

South Australia

# **Development (Solar Panels) Variation Regulations 2019**

under the *Development Act 1993*

---

## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Development Regulations 2008***

- 4 Variation of Schedule 1A—Development that does not require development plan consent
  - 5 Variation of Schedule 9—Public notice categories
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Development (Solar Panels) Variation Regulations 2019*.

### **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 1A—Development that does not require development plan consent**

- (1) Schedule 1A, clause 10—after subclause (2) insert:
  - (2a) The construction, alteration, repair or maintenance of a system comprising solar photovoltaic panels in a prescribed area if—
    - (a) the system is freestanding rather than attached to a building or other structure; and
    - (b) no part of the system—
      - (i) is more than 4 metres in height (measured as a height above the natural surface of the ground); and

- (ii) is within 100 metres of a dwelling not associated with the system (whether the dwelling is on the same allotment as the system or another allotment); and
  - (iii) is within 10 metres of a boundary of an allotment containing a dwelling not associated with the system.
- (2b) Subclause (2a) does not apply to a system comprising solar photovoltaic panels with a generating capacity of more than 30 kW.
- (2) Schedule 1A, clause 10(3)—after the definition of *power system* insert:

*prescribed area* means—

- (a) a General Farming Zone; or
- (b) a Primary Industry Zone; or
- (c) a Primary Production Zone; or
- (d) a Rural Zone; or
- (e) a Watershed (Primary Production) Zone; or
- (f) a Watershed Protection (Mount Lofty Ranges) Zone; or
- (g) the Primary Production Policy Area in the River Murray Zone; or
- (h) Precinct 1—Cadell Basin Area (Horticulture) in the Cadell (Horticulture) Policy Area in the River Murray Zone,

as delineated in the relevant Development Plan.

## **5—Variation of Schedule 9—Public notice categories**

Schedule 9, Part 1—after clause 16A insert:

- 16B(1) Except where the development falls within Schedule 1A, the construction or alteration of a system comprising solar photovoltaic panels in a prescribed area if the system is freestanding rather than attached to a building or other structure.
- (2) Subclause (1) does not apply to a system comprising solar photovoltaic panels with a generating capacity of more than 30 kW.
- (3) In this clause—

*prescribed area* means—

- (a) a General Farming Zone; or
- (b) a Primary Industry Zone; or
- (c) a Primary Production Zone; or
- (d) a Rural Zone; or
- (e) a Watershed (Primary Production) Zone; or
- (f) a Watershed Protection (Mount Lofty Ranges) Zone; or

- (g) the Primary Production Policy Area in the River Murray Zone; or
  - (h) Precinct 1—Cadell Basin Area (Horticulture) in the Cadell (Horticulture) Policy Area in the River Murray Zone,
- as delineated in the relevant Development Plan.

**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 2019

No 243 of 2019