

South Australia

Development (Division of Land) Variation Regulations 2007

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Division of Land) Variation Regulations 2007*.

2—Commencement

These regulations 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 5A—Presumption with respect to the division of certain buildings

Regulation 5A—delete "(and a development authorisation cannot be issued unless or until such compliance exists)" and substitute:

(and the Development Assessment Commission may not issue a certificate in respect of the division under section 51 of the Act unless or until it is satisfied (in such manner as it thinks fit) that such compliance exists)

5—Variation of regulation 21—Certification of building indemnity insurance

Regulation 21(2)(a)—delete "provisional" wherever occurring

6—Variation of regulation 24—Referrals

Regulation 24(2)—delete "provisional" wherever occurring

7—Variation of regulation 28—Special provision relating to fire authorities

Regulation 28(1)—delete "provisional"

8—Variation of regulation 34—Public inspection of certain applications

Regulation 34(3)(a)—delete "provisional"

9—Variation of regulation 39—Assessment in respect of the Building Rules referred to the council

Regulation 39—delete "provisional"

10—Variation of regulation 40—Issue of building rules consent other than by a council

Regulation 40—delete "provisional"

11—Variation of regulation 41—Time within which a decision must be made

- (1) Regulation 41(1)(a)(i)—delete "provisional"
- (2) Regulation 41(1)(b)—delete "provisional"
- (3) Regulation 41(1)(c)—delete "provisional" wherever occurring

12—Variation of regulation 42—Notification of decision to an applicant (including conditions)

- (1) Regulation 42(3a)—delete "provisional"

- (2) Regulation 42(4)—delete "provisional"

13—Variation of regulation 47—Endorsed plans

Regulation 47—delete "provisional"

14—Variation of regulation 64—Referral of assessment of building work

- (1) Regulation 64(2)—delete "provisional"
(2) Regulation 64(3)—delete "provisional"

15—Variation of regulation 76—Essential safety provisions

Regulation 76(3)—delete "provisional"

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

Regulation 78(2)(a)—delete "provisional"

17—Variation of regulation 79—Construction Industry Training Fund

- (1) Regulation 79(2)—delete "provisional"
(2) Regulation 79(3)(b)—delete "provisional"
(3) Regulation 79(4)—delete "provisional"

18—Variation of regulation 83(AB)—Statement of Compliance

- (1) Regulation 83(AB)(2)—delete "provisional"
(2) Regulation 83(AB)(7)—delete "provisional"

19—Variation of regulation 89—Private certification—authorised functions

- (1) Regulation 89(1)(a)—delete "provisional"
(2) Regulation 89(1)(e)—delete "provisional"
(3) Regulation 89(1)(f)—delete "provisional"
(4) Regulation 89(2)—delete "provisional" wherever occurring
(5) Regulation 89(3)—delete "provisional"

20—Variation of regulation 92—Provision of information

- (1) Regulation 92(1)—delete "provisional"
(2) Regulation 92(2)(ab)—delete "provisional"
(3) Regulation 92(2)(c)—delete "provisional" wherever occurring
(4) Regulation 92(3)(a)—delete "provisional" wherever occurring

21—Variation of regulation 98—Register of applications

- (1) Regulation 98(2)(i)—delete "provisional"
(2) Regulation 98(3)(g)—delete "provisional"

22—Variation of regulation 99A—Documents to be provided by a private certifier

- (1) Regulation 99A(c)—delete "provisional"
- (2) Regulation 99A(d)—delete "provisional"

23—Variation of Schedule 2—Additional acts and activities constituting development

Schedule 2—after clause 8 insert:

- 9 (1) The division of land subject to a lease under a prescribed Crown Lands Act where an application has been made to the Minister responsible for the administration of the relevant Act to surrender the lease for freehold title on the basis that the land will be granted in fee simple and then divided.
- (2) In subclause (1)—
prescribed Crown Lands Act means—
 - (a) the *Crown Lands Act 1929*; and
 - (b) the *Irrigation (Land Tenure) Act 1930*; and
 - (c) the *Discharged Soldiers Settlement Act 1934*; and
 - (d) the *Marginal Lands Act 1940*; and
 - (e) the *War Service Land Settlement Agreement Act 1945*.

24—Variation of Schedule 5—Requirements as to plans and specifications

- (1) Schedule 5, clause 1(1)—delete "provisional" wherever occurring
- (2) Schedule 5, clause 1(2)—delete "provisional"
- (3) Schedule 5, clause 1(3)—delete "provisional"

25—Variation of Schedule 6—Fees

Schedule 6—delete "provisional" wherever occurring

26—Variation of Schedule 25—System indicators

Schedule 25—delete "provisional" wherever occurring

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 16 August 2007

No 210 of 2007

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