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ELIZABETHAE II REGINAE

A.D. 1980

No. 33 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 (No. 2), 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. 36—
Planning
regulations.

2. Section 36 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (17) and the word "and" immediately preceding that paragraph;

and

(b) by inserting after subsection (17) the following subsections:—

(17a) The operation of planning regulations is not suspended by reason of the fact that they purport to apply to land that is subject to interim development control and planning regulations are, subject to subsection (17b) of this section, capable of operating in relation to the same land concurrently with interim development control.

(17b) Zoning regulations shall operate, after the commencement of the Planning and Development Act Amendment Act (No. 3), 1975, to displace interim development control within the zones to which they apply.

(17c) In this section—

"zoning regulations" means planning regulations that—

(a) create zones;

and

(b) regulate building and use of land in those zones.

(17d) Subsections (17a), (17b) and (17c) of this section shall be deemed to have come into operation upon the commencement of this Act.

3. Section 41 of the principal Act is amended—

(a) by striking out subsections (2a) and (2b);

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) Where any land has been subject to this section for a period of ten years or periods amounting in aggregate to ten years (disregarding any period or part of a period that fell before the first day of December, 1972), that land shall cease to be subject to this section and shall not again be declared to be subject to this section.;

and

(c) by striking out subsection (4a) and inserting in lieu thereof the following subsections:—

(4a) Subject to subsection (4b) of this section, a declaration that land is subject to this section is not invalid or inoperative by reason of the fact that the land to which it purports to apply is at the date of the declaration, or subsequently becomes, subject to planning regulations.

(4b) A declaration that land is subject to this section shall not, after the commencement of the Planning and Development Act Amendment Act (No. 3), 1975, apply to land within a zone created by zoning regulations.

(4c) In this section—

“zoning regulations” means planning regulations that—

(a) create zones;

and

(b) regulate building and use of land in those zones.

(4d) Subsections (4a), (4b) and (4c) of this section shall be deemed to have come into operation upon the commencement of this Act.

Amendment of principal Act, s. 41—
When land is to be subject to interim development control.

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

K. D. SEAMAN, Governor