



ANNO VICESIMO QUARTO

**ELIZABETHAE II REGINAE**

A.D. 1975

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**No. 95 of 1975**

An Act to amend the Planning and Development Act, 1966,  
as amended.

[Assented to 20th November, 1975]

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. 4), 1975".

(2) The Planning and Development Act, 1966-1975, as amended by all other amendments, if any, amending the same prior to the commencement of this Act, 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, 1966-1975".

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

2. Section 2 of the principal Act is amended—

(a) by striking out from Part VA the passage "ss. 42a-42j" and inserting in lieu thereof the passage "ss. 42a-42k";

and

(b) by striking out from Part IX the passage "ss. 75-81" and inserting in lieu thereof the passage "ss. 75-82".

Amendment of  
principal Act,  
s. 42h—  
Approval for  
building work.

3. Section 42h of the principal Act is amended by striking out subsection (12) and inserting in lieu thereof the following subsections:—

(12) A person who carries out building work that has not been approved as required by this section shall be guilty of an offence and, subject to subsection (12a) of this section, liable to a penalty not exceeding two thousand dollars.

(12a) Where a court, before which a person has been convicted of an offence that is a contravention of subsection (12) of this section, is satisfied that the cost of the building work in relation to which the person was so convicted exceeded two thousand dollars that subsection shall apply and have effect to and in relation to that person as if in that

subsection there were substituted for a penalty not exceeding two thousand dollars a penalty not exceeding a sum determined by the court as being the cost of that building work.

(12b) For the purposes of subsection (12a) of this section a certificate under the hand of the Chairman of the Committee specifying a sum as representing the cost of the building work referred to in that subsection shall be *prima facie* evidence that the sum so specified was the cost of that building work.

(12c) For the purposes of this section, building work approved under this section that is carried out in breach or contravention of any modification or condition imposed under this section shall be deemed—

(a) to be building work that has not been approved as required by this section;

and

(b) to have been carried out at the time at which that breach or contravention occurred.

4. Section 42j of the principal Act is amended by striking out the passage “thirtieth day of June” and inserting in lieu thereof the passage “thirty-first day of December”.

Amendment of  
principal Act,  
s. 42j—  
Expiry of  
this Part.

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

M. L. OLIPHANT, Governor