



ANNO TRICESIMO

**ELIZABETHAE II REGINAE****A.D. 1981**

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**No. 12 of 1981****An Act to amend the City of Adelaide Development Control Act, 1976-1978.***[Assented to 19 March 1981]*

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 "City of Adelaide Development Control Act Amendment Act, 1981".

(2) The City of Adelaide Development Control Act, 1976-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "City of Adelaide Development Control Act, 1976-1981".

Commence-  
ment.

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

Amendment of  
s. 19—  
Information  
in relation  
to Development  
applications.

3. Section 19 of the principal Act is amended by striking out from subsection (4) the passage "references therein to the Council were references to the Commission" and substituting the following paragraphs:

—  
(a) references in that Part to the Council were references to the Commission;

and

(b) references in that Part to the Commission were references to the Minister.

Amendment of  
s. 20—  
Application  
by Council  
for approval.

4. Section 20 of the principal Act is amended by striking out from subsection (1) the passage "references therein to the Council were references to the Commission" and substituting the following paragraphs:

—  
(a) references in that Part to the Council were references to the Commission;

and

(b) references in that Part to the Commission were references to the Minister.

5. Section 23 of the principal Act is amended by striking out subsections (2) and (3) and substituting the following subsections:

Amendment of  
s. 23—  
Approval of  
Development.

(2) A person who undertakes a Development shall comply with every condition to which the approval of the Development is subject (whether the condition is to be fulfilled prior to, contemporaneously with or subsequently to the undertaking of the Development).

Penalty: One thousand dollars.

Default Penalty: Two hundred dollars.

(3) Where a court convicts a person of an offence under subsections (1) or (2), the court may, in addition to imposing a penalty, by order, direct that person—

(a) to comply with a condition (if any) to which the approval for the Development is subject;

or

(b) to restore, so far as practicable, the land to the use to which it was put, or the state in which it existed, before the Development,

or where, in the opinion of the court, it would be impossible or impracticable for the convicted person to comply with a direction under paragraph (a) or (b), the court may, by order, direct him to make alterations to the land or to undertake a new Development on the land for the purpose of remedying, as far as possible, the effects of his default.

6. Section 24 of the principal Act is amended by striking out subsection (5).

Amendment of  
s. 24—  
Applications  
for approval.

7. Section 25 of the principal Act is amended—

Amendment of  
s. 25—  
Exceptions.

(a) by inserting after the passage "Notwithstanding anything in section 24 of this Act" in subsection (1) the passage "but subject to subsection (2)";

and

(b) by striking out subsection (2) and substituting the following subsection:

(2) The consent of the Commission is not required under subsection (1) where the approval is subject to a condition that requires the restoration, in six months or less after the Development occurs, of the land to the use to which it was put, or the state in which it existed, before the Development.

8. The following sections are inserted after section 25 of the principal Act:

Insertion of  
new ss. 25a and  
25b.

25a. (1) Where a Development is approved subject to a condition requiring future restoration of the land to the use to which it was put, or

Time  
limited  
approvals.

the state in which it existed, before the Development, the period within which the restoration is to be effected—

(a) shall not exceed six months unless the Commission has consented to the Development and the condition;  
and

(b) shall not, in any event, exceed two years.

(2) A period fixed by a condition of a kind referred to in subsection (1)—

(a) shall not, if the period so fixed is six months or less, be extended beyond six months without the consent of the Commission;

and

(b) shall not, in any event, be extended so that the total period exceeds two years.

Reasons for refusal, etc., to be given to applicant.

25b. Where—

(a) the Council approves a proposed Development subject to a condition or refuses to approve a proposed Development;

or

(b) the Commission refuses a consent under this Part,

the Council or the Commission (as the case requires) shall, within thirty days of the approval or refusal, furnish the applicant with a written statement of the reasons for the imposition of the condition or for the refusal.

Amendment of s. 28—  
Appeals.

9. Section 28 of the principal Act is amended—

(a) by inserting in subsection (1) after paragraph (b) the following word and paragraph:

or

(c) the refusal of a consent by the Commission;;

and

(b) by striking out from subsection (1) the passage "subsection (5) of section 24 of this Act" and substituting the passage "section 25b".

Amendment of s. 29—  
Conference of parties.

10. Section 29 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A party to a conference referred to in subsection (1) may be represented at the conference by a person of his choice.

Amendment of s. 32—  
Appeals.

11. Section 32 of the principal Act is amended by striking out from subsection (1) the passage "sections 24 or 25 of this Act" and substituting the passage "section 24, 25 or 25a".

Amendment of s. 43—  
Summary proceedings.

12. Section 43 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

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(2) Proceedings in respect of an offence against this Act may be commenced at any time within twelve months after the commission of the alleged offence, or, with the authorization of the Attorney-General, at any later time within five years after the commission of the alleged offence.

(3) An apparently genuine document purporting to be under the hand of the Attorney-General and to authorize the commencement of proceedings in respect of an offence against this Act shall, in the absence of proof to the contrary, be proof of that authorization.

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

K. D. SEAMAN, Governor