

South Australia

Development (Bushfire Protection Areas) Variation Regulations 2007

under the *Development Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Development Regulations 1993*

- 4 Variation of regulation 31A—Preliminary advice and agreement—section 37AA
 - 5 Variation of regulation 78—Building Rules: bushfire prone areas
 - 6 Variation of regulation 83A—Occupation of Class 1a buildings
 - 7 Variation of Schedule 8—Referrals and concurrences
 - 8 Variation of Schedule 18—Bushfire Prone Areas
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Bushfire Protection Areas) Variation Regulations 2007*.

2—Commencement

These regulations will come into operation on the day on which they are made.

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 31A—Preliminary advice and agreement—section 37AA

Regulation 31A(6)(a)—delete "applicant under" and substitute:
application under

5—Variation of regulation 78—Building Rules: bushfire prone areas

- (1) Regulation 78(1)(b)—delete paragraph (b) and substitute:
 - (b) it is an area identified as a *medium or high bushfire risk area* by the relevant Development Plan.
- (2) Regulation 78(2)(b)—delete paragraph (b) and substitute:
 - (b) the building is in a bushfire prone area under subregulation (1); and
- (3) Regulation 78(3)—delete "or a medium or high bushfire risk area (as determined under subregulation (1))" and substitute:

under subregulation (1)
- (4) Regulation 78—after subregulation (3) insert:
 - (4) If—
 - (a) application is made for building rules consent for building work; and
 - (b) the building (or proposed building) is in an area identified as a *general bushfire risk area* by the relevant Development Plan,then—
 - (c) if the building work involves—
 - (i) the construction of a Class 1, 2 or 3 building under the *Building Code*; or
 - (ii) the construction of a Class 10 building under the *Building Code* that will adjoin a Class 1, 2 or 3 building,the building to which the building work relates must comply with Appendix F8 of the *South Australian Housing Code*; and
 - (d) —
 - (i) if the building work is in the nature of an alteration to a Class 1, 2 or 3 building under the *Building Code*; and
 - (ii) the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),the relevant authority may require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of Appendix F8 of the *South Australian Housing Code*.

- (5) In subregulation (4)—

construction, in relation to a building, means building or re-building, or erecting or re-erecting.

6—Variation of regulation 83A—Occupation of Class 1a buildings

Regulation 83A(d)—delete paragraph (d) and substitute:

- (d) all connections relating to the supply of water from all sources, and for the disposal of water and effluent, have been made (although if the approved documentation provides for 2 or more connections for the disposal of water or effluent, it is sufficient for the purposes of that aspect of this paragraph that 1 such connection is made); and

7—Variation of Schedule 8—Referrals and concurrences

- (1) Schedule 8 clause 2, heading to item 18—delete "**Prone**" and substitute:

Protection

- (2) Schedule 8 clause 2, item 18(a)—delete "Prone" and substitute

Protection

8—Variation of Schedule 18—Bushfire Prone Areas

- (1) Heading to Schedule 18—delete "**Prone**" and substitute:

Protection

- (2) Schedule 18, heading to clause 1—delete "**Prone**" and substitute:

Protection

- (3) Schedule 18, clause 1—delete "Bushfire Prone Area denoted as "CFS Referral Area" or "Non Referral Area"" and substitute:

Bushfire Protection Area identified as *Medium Bushfire Risk* or *High Bushfire Risk*

- (4) Schedule 18, clause 2—delete clause 2

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 29 November 2007

No 291 of 2007

MUDP07/028CS