



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 30 of 1980

An Act to amend the Planning and Development Act, 1966-1978.

[Assented to 17th April, 1980]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Planning and Development Act Amendment Act, 1980".

(2) The Planning and Development Act, 1966-1978, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Planning and Development Act, 1966-1980".

Amendment of
principal Act,
s. 2—
Arrangement
of Act.

2. Section 2 of the principal Act is amended by inserting after the item:

PART IV—IMPLEMENTATION OF AUTHORIZED DEVELOPMENT PLANS, ss. 36-39.

the item:

PART IVA—SHOPPING DEVELOPMENT

Repeal of
s. 36c of
principal Act.

3. Section 36c of the principal Act is repealed.

Enactment of
Part IVA of
the principal
Act.

4. The following new Part is enacted and inserted in the principal Act after section 39 thereof:—

PART IVA

SHOPPING DEVELOPMENT

Interpretation.

39a. In this Part—

"floor area" in relation to a shop means the sum of the areas of the superficies of horizontal sections of the shop measured at the level of each floor including the areas in a horizontal plane of external and internal walls and adjacent roofed areas but excluding areas covered by eaves or verandahs:

“major shopping development” means—

- (a) the construction of a shop or group of shops with a floor area or aggregate floor area of more than 450 square metres;
- (b) the alteration or extension of a shop or group of shops so that the floor area of the shop or aggregate floor area of shops comprised in the group is increased by more than 450 square metres over the floor area of the shop or aggregate floor area of shops comprised in the group as at the 15th day of February, 1980;

or

- (c) a change in use of land by virtue of which the land may be used as a shop or group of shops having a floor area or aggregate floor area of more than 450 square metres:

“non-shopping zone” means a zone within the Metropolitan Planning Area other than a shopping zone:

“planning authority” means the Authority or a council:

“the relevant planning authority” means—

- (a) in relation to the Port Adelaide Centre Zone and the Noarlunga Centre Zone—the Authority;
- and
- (b) in relation to any other zone—the council for the area in which the zone has been created:

“shop” means—

- (a) premises used or intended for use for the retail sale of goods;
- (b) premises used or intended for use for the sale of food prepared for consumption (whether the food is to be consumed on the premises or not),

but does not include—

- (c) a bank;
- (d) a hotel;
- (e) premises for the sale or repair of motor vehicles, caravans or boats;
- (f) premises for the sale of motor spirit;
- (g) a timber yard or plant nursery;
- (h) premises for the sale of plant or equipment for use in primary or secondary industry:

“shopping zone” means a zone within the Metropolitan Planning Area being—

- (a) a District Business Zone;
- (b) a District Shopping Zone;
- (c) a Local Shopping Zone;

- (d) a Regional Centre Zone;
- (e) a District Centre Zone;
- (f) a Neighbourhood Centre Zone;
- (g) a Local Centre Zone;
- (h) the Port Adelaide Centre Zone;
- (i) the Noarlunga Centre Zone;
- (j) a shopping zone as defined in the Metropolitan Development Plan—District Council of Stirling—planning regulations;
- or
- (k) a zone prescribed by regulation under Part IX of this Act:

“zone” means a zone established by planning regulations.

Major shopping developments in non-shopping zones.

39b. (1) An application made to a planning authority, on or after the 15th day of February, 1980, for consent under planning regulations in relation to carrying out a major shopping development in a non-shopping zone is void.

(2) Any consent purportedly given upon an application to which subsection (1) of this section applies is void.

Special consent required in respect of shopping development in shopping zones.

39c. (1) A person who proposes—

- (a) to construct a shop in a shopping zone;
- (b) to alter a shop in a shopping zone so as to increase the floor area of the shop;
- or
- (c) to alter the use of land within a shopping zone by using the land as a shop,

shall not proceed to carry out the proposal without the consent of the relevant planning authority.

Penalty: Ten thousand dollars.

(2) When considering an application for its consent under subsection (1) of this section, the relevant planning authority shall have regard to—

- (a) the provisions of any relevant authorized development plan;
- (b) the health, safety and convenience of the community;
- (c) the purpose for which the relevant zone has been created;
- and

(d) the effect of carrying out the proposal on the amenity and general character of the locality affected by the proposal.

(3) Where consent of a planning authority is required in respect of a proposal under subsection (1) of this section and that proposal constitutes a use of land, as defined in planning regulations, for which consent of the planning authority is required under those regulations, the regulations are, to that extent, suspended while this Part remains in operation.

(4) Where applications for every authorization, approval or consent required under this Act and the Building Act, 1970-1976, for the purpose of carrying out a proposal of a kind to which subsection (1) (a) or (b) applies had been made before the twenty-fifth day of March, 1980, no consent is required under subsection (1) of this section in respect of the proposal.

39d. This Part shall expire on the 31st day of December, 1980.

Expiry of
this Part.

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

K. D. SEAMAN, Governor