

South Australia

Development (Assessment) Variation Regulations 2015

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Assessment) Variation Regulations 2015*.

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 3—Interpretation

Regulation 3(6), definition of *residential code development*—delete "or 2B" and substitute:

, 2B or 2C

5—Variation of regulation 42—Notification of decision to applicant (including conditions)

Regulation 42—after subregulation (7) insert:

- (8) A notice is not required to be given under subregulation (1) in relation to a decision under regulation 47A.

6—Insertion of regulation 47A

After regulation 47 insert:

47A—Minor variation of development authorisation

For the purposes of section 39(7)(b) of the Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) and the relevant authority is satisfied that the variation is minor in nature—

- (a) the relevant authority may approve the variation; and
- (b) the request is not to be treated as a new application for development authorisation; and
- (c) unless the variation is such that the result is an inconsistency with another consent, no further step need be taken in relation to a development approval already given (and no new approval needs to be given).

7—Variation of regulation 92—Provision of information

- (1) Regulation 92(1)—delete subregulation (1) and substitute:

- (1) Pursuant to section 93(1)(b) of the Act, the following decisions are prescribed:

- (a) a decision to grant a development plan consent or a building rules consent;
- (b) a decision to approve a variation to a development plan consent or a building rules consent under regulation 47A.

- (2) Regulation 92(2)—after "provided to the relevant authority" insert:

in a case where subregulation (1)(a) applies

- (3) Regulation 92—after subregulation (2a) insert:

- (2ab) Pursuant to section 93(1)(b)(iii) of the Act, a notice setting out details of the variation must be provided to the relevant authority in a case where subregulation (1)(b) applies.

8—Variation of regulation 102—Documents to be provided by private certifier

Regulation 102(1)(g)—after "regulation 92(2)" insert:

, (2ab)

9—Variation of Schedule 4—Complying development

Schedule 4, Part 1—after clause 2B insert:

2C—Development plan consent in respect of land division for certain residential code developments

If development plan consent has been granted for a *complying* development under clause 2B, a proposed division of land providing for that development.

10—Variation of Schedule 6—Fees

Schedule 6, clause 1(h)—after "minor variation" insert:

that falls within the ambit of regulation 47A or

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 12 February 2015

No 10 of 2015

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