

South Australia



DEVELOPMENT (REVIEW) AMENDMENT ACT 1995

No. 53 of 1995

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ELIZABETHAE II REGINAE

A.D. 1995

No. 53 of 1995

An Act to amend the Development Act 1993 and to make a related amendment to the Local Government Act 1934.

[Assented to 3 August 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Development (Review) Amendment Act 1995*.
- (2) The *Development Act 1993* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 24—Council or Minister may amend a Development Plan

3. Section 24 of the principal Act is amended by inserting after paragraph (g) of subsection (1) the following paragraph:

- (h) where the Minister considers that an amendment to a Development Plan is necessary to ensure or achieve consistency with the Planning Strategy—by the Minister.

Amendment of s. 30—Review of plans by council

4. Section 30 of the principal Act is amended—

- (a) by striking out subsection (5) and substituting the following subsections:

- (5) The council must prepare a report on the review and send a copy of the report to the Minister (and the council will not be taken to have completed the review until the report is received by the Minister).

(5A) The council must make copies of the report prepared under subsection (5) available for inspection (without charge) by the public at the principal office of the council.;

(b) by inserting after "each subsequent review must be completed" in subsection (6) "within three years of the completion of the previous review or, if the Minister allows an extension of time on the application by the council,".

Amendment of s. 33—Matters against which a development must be assessed

5. Section 33 of the principal Act is amended by striking out subparagraph (iv) of subsection (1)(d) and substituting the following subparagraph:

(iv) a building or item intended to establish a boundary (or part of a boundary) of a unit is appropriate for that purpose;.

Amendment of s. 49—Crown development

6. Section 49 of the principal Act is amended by inserting after subsection (14) the following subsection:

(14A) A person engaged to perform building work for a development approved under this section must—

- (a) ensure that the building work is performed in accordance with technical details, particulars, plans, drawings and specifications certified for the purposes of subsection (14); and
- (b) comply with the Building Rules (unless modified), and any other requirements imposed under this section.

Penalty: Division 4 fine.

Amendment of s. 57—Land management agreements

7. Section 57 of the principal Act is amended by inserting after subsection (3) the following subsections:

(3A) An agreement under this section to which the Minister is a party may include an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.

(3B) A provision under subsection (3A) may be expressed to extend to, or to be for the benefit of, a person or body who or which is not a party to the agreement and, in such a case, the person or body may enforce, or obtain the benefit of, the provision as if the person or body were a party to the agreement.

Amendment of s. 69—Emergency orders

8. Section 69 of the principal Act is amended—

(a) by striking out from subsection (1) "who holds prescribed qualifications";

(b) by inserting after subsection (1) the following subsection:

(1A) However, the power conferred by subsection (1)(a) may only be exercised by an authorised officer who holds prescribed qualifications.

Amendment of s. 108—Regulations

9. Section 108 of the principal Act is amended by striking out from subsection (7) all words after "for the purposes of this Act" and substituting—

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- (a) before a day on which notice of the alteration is published by the Minister in the *Gazette*; and
- (b) if the Minister so specifies in a notice under paragraph (a), until a day specified by the Minister.

Amendment of Local Government Act

10. The *Local Government Act 1934* is amended by striking out from the definition of "zone" in section 176(15) "by the regulations" and substituting "by a Development Plan".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor