

South Australia

Development (Bushfire Protection) Variation Regulations 2009

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Bushfire Protection) Variation Regulations 2009*.

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 2008*

4—Insertion of regulation 106A

After regulation 106 insert:

106A—Bushfire protection

- (1) In this regulation—

bushfire protection area means an area identified as a bushfire protection area by a Development Plan;

land division consent means a consent under section 33(1)(c) of the Act;

Minister's Code means the *Minister's Code—Undertaking development in Bushfire Protection Areas—February 2009* published by the Minister (as in force from time to time).

- (2) The Minister's Code is prescribed for the purposes of fire safety within a bushfire protection area.
- (3) An application for a development plan consent or a land division consent in relation to development in a bushfire protection area that is within the ambit of the Minister's Code must be assessed taking into account the relevant requirements of the Minister's Code.
- (4) Subregulation (3) does not derogate from any other requirements or principles under these regulations, a Development Plan or the Building Rules.

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

Schedule 5—after clause 10 insert:

11—Additional requirements for bushfire protection areas

- (1) In this clause—

bushfire protection area means an area identified as a bushfire protection area by a Development Plan;

land division consent means a consent under section 33(1)(c) of the Act;

Minister's Code means the *Minister's Code—Undertaking development in Bushfire Protection Areas—February 2009* published by the Minister (as in force from time to time).

- (2) An application for development plan consent, building rules consent or land division consent that relates to development in a bushfire protection area must be accompanied by, or incorporate, the plans, drawings, specifications and other documents or drawings required under the Minister's Code, insofar as they are relevant in the circumstances of the particular case.

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 26 February 2009

No 21 of 2009