

**Legislative Council—No 285**

As received from the House of Assembly and read a first time, 16 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*.

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## 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).