

South Australia

Development (Electricity Generators) Variation Regulations 2017

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Electricity Generators) Variation Regulations 2017*.

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 70—Related provisions

Regulation 70(1)—delete subregulation (1) and substitute:

- (1) For the purposes of sections 49(2) and 49A(1) of the Act, the prescribed particulars are—
 - (a) a description of the nature of the proposed development; and
 - (b) details of the location, siting, layout and appearance of the proposed development; and
 - (c) if the proposed development is for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system—a certificate from the Technical Regulator certifying that the proposed development complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system.
- (1a) In subregulation (1)—
 - (a) a reference to *electricity generating plant* is a reference to electricity generating plant within the ambit of paragraph (a) of the definition of *electricity infrastructure* in section 4(1) of the *Electricity Act 1996*; and
 - (b) *power system* has the same meaning as in the *Electricity Act 1996*.

5—Insertion of regulation 119

After regulation 118 insert:

119—Applications relating to certain electricity generators—fee for issue of certificate by Technical Regulator

A fee of \$375 is payable to the Technical Regulator for the issue of a certificate required by these regulations to accompany an application in respect of a proposed development for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system.

6—Variation of Schedule 1A—Development that does not require development plan consent

Schedule 1A, clause 10—after its present contents (now to be designated as subclause (1)) insert:

- (2) Subclause (1) does not apply to a system comprising solar photovoltaic panels with a generating capacity of more than 5 MW that is to be connected to the State's power system.

- (3) In this clause—

power system has the same meaning as in the *Electricity Act 1996*.

7—Variation of Schedule 3—Acts and activities that are not development

Schedule 3, clause 15(2)—delete subclause (2) and substitute:

- (2) Subclause (1) does not apply—
- (a) to a designated photovoltaic system with a generating capacity of more than 5 MW that is to be connected to the State's power system; or
 - (b) if the place where the designated photovoltaic system is installed is a local heritage place and, when installed, it is able to be seen by a person standing at ground level in a public street.

8—Variation of Schedule 5—Application to relevant authority

Schedule 5—after clause 11 insert:

12—Additional requirements for certain electricity generators

- (1) An application in respect of a proposed development for which the Development Assessment Commission is the relevant authority in accordance with Schedule 10 clause 14 must be accompanied by a certificate from the Technical Regulator certifying that the proposed development complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system.
- (2) In this clause—
- power system* has the same meaning as in the *Electricity Act 1996*.

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

Schedule 10—after clause 13 insert:

14—Certain electricity generators

- (1) Development for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system.
- (2) A reference in subclause (1) to *electricity generating plant* is a reference to electricity generating plant within the ambit of paragraph (a) of the definition of *electricity infrastructure* in section 4(1) of the *Electricity Act 1996*.
- (3) In this clause—
- power system* has the same meaning as in the *Electricity Act 1996*.

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 23 May 2017

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