

**Legislative Council—No 153A**

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 15 October 2013

South Australia

**Housing and Urban Development (Administrative Arrangements) (Urban Renewal) Amendment Bill 2013**

A BILL FOR

An Act to amend the *Housing and Urban Development (Administrative Arrangements) Act 1995*; and to make related amendments to 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 *Housing and Urban Development (Administrative Arrangements) (Urban Renewal) Amendment Act 2013*.

### 5 2—Commencement

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

### 3—Amendment provisions

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

## 10 Part 2—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995*

### 4—Amendment of long title

Long title—after "Act" insert:

15 to provide for the planning and redevelopment of specified areas within the State;

### 5—Amendment of section 1—Short title

Section 1—delete "*Housing and Urban Development (Administrative Arrangements)*" and insert:

*Urban Renewal*

### 20 6—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *board* insert:

*council* means a council within the meaning of the *Local Government Act 1999*;

(2) Section 3(1)—after the definition of *Minister* insert:

25 *precinct* means an area established as a precinct under Part 2B;

(3) Section 3(1)—after the definition of *statutory corporation* insert:

*URA* means the Urban Renewal Authority continued in existence under this Act.

### 7—Amendment of section 5—Functions

30 Section 5—before paragraph (a) insert:

(aa) to establish precincts for the purposes of urban renewal or redevelopment, and to promote efficient planning and project facilitation in relation to those precincts;

## **8—Insertion of Parts 2A and 2B**

After Part 2 insert:

### **Part 2A—Urban Renewal Authority**

#### **7A—Urban Renewal Authority**

- 5 (1) The Urban Renewal Authority established as a statutory corporation under Part 3 of this Act continues as a statutory corporation constituted by these provisions.
- (2) The URA—
- 10 (a) continues as a body corporate; and
- (b) subject to a limitation imposed by or under an Act, has all the powers of a natural person together with the powers conferred on it by or under this Act or other Acts.
- (3) Part 3, other than section 8, applies to the URA.

#### **7B—Board of management**

15 The board of management of the URA will be constituted of 7 persons.

#### **7C—Functions of URA**

- (1) The functions of the URA are as follows:
- 20 (a) to initiate, undertake, support and promote residential, commercial and industrial development in the public interest, particularly for urban renewal purposes, including by—
- 25 (i) acquiring, assembling and using land and other assets in strategic locations, including in areas identified for urban renewal; and
- (ii) promoting community understanding of, and support for, urban renewal by working with government agencies, local government, community groups and organisations involved in development, in the development or redevelopment of land; and
- 30 (iii) undertaking preliminary works (including remediation of land) to prepare land for development and other functions such as planning and co-ordination for the purposes of such development;
- 35 (b) to encourage, facilitate and support public and private sector investment and participation in the development of the State, including by performing its functions to facilitate
- 40 development that is attractive to potential investors;

- 5 (c) to acquire, hold, manage, lease and dispose of land, improvements and property, including land and housing formerly held under the *South Australian Housing Trust Act 1995* transferred to the URA, particularly with a view to—
- 10 (i) reducing social disadvantage within the community through urban renewal, including the renewal of public housing by promoting, facilitating or undertaking—
- 15 (A) the creation of a mixture of public and private housing in particular locations; and
- (B) an increase in the supply of affordable housing and community housing; and
- 20 (ii) managing projects involving the development of land and housing, including for urban renewal purposes (on its own behalf or on behalf of other agencies or instrumentalities of the Crown); and
- (iii) managing the orderly development of areas through the management and release of land, including areas of undeveloped or under developed land, as appropriate; and
- 25 (iv) holding land and other property to be made available, as appropriate, for commercial, industrial, residential or other purposes;
- 30 (d) to act as a landlord in relation to public housing and for this purpose the functions of the URA include the functions that are the same as the functions of SAHT in Part 2 Division 1 of the *South Australian Housing Trust Act 1995* (but nothing in this paragraph prevents the URA from delegating any such function to SAHT);
- 35 (e) to carry out the functions formerly carried out by the Land Management Corporation established under the (revoked) *Public Corporations (Land Management Corporation) Regulations 1997*;
- 40 (f) to support the undertaking of development that is consistent with achieving its other functions and the outcomes that apply under this section, including by participating in the scheme established by section 37 of the *Development Act 1993* (to the extent prescribed by regulations under that section);
- (g) to carry out other functions conferred on the URA by the Minister.

