

South Australia

## **Development (Inner Metropolitan Area Development) Variation Regulations 2013**

under the *Development Act 1993*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Development (Inner Metropolitan Area Development) Variation Regulations 2013*.

#### **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 15—Application to relevant authority**

Regulation 15(3)—delete paragraph (d) and substitute:

- (d) if the application relates to a proposed development in—
  - (i) the area of the Corporation of the City of Adelaide for which the Development Assessment Commission is the relevant authority under clause 4B of Schedule 10; or

- (ii) any part of the area of the following councils for which the Development Assessment Commission is the relevant authority under clause 4C of Schedule 10:

- (A) the City of Burnside;
- (B) the Corporation of the City of Norwood Payneham & St Peters;
- (C) the City of Prospect;
- (D) the Corporation of the City of Unley;
- (E) the City of West Torrens,

the application must be lodged with the Development Assessment Commission and not with the relevant council.

### **5—Variation of regulation 38—Determination of Commission as relevant authority**

Regulation 38(4a)—delete subregulation (4a) and substitute:

- (4a) Subregulation (2)(b) does not apply to an application in relation to a proposed development in—
  - (a) the area of the Corporation of the City of Adelaide for which the Development Assessment Commission is the relevant authority under clause 4B of Schedule 10; or
  - (b) any part of the area of the following councils for which the Development Assessment Commission is the relevant authority under clause 4C of Schedule 10:
    - (i) the City of Burnside;
    - (ii) the Corporation of the City of Norwood Payneham & St Peters;
    - (iii) the City of Prospect;
    - (iv) the Corporation of the City of Unley;
    - (v) the City of West Torrens.

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

- (1) Regulation 107(2)—delete subregulation (2) and substitute:
  - (2) Pursuant to section 16(1) of the Act, the Development Assessment Commission must establish the Inner Metropolitan Development Assessment Committee to act as a delegate of the Development Assessment Commission to determine applications for which the Development Assessment Commission is the relevant authority under clause 4B or 4C of Schedule 10 of these regulations (subject to any referral that may be made under section 34(2) of the Act).
  - (2a) Subject to subregulation (2b), the Inner Metropolitan Development Assessment Committee will consist of—
    - (a) 6 members determined by the Minister as follows:

- (i) the relevant councils must each submit a list of at least 3 prescribed DAP members for the purposes of this paragraph;
      - (ii) the Minister will select 1 prescribed DAP member from each list to be a member of the Inner Metropolitan Development Assessment Committee; and
    - (b) other members determined by the Minister.
  - (2b) Despite subregulation (2a), a person who, immediately before the commencement of the variation regulations, was a member of the Capital City Development Assessment Committee established under the principal regulations will, from the commencement of the variation regulations, be taken—
    - (a) to be a member of the Inner Metropolitan Development Assessment Committee; and
    - (b) to have been appointed to hold office on the same terms and conditions as to remuneration and other matters as were specified in the instrument of the person's appointment as a member of the Capital City Development Assessment Committee.
  - (2c) The Minister may appoint a person to be a deputy of a member of the Inner Metropolitan Development Assessment Committee and a person so appointed may act as a member of the Committee in the absence of the member.
  - (2d) The requirements of qualification and nomination (if applicable) made by this regulation in relation to the appointment of a member extend to the appointment of a deputy of that member.
- (2) Regulation 107(4)—delete "Capital City" and substitute:  
Inner Metropolitan
- (3) Regulation 107—after subregulation (4) insert:
- (4a) For the purposes of section 16(3)(a) of the Act, applications for which the Development Assessment Commission is the relevant authority under clause 4B or 4C of Schedule 10 are to be determined by the Inner Metropolitan Development Assessment Committee comprised of—
    - (a) the members of the Inner Metropolitan Development Assessment Committee determined by the Minister under subregulation (2a)(b); and
    - (b) the member selected by the Minister under subregulation (2a)(a) from the council for the area in which the proposed development would be situated or, if the proposed development would be situated in the areas of 2 or more councils, the members selected from those councils.

(4) Regulation 107—after subregulation (7) insert:

(8) In this regulation—

***prescribed DAP member***, in relation to a council, means a member of the Development Assessment Panel of the council appointed under section 56A(3)(b) or (c)(ii) of the Act;

***principal regulations*** means the *Development Regulations 2008* (as in force immediately before the commencement of the variation regulations);

***relevant council***—The Corporation of the City of Adelaide and each council referred to in clause 4C of Schedule 10 are the relevant councils for the purposes of this regulation;

***variation regulations*** means the *Development (Inner Metropolitan Area Development) Variation Regulations 2013*.

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

Schedule 8, clause 2, item 25—delete item 25 and substitute:

### 25—Development in Inner Metropolitan Area—buildings exceeding 4 storeys

Development that involves the erection or construction of a building that exceeds 4 storeys in height in—	Government Architect	8 weeks	Regard
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- (a) any part of the area of the following councils defined in the relevant Development Plan as Urban Corridor Zone:
- (i) the City of Burnside;
  - (ii) the Corporation of the City of Norwood Payneham & St Peters;
  - (iii) the City of Prospect;
  - (iv) the Corporation of the City of Unley;
  - (v) the City of West Torrens; or
- (b) that part of the area of the Corporation of the City of Norwood Payneham & St Peters defined in the relevant Development Plan as District Centre (Norwood) Zone.

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

- (1) Schedule 10, clause 4B—after the present contents of clause 4B (now to be designated as subclause (1)) insert:
  - (2) Subject to subclause (3), development—
    - (a) under an application to vary a development authorisation given by the Development Assessment Commission under this clause; or
    - (b) which, in the opinion of the Development Assessment Commission, is ancillary to or in association with a development the subject of an authorisation given by the Development Assessment Commission under this clause.
  - (3) Subclause (2) does not apply to development involving a building in relation to which a certificate of occupancy has been issued.
- (2) Schedule 10—after clause 4B insert:

### **4C—Inner Metropolitan Area—buildings exceeding 4 storeys**

- (1) Development that involves the erection or construction of a building that exceeds 4 storeys in height in—
  - (a) any part of the area of the following councils defined in the relevant Development Plan as Urban Corridor Zone:
    - (i) the City of Burnside;
    - (ii) the Corporation of the City of Norwood Payneham & St Peters;
    - (iii) the City of Prospect;
    - (iv) the Corporation of the City of Unley;
    - (v) the City of West Torrens; or
  - (b) that part of the area of the Corporation of the City of Norwood Payneham & St Peters defined in the relevant Development Plan as District Centre (Norwood) Zone.
- (2) Subject to subclause (3), development—
  - (a) under an application to vary a development authorisation given by the Development Assessment Commission under this clause; or
  - (b) which, in the opinion of the Development Assessment Commission, is ancillary to or in association with a development the subject of an authorisation given by the Development Assessment Commission under this clause.
- (3) Subclause (2) does not apply to development involving a building in relation to which a certificate of occupancy has been issued.

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Part 2—Variation of *Development Regulations 2008*

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- (3) Schedule 10, clause 13—delete "relevant Development Plan as the Urban Core Zone" and substitute:

Urban Core Zone in the relevant Development Plan as Bowden Urban Village

**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 November 2013

No 266 of 2013

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