



STATUTES AMENDMENT (STATE HERITAGE CONSERVATION ORDERS) ACT 1991

No. 77 of 1991

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ELIZABETHAE II REGINAE

A.D. 1991

No. 77 of 1991

An Act to amend the City of Adelaide Development Control Act 1976, the Planning Act 1982 and the South Australian Heritage Act 1978.

[Assented to 12 December 1991]

The Parliament of South Australia enacts as follows:

PART I PRELIMINARY

Short title

1. This Act may be cited as the *Statutes Amendment (State Heritage Conservation Orders) Act 1991*.

Commencement

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

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART II

AMENDMENT OF CITY OF ADELAIDE DEVELOPMENT CONTROL ACT 1976

Amendment of s. 42—Law governing proceedings under this Act

4. Section 42 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) Where an order has been made (whether before or after the commencement of this subsection) under Part V of the *South Australian Heritage Act 1978* in respect of an item of State heritage that was at the time of the making of the order the subject of an application under this Act for approval to undertake a Development—

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- (a) the item will be taken to have been an item of State heritage for the purposes of this section at the time the application was made;
- and
- (b) the order will be taken to have been in force for the purposes of this section at that time.

PART III

AMENDMENT OF PLANNING ACT 1982

Amendment of s. 57—Law governing proceedings under this Act

5. Section 57 of the principal Act is amended by inserting after subsection (1a) the following subsection:

(1b) Where an order has been made (whether before or after the commencement of this subsection) under Part V of the *South Australian Heritage Act 1978* in respect of an item of the State heritage or a State Heritage Area that was at the time of the making of the order the subject of an application for a planning authorization under this Act—

- (a) the item or area will be taken to have been an item of the State heritage or a State Heritage Area, as the case may be, for the purposes of this section at the time the application was made;
- and
- (b) the order will be taken to have been in force for the purposes of this section at that time.

PART IV

AMENDMENT OF THE SOUTH AUSTRALIAN HERITAGE ACT 1978

Amendment of s. 24—Offence

6. Section 24 of the principal Act is amended by inserting after the present contents of the section (now to be designated as subsection (1)) the following subsection:

(2) This section does not prevent the carrying out of a development affecting an Item or a State Heritage Area in accordance with an approval under the *City of Adelaide Development Control Act 1976* or a planning authorization under the *Planning Act 1982* granted before the Item or Area became the subject of an order under this Division.

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

ROMA MITCHELL Governor