- (1a) The URA must, in carrying out functions related to urban renewal, take into account relevant existing or proposed development by private sector bodies and consider involving such bodies in urban renewal projects the URA proposes to undertake.
- (2) Despite section 21(2), the URA may carry out its functions alone, or in a trust scheme, partnership, joint venture, or any other scheme or arrangement for the sharing of profits established in accordance with this Act.

#### **7D—Specific power of URA**

In addition to the powers conferred on the URA under this Act, the URA may, in relation to acting as a landlord in relation to public housing, exercise any power that is the same as a power of SAHT in Part 2 Division 1 of the *South Australian Housing Trust Act 1995* (but nothing in this paragraph prevents the URA from delegating any such power to SAHT).

#### **7E—Application of provisions of *Public Corporations Act 1993* to URA**

Sections 8 to 10 and Part 3 of the *Public Corporations Act 1993* apply to the URA.

#### **7F—Associated matters**

The URA should, so far as is reasonably practicable, ensure that its activities are—

- (a) co-ordinated with the activities of other public authorities; and
- (b) consistent with the planning of a desirable physical and social environment; and
- (c) conducive to the enhancement of the physical or social development objectives of the Government.

### **Part 2B—Urban Renewal**

#### **7G—Preliminary**

In this Part—

***Development Assessment Commission*** means the Development Assessment Commission established under the *Development Act 1993*;

***Planning Minister*** means the Minister to whom the administration of the *Development Act 1993* is committed;

***precinct authority***, in relation to a precinct, means the URA, another statutory corporation constituted under this Act, a council or a subsidiary of a council appointed by the Minister as the precinct authority for the precinct under this Part;

*precinct plan* means a precinct master plan or precinct implementation plan for a precinct established under this Part.

### 7H—Establishment of precincts

- 5 (1) The Minister may, at the request of a council or other person or body, by notice in the Gazette, establish a specified area of land as a precinct if the Minister is satisfied that to do so will facilitate—
- 10 (a) the development of the area for the purposes of urban renewal; or
- (b) the provision of land suitable for commercial, industrial or residential purposes close to public transport; or
- 15 (c) the establishment of new industries; or
- (d) other planning and development outcomes for the renewal or redevelopment of a distinct area that promotes the purposes of the Planning Strategy.
- 20 (1a) A request under subsection (1) must—
- (a) be in a form determined by the Minister that complies with any requirements prescribed by the regulations; and
- (b) be accompanied by—
- 25 (i) a business case in a form determined by the Minister that—
- (A) proposes a name and identifies the area for the proposed precinct; and
- (B) proposes the objectives of the precinct that are to apply for the purposes of subsection (4)(b)(i); and
- 30 (C) proposes the body that is to constitute the precinct authority; and
- (D) proposes the manner in which consultation with the community relating to the precinct should be conducted; and
- 35 (E) identifies any assets or infrastructure that might be expected to be transferred to another entity in connection with the establishment or development of the precinct, or if or when the precinct plan is revoked under this Part; and
- 40 (F) sets out proposed arrangements for the provision of services provided (as at the time of the request) within the proposed precinct by the relevant council (including any agreement with that council); and

(G) addresses any other matter, or complies with any other requirement, prescribed by the regulations; and

(ii) the fee (if any) prescribed by the regulations.

5 (2) Before publishing a notice under subsection (1), the Minister must, within a period prescribed by the regulations—

(a) consult with and have regard to the views of—

(i) the Planning Minister; and

10 (ii) any council within the area of the proposed precinct; and

(b) consider the extent to which the establishment of the precinct is consistent with the Planning Strategy.

