it enacted by the Queen'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 "Growth Centres (Land Short title. Acquisition) Act, 1974".

2.

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Growth Centres (Land Acquisition).

Interpreta-
tion.

2. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“appropriate Court” means the Land and Valuation Court, or a stipendiary magistrate or any two justices of the peace in petty sessions, as referred to in section 9 of the Land and Valuation Court Act, 1921;

“area” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919;

“base date”, in relation to any growth centre land, means, subject to section 11, the date specified in Column 3 of the Schedule opposite the description, appearing in Column 2 of the Schedule, of that land or of land of which that land forms part;

“council” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919, and includes a county council;

“description”, in relation to land, includes a description of land by reference—

(a) to land within an area;

(b) to land within an area, other than land specified or described as being excepted or excluded therefrom; and

(c) to plans or other matters, whether of the same or a different kind or nature;

“designated

Growth Centres (Land Acquisition).

“designated land” means land in respect of which a notification under section 4 (1) is for the time being in force;

“growth centre land” means land described in Column 2 of the Schedule;

“Land and Valuation Court” means the Land and Valuation Court constituted by the Land and Valuation Court Act, 1921;

“Valuer-General” means the valuer-general appointed under the Valuation of Land Act, 1916.

(2) In this Act, a reference to a notification published under section 4 (1) is, where that notification is amended by a notification published under section 4 (3), a reference to that notification as so amended.

(3) In this Act, a reference to a section of the Public Works Act, 1912, includes a reference to that section as deemed to be modified or repealed and substituted by any Act, whether that other Act was enacted before or is enacted after the commencement of this Act.

(4) A reference in a section of this Act to the Constructing Authority shall, in so far as that section applies to a resumption in respect of which a council has caused a notice of resumption to be published in the Gazette, be construed as a reference to the council.

3. (1) The Governor may, by regulation, amend the Schedule by inserting one or more Parts, each containing— ^{Amendment of the Schedule.}

(a) in Column 1 the number of the Part;

(b) in Column 2, opposite that number, a description of land, being land that is not for the time being described, or included in a description, in another Part of the Schedule; and

(c)

Growth Centres (Land Acquisition).

- (c) in Column 3, opposite that description, a date, being a date that is not earlier than the date of publication of the regulation in the Gazette.

(2) Where no notification is in force under section 4 (1) in relation to any land described in the Schedule, the Minister may, by order published in the Gazette, amend the Schedule so as to exclude—

- (a) the description of that land or any part thereof; or
- (b) that land or any part thereof from a description of land contained in the Schedule.

(3) Subsection (2) applies in relation to Parts 1, 2, 3 and 4 of the Schedule as well as in relation to any Parts inserted in pursuance of subsection (1).

Notification
of design-
ated land.

4. (1) The Minister may, by notification published in the Gazette, declare that any land, being the whole or any part of growth centre land, described in the notification, is designated land for the purposes of this Act, whether or not a notification under this subsection was previously in force in respect of that land.

(2) A notification published under subsection (1) in relation to land shall not have any force if the date of its publication is—

- (a) the day on which the period of five years, commencing on the base date applicable to that land, expires;
or
- (b) a later day.

(3) The Minister may, by notification published in the Gazette—

- (a) revoke a notification published under subsection (1); or

(b)

Growth Centres (Land Acquisition).

- (b) amend a notification published under subsection (1) so as to exclude from a description of land contained in the lastmentioned notification so much of that land as is described in the notification published under this subsection.

5. Subject to section 11, a notification published under section 4 (1) in relation to any land shall, unless it is sooner revoked under section 4, cease to have force—

Expiry of notification under s. 4 (1) and extension of base date.

- (a) except as provided in paragraph (b)—on the day on which the period of five years, commencing on the base date applicable to that land, expires; or
- (b) if, before the day on which the period of four years, commencing on that base date, expires, the Minister, by the same notification or by another notification so published, declares that that base date shall, in relation to that land, be effective for a further period of up to five years—on the day on which that further period expires.

