

South Australia

## **Development (Commonwealth Nation Building Program) 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 (Commonwealth Nation Building Program) Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on the day on which the *Development (Planning and Development Review) Amendment Act 2009* comes into operation and immediately after the commencement of the *Development (Residential Code) Variation Regulations 2009*.

#### **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—Variation of regulation 3—Interpretation

- (1) Regulation 3(5)—before the definition of *residential code development* insert:

*Commonwealth Nation Building Program* means the agreement between the Commonwealth and the States and the Territories called the *National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now* entered into at the meeting of the Council of Australian Governments on 5 February 2009, as amended from time to time in accordance with the terms of that agreement;

- (2) Regulation 3(5)—after the definition of *residential code development* insert:

*State Coordinator-General* means the person appointed by the Governor to be the State's Coordinator-General for the purposes of the Commonwealth Nation Building Program and includes a person acting in that position.

### 5—Variation of regulation 6A—Significant trees

- (1) Regulation 6A(4)—after paragraph (c) insert:

or

- (d) a tree if the tree is located at a site where it is proposed to undertake development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program, other than where the site is a site where a State heritage place is situated.

- (2) Regulation 6A—after subregulation (4) insert:

- (5) Subregulation (4)(d) expires on 31 December 2012.

### 6—Variation of regulation 15—Application to relevant authority

Regulation 15(3)(b)—after subparagraph (iii) insert:

or

- (iv) the proposed development has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program,

### 7—Variation of regulation 24—Referrals

Regulation 24—after subregulation (4) insert:

- (5) Schedule 8 does not apply to any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.

## 8—Variation of regulation 38—Determination of Commission as relevant authority

Regulation 38—after subregulation (4) insert:

- (5) Subregulation (2)(b) does not apply where the development has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.
- (6) Pursuant to subsection (2) of section 34 of the Act, if the Development Assessment Commission (as constituted as a relevant authority under subsection (1) of that section) takes action under paragraph (c) or (d) of subsection (2) of that section in relation to development that has been approved by the State Coordinator-General, the council for the area in which the development is to be undertaken will not be taken to be a relevant authority for the purposes of the Act in relation to that development and will not be the relevant authority to determine whether the development should be approved.

## 9—Variation of regulation 46—Special provision relating to staged consents

Regulation 46—after subregulation (3) insert:

- (4) The requirement under subregulation (1) operates subject to any step that the relevant authority considers it needs to take under section 42 of the Act.
- (5) Subregulation (4) only applies in a case where the development is within the ambit of Schedule 1A.

## 10—Variation of regulation 92—Provision of information

(1) Regulation 92—after subregulation (2a) insert:

- (2b) In connection with any CNBP development assessed by a private certifier for the purposes of providing any building rules consent—
  - (a) the private certifier must, at the time that he or she provides to the relevant authority the information or documentation required under subregulation (2) (other than paragraph (e)), provide a copy of each item to the council; and
  - (b) subregulation (2)(e) will not apply.

(2) Regulation 92—after subregulation (6) insert:

- (7) In this regulation—

*CNBP development* means development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.

## **11—Variation of Schedule 1A**

Schedule 1A—after clause 12 insert:

### **13—Commonwealth Nation Building Program**

- (1) Any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.
- (2) Subclause (1) does not apply if the development is in relation to a site where a State heritage place is situated.
- (3) This clause expires on 31 December 2012.

## **12—Variation of Schedule 10—Decisions by Development Assessment Commission**

After clause 16 insert:

### **17—Commonwealth Nation Building Program**

- (1) Any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.
- (2) This clause expires on 31 December 2012.

## **13—Variation of Schedule 14—State agency development exempt from approval**

After clause 4 insert:

- 5 (1) The following forms of development are excluded from the provisions of section 49 of the Act, namely any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.
- (2) This clause expires on 31 December 2012.

### **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 18 of 2009