15 (2a) The Minister must not publish a notice under subsection (1) that relates to land that forms part of the Adelaide Park Lands within the meaning of the *Adelaide Park Lands Act 2005* unless the Adelaide Park Lands Authority has consented to the publication of the notice.

(3) The Planning Minister may, during the consultation period, consult with the Development Policy Advisory Committee established under the *Development Act 1993*.

20 (3a) Subject to subsection (3b), the Minister must, when publishing a notice under subsection (1), also publish (in the case of the establishment of a precinct pursuant to a request under subsection (1)) a copy of the business case that accompanied the request to which the notice relates.

25 (3b) Subsection (3a) does not require the Minister to publish any part of the business case that, in the opinion of the Minister, contains commercial information of a confidential nature.

(4) A notice under subsection (1) must—

(a) assign a name to the precinct; and

30 (b) specify the objectives of the precinct being matters—

(i) that are of importance to the planning and redevelopment of the precinct; and

(ii) that must be taken into account in the planning process for the precinct under this Part; and

35 (c) appoint a precinct authority for the precinct.

(4a) The Minister must, within 28 days of the publication of a notice under subsection (1)—

40 (a) provide a report setting out the location, extent and reasons for the establishment of the precinct to the Environment, Resources and Development Committee of the Parliament; and

- (b) publish a copy of the report on a website determined by the Minister.
- 5 (5) The Minister may, in relation to the objectives referred to in subsection (4)(b), refer the matter to the Development Assessment Commission for the Development Assessment Commission to provide advice on relevant planning, development and assessment issues in the precinct.
- 10 (6) In providing advice, the Development Assessment Commission must take into account—
- (a) the character of the precinct and adjacent areas; and
- (b) the potential social, economic and environmental impacts of the proposed redevelopment of the precinct; and
- (c) the resilience of the environment to cope with urban renewal within the precinct; and
- 15 (d) the degree of confidence in the prediction of impacts resulting from the proposed redevelopment of the precinct; and
- (e) the extent to which undesirable impacts which may occur are likely to be irreversible; and
- 20 (f) the extent to which impacts, and requirements for monitoring and assessing impacts, will be ongoing; and
- (g) the presence of other statutory assessment or policy frameworks which provide other procedures or processes to address any issues of concern.
- 25 (7) The Development Assessment Commission must submit to the Minister a report setting out its advice within the time specified by the Minister.
- (8) The Minister must, on the receipt of a report under subsection (7)—
- (a) give a copy of the report to the precinct authority; and
- 30 (b) ensure that copies of the report are reasonably available for inspection (without charge) and purchase by the public at places determined by the Minister.
- (9) The precinct authority must, other than in circumstances prescribed by the regulations, establish the following panels in relation to a precinct:
- 35 (a) a design review panel to provide advice to the authority in relation to—
- (i) design elements (in both public and private areas in the precinct) relating to all aspects of planning and development within the precinct; and
- 40 (ii) relevant design issues that arise in the planning and development of the precinct; and

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- (iii) practices and procedures that should be adopted in order to promote the use of innovative design solutions to planning and development issues that arise within the precinct (whether due to the nature of the natural or constructed environment within the precinct or for any other reason); and
- (iv) any other matter relating to design within the precinct;
- 10
- (b) a community reference panel comprising representatives of persons who live in or around the precinct to provide advice to the authority in relation to the views of such persons in relation to the plans for the precinct.
- 15
- (9a) The precinct authority may establish any other panel considered appropriate to provide advice relating to planning and development within the precinct.
- (10) The precinct authority must comply with any requirements of the Minister in relation to—
- 20
- (a) the composition of a panel under this section; and
- (b) the manner in which consultation with the community relating to a precinct should be conducted; and
- (c) the manner in which a panel under this section may assist in such consultation.
- 25
- (11) A person authorised in writing by a council within the area of a precinct may attend (but not participate in) any meeting of a panel under this section and may have access to papers provided to members of the panel for the purposes of the meeting.
- 30
- (12) If the panel considers that a matter dealt with at a meeting attended by a representative of a council should be treated for any reason as confidential, the panel may advise the council of that opinion, giving the reason for the opinion, and the council must treat the matter as confidential.
- (13) Subject to subsection (14), the Minister may, in accordance with the same procedures that apply to the establishment of a precinct under this section—
- 35
- (a) vary; or
- (b) revoke,
- a notice under subsection (1).
- (14) Subsection (13)(a) does not apply with respect to a variation in order to take action which, in the opinion of the Minister, is—
- 40
- (a) minor in nature and has no, or no significant, substantive effect; or
- (b) correcting an error.

