

South Australia

Development (Port Adelaide Regional Centre Zone) 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 (Port Adelaide Regional Centre Zone) 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 15—Application to relevant authority

Regulation 15(3)(d)—after subparagraph (ii) insert:

or

- (iii) that part of the area of the City of Port Adelaide Enfield defined in the relevant Development Plan as the Regional Centre Zone for which the Development Assessment Commission is the relevant authority under clause 5 or 6 of Schedule 10,

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

Regulation 38(4a)—after paragraph (b) insert:

or

- (c) that part of the area of the City of Port Adelaide Enfield defined in the relevant Development Plan as the Regional Centre Zone for which the Development Assessment Commission is the relevant authority under clause 5 or 6 of Schedule 10.

6—Variation of regulation 92—Provision of information

Regulation 92(2c)—delete "clause 20" and substitute:

clause 4B, 4C, 5, 6 or 20

7—Variation of regulation 107—Constitution of statutory committees

- (1) Regulation 107—after subregulation (2b) insert:

- (2ba) Pursuant to section 16(1) of the Act, the Development Assessment Commission must establish the Port Adelaide Development Assessment Committee (*PADAC*) 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 5 or 6 of Schedule 10 of these regulations (subject to any referral that may be made under section 34(2) of the Act).

- (2bb) PADAC will consist of—

- (a) 1 member selected by the Minister from a list of at least 3 prescribed DAP members submitted by the City of Port Adelaide Enfield for the purposes of this paragraph; and
- (b) other members determined by the Minister.

- (2) Regulation 107(2c)—delete "the Inner Metropolitan Development Assessment Committee" and substitute:

a committee established under subregulation (2) or (2ba)

- (3) Regulation 107(2c)—delete "Committee" and substitute:

relevant committee

- (4) Regulation 107(3)—delete "or (2)" and substitute:

, (2) or (2ba)

- (5) Regulation 107(4)(a)—after "clause 4B" insert:

or 4C

(6) Regulation 107—after subregulation (4a) insert:

(4b) The Development Assessment Commission—

- (a) for the purposes of section 20(2)(b) of the Act, must delegate to PADAC—
 - (i) 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 6 of these regulations; and
 - (ii) the power to impose conditions under section 42 of the Act; and
- (b) without limiting section 20 of the Act, in relation to an application for which the Development Assessment Commission is the relevant authority under Schedule 10 clause 5 of these regulations, may delegate to PADAC—
 - (i) its powers to deal with, and to determine, the application; and
 - (ii) the power to impose conditions under section 42 of the Act.

8—Variation of Schedule 8—Referrals and concurrences

- (1) Schedule 8, clause 2, table, items 24 and 25—after "Government Architect" wherever occurring insert in each case:
 - or Associate Government Architect
- (2) Schedule 8, clause 2, table—after item 25 insert:

25A—Development over \$3m within Port Adelaide Regional Centre Zone

Development in that part of the area of the City of Port Adelaide Enfield defined in the relevant Development Plan as the Regional Centre Zone for which the Development Assessment Commission is the relevant authority under Schedule 10 clause 6	Government Architect or Associate Government Architect	8 weeks	Regard
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9—Variation of Schedule 10—Decisions by Development Assessment Commission

Schedule 10, clause 5—delete the clause and substitute:

5—City of Port Adelaide Enfield—certain Policy Areas within Port Adelaide Regional Centre Zone

Except where the development falls within clause 6 of this Schedule, any development in those parts of the area of the City of Port Adelaide Enfield within the following policy areas defined in the relevant Development Plan:

- (a) Policy Area 38—Cruickshank's Corner;

- (b) Policy Area 39—Dock One;
- (c) Policy Area 41—Fletcher's Slip;
- (d) Policy Area 42—Hart's Mill;
- (e) Policy Area 44—McLaren's Wharf;
- (f) Policy Area 45—North West;
- (g) Policy Area 48—Port Approach.

**6—City of Port Adelaide Enfield—developments over \$3m
within Port Adelaide Regional Centre Zone**

- (1) Development in that part of the area of the City of Port Adelaide Enfield defined in the relevant Development Plan as the Regional Centre Zone where the total amount to be applied to any work, when all stages of the development are completed, exceeds \$3 000 000.
- (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.

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 9 April 2015

No 35 of 2015

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