6. (1) Where designated land is the subject of a resumption to which section 7 applies, the Valuer-General (by reference to information available to him) shall, as soon as practicable after a copy of a claim served under section 102 of the Public Works Act, 1912, in respect thereof, together with the solicitor's report thereon, has been forwarded to him by the Constructing Authority, determine and notify to the Constructing Authority the average percentage increase or decrease (if any), between the base date applicable to the land and the date of resumption, in the value of the category, as determined by the Valuer-General, of estates or interests in land in New South Wales that were, in the opinion of the Valuer-General, comparable with the estate or interest the subject of the claim, having regard, where relevant, to use, location and zoning and to the nature and state of the improvements and works (if any) on the land.

Valuer-General to determine percentage increase or decrease.

Growth Centres (Land Acquisition).

(2) The average percentage increase or decrease determined under subsection (1) in relation to any estate or interest shall be taken into account when a valuation in relation to the estate or interest is made for the purposes of section 103 of the Public Works Act, 1912.

Compensation for resumed designated land.

7. (1) Where designated land is the subject of a resumption and the appropriate Court would, but for this section, be required to determine the amount of compensation payable in respect of an estate or interest in the land in accordance with section 124 of the Public Works Act, 1912, the Court shall determine the amount of compensation in accordance with this section and not in accordance with section 124 of that Act.

(2) For the purposes of determining the amount of compensation payable in respect of an estate or interest in land under this section, the appropriate Court shall—

- (a) determine the amount of compensation that would be payable had this section (subsection (6) excepted) not been enacted;
- (b) determine the amount of the value of the estate or interest (together with, where relevant, the improvements (if any) erected and the works (if any) carried out on the land before the base date applicable to the land, but not including the improvements (if any) erected and the works (if any) carried out on or after the base date and before the date of resumption) as at the date of resumption;
- (c) determine the amount (referred to in subsection (3) as "the base date valuation") of the value of the estate or interest (together with, where relevant, the improvements (if any) erected and the works (if any)

Growth Centres (Land Acquisition).

any) carried out on the land before the base date, but not including the improvements (if any) erected and the works (if any) carried out on or after the base date and before the date of resumption) as at the base date; and

- (d) determine the average percentage increase or decrease (if any), between the base date and the date of resumption, in the value of the category, as determined by the Court, of estates or interests in land in New South Wales that were, in the opinion of the Court, comparable with the estate or interest, having regard, where relevant, to use, location and zoning and to the nature and state of the improvements and works (if any) on the land.

(3) The appropriate Court shall determine the amount of compensation payable in respect of the estate or interest referred to in subsection (2)—

- (a) by deducting the amount referred to in subsection (2) (b) from the amount referred to in subsection (2) (a);
- (b) by adding to the remainder so obtained the base date valuation mentioned in subsection (2) (c); and
- (c) where the Court determines—
 - (i) an average percentage increase under subsection (2) (d)—by adding to the sum obtained under paragraph (b) an amount equal to that percentage of the base date valuation; or
 - (ii) an average percentage decrease under subsection (2) (d)—by subtracting from the sum obtained under paragraph (b) an amount equal to that percentage of the base date valuation,

and where the Court determines that there has been neither an average percentage increase nor decrease, no amount shall be added or subtracted under paragraph (c).

(4)

Growth Centres (Land Acquisition).

(4) For the purposes of subsection (2) (b) and (c), the amount of the value of an estate or interest is the amount that it may be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

(5) For the purposes of determining the value of an estate or interest in land under subsection (2) (c)—

- (a) the estate or interest of any person in the land as at the base date applicable to the land shall be disregarded;
- (b) the estate or interest to which any person was entitled in relation to the land as at the date of resumption shall be deemed to have been held by that person as at the base date;
- (c) the nature and state of any improvements or works on the land as at the base date shall be disregarded; and
- (d) the nature and state of any improvements or works on the land as at the date of resumption, being improvements erected, or works carried out, before the base date, shall be deemed to have been the nature and state of the improvements or works on the land as at the base date.

cf. No. 29,
1915, s. 8
(11).