(15) The Minister must, before acting under subsection (13)(b), be satisfied that the precinct authority has consulted with any council within the area of the precinct about—

- (a) the transfer of any assets or infrastructure to the council on the revocation of the notice (including, if relevant, in connection with the operation of section 23); and
- (b) other matters that appear to be relevant to the council in connection with the provisions of this Part no longer applying in relation to the precinct.

## **7I—Precinct plans**

(1) The precinct authority must prepare and maintain a precinct master plan and precinct implementation plans for a precinct established under this Part.

(2) A precinct master plan should seek to promote the provisions of the Planning Strategy and may—

- (a) set out principles and policies for achieving the objectives specified by the Minister in establishing the precinct; and
- (b) set out the spatial structure of the precinct and how the precinct is to be integrated with surrounding areas; and
- (c) make provision with respect to the mix of land uses and scale of development intended for the precinct; and
- (d) identify—
  - (i) existing critical infrastructure within the precinct; and
  - (ii) relevant infrastructure works required in the precinct for the purposes of urban renewal; and
- (da) specify design guidelines for development, which may include specific design criteria relating to buildings or classes of buildings; and
- (db) make provision in relation to any matter which a Development Plan under the *Development Act 1993* may provide for, including specifying classes of development within the area that will be taken to be *complying* development for the purposes of the *Development Act 1993*; and
- (dc) provide for the provision of open space or the making of payments (insofar as it is relevant to development within the precinct) in connection with the requirements imposed under section 50 of the *Development Act 1993*; and
- (e) address, adopt or incorporate any other matter specified by the Minister.

- (3) A precinct implementation plan—
- (a) may apply to all or part of a precinct; and
  - (b) must specify the area to which it applies.
- (4) A precinct implementation plan should, in relation to the area to which it applies, seek to promote the provisions of the Planning Strategy and may—
- (a) specify, in particular—
    - (ii) detailed plans and maps relating to—
      - (A) roads; and
      - (B) sizes and arrangements of allotments; and
      - (C) building heights and density; and
      - (D) public places; and
    - (iii) an implementation framework, including in relation to infrastructure works; and
  - (d) address, adopt or incorporate any other matter specified by the Minister.
- (5) The precinct authority must, in preparing a precinct plan, have regard to—
- (a) relevant provisions of any Development Plan applying; and
  - (b) the Strategic Directions Report of any council, in the area to which the precinct plan relates.
- (6) A provision of a precinct plan may—
- (a) refer to or incorporate wholly or partially and with or without modification, a standard or other document prepared or published by a prescribed body, either as in force at the time the provision comes into operation or as in force from time to time; and
  - (b) be of general or limited application; and
  - (c) make different provision according to the persons, things or circumstances to which it is expressed to apply; and
  - (d) provide that any matter or thing is to be determined, dispensed with or regulated according to the discretion of the Minister, precinct authority or any other prescribed person or body.
- (7) A precinct plan is a public document of which a court or tribunal will take judicial notice, without formal proof of its contents.
- (8) The precinct authority must, in relation to any proposal to create or amend a precinct plan—
- (a) prepare a draft of the proposal; and

