

South Australia

Development (Miscellaneous) 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 (Miscellaneous) Variation Regulations 2012*.

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—Insertion of regulation 13A

After regulation 13 insert:

13A—Lapse of DPA—section 25

For the purposes of section 25(21a) of the Act, the prescribed period is 30 days commencing from the latter of the following 2 events:

- (a) the expiration of any relevant period applying under section 25(19) of the Act;
- (b) the lapsing of 5 years since agreement was reached on the Statement of Intent under section 25(1) of the Act.

5—Variation of Schedule 4—Complying development

Schedule 4, clause 2(h)—after "township" second occurring insert:

, unless the building work is undertaken by the South Australian Housing Trust

6—Variation of Schedule 8—Referrals and concurrences

- (1) Schedule 8, clause 1(4), table—delete the table and substitute:

Name of council	Relevant township or rural city	Prescribed zones ¹
Renmark Paringa Council	Renmark	Community Zone
		Town Centre Zone
		District Business Zone
	Paringa	Local Centre Zone
		Rural Living Zone
		Marina Zone
		Residential Zone
		Industry Zone
		District Business Zone
The Berri Barmera Council	Berri	Bulk Handling Zone
		Rural Living Zone
		District Centre Zone
The Berri Barmera Council	Berri	Commercial Zone
		Rural Living Zone
		Recreation Zone
		Infrastructure Zone
		Caravan and Tourist Park Zone

Development (Miscellaneous) Variation Regulations 2012
Variation of *Development Regulations 2008*—Part 2

Name of council	Relevant township or rural city	Prescribed zones ¹
	Barmera	Town Centre Zone Residential Zone Recreation Zone Caravan and Tourist Park Zone
	Cobdogla	Township Zone Caravan and Tourist Park Zone
	Loveday	Township Zone
District Council of Loxton Waikerie	Loxton	District Centre Zone Industry Zone Residential Zone
	Waikerie	District Centre Zone Residential Zone Industry Zone
Mid Murray Council	Cadell	Service Centre Zone
	Mannum	Town Centre Zone Residential Zone Recreation Zone Residential Marina Zone Mannum Marina Zone Residential Escarpment Zone Residential Character Zone
	Blanchetown	Service Centre Zone
Rural City of Murray Bridge	Mypolonga	Country Township Zone
	Woods Point	Country Township Zone
	Jervois	Country Township Zone
	Murray Bridge	Local Centre Zone Light Industry Zone General Industry Zone Residential Zone
The Coorong District Council	Meningie	Residential Zone Town Centre Zone Industry Zone Caravan and Tourist Park Zone Community Zone Rural Living Zone

Name of council	Relevant township or rural city	Prescribed zones ¹
	Tailem Bend	Community Zone Residential Zone Industry Zone Town Centre Zone
Alexandrina Council	Goolwa	Residential Zone Rural Fringe Zone
	Hindmarsh Island	Residential Marina Zone Country Living (Hindmarsh Island) Zone
	Clayton	Country Township Zone
	Milang	Local Centre Zone Residential Zone
	Langhorne Creek	Country Township Zone Industry Zone

Note—

1 A reference to a zone is a reference to the zone as delineated in the relevant Development Plan.

- (2) Schedule 8, clause 1(5), note—delete "Department of Water, Land and Biodiversity Conservation" and substitute:

Department for Water

- (3) Schedule 8, clause 2, table, item 19(e)(iv)—delete "clause 1(3)" and substitute:
clause 1(4)

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

- (1) Schedule 10, clause 1(1)(b)—after subparagraph (iv) insert:

or

- (v) the commencement of an advertising display in relation to a division of land if the display is not situated on the site of the division of land and if the display is a real estate "for sale" or "for lease" sign, subject to the condition that the sign—
- (A) does not move; and
 - (B) does not flash; and
 - (C) does not reflect light so as to be an undue distraction to motorists; and
 - (D) is not internally illuminated.

- (2) Schedule 10, clause 2(e)—delete paragraph (e)

- (3) Schedule 10, clause 9(2)(c)—delete "5" and substitute:
10
- (4) Schedule 10, clause 9(2)(e)—delete paragraph (e) and substitute:
- (e) the erection or construction of a building, except where the building will be used in conjunction with an existing or proposed dwelling and—
 - (i) the dwelling and the building are situated on land held by 1 or more persons pursuant to the 1 tenure; or
 - (ii) the building is a jetty, wharf, pontoon or retaining wall.
- (5) Schedule 10, clause 9(4)(c)—delete "5" and substitute:
10
- (6) Schedule 10, clause 9(4)(e)—delete paragraph (e) and substitute:
- (e) the erection or construction of a building, except where the building will be used in conjunction with an existing or proposed dwelling and—
 - (i) the dwelling and the building are situated on land held by 1 or more persons pursuant to the 1 tenure; or
 - (ii) the building is a jetty, wharf, pontoon or retaining wall.
- (7) Schedule 10, clause 10—delete the clause and substitute:

10—West Beach Recreation Reserve

All classes of development on that land bounded by bold black lines in the Schedule to the *West Beach Recreation Reserve Act 1987*.

- (8) Schedule 10—after clause 12 insert:

13—City of Charles Sturt—Bowden Village Zone

All classes of development in that part of the City of Charles Sturt defined in the relevant Development Plan as the Urban Core Zone.

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

- (1) Schedule 14, clause 1(1)(b)(vi)—delete ", other than on land within the City of Adelaide"
- (2) Schedule 14, clause 1(1)(b)(viii)(B)—delete "20" and substitute:
5
- (3) Schedule 14, clause 1(1)(b)(ix)(B)—delete "20" and substitute:
5
- (4) Schedule 14, clause 1(1)(o)—delete "under section 49 of" and substitute:
, or exempt from approval, under

(5) Schedule 14, clause 1(1)—after paragraph (s) insert:

or

- (t) the construction, reconstruction, alteration or addition to a security fence of an existing electricity substation or other electricity infrastructure within the meaning of the *Electricity Act 1996* subject to the following limitations:
 - (i) the fence must not exceed a height of 3 metres (measured as a height above the natural surface of the ground);
 - (ii) —
 - (A) in the case of a fence that has a frontage to a public road—the fence must be a palisade or open metal fence or a chain mesh fence; or
 - (B) in any other case—the fence must be a palisade or open metal fence, a chain mesh fence or a fence clad in pre-colour treated sheet metal.

(6) Schedule 14, clause 1(3)—delete "significant tree" and substitute:

regulated tree

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

(1) Schedule 14A, clause 1(a)(v)—delete ", or on land within the City of Adelaide"

(2) Schedule 14A, clause 1—after paragraph (f) insert:

or

- (g) the construction, reconstruction, alteration or addition to a security fence of an existing electricity substation or other electricity infrastructure within the meaning of the *Electricity Act 1996* subject to the following limitations:
 - (i) the fence must not exceed a height of 3 metres (measured as a height above the natural surface of the ground);
 - (ii) —
 - (A) in the case of a fence that has a frontage to a public road—the fence must be a chain mesh fence; or
 - (B) in any other case—the fence must be a chain mesh fence or a fence clad in pre-colour treated sheet metal.

10—Variation of Schedule 21—Activities of environmental significance

Schedule 21, clause 7(4)(a)(i)—after "zone" insert:

or "Mineral Extraction" zone

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 19 April 2012

No 27 of 2012

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