(6) Notwithstanding anything in this section or in section 124 of the Public Works Act, 1912, no compensation shall be allowed or awarded in respect of any improvements erected or works carried out, on or after the base date applicable to land the subject of a resumption and before the date of resumption, for which any necessary consent, pursuant to the Local Government Act, 1919, or the ordinances made thereunder, had not been obtained, and, where any such necessary consent has been obtained and the consent is subject to any conditions stipulated by the responsible authority, the council or the Constructing Authority, the compensation to be paid in respect of the improvements or works shall be

ascertained

Growth Centres (Land Acquisition).

ascertained with due regard to those conditions and to the terms of any agreement entered into with the responsible authority, the council or the Constructing Authority in that connection.

(7) The amount of any compensation determined in accordance with this section shall, for the purposes of any section of the Public Works Act, 1912, or any other Act, be deemed to have been determined in accordance with section 124 of the Public Works Act, 1912.

8. (1) In this section, "appropriate authority" means—
- (a) the Valuer-General when determining an average percentage increase or decrease for the purposes of section 6; or
 - (b) the appropriate Court when determining an average percentage increase or decrease for the purposes of section 7.

General provisions as to determining percentage increase or decrease.

(2) In determining an average percentage increase or decrease for the purposes of section 6 or 7 in relation to a resumption to which section 7 applies, the appropriate authority shall take into account—

- (a) such sales of land in New South Wales between the base date applicable to the resumed land and the date of resumption as appear to the appropriate authority to be relevant; and
- (b) any factors that, in the opinion of the appropriate authority, affected the value of land in New South Wales between those dates.

(3) In this section and in sections 6 and 7, a reference to land in New South Wales does not include a reference to land that is or has been growth centre land.

Growth Centres (Land Acquisition).

Advance
payment of
compensa-
tion.

9. (1) The Constructing Authority may, if it thinks fit, and upon such terms and conditions as it thinks fit, make to a claimant for compensation in respect of a resumption an advance payment of the compensation payable to him, where—

- (a) the claimant has applied to the Constructing Authority, in writing, therefor;
- (b) the Constructing Authority is satisfied that the claimant is entitled to compensation in respect of the resumption; and
- (c) the Constructing Authority has made to the claimant an offer, in writing, of an amount in settlement of his claim.

(2) Without affecting the generality of subsection (1), the terms and conditions referred to in that subsection may include terms and conditions—

- (a) requiring the claimant to obtain a release, to the extent of the amount of the advance payment, of claims for compensation by all or any of the persons having an estate or interest in the resumed land at the date of resumption, or a full release of claims, other than that of the claimant, to the extent to which the advance allows;
- (b) requiring the joinder of all or any persons, being persons who had an estate or interest in the resumed land at the date of resumption, as parties to, and in the execution of, a release referred to in paragraph (a);
- (c) requiring the handing over of title deeds, abstracts of title, and other documents evidencing title, in respect of the resumed land;
- (d)

Growth Centres (Land Acquisition).

- (d) requiring the claimant to answer requisitions on title; and
- (e) requiring the claimant to produce such evidence as the Constructing Authority may require as to the payment of rates or taxes which, if unpaid, would have been a charge on the resumed land immediately before the date of resumption.

(3) Subject to subsection (7), an advance payment of compensation under this section shall be of an amount of not less than eighty per centum of the amount of the offer referred to in subsection (1) (c) or, if there are two or more such offers, of the greater or greatest of those offers.

(4) The interest (if any) payable under section 126 of the Public Works Act, 1912, in so far as that section applies in respect of the resumption, on the amount of compensation paid in advance under this section shall be paid therewith, but no further interest is payable under that section in respect of the amount of compensation so paid.

(5) Where, after the making of an advance payment of compensation under this section to the claimant, the appropriate Court determines the compensation payable in respect of the resumption, only the amount remaining (if any) after deducting the amount so paid in advance is payable by the Constructing Authority.

(6) Where, after the making of an advance payment of compensation under this section to the claimant, the appropriate Court determines the compensation payable to the claimant in respect of the resumption, and the amount of compensation paid in advance under this section exceeds the amount so determined, the Constructing Authority may recover the amount of any excess as a debt or liquidated demand in a court of competent jurisdiction.

(7)

Growth Centres (Land Acquisition).

