

South Australia

## **Development (Capital City) 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 (Capital City) Variation Regulations 2012*.

#### **2—Commencement**

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) Regulation 6 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—Variation of regulation 15—Application to relevant authority**

Regulation 15(3)—after paragraph (c) insert:

- (d) if the application relates to a proposed development in the area of the Corporation of the City of Adelaide for which the Development Assessment Commission is the relevant authority, the application must be lodged with the Development Assessment Commission and not with the council.
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## **5—Variation of regulation 38—Determination of Commission as relevant authority**

Regulation 38—after subregulation (4) insert:

- (4a) Subregulation (2)(b) does not apply to an application in relation to a proposed development in the area of the Corporation of the City of Adelaide—
  - (a) —
    - (i) if the Corporation of the City of Adelaide has agreed under section 37AA of the Act that the development meets its requirements; and
    - (ii) in the case of an application lodged with the Development Assessment Commission that varies from the application referred to the Corporation of the City of Adelaide under section 37AA of the Act—the Development Assessment Commission is of the opinion that the variation is not substantial; or
  - (b) if the development is to be referred to the Corporation of the City of Adelaide by virtue of the operation of section 37(1) of the Act and Schedule 8 of these regulations.

## **6—Variation of regulation 107—Constitution of statutory committees**

- (1) Regulation 107—after subregulation (1) insert:
  - (2) Pursuant to section 16(1) of the Act, the Development Assessment Commission must establish the Capital City Development Assessment Committee, with membership determined by the Minister, to act as a delegate of the Development Assessment Commission to determine applications for which the Development Assessment Commission is the relevant authority under Schedule 10 clause 4B of these regulations (subject to any referral that may be made under section 34(2) of the Act).
- (2) Regulation 107(3)—after "subregulation (1)" insert:
  - or (2)
- (3) Regulation 107—after subregulation (3) insert:
  - (4) Pursuant to section 20(2)(b) of the Act, the Development Assessment Commission must delegate to the Capital City Development Assessment Committee—
    - (a) all of its powers to deal with, and to determine, applications for which the Development Assessment Commission is the relevant authority under Schedule 10 clause 4B of these regulations; and
    - (b) the power to impose conditions under section 42 of the Act.

## **7—Variation of Schedule 8—Referrals and concurrences**

Schedule 8, clause 2—after item 23 insert:

### **24—Certain development in City of Adelaide**

|  |                      |         |        |
|--|----------------------|---------|--------|
| Development in the area of the Corporation of the City of Adelaide for which the Development Assessment Commission is the relevant authority under Schedule 10 clause 4B | Government Architect | 8 weeks | Regard |
|--|----------------------|---------|--------|

### **25—Certain development in City of Adelaide**

|  |                                     |         |        |
|--|-------------------------------------|---------|--------|
| Development in the area of the Corporation of the City of Adelaide for which the Development Assessment Commission is the relevant authority under Schedule 10 clause 4B | Corporation of the City of Adelaide | 6 weeks | Regard |
|--|-------------------------------------|---------|--------|

**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 27 March 2012

No 19 of 2012

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