

South Australia

Development (Miscellaneous) Variation Regulations 2010

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Miscellaneous) Variation Regulations 2010*.

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 2008*

4—Variation of regulation 63B—Prescribed fee

Regulation 63B(1)—after paragraph (b) insert:

- (ba) an amount determined by the Minister as being appropriate to cover the reasonable costs of the public advertisement under section 46(13)(b) of the Act; plus

5—Variation of regulation 107—Constitution of statutory committees

- (1) Regulation 107(2)(a)—delete paragraph (a)
- (2) Regulation 107(4)—delete subregulation (4)

6—Variation of Schedule 6—Fees

Schedule 6, item 1(e)(iii)—delete subparagraph (iii) and substitute:

(iii) if—

- (A) the development cost exceeds \$100 000; or
- (B) the development involves the division of land and the number of allotments resulting from the division is greater than the existing number of allotments,

the following fees will be payable to the Development Assessment Commission as if it were a relevant authority (but not so as to require any payment by the Development Assessment Commission to a council under Schedule 7):

- (C) any relevant fee under components (1), (2) and (3) of this item; and
- (D) an amount determined by the Development Assessment Commission as being appropriate to cover the reasonable costs of the public advertisement—
 - in the case of an application lodged by a State agency—under section 49(7d)(a) of the Act; or
 - in the case of an application lodged under section 49A—under section 49A(7d)(a) of the Act;

7—Variation of Schedule 10—Decisions by Development Assessment Commission

- (1) Schedule 10, clause 1(2)(a)—after "mining operations" insert:

, excluding the construction or excavation of borrow pits
- (2) Schedule 10, clause 1(2)(b)—delete "the reception, storage, treatment or disposal of waste" and substitute:

creating a landfill depot within the meaning of the *Environment Protection (Waste to Resources) Policy 2010* under the *Environment Protection Act 1993*
- (3) Schedule 10, clause 2(b)—after subparagraph (v) insert:

or

 - (vi) the use of the shop or office will be ancillary and subordinate to the primary use of the land and buildings the subject of the development;
- (4) Schedule 10, clause 2(d)—delete "1" and substitute:

- (5) Schedule 10, clause 2—after paragraph (d) insert:
 - (e) development of land for the purpose of creating a facility for the reception, storage, treatment or disposal of waste.
- (6) Schedule 10, clause 3(2)(b)—delete paragraph (b)
- (7) Schedule 10, clause 4—delete the clause
- (8) Schedule 10, clause 6—delete the clause
- (9) Schedule 10, clause 9(1)—delete "The Coorong District Council,"
- (10) Schedule 10, clause 9(1)—after "Murray Bridge" insert:
 - , and in the Floodplain Policy Area of the River Murray and Lakes Zone in the area of The Coorong District Council
- (11) Schedule 10, clause 13—delete the clause

8—Variation of Schedule 14—State agency development exempt from approval

- (1) Schedule 14, clause 1(a)(i)—delete subparagraph (i) and substitute:
 - (i) the reconstruction (including widening), alteration, repair or maintenance of any road, bridge, railway, tramway, wharf, jetty or boat ramp (including pump-out facilities associated with a boat ramp); or
- (2) Schedule 14, clause 1(b)(i)—after "Development Plan" second occurring insert:
 - , or development that does not require development plan consent under Schedule 1A
- (3) Schedule 14, clause 1(b)(ii)—delete subparagraph (ii) and substitute:
 - (ii) the construction, reconstruction or alteration of any of the following items of infrastructure or works if only of a local nature, namely, a water treatment station, pressure regulating station, pumping station, desalination plant, waste water pumping station, water filtration plant, pump-out facility or sewerage works; or
- (4) Schedule 14, clause 1(b)(iv)—delete "where such development is carried out in accordance with an adopted plan of management for the park"
- (5) Schedule 14, clause 1(b)(vi)—delete "on or under land which is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future, or"
- (6) Schedule 14, clause 1(b)(vii)—delete subparagraph (vii) and substitute:
 - (vii) the construction, reconstruction or alteration of, or addition to, an outbuilding, other than—
 - (A) the construction of a new building exceeding 1 storey in height; or

- (B) where the relevant work would be performed within 5 metres of a boundary of the area of the site, or where the outbuilding is not being constructed, added to or altered so that any part of the outbuilding is situated within the set back distance of the allotment prescribed by the relevant Development Plan; or
 - (C) where the relevant work would affect a local heritage place; or
- (7) Schedule 14, clause 1(b)(viii)(D)—delete subparagraph (D)
- (8) Schedule 14, clause 1(b)(ix)—delete subparagraph (ix) and substitute:
 - (ix) building work associated with the alteration of, or addition to, a building, other than—
 - (A) where the work will result in the building exceeding 1 storey in height; or
 - (B) where the building is, or will be when the building work is completed, within 20 metres of a boundary of the area of the site; or
 - (C) where the building work would affect a local heritage place; or
 - (D) where the work will result in the total floor area of the building exceeding 150% of the total floor area prior to the relevant work; or
- (9) Schedule 14, clause 1(c)—delete ", other than on or under land which is subject to coastal processes or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future"
- (10) Schedule 14, clause 1—after paragraph (d) insert:
 - (da) the undertaking of any development for a period of not more than 2 years for the purposes of research, investigation or pilot plants; or
- (11) Schedule 14, clause 1(j)—after "(or excavating and filling)" insert:
 - of up to 1 500 cubic metres of material
- (12) Schedule 14, clause 1(o)—delete "information or directional signs (whether attached to a structure or freestanding) that are" and substitute:
 - an item of street furniture (including directional signs, lighting, seating and weather shelters) that is
- (13) Schedule 14, clause 1(p)(ii)—delete subparagraph (ii) and substitute:
 - (ii) structures (including billboards) at roadside information bays;
- (14) Schedule 14, clause 1(p)(iii)—delete "for tertiary educational institutions, schools, kindergartens, or child care centres"

- (15) Schedule 14, clause 1—after paragraph (p) insert:
- (q) the alteration, repair or maintenance of, or addition to, a wall of an existing dam for the purpose of increasing the water storage capacity of the dam; or
 - (r) works associated with the construction of a road on land which is—
 - (i) adjacent to the road; and
 - (ii) associated with the construction of the road; or
 - (s) the use of any land or building, or the construction or alteration of, or addition to, a building for the purposes of an aquifer recharge scheme.
- (16) Schedule 14, clause 1—after its present contents as varied by this clause (now to be designated as subclause (1)) insert:
- (2) Paragraphs (a), (b)(ii), (b)(vi)-(ix) and (c) of subclause (1) do not apply to a proposed development if the site where the development is to be undertaken is subject to coastal processes, or in relation to which there is evidence to suggest that the site is likely to be affected by coastal processes within the foreseeable future, unless the Coast Protection Board has authorised the relevant development.
 - (3) Subclause (1) does not apply to any development which comprises a tree-damaging activity in relation to a significant tree.
- (17) Schedule 14, clause 3—after "water flows" insert:
- , or for other environmental purposes,

9—Variation of Schedule 14A—Development involving electricity infrastructure exempt from approval

Schedule 14A(1)(a)(iii)—delete "where such development is carried out in accordance with an adopted plan of management for the park" and substitute:

, other than on or under land that is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future, unless the Coast Protection Board has authorised the development

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 September 2010

No 206 of 2010

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