(7) The amount of compensation that would, but for this subsection, be payable under this section to the claimant may, to the extent to which any unpaid rates or taxes—

- (a) were a charge on the land immediately before the date of resumption, being rates or taxes for which he was liable at the date of resumption; or
- (b) would have been a charge on the land had the land not been resumed and had they been rates and taxes for which he would have been liable, upon assessment after the date of resumption, in relation to any period or time before that date,

be paid to the person or authority entitled to receive payment therefor, instead of being paid to the claimant, and the payment to that person or authority so entitled—

- (c) shall operate as a discharge in favour of the claimant;
- (d) shall operate as a release by the claimant of all claims and demands in respect of the resumption, but to the extent only of the amount so paid; and
- (e) shall, for the purposes of subsections (5) and (6), be deemed to have been made to the claimant.

(8) In this section, "rates or taxes" means rates, taxes, assessments, outgoings or amounts of money.

Institution
by Con-
structing
Authority
of proceed-
ings re
compensa-
tion for
resumed
designated
land.

10. (1) This section applies to a resumption of designated land, being a resumption in respect of which a person is or was entitled to serve a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912.

(2)

Growth Centres (Land Acquisition).

(2) Subject to subsection (3), where—

- (a) at or before the expiration of the period of six months commencing on the date of a resumption to which this section applies—
 - (i) no agreement has been come to between a person who had an estate or interest in the resumed land at that date and the Constructing Authority as to the amount of compensation payable to him in respect thereof; and
 - (ii) that person's claim (if any) for compensation in respect thereof has not been determined in any proceedings;
- (b) proceedings for the determination of that person's claim (if any) for compensation in respect thereof are not pending; and
- (c) the amount of that person's claim (if any) for compensation in respect thereof exceeds \$200,

the Constructing Authority, at any time after the expiration of that period, may, by summons or in such other manner as rules of court of the Supreme Court may, for the purposes of this subsection, prescribe, commence proceedings in the Supreme Court against that person for the determination of the compensation (if any) payable to him in respect of the resumption.

(3) Where, in relation to a resumption to which this section applies, a person who has served a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912, is a person against whom the Constructing Authority may commence proceedings under subsection (2), the Constructing Authority shall not institute proceedings under that subsection against a person who has not served such a notice in relation to that resumption.

(4)

Growth Centres (Land Acquisition).

(4) Proceedings instituted under subsection (2) shall, subject to the succeeding provisions of this section, be dealt with as if they were proceedings in respect of a claim referred to in section 9 (1) of the Land and Valuation Court Act, 1921, and, for the purposes only of section 9 (1) of that Act, a person against whom any such proceedings are instituted and who, before the institution of those proceedings, has not served a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912, shall be deemed to have made a claim for compensation for an amount that exceeds \$200.

(5) Upon remission to the Land and Valuation Court of proceedings instituted under subsection (2) in respect of a resumption, that Court may—

(a) where the Constructing Authority has not come to an agreement with any person as to the amount of compensation payable to that person in respect of the resumption and no person's claim for compensation in respect of the resumption has been determined in any proceedings—

(i) determine the total amount of compensation payable in respect of the resumption;

(ii) determine the nature and extent of the estates or interests in the land at the date of resumption and the persons entitled thereto; and

(iii) give directions for or with respect to the apportionment of that total amount of compensation among those persons; or

(b) where the Constructing Authority has come to an agreement with any person as to the amount of compensation payable to that person in respect of

the

Growth Centres (Land Acquisition).

the resumption or any person's claim for compensation in respect of the resumption has been determined in any proceedings—

- (i) determine the nature and extent of the estates or interests in the land at the date of resumption (other than the estate or interest of a person referred to in the foregoing provisions of this paragraph) and the persons entitled thereto; and
- (ii) determine the amount of compensation payable in respect of each such estate or interest.

(6) The Land and Valuation Court may, if it thinks fit, before determining any matters referred to in subsection (5), cause notice of the proceedings to be given to such persons as it thinks fit.

(7) Rules may be made under the Land and Valuation Court Act, 1921, for or with respect to proceedings under this section in the Land and Valuation Court, and in particular for or with respect to the joinder, in any such proceedings, of parties, including a person whose joinder as a party is necessary to ensure that all matters in dispute (being matters within the jurisdiction of that Court under this section) may be determined.

