

Legislative Council—No 176

As introduced and read a first time, 11 September 2013

South Australia

**Development (Development Plan Amendments)
Amendment Bill 2013**

A BILL FOR

An Act to amend the *Development Act 1993*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Development (Development Plan Amendments) Amendment Act 2013*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Development Act 1993*

3—Amendment of section 25—Amendments by a council

- 10 (1) Section 25(18)—delete subsection (18) and substitute:
 - (18) An approval under subsection (15) will take effect subject to the operation of section 27.
- (2) Section 25—after subsection (23) insert:
 - 15 (24) The Advisory Committee must, within 2 weeks after furnishing any advice to the Minister for the purposes of this section—
 - (a) publish a copy of that advice on a website determined by the Advisory Committee; and
 - (b) make the advice available for public inspection.

4—Amendment of section 26—Amendments by the Minister

(1) Section 26(5d)—delete subsection (5d) and substitute:

(5d) The preceding subsections operate subject to the following qualifications and provisions:

(a) if a council that has a direct interest in the DPA makes a request under this provision—the Advisory Committee must convene any meeting held for the purposes of subsection (5c)(b);

(b) the Advisory Committee may, on its own initiative or at the request of a council that has a direct interest in the DPA, invite members of the public to make submissions to the Advisory Committee (including by attending 1 or more meetings held by the Advisory Committee) about the DPA (in addition to any other public consultation that may be conducted under this section).

(2) Section 26(7)—delete subsection (7)

(3) Section 26—after subsection (7a) insert:

(7b) At the conclusion of the public consultation required above, the Minister must—

(a) seek the advice of the Advisory Committee—

(i) on any submissions received under subsections (5) to (7a) (inclusive); and

(ii) on any proposed alterations to the amendment; and

(b) arrange for the Advisory Committee to prepare a report on the matters that have been raised and the Advisory Committee's advice to the Minister in relation to these matters and the DPA more generally; and

(c) refrain from proceeding under subsection (8) until the report required under paragraph (b) has been furnished to the Minister.

(7c) In addition to the requirements of subsection (7b), the Minister may seek the advice of the Advisory Committee on any other issue that should, in the opinion of the Minister, be referred to the Advisory Committee.

(4) Section 26(10)—delete subsection (10) and substitute:

(10) An approval under subsection (8) will take effect subject to the operation of section 27.

(5) Section 26—after subsection (12) insert:

(13) The Advisory Committee must, within 2 weeks after furnishing any advice or report to the Minister for the purposes of this section—

(a) publish a copy of that advice or report on a website determined by the Advisory Committee; and

(b) make the advice or report available for public inspection.

(14) The Advisory Committee must also, by notice in writing, inform each person who has made a written representation or submission under subsection (5c), (6) or (7a) of the publication of a report under subsection (13) (including by providing details of the website and the place where the report may be inspected).

5—Amendment of section 27—Parliamentary scrutiny

(1) Section 27(2)—delete subsection (2)

(2) Section 27—after subsection (6) insert:

(6a) If—

(a) —

(i) the Environment, Resources and Development Committee resolves that it does not object to an amendment under subsection (3)(a) or (5)(b); or

(ii) the Committee is taken not to object to an amendment under subsection (4); or

(iii) the Minister proceeds under subsection (5)(a); and

(b) the amendment has not been brought into operation under section 28,

the Minister may then, by notice in the Gazette, fix a day on which the amendment, as approved by the Minister under this Act (and, if relevant, as amended) will come into operation (and the relevant Development Plan will then be taken, from that day, to be amended in the manner set out in the amendment).

(3) Section 27(8)—delete subsection (8) and substitute:

(8) If either House of Parliament passes a resolution disallowing an amendment laid before it under subsection (7)—

(a) if the amendment has come into operation under section 28—the amendment ceases to have effect and the Development Plan will, from that time, apply as if it had not been amended by that amendment;

(b) if the amendment has not come into operation—the amendment cannot take effect (unless the amendment becomes, in due course, the subject of a new process under section 25 or 26 (as the case may be) and the amendment then takes effect under this subdivision as it applies with respect to that amendment under that process).

(4) Section 27—after subsection (10) insert:

(11) If—

(a) an amendment is laid before both Houses of Parliament under this section but—

(i) no motion for disallowance is given within the time prescribed by subsection (9); or

(ii) any notice or motion that may be relevant has been withdrawn or defeated, or has lapsed (as the case may be); and

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(b) the amendment has not been brought into operation under section 28,

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the Minister may then, by notice in the Gazette, fix a day on which the amendment, as approved by the Minister under this Act, will come into operation (and the relevant Development Plan will then be taken, from that day, to be amended in the manner set out in the amendment).