

South Australia

Development (Building Rules Assessment Audits) Variation Regulations 2012

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Building Rules Assessment Audits) Variation Regulations 2012*.

2—Commencement

These regulations will come into operation on 1 July 2012.

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 103A

After regulation 103 insert:

103A—Building Rules assessment audits

- (1) For the purposes of section 56B(1)(b) of the Act—
 - (a) the administrative unit of the Public Service that is, under the Minister, responsible for the administration of the Act is a prescribed body; and

- (b) the qualifications or experience in building assessment auditing or a related discipline as are in the opinion of the Minister appropriate are prescribed qualifications.
- (2) For the purposes of section 56B(4)(a) and 56B(4)(b)(i) of the Act, the prescribed period is the period that results in 30 June 2015 being the date by which the first audit must be completed
- (3) For the purposes of section 56B(4)(b)(ii) of the Act, the prescribed period is—
 - (a) in the case of a private certifier who commences business as a private certifier after the commencement of this regulation—3 years; or
 - (b) in the case of a private certifier who commenced business as a private certifier before the commencement of this regulation—the period, in relation to the private certifier, that results in 30 June 2015 being the date by which the first audit under section 56B of the Act must be completed.
- (4) For the purposes of section 56B(5) and (8) of the Act, the prescribed period is 3 years.

5—Variation of Schedule 6—Fees

- (1) Schedule 6 (being the Schedule inserted on 1 July 2012), item 1, component (8)—delete component (8) and substitute:

- (8) If the application requires a relevant authority to assess the development against the provisions of the Building Rules—
 - (a) in the case of a building that has a floor area $F = 0.00236 \times CI \times A \times CF$
, or \$60.50, whichever is the greater
 - (b) in the case of a building that does not have a floor area $F = 0.00236 \times CI \times S \times CF$
, or \$60.50, whichever is the greater

where—

F is the fee (in dollars) payable under this component (unless the \$60.50 minimum applies)

CI is the construction index determined by the Minister from time to time and set out in the Schedule of Construction Indices published in the Gazette

A is the prescribed floor area

S is the projected area of the largest side or plane of the building

CF is the complexity factor

- (2) Schedule 6 (being the Schedule inserted on 1 July 2012), item 5, component (1)—delete "5%" and substitute:

7%

6—Variation of Schedule 7—Provisions regulating distribution of fees between authorities

Schedule 7, clause 2(d)—delete "5%" and substitute:

7%

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 28 June 2012

No 166 of 2012

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