(8) A determination of the Land and Valuation Court in proceedings under this section in respect of a resumption is binding on the Constructing Authority and all persons who had an estate or interest in the resumed land at the date of resumption, whether or not they appeared before that Court on the hearing of the proceedings.

(9)

Growth Centres (Land Acquisition).

(9) Nothing in—

- (a) subsection (2) affects the rule-making powers conferred by the Supreme Court Act, 1970; and
- (b) subsection (7) affects the rule-making powers conferred by the Land and Valuation Court Act, 1921.

(10) In this section, a reference to a claim for compensation (however expressed) is a reference to a claim for compensation contained in a notice in writing served on the Constructing Authority under section 102 of the Public Works Act, 1912.

Notification
and base
date to
continue
in force for
certain
purposes.

11. Where, after the resumption of designated land—

- (a) the notification in force under section 4 (1) at the date of resumption ceases to have any force in relation to that land, the notification shall, for purposes connected with that resumption only, be deemed to continue in force;
- (b) the land ceases to be growth centre land, the land shall, for purposes connected with that resumption only, be deemed to continue to be growth centre land; or
- (c) the base date applicable to that land at the date of resumption ceases to be so applicable, that date, being the former base date applicable thereto, shall, for purposes connected with that resumption only, be deemed to be the base date applicable thereto,

until all proceedings and other matters connected with that resumption have been determined and completed.

Regulations.

12. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE.

Growth Centres (Land Acquisition).

SCHEDULE.

Secs. 3, 4.

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
1.	ALL THOSE pieces or parcels of land comprising the whole of the City of Albury and the whole of the Shire of Hume as shown edged red on map catalogued Plan Number 8165A in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
2.	ALL THOSE pieces or parcels of land comprising the whole of the Cities of Bathurst and Orange and the whole of the Shires of Abercrombie, Canobolas, Lyndhurst, Oberon and Turon as shown edged red on maps catalogued respectively Plan Number 8210A, Plan Number 8210C, Plan Number 8210D, Plan Number 8210E, Plan Number 8210F, Plan Number 8210G, Plan Number 8210H in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
3.	ALL THOSE pieces or parcels of land being so much of the land within the Shire of Gosford and the Shire of Wyong as is comprised within the non-urban Sydney region within the meaning of the Land Development Contribution Management Act, 1970, shown edged red and tinted brown on plans catalogued LDC 3, LDC 4, LDC 7, LDC 8, LDC 9, LDC 14 and LDC 28 to LDC 38 inclusive and filed in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is shown by blue edging on plans catalogued 8339A to 8339Q inclusive in the office of the said Authority and also excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	3rd October, 1972.
4.	ALL THOSE pieces or parcels of land comprising the whole of the City of Campbelltown as shown edged red on map catalogued Plan Number 8213A in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia. AND ALSO all those pieces or parcels of land situated in the Municipality of Camden, parishes of Narellan, Cook, St. Peter and Minto in the County of Cumberland, the parish of Camden in the County of Camden: Commencing at a point	3rd October, 1972.

SCHEDULE

*Growth Centres (Land Acquisition).*SCHEDULE—*continued.*

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
	<p>being the north-western corner of the Hume Highway and Cobbitty Road and bounded thence generally on the north by the generally northern alignment of Cobbitty Road and its prolongation westerly across the Nepean River to its intersection with the common boundary of the counties of Cumberland and Camden thence generally on the south by part of the southern bank of the Nepean River to its intersection with the western boundary of the Municipality of Camden at the confluence of the Nepean River and Cobbitty Creek thence generally on the west, south and east by part of the boundary of the Municipality of Camden to its intersection with the northern bank of the Nepean River thence again on part of the south and generally on the east by part of the eastern boundary of the Municipality of Camden to its intersection with the westernmost north-eastern boundary of portion 5 parish of Minto County of Cumberland thence on the north-east by a line crossing the Hume Highway being the north-westerly prolongation of the westernmost north-eastern boundary of that portion 5 to the north-western alignment of the Hume Highway thence on the north-west by the north-western alignment of the Hume Highway to the point of commencement, as shown edged red on map catalogued Plan Number 8213B in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.</p> <p>AND ALSO all those pieces or parcels of land situate in the Shire of Wollondilly, Parishes of Wedderburn and Appin in the County of Cumberland, the Parish of Camden in the County of Camden: Commencing at the north-eastern corner of portion 112 Parish of Picton County of Camden and bounded thence on part of the west and south by part of the boundary of the Parish of Camden County of Camden to its intersection with the boundary of the County of Cumberland at the confluence of the Nepean and Cataract Rivers thence on the south-west and south by that county boundary to its intersection with the Metropolitan Catchment Area boundary as proclaimed in Government Gazette No. 79 of 13th July 1923 and thence again successively and</p>	

