

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.