

House of Assembly—No 261

As laid on the table and read a first time, 2 November 2017

South Australia

**Statutes Amendment (Intensity of Development)
Bill 2017**

A BILL FOR

An Act to amend the *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Development Act 1993*

- 3 Amendment of section 33—Matters against which development must be assessed
- 4 Insertion of section 33A
 - 33A Special provision relating to assessment of certain developments
- 5 Insertion of section 83A
 - 83A Application of Part

Part 3—Amendment of *Planning, Development and Infrastructure Act 2016*

- 6 Amendment of section 102—Matters against which development must be assessed
 - 7 Insertion of section 102A
 - 102A Special provision relating to assessment of certain developments
 - 8 Insertion of section 212A
 - 212A Application of Part
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Intensity of Development) Act 2017*.

2—Amendment provisions

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

Part 2—Amendment of *Development Act 1993*

- 10 **3—Amendment of section 33—Matters against which development must be assessed**

Section 33(1)—after paragraph (e) insert:

- (ea) if relevant—the considerations set out in section 33A;

4—Insertion of section 33A

After section 33 insert:

33A—Special provision relating to assessment of certain developments

- 5 (1) If an application for a development authorisation in respect of a proposed development at a site located on a street—
- (a) provides for the division of land into more than the prescribed percentage of existing allotments; or
- 10 (b) provides for the construction of more than the prescribed proportion of existing dwellings,
- the relevant authority must assess the proposed development against—
- (c) the effects of the proposed development (including matters such as increased traffic flows) on the residents of the street, taking into account the size, nature and design of the street; and
- 15 (d) any cumulative effect that the development might have on the amenity of the street, when considered together with any other development on the street that is—
- (i) currently being undertaken; or
- (ii) proposed to be undertaken; or
- 20 (iii) reasonably foreseeable.
- (2) However, subsection (1)(a) only applies in relation to an application for a development authorisation relating to land that is situated
- 25 within—
- (a) Metropolitan Adelaide; or
- (b) if the land is not situated within Metropolitan Adelaide—the area of a township.
- (3) In this section—
- 30 ***prescribed percentage of existing allotments*** means 25% of the total number of allotments on the street at the time of lodgement of the application;
- prescribed proportion of existing dwellings*** means 25% of the total number of dwellings on the street at the time of lodgement of the
- 35 application.

5—Insertion of section 83A

After section 83 insert:

83A—Application of Part

To avoid doubt, nothing in this Part prevents a council from enforcing the conditions of a development authorisation granted by the Development Assessment Commission (and, in particular, a council may enforce such conditions using all of the powers available to the council under this Act as if the council had granted the development authorisation).

Part 3—Amendment of *Planning, Development and Infrastructure Act 2016*

6—Amendment of section 102—Matters against which development must be assessed

Section 102(1)—after paragraph (f) insert:

- (fa) if relevant—the considerations set out in section 102A;

7—Insertion of section 102A

After section 102 insert:

102A—Special provision relating to assessment of certain developments

- (1) If an application for a development authorisation in respect of a proposed development at a site located on a street—
- (a) provides for the division of land into more than the prescribed percentage of existing allotments; or
 - (b) provides for the construction of more than the prescribed proportion of existing dwellings,
- the relevant authority must assess the proposed development against—
- (c) the effects of the proposed development (including matters such as increased traffic flows) on the residents of the street, taking into account the size, nature and design of the street; and
 - (d) any cumulative effect that the development might have on the amenity of the street, when considered together with any other development on the street that is—
 - (i) currently being undertaken; or
 - (ii) proposed to be undertaken; or
 - (iii) reasonably foreseeable.

(2) However, subsection (1)(a) only applies in relation to an application for a development authorisation relating to land that is situated within—

(a) Greater Adelaide; or

(b) if the land is not situated within Greater Adelaide—the area of a township.

(3) In this section—

prescribed percentage of existing allotments means 25% of the total number of allotments on the street at the time of lodgement of the application;

prescribed proportion of existing dwellings means 25% of the total number of dwellings on the street at the time of lodgement of the application.

8—Insertion of section 212A

After section 212 insert:

212A—Application of Part

To avoid doubt, nothing in this Part prevents a council from enforcing the conditions of a development authorisation granted by the Commission (and, in particular, a council may enforce such conditions using all of the powers available to the council under this Act as if the council had granted the development authorisation).