



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 9 of 1984

An Act to amend the City of Adelaide Development Control Act, 1976.

[Assented to 19 April 1984]

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

1. (1) This Act may be cited as the “City of Adelaide Development Control Act Amendment Act, 1984”. Short title.

(2) The City of Adelaide Development Control Act, 1976, is in this Act referred to as “the principal Act”.

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

3. Section 4 of the principal Act is amended by inserting after the definition of “Development” the following definition: Amendment of s. 4— Interpretation.

“item of State heritage” means an item that is included in the Register of State Heritage Items established pursuant to the South Australian Heritage Act, 1978, and includes an item that is on the interim list compiled pursuant to section 15 of that Act.

4. Section 24 of the principal Act is amended—

(a) by inserting after the passage “particulars required by that form and” in subsection (1) the passage “, subject to subsection (1a)”;

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

(1a) The Council may waive payment of the whole or part of a fee referred to in subsection (1).;

(c) by inserting after subsection (2) the following subsection:

(2a) Every application for approval to undertake a Development that will directly affect an item of State heritage shall be referred by the Council to the Minister responsible for State heritage.;

Amendment of s. 24— Application for approval.

(d) by striking out from subsection (3) the passage "After consideration of the proposed Development subject to subsection (4) of this section the Council may" and substituting the passage "After consideration of the proposed Development the Council may, subject to this section";

and

(e) by inserting after subsection (4) the following subsection:

(5) The Council shall not approve a proposed Development that will directly affect an item of State heritage without the concurrence of the Commission.

Inscription of new
s. 24a.

5. The following section is inserted after section 24 of the principal Act:

Matters to be
considered by
Commission
before concurring
in Development.

24a. (1) The Commission shall not decide whether to concur in the approval by the Council of a proposed Development that will directly affect an item of State heritage until it has received the representations (if any) that the Minister responsible for State heritage desires to make in relation to the proposed Development.

(2) If the Minister desires to make representations in relation to the proposed Development he shall do so as expeditiously as possible.

(3) When deciding whether to concur in the approval of a proposed Development the Commission shall have regard to—

(a) the Principles and the regulations;

and

(b) the representations (if any) made by the Minister in relation to the Development.

Amendment of
s. 25b—
Reasons for
refusal, etc., to be
given to
applicant.

6. Section 25b of the principal Act is amended by inserting after the word "Part" in paragraph (b) the passage "or refuses to concur in the approval by the Council of a proposed Development that will directly affect an item of State heritage,".

Amendment of
s. 28—
Appeals.

7. Section 28 of the principal Act is amended by inserting after paragraph (b) of subsection (1) the following paragraph:

(ba) the refusal of the Commission to concur in the approval by the Council of a proposed Development that will directly affect an item of State heritage;

Amendment of
s. 32—
Appeals.

8. Section 32 of the principal Act is amended by striking out from subsection (1) the passage "section 24" and substituting the passage "section 24, 24a".

Amendment of
s. 44—
Regulations.

9. Section 44 of the principal Act is amended by striking out the word "or" between paragraphs (b) and (c) of subsection (2) and inserting after paragraph (c) of that subsection the following word and paragraph:

or

(d) provide for the keeping of a register of heritage items situated within the municipality.

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

D. B. DUNSTAN, Governor