

**LOCAL GOVERNMENT (LAND ACQUISITION)
AMENDMENT ACT.**

Act No. 46, 1951.

**George VI.
No. 46, 1951.**

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

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

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

2.

Local Government (Land Acquisition) Amendment Act.

327

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

No. 46, 1951.

Amendment of Act No. 41, 1919.

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

Secs. 321 & 322.

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

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

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

(a) undertaking—

- (i) the planning of new roads and subdivisions;
- (ii) the rearrangement of existing roads and the replanning or resubdivision of existing parcels of land;
- (iii) the demolition, rearrangement and reconstruction of buildings and works; and
- (iv) the improvement and embellishment of the area;

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

- (i) demolishing or repairing any building or erection thereon;
 - (ii) constructing new buildings or erections thereon;
 - (iii) altering, widening or extending any existing public road adjacent thereto;
 - (iv) closing any existing public road through such land;
 - (v) constructing and opening any new public road thereon;
 - (vi) altering the levels of such land, and altering existing drains, and constructing new drains and stormwater channels thereon;
 - (vii) generally altering, remodelling, and improving such land and buildings in such manner as the council may think fit;
- (viii)

**Local Government (Land Acquisition) Amendment
Act.**

No. 46, 1951.

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

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

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

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

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

Sec. 532.
(How to
acquire
land.)

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

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

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

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

(c) any lands which the council considers in the public interest should be made available for the purpose for which such land is reserved or zoned by any prescribed scheme under Part XIII A of this Act or which are otherwise required to give effect to any provision included in any such prescribed scheme.

(3) Without limiting the generality of paragraphs (a) and (b) of subsection two of this section

section the powers conferred by such paragraphs may be exercised notwithstanding that the lands acquired thereunder—

No. 46, 1951.

- (a) may or may not be required for or in connection with any purpose of this Act;
 - (b) may be so acquired for sale or re-sale and applying the proceeds thereof in defraying in whole or in part the expenses incurred by the council in carrying out any work upon lands:—
 - (i) acquired for any purpose of this Act; and
 - (ii) of which the lands acquired under paragraph (a) of subsection two of this section form part, or which adjoin or are in the vicinity of land acquired under paragraph (b) of that subsection.
 - (c) by omitting section five hundred and thirty-five.
- (2) The amendments made to the Local Government Act, 1919, as amended by subsequent Acts, by subsection one of this section shall be deemed to have been in force since the commencement of the Local Government Act, 1919, but shall not operate so as to validate the resumption of any land which has been effected before the date of commencement of this Act and which before that date has been by the final judgment of any court declared to be ultra vires and void.

Sec. 535.

(Other adjoining land.)

Retrospective operation.

