

LAUNCESTON CORPORATION.

No. 20 of 1956.

AN ACT to amend the *Launceston Corporation Act*
1941. [16 May 1956.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Launceston Corporation Act* 1956. Short title and citation.

(2) The *Launceston Corporation Act* 1941, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section ninety-two of the Principal Act is amended by adding after paragraph VII thereof the following paragraph:— Special expenditure.

“:and

“VIII Subsidizing the Launceston Hydrangea Festival Committee, but so that the amount so expended does not, in any one financial year, exceed the sum of two hundred and fifty pounds.”.

3 Section one hundred and seventy-one of the Principal Act is amended by omitting paragraph XI and substituting therefor the following paragraph:— Requirements for new private streets.

“ XI A proper system of stormwater drainage by means of underground pipes with inlets, gullies, traps, and other conveniences, and a proper system of underground sub-soil drains, shall be constructed as required by the council, and, if so required, connected to the city’s drainage system:”.

4 After section one hundred and seventy-one of the Principal Act the following section is inserted:—

“171A.—(1) If, in the opinion of the council, any of the requirements of the council under section one hundred and seventy-one are not complied with within such time as the council may determine, the council may proceed with the construction or reconstruction, or complete the construction, of the work so as to comply with the requirements of the council. Power of council to carry out works in default of compliance with its requirements.

(2) The council, before proceeding with the construction, reconstruction, or completion of any work pursuant to this section, shall give to the owners of the land thereby affected twenty-eight days' notice in writing of its intention so to do.

(3) All costs and expenses incurred by the council in relation to the construction, reconstruction, or completion of construction of any work pursuant to this section, including any compensation payable under section one hundred and eighty-two A, shall be paid to the council, in such proportions as the council may determine, by the owners of all lands—

I Deriving benefit from: or

II Fronting or abutting on that part of,

any street, where that work has been carried out by the council.

(4) The costs and expenses, or the proportion thereof, referred to in subsection (3) of this section are recoverable in like manner as the city rate, and are a charge on the land in respect of which they are payable.”.

5 Section one hundred and seventy-two of the Principal Act is amended—

Construction of new private streets.

(a) by adding at the end of subsection (1) the words “; and on the completion of the construction of the private street the city engineer shall certify to the town clerk that it has been completed and the date of the completion thereof.”;

(b) by omitting subsections (2) and (3) and substituting therefor the following subsections:—

“(2) The council, at the request of the owner, may quote a price for—

I The preparation of plans and specifications relating to the construction of a new private street:

II The construction thereof: and

III The maintenance thereof for three months after it has been constructed and opened,

and the acceptance by the owner of the price so quoted shall be deemed to constitute a contract by the council to construct the street and maintain it, at that price, subject to the payment by the owner to the council of the price so quoted or the provision by the owner, to the satisfaction of the council, within one month after the date of the quotation, of security for the payment thereof.

“(3) Where a new private street is constructed by an owner, the owner—

I Shall show to the city engineer, when required by him, all contracts and other documents relating to the construction of that street:

II Shall—

(a) Furnish to the city engineer full particulars of all arrangements made in relation to the construction of that street, and construct it in accordance with the plans, sections, and designs, as submitted to and approved by the council: or

(b) Construct the street in accordance with the plans, sections, and designs supplied to him by and under the supervision of the city engineer: and

III Shall—

(a) If the plans, sections, and designs are prepared by the city engineer pay to the council an amount equal to the actual cost of preparing them and of supervising the construction: or

(b) If the plans, sections, and designs are furnished to the city engineer by the owner, pay to the council an amount equal to the actual cost of supervising the construction (but not exceeding in any case an amount equal to seven and one-half per centum of the total cost of the construction),

and all persons concerned in the construction of such street shall obey the lawful orders of the city engineer.”.

6 After section one hundred and eighty-two of the Principal Act the following Division is inserted:—

“ *Division VIIA—Payment of compensation.*

“ 182A. Where any entry is made on private land for the purposes of the exercise of the powers conferred by this Part, the council shall pay to each owner and occupier thereof such equitable compensation for any damage or inconvenience suffered by the owner or occupier respectively as may be agreed upon between the owner or occupier, as the case may be, and the council, and, in case of dispute the compensation is recoverable from the corporation by action in any court of competent jurisdiction.”.

Compensation to owners or occupiers in certain cases.

7 After section one hundred and ninety-one of the Principal Act the following section is inserted:—

Installation
of mains or
extensions.

“191A.—(1) Where the boundary of any land is more than fifty feet from any main and the supply of water to that land necessitates the laying of a new main or the extension of an existing main the council may install that main or extension.