SCHEDULE

*Growth Centres (Land Acquisition).*SCHEDULE—*continued.*

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
	<p>generally on part of the south and east by successively part of the generally northern boundary of that Metropolitan Catchment Area boundary, part of the generally northern boundary of O'Hares Catchment Area as proclaimed in Government Gazette No. 51 of 14th April 1927 and amended in Government Gazette No. 178 of 21st September 1934 and part of the generally western boundary of that amended O'Hares Catchment Area to its intersection with the northern boundary of the Shire of Wollondilly and thence successively on the north, generally on the north-east, again on the north, and generally on part of the east by part of the boundary of the Shire of Wollondilly to its intersection with the western boundary of the Parish of Camden, County of Camden at the confluence of the Mt. Hunter Rivulet and the Nepean River thence successively generally on the west and on the south by the generally western and the northernmost southern boundary of the Parish of Camden, County of Camden to the point of commencement but EXCLUDING thereout so much of such land as is within the Municipality of Camden. AND ALSO excluding thereout so much of such land as is contained in the Interim Development Order No. 1—Wollondilly as notified in Government Gazette No. 44 of 28th April, 1972 as shown edged red on map catalogued Plan Number 8213c in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in ownership of the Commonwealth of Australia.</p> <p>AND ALSO all those pieces or parcels of land situate in the City of Liverpool and the Shire of Sutherland, Parish of Holsworthy and County of Cumberland: Commencing at a point being the intersection of the southernmost boundary of the City of Liverpool and the generally eastern bank of Georges River and bounded thence successively and generally on part of the south, part of the east and again part of the south by successively parts of the generally southern, eastern and southern boundaries of the City of Liverpool to the intersection with the north-western alignment of Heathcote Road and thence generally on the south-east by part of the generally north-western alignment of Heathcote Road to its intersection with the generally western bank of Tudera Creek and thence generally on the east by that generally</p>	

SCHEDULE

*Growth Centres (Land Acquisition).*SCHEDULE—*continued.*

Column 1.	Column 2.	Column 3.
No. of part.	Description.	Base date.
	western bank to its intersection with the generally south-western bank of Georges River and thence generally on part of the north-east by part of that south-western bank to its intersection with the generally southern bank of Williams Creek and thence generally on part of the north by successively part of that generally southern bank of Williams Creek and its prolongation to the generally southern bank of Harris Creek, part of that generally southern bank to its intersection with the easterly prolongation of the northern boundary of Filed Plan 379366, that easterly prolongation of Filed Plan 379366, the northern boundary of that Filed Plan and its prolongation westerly across Heathcote Road to its intersection with the generally south-western alignment of that road and thence again on part of the north-east by part of that alignment to its intersection with the generally southern boundary of the proposed expressway shown on plan catalogued X5/16 in the office of the Department of Main Roads, Sydney and thence again generally on part of the north by respectively part of that generally southern boundary, the generally southern boundary of the proposed expressway shown on plan catalogued X5/17 in the office of the Department of Main Roads, Sydney and part of the generally southern boundary of the proposed expressway shown in plan catalogued X5/18 in the office of the Department of Main Roads, Sydney to its intersection with the generally eastern bank of Georges River and thence generally on the west by part of that generally eastern bank to the point of commencement as shown edged red on map catalogued Plan Number 8214 in the office of the State Planning Authority of New South Wales but excluding thereout so much of such land as is in the ownership of the Commonwealth of Australia.	

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 19th March, 1974.