- (b) take reasonable steps to consult with—
- (i) any design review panel, community reference panel or other panel established for the precinct under section 7H(9); and
  - 5 (ii) any Government Department or other agency that has a direct interest in the matter; and
  - (iii) each council that has a direct interest in the matter, in relation to the proposal; and
- (c) —
- 10 (i) in the case of a precinct master plan—
    - (A) by public advertisement, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and invite interested persons to make written representations on the proposal within a period specified by the precinct authority; and
    - 15 (B) hold a meeting where members of the public may attend and make representations in relation to the proposal, if the Minister considers it necessary or desirable for such a meeting to be held; or
  - (ii) in the case of a precinct implementation plan—
    - 20 undertake such public consultation on the proposal as is determined by the Minister to be appropriate.
    - 25
- (9) Subsection (8) does not apply to an amendment to a precinct plan—
- (a) in order to make a change of form (without altering the effect of an underlying policy reflected in a precinct plan); or
  - 30 (b) in order to take action which, in the opinion of the Minister, is—
    - (i) minor in nature and has no, or no significant, substantive effect; or
    - (ii) correcting an error.
- (10) The precinct authority must, after complying with the requirements of subsection (8)—
- 35 (a) prepare a report on the matters raised during the consultation period; and
  - 40 (b) provide a copy of the report to the Minister and the Planning Minister.

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(11) The Minister and the Planning Minister must take into account the contents of the report received under subsection (10)(b) before taking action under subsection (13)(a) in relation to the precinct plan to which the report relates.

5 (12) The Minister may seek the advice of the Development Assessment Commission on a report received under subsection (10)(b) (and, in particular, the Development Assessment Commission may consider and advise on the report in the context of the relevant report prepared by the Development Assessment Commission under section 7H(7)).

10 (13) A precinct plan, or an amendment to a precinct plan—

(a) has no force or effect until—

(i) in the case of a precinct master plan—adopted by the Governor, on the recommendation of the Minister and the Planning Minister; or

15 (ii) in the case of a precinct implementation plan—adopted by the Minister; and

(b) may have effect from the date of publication in the Gazette, or from a later date specified in the precinct plan or amendment (as the case may be).

20 (13a) Section 27 of the *Development Act 1993* (other than section 27(2)) applies to the adoption or amendment of a precinct master plan as if references in that section to an amendment to a Development Plan under Part 3 Subdivision 2 of the *Development Act 1993* were references to the adoption or amendment of a precinct master plan  
25 under this section.

(14) The precinct authority must, as soon as is reasonably practicable after the adoption of a precinct plan—

(a) make appropriate provision for the publication of the precinct plan, including by publication in the Gazette; and

30 (b) ensure that copies of the precinct plan are reasonably available for inspection (without charge) and purchase by the public at a place or places determined by the precinct authority; and

35 (c) ensure that public notice is given of any amendment to a precinct plan within a reasonable time after the amendment is adopted or made (as the case may be).

(14a) The Minister must, as soon as is reasonably practicable after the adoption of a precinct plan, publish on a website determined by the Minister—

40 (a) a copy of a report provided to the Minister under subsection (10); and

(b) any advice received from the Development Assessment Commission under subsection (12) on the report.

- 5
- (15) The Governor may, on the recommendation of the Minister and the Planning Minister, by notice in the Gazette, revoke a precinct master plan.
- (16) The Minister may, by notice in the Gazette, revoke a precinct implementation plan.
- (17) The Minister must, within 28 days of the adoption of, or an amendment to, a precinct implementation plan, or the revocation of a precinct plan—
- 10
- (a) provide a report on the matter to the Environment, Resources and Development Committee of the Parliament; and
- (b) publish a copy of the report on a website determined by the Minister.

15

**7J—Certain matters to apply for the purposes of the  
*Development Act 1993***

- (1) A relevant authority within the meaning of the *Development Act 1993* must accept that—
- 20
- (a) a proposed development in a precinct is *complying* development under section 35 of the *Development Act 1993* to the extent that the development is certified by the precinct authority as being *complying* development under section 7I(2)(db) of this Act; and
- 25
- (b) a proposed division of land in a precinct satisfies the conditions specified in section 33(1)(c) or (d) of the *Development Act 1993* to the extent that such satisfaction is certified by the precinct authority.
- (2) The Minister may, in appointing a precinct authority for a precinct under section 7H(4)(c), if the Minister considers it appropriate to do so, limit the powers of the precinct authority so that the precinct authority may not exercise the power referred to in subsection (1)(b).
- 30
- (3) Any requirement imposed by a council or the Development Assessment Commission under section 50 of the *Development Act 1993* must be consistent with any provision made by the precinct authority under section 7I(2)(dc) of this Act.
- 35
- (4) The *Development Act 1993* must be read subject to the operation of this section.

