

**House of Assembly—No 10**

As laid on the table and read a first time, 25 February 2015

South Australia

**Development (Assessment) Amendment Bill 2015**

A BILL FOR

An Act to amend the *Development Act 1993*; and to make a related variation to the *Development Regulations 2008*.

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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 (Assessment) Amendment Act 2015*.

#### 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 *Development Act 1993*

#### 4—Amendment of section 5—Interpretation of Development Plans

- (1) Section 5(3)—delete "the Presiding Member of the Advisory Committee has certified that the requirements of subsection (5) have been complied with in relation to that regulation" and substitute:

15                   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) Section 5(4) and (5)—delete subsections (4) and (5) and substitute:

20                   (4) In addition, the Minister may consult with the Advisory Committee on the proposal to make the regulation and give consideration to any submission made by the Advisory Committee.

**5—Amendment of section 33—Matters against which development must be assessed**

Section 33—after subsection (3) insert:

- 5 (3a) To avoid doubt, in relation to a proposed development that requires more than 1 consent for the approval of the development, a relevant authority is not required to grant the consents in any particular order.

**6—Amendment of section 35—Special provisions relating to assessment against Development Plan**

Section 35—after subsection (1b) insert:

- 10 (1ba) Without derogating from subsection (1b), if a relevant authority assesses a development as being a minor variation from *complying* development and the variation is consistent with any guidelines published by the Minister by notice in the Gazette, that variation is to be taken to be a minor variation for the purposes of this Act.

15 **7—Amendment of *Development Regulations 2008***

- (1) The *Development Regulations 2008* are varied in the manner set out in Schedule 1.  
(2) The variation of the *Development Regulations 2008* by this Act does not prevent the later variation or revocation of those regulations by another regulation.

**Schedule 1—Variation of *Development Regulations 2008***

20 **1—Variation of regulation 3—Interpretation**

Regulation 3—after subregulation (3) insert:

- (3a) A reference in a term set out in Schedule 1 to a dwelling occupying a site that is held exclusively with that dwelling—  
25 (a) will be taken to be a reference to the site being held exclusively for the purposes of occupation or use of the dwelling; and  
(b) will not be taken to require separate ownership of, or title to, the site.