(2) An owner who, in the opinion of the council, derives benefit from the installation of any main or extension pursuant to this section shall pay, and where, in the opinion of the council more owners than one derive benefit from that installation those owners shall pay in such proportions as the council may determine, the total cost (including any compensation payable by the council under section two hundred and two) incurred by the council in installing that main or extension.

(3) The cost referred to in subsection (2) of this section, together with interest thereon, shall be paid by the owner or owners by annual instalments over such period, not exceeding twenty-five years, as the council may determine, and there shall be deducted from each annual instalment the rates and charges received by the council in respect of the services provided by the new or extended main.

(4) All annual instalments under subsection (3) of this section are recoverable in like manner as the city rate and are a charge on the land in respect of which they are payable.

(5) The council may, at any time, by agreement with the owner or owners commute the annual instalments under subsection (3) of this section upon such terms as may be determined by the council.”

8 After section two hundred and twenty-seven of the Principal Act the following section is inserted:—

Power of
council to
construct
stormwater
drains and
sub-soil drains
in certain
cases.

“227A.—(1) If, in the opinion of the council, any street, right of way, or private land is not adequately drained the council may construct a stormwater drain or sub-soil drain, or both, of such capacity as it may think fit for the purpose.

(2) The council, before proceeding with the construction, shall give to the owners of all lands through, under, or over which the drain is to pass, twenty-eight days' notice in writing of its intention to construct it.

(3) All costs incurred by the council in relation to providing a drain pursuant to this section, including any compensation payable by the council under section two hundred and twenty-five, shall be repaid to the council by the owners of all lands that—

- I Are served by:
- II Derive benefit from: or

III Front or abut on that part of any street which is drained by,
the drain, in such proportions as the council may determine.

(4) All costs payable under subsection (3) of this section, or proportions thereof, are recoverable in like manner as the city rate and are a charge on the land in respect of which they are payable.”.

9 After section two hundred and twenty-nine of the Principal Act the following section is inserted:—

“229A.—(1) Where the boundary of any land is distant more than one hundred feet from any sewer and, in the opinion of the council, a proper system of sewerage and drainage is required and necessitates the laying of a new sewer or the extension of an existing sewer the council may install that sewer or extension.

Installation
of new
sewers and
extensions
of existing
sewers.

(2) An owner who, in the opinion of the council, derives benefit from the installation of a new sewer or the extension of an existing sewer pursuant to this section shall pay, and where, in the opinion of the council, more owners than one derive benefit from the installation those owners shall pay, in such proportions as the council may determine, the total cost (including any compensation payable by the council under section two hundred and two) incurred by the council in installing the new or extended sewer.

(3) The cost referred to in subsection (2) of this section, together with interest thereon, shall be paid by the owner or owners by annual instalments over such period, not exceeding twenty-five years, as the council may determine, and there shall be deducted from each annual instalment the rates and charges received by the council in respect of the services provided by the new or extended sewer.

(4) All instalments under subsection (3) of this section are recoverable in like manner as the city rate and are a charge on the land in respect of which they are payable.

(5) The council may, at any time, by agreement with the owner or owners commute the annual instalments under subsection (3) of this section upon such terms as may be determined by the council.”.

10 Section two hundred and fifty-one of the Principal Act is amended by adding at the end thereof the following subsection:—

Sale of meat.

“(6) No butcher, vendor of smallgoods, proprietor of a hotel, boarding-house, or restaurant, or other person who ordinarily sells, supplies, or serves meat in the course of his business shall have—

I In or about his place of business: or

II In any other place, except for the purpose of consumption in his own home,

the dressed dead carcase of any animal (or any portion thereof) ordinarily used for human food, unless it has been—

III Inspected by an inspector of stock: and

IV Branded by him with the official stamp provided by the council for that purpose if he has satisfied himself of the same matters as are prescribed in subsection (3) of section two hundred and fifty-two, in the case of meat brought into the abattoir district.”.

General
powers
to make by-
laws.

11 Section three hundred and forty-six of the Principal Act is amended by inserting after subsection (2) thereof the following subsections:—

“(2A) The by-laws may define zones within the city, and may prohibit or regulate the use of any land or building within any such zone or any specified part thereof for the purposes of any trade, industry, manufacture, business, or public amusement specified in the by-law, but no such by-law shall—

I Preclude the continuance of the use of any land or building for any purpose for which it was used immediately before the making of the by-law: or

II Prevent any enlargement, rebuilding, or extension of any building so used for that purpose if it is effected on land belonging to the owner of the building at the time when the by-law comes into force.

“(2B) A by-law under subsection (2A) of this section may define a zone by reference to streets or roads, or portions thereof, and may prohibit or regulate therein all classes, or any specified classes, of trade, industry, manufacture, business, or public amusement of all classes thereof other than those specified in the by-law.”.