**7K—Precinct authority may be authorised to exercise specified powers**

- 40
- (1) A precinct authority may, if authorised by the Governor to do so by regulation, exercise, in relation to a matter that is directly relevant to the management, development or enhancement of a precinct established under this Part, a specified statutory power—
- (a) to grant an approval, consent, licence or exemption; or

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- (b) to provide a service or infrastructure; or
- (c) to impose and recover a rate, levy or charge; or
- (ca) to make by-laws under the *Local Government Act 1999* or the *Local Government Act 1934*; or
- (d) prescribed under this paragraph by regulation.

(2) If an authorisation is given under subsection (1)—

- (a) in the case of a power to grant an approval, consent, licence or exemption—

- (i) the statutory power may be exercised by the precinct authority as if the power had been duly delegated to it by the authority, body or person in whom the power is primarily vested; and
- (ii) the precinct authority must consult with the authority, body or person in relation to the exercise of the power (but is not bound to comply with directions as to the exercise of the power given by that authority, body or person); and

- (b) any statutory provisions governing, or incidental to, the exercise of the power must be observed by the precinct authority as if it were the authority, body or person in whom the power is primarily vested; and

- (c) without limiting paragraph (b), the precinct authority may exercise any other statutory power that is necessary or expedient for, or incidental to, the proper exercise of the statutory power that is authorised to be exercised by the Governor under subsection (1); and

- (d) any statutory provisions for appeal against or review of a decision to exercise, or to refrain from exercising—

- (i) a statutory power that is authorised to be exercised by the Governor under subsection (1); or

- (ii) a statutory power under paragraph (c),

apply in relation to a decision by the precinct authority in relation to the exercise of the power.

(2a) If a precinct authority makes a by-law under the *Local Government Act 1999* or the *Local Government Act 1934* under subsection (1)(ca), the by-law—

- (a) cannot be altered without the consent of the precinct authority; and

- (b) is revoked if—

- (i) the regulation under this section giving the authorisation to make by-laws is revoked; or

- (ii) the relevant precinct is dissolved.

- (2b) Without limiting subsection (1), a precinct authority may, if authorised by the Governor to do so by regulation, in relation to raising revenue for the purposes of the management, development or enhancement of a precinct established under this Part—
- 5                   (a) impose a rate under the *Local Government Act 1999* (as if it were a council); and
- (b) require a council to collect the rate on behalf of the precinct authority.
- (2c) If a rate is imposed under subsection (2b)—
- 10                   (a) Chapter 10 of the *Local Government Act 1999* will apply subject to any modifications prescribed by the regulations; and
- (b) the council must comply with the requirement made by the precinct authority (and make a payment to the precinct authority of the amount recovered on account of the imposition of the rate); and
- 15                   (c) the precinct authority is liable to pay to the council an amount determined in accordance with the regulations on account of the costs of the council in complying with the requirements imposed by the precinct authority (which may be set off against the amount payable by the council to the precinct authority); and
- 20                   (d) if the precinct to which the rate relates is dissolved—the council may, for a period of 5 years, or such longer period as the Minister may allow, continue to impose any rate imposed by the precinct authority under subsection (2b)(a) and applying at the time of the dissolution (and, to avoid doubt, a rate continued under this paragraph is to be treated as if it were a rate imposed under subsection (2b)(a)).
- 25                   (3) If a regulation is made under this section, the Minister must as soon as practicable after the publication of the regulation, prepare a report on the matter (which must include details of any submissions made by a council in consultation under subsection (5)) and cause copies of the report to be laid before both Houses of Parliament.
- 30                   (4) A regulation made under subsection (1)(d) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.
- 35                   (5) A regulation cannot be made under—
- (a) subsection (1)(c) authorising the exercise of a power under the *Local Government Act 1999* in relation to the imposition or recovery of a rate, levy or charge; or
- 40                   (b) subsection (2b),
- except after consultation with the relevant council.

