

South Australia

Development (Schedule 10) 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 (Schedule 10) 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 Schedule 10—Decisions by Development Assessment Commission

Schedule 10, clause 20—delete clause 20 and substitute:

20—Certain developments—Metropolitan Adelaide over \$5m or outside Metropolitan Adelaide over \$3m

- (1) Any development where—
 - (a) the total amount to be applied to any work (determined in accordance with subclause (3)), when all stages of the development are completed, exceeds—
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- (i) if the development is in Metropolitan Adelaide—\$5 000 000; or
 - (ii) in any other case—\$3 000 000; and
 - (b) the development is not solely for prescribed residential purposes; and
 - (c) the State Coordinator-General determines, by notice in writing served on the proponent, and sent to the relevant council or regional development assessment panel within 5 business days after the determination is made, that the development is a development the assessment of which should be carried out by the State Planning Commission.
- (2) Without limitation, subclause (1) applies to—
 - (a) a variation of an application for development referred to in section 39(4)(a) of the Act if the development proposed to be varied has previously been given development authorisation under this clause; and
 - (b) proposed development that the State Planning Commission considers to be ancillary to or in association with development that has previously been given development authorisation under this clause,but does not apply if—
 - (c) the development that was previously given development authorisation is complying development or comprised of a building in relation to which a certificate of occupancy has been issued; or
 - (d) in the case of paragraph (a)—the proposed variation is complying development; or
 - (e) in the case of paragraph (b)—the proposed development is complying development.
- (3) For the purposes of subclause (1), the total amount to be applied to any work includes any amount to be applied to—
 - (a) any building or structure or any improvements or other physical changes to a building or structure; and
 - (b) any improvements or physical changes to land; and
 - (c) any preliminary work (including, without limitation, site clearance, demolition and remediation); and
 - (d) any professional services; and
 - (e) the provision of, or any modifications to, infrastructure; and
 - (f) any construction work, fit out, signage, utilities, communications, security services, landscaping and contingencies,

but does not include an amount to be applied for the purchase of land or any interest in land.

(4) In this clause—

prescribed residential purposes means a single private dwelling or multiple private dwellings but does not include purpose built student accommodation, aged care or serviced accommodation.

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 15 August 2017

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