

South Australia

Development (Adelaide Park Lands) Variation Regulations 2006

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Adelaide Park Lands) Variation Regulations 2006*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of Schedule 1 of the *Adelaide Park Lands Act 2005* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Development Regulations 1993*

4—Variation of regulation 67—Development excluded from approval and notice

Regulation 67—after subregulation (1) insert:

- (1a) For the purposes of section 49(19)(a) of the Act, the various forms of development set out in clause 4 of Schedule 14 are declared to be minor works of a prescribed kind.

5—Variation of regulation 69—Development excluded from approval and notice

Regulation 69—after subregulation (1) insert:

- (1a) For the purposes of section 49A(23) of the Act, the various forms of development set out in clause 2 of Schedule 14A are declared to be minor works of a prescribed kind.

6—Variation of Schedule 9—Public notice categories

- (1) Schedule 9, clause 8—delete "Parklands District" and substitute:

Park Lands Zone

- (2) Schedule 9, clause 18—delete "Parklands District" and substitute:

Park Lands Zone

7—Variation of Schedule 10—Decisions by Development Assessment Commission

Schedule 10—after clause 4 insert:

4A—Adelaide Park Lands

- (1) The following classes of development within the Adelaide Park Lands:
 - (a) development undertaken by a State agency (other than in partnership or joint venture with a person or body that is not a State agency);
 - (b) development undertaken by a State agency for the purposes of public infrastructure (whether or not in partnership or joint venture with a person or body that is not a State agency);
 - (c) development undertaken by a person where the development is initiated or supported by a State agency for the purposes of the provision of public infrastructure and specifically endorsed by the State agency for the purposes of this clause;
 - (d) without limiting a preceding paragraph, development undertaken by a prescribed person for the purposes of the provision of electricity infrastructure.

(2) In subclause (1)—

electricity infrastructure has the same meaning as in the *Electricity Act 1996*;

prescribed person means a prescribed person under regulation 68;

public infrastructure has the same meaning as in section 49 of the Act;

State agency has the same meaning as in section 49 of the Act.

8—Variation of Schedule 14—State agency development exempt from approval

(1) Schedule 14, clause 1—after "State heritage place" insert:

or within the Adelaide Park Lands

(2) Schedule 14—after clause 3 insert:

4 The following forms of development within the Adelaide Park Lands, other than in relation to a State heritage place, are excluded from the provisions of section 49 of the Act:

(a) —

(i) the alteration, repair or maintenance of a road, bridge, railway or weir, or the reconstruction of a road where there is no increase in the area of road;
or

(ii) the maintenance of a levee bank; or

(iii) the maintenance of the bank of the River Torrens or of any creek;

(b) if the work is certified by a private certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 70 for the purposes of section 49 of the Act)—

(i) the alteration of a local water treatment station, pressure regulating station or pumping station; or

(ii) the alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(iii) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or

(iv) the alteration of, or addition to, a building—

- (A) which is to be located wholly underground; and
 - (B) which will not result in a material change to the existing landform at the site of the development; or
- (v) without limiting subparagraph (iv), the construction or reconstruction of a building—
 - (A) which is to be located wholly underground; and
 - (B) which is intended only to house public infrastructure (as defined in section 49(1) of the Act); and
 - (C) which has a total floor area not exceeding 15 square metres and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 metres; and
 - (D) which will not result in a material change to the existing landform at the site of the development; or
- (vi) building work associated with the alteration of, or addition to, a building within the area of an existing school, other than—
 - (A) where the work will result in the building exceeding one storey in height; or
 - (B) where the building is, or will be when the building work is completed, within 20 metres of a boundary of the area of the school; or
 - (C) where the building work would affect a local heritage place; or
 - (D) where the relevant work would affect a significant tree;
- (c) the construction, reconstruction, alteration, repair or maintenance of any drain, pipe or underground cable, other than the construction of a drain with a width or depth exceeding 1.5 metres or a pipe with a diameter exceeding 1.5 metres;
- (d) the undertaking of any temporary development which is required in an emergency situation in order to—
 - (i) prevent loss of life or injury; or
 - (ii) prevent loss or damage to land or buildings; or
 - (iii) maintain essential public services; or

- (iv) prevent a health or safety hazard; or
- (v) protect the environment where authority to undertake the development is given by or under another Act;
- (e) an alteration to the cadastre arising from the administration of the *Adelaide Park Lands Act 2005*;
- (f) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;
- (g) an alteration, or repairs, to a building—
 - (i) which are predominantly internal; and
 - (ii) which do not change the external appearance or total floor area of the building; and
 - (iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;
- (h) the construction, reconstruction or alteration of a fire hydrant, fire plug or location indicator in a public place that is not connected with the performance of any other building work that requires approval under the Act;
- (i) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more;
- (j) the construction of information or directional signs (whether attached to a structure or freestanding) that are associated with a development approved by the Development Assessment Commission under clause 4A of Schedule 10, and directly related to an activity carried out at the site of the development, or on account of the development.

9—Variation of Schedule 14A—Development involving electricity infrastructure exempt from approval

- (1) Schedule 14A—after "State heritage place" insert:
 - or within the Adelaide Park Lands
- (2) Schedule 14A—after its present contents as varied by this regulation (now to be designated as clause 1) insert:
 - 2 The following forms of development within the Adelaide Park Lands, other than in relation to a State heritage place, are excluded from the provisions of section 49A of the Act:

- (a) if the work is certified by a private certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 70 for the purposes of section 49A of the Act)—
 - (i) the alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or
 - (ii) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or
 - (iii) the alteration of, or addition to, a building—
 - (A) which is to be located wholly underground; and
 - (B) which will not result in a material change to the existing landform at the site of the development; or
 - (iv) without limiting subparagraph (iii), the construction or reconstruction of a building—
 - (A) which is to be located wholly underground; and
 - (B) which is intended only to house electricity infrastructure (within the meaning of the *Electricity Act 1996*); and
 - (C) which has a total floor area not exceeding 15 square metres and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 metres; and
 - (D) which will not result in a material change to the existing landform at the site of the development;
- (b) the construction, reconstruction, alteration, repair or maintenance of any underground cable;
- (c) the undertaking of any temporary development which is required in an emergency situation in order to—
 - (i) prevent loss of life or injury; or
 - (ii) prevent loss or damage to land or buildings; or
 - (iii) maintain essential public services; or

- (iv) prevent a health or safety hazard; or
- (v) protect the environment where authority to undertake the development is given by or under another Act;
- (d) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;
- (e) an alteration, or repairs, to a building—
 - (i) which are predominantly internal; and
 - (ii) which do not change the external appearance or total floor area of the building; and
 - (iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;
- (f) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 26 October 2006

No 239 of 2006