- 5
- (6) The *Subordinate Legislation Act 1978* applies to a regulation made under this section as if references in that Act to the Legislative Review Committee of the Parliament were references to the Environment, Resources and Development Committee of the Parliament.

**7L—Governor may grant concession or make variation in relation to taxes etc on land within precinct**

- 10
- (1) The Governor may, by regulation, with respect to land within a precinct, grant a concession or make a variation in relation to taxes, rates or charges imposed by or under an Act which apply in relation to the land (including so as to modify the provisions of another Act) and any such regulation will have effect according to its terms and despite the provisions of the other Act.
- 15
- (2) A regulation cannot be made under subsection (1) in relation to rates or charges imposed under the *Local Government Act 1999* except after consultation with the relevant council.

**7M—Council by-laws to be consistent with precinct plan**

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If a by-law made by a council under the *Local Government Act 1999* or the *Local Government Act 1934* relating to a precinct is inconsistent with a precinct plan, the precinct plan prevails to the extent of the inconsistency.

**7N—Consultation with LGA on prescribed classes of regulations**

- 25
- (1) A regulation of a prescribed class cannot be made for the purposes of this Part unless the Minister has given the LGA notice of the proposal to make the regulation and given consideration to any submission made by the LGA within a period (of between 3 and 6 weeks) specified by the Minister.
- (2) In this section—
- LGA* means the Local Government Association of South Australia.

30 **9—Amendment of section 23—Transfer of property etc**

Section 23(1)—after paragraph (b) insert:

- 35
- (c) on the revocation of a precinct plan under Part 2B, transfer an asset, right or liability of a statutory corporation or an agent or instrumentality of the Crown to a person or body that is not an agent or instrumentality of the Crown, with the agreement of the person or body.

**10—Review**

- 40
- (1) The Minister must cause a review of the operation and impact of this Act to be conducted and a report on the results of the review to be submitted to him or her within 2 years after the commencement of this Act.
- (2) The Minister must, within 6 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

## Schedule 1—Related amendments and transitional provision

### Part 1—Amendment of *Development Act 1993*

#### 1—Amendment of section 29—Certain amendments may be made without formal procedures

5 (1) Section 29(3)—after paragraph (c) insert:

or

10 (d) in order to give effect to the adoption of, or an amendment to, a precinct master plan under the *Urban Renewal Act 1995*, or in order to make such provision as the Minister thinks fit relating to planning or development within a precinct on the revocation of a precinct plan.

(2) Section 29—after subsection (3) insert:

15 (3a) The Minister must, within 1 month of the adoption of, or an amendment to, a precinct implementation plan under the *Urban Renewal Act 1995*, give effect to the adoption or amendment (as the case requires) by amending the relevant Development Plan by notice in the Gazette.

#### 2—Amendment of section 34—Determination of relevant authority

Section 34(1)(b)—after subparagraph (x) insert:

20 or

25 (xi) the Minister declares, by notice in writing served personally or by post on the proponent, that the Development Assessment Commission should act as the relevant authority in relation to the proposed development in substitution for the council or the regional development assessment panel (as the case may be) because, in the opinion of the Minister to whom the administration of the *Urban Renewal Act 1995* is committed, the proposed development may have a significant impact on an aspect of a precinct within the meaning of the *Urban Renewal Act 1995*,

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### Part 2—Transitional provision

#### 3—Transitional provision

35 (1) The Governor may, during the first 12 months after commencement of this clause, by regulation, exempt a precinct authority from compliance with the requirements of section 7I(8) of the *Urban Renewal Act 1995* (as inserted by this Act) relating to consultation on or publication of a draft precinct plan.

(2) Terms used in this clause and also in Part 2B of the *Urban Renewal Act 1995* (as inserted by this Act) have the same meanings in this clause as they have in Part 2B.