South Australia

Development Regulations 2008

under the *Development Act 1993*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development Regulations 2008*.

3—Interpretation

(1) In these regulations and in any Development Plan, the terms set out in Schedule 1 have, unless inconsistent with the context, or unless the contrary intention appears, the respective meanings assigned by that Schedule.

(2) Unless stated to the contrary, a term set out in Schedule 1 which purports to define a form of land use will be taken to include a use which is ancillary and subordinate to that defined use.

(3) Where the *Building Code* defines a term which is also set out in Schedule 1, then, to the extent of any inconsistency, the definition in the *Building Code* will prevail for the purposes of the Building Rules.

(4) Unless the contrary intention appears, a reference in a Schedule, other than Schedule 1, to a particular category of zone will be taken to include a reference to any zone of that category that has an additional designation or specification[1].

Example—

1 For example, an additional designation or specification may be a street name, a distinguishing letter of the alphabet or a distinguishing number, or the name of an area.

(5) A reference in a Schedule, other than Schedule 1, to the natural surface of the ground, in relation to a proposed development, is a reference to existing ground level before the development is undertaken (disregarding any preparatory or related work that has been (or is to be) undertaken for the purposes of the development).

(6) In these regulations—

Commonwealth Nation Building Program means the agreement between the Commonwealth and the States and the Territories called the *National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now* entered into at the meeting of the Council of Australian Governments on 5 February 2009, as amended from time to time in accordance with the terms of that agreement and includes any additional components added to this program by the Commonwealth Government or the Council of Australian Governments from time to time;

Local Government Infrastructure Program means the *Regional and Local Government Community Infrastructure Program* established by the Commonwealth Government pursuant to announcements made on 18 November 2008 and 13 February 2009 and includes any additional components added to this program by the Commonwealth Government from time to time;

residential code development means any development that is *complying* development under clause 1(2) or (3), 2A or 2B of Schedule 4;

State Coordinator-General means the person appointed by the Governor to be the State's Coordinator-General for the purposes of the Commonwealth Nation Building Program and includes a person acting in that position.

4—Adoption of Building Code

(1) Subject to these regulations, the *Building Code* is adopted by these regulations as part of the Building Rules.

(2) The *Building Code* is, for the purposes of its adoption by these regulations, modified in its application to a strata scheme under the *Strata Titles Act 1988* or a community scheme under the *Community Titles Act 1996* to the extent that a boundary—

(a) between a unit and common property that consists of or includes a road, driveway, walkway or other thoroughfare, carpark, garden or open space adjoining the boundary with the unit; or

(b) between 2 units, or between a unit and common property, where the units or the unit and common property (as the case may be) are within the 1 building,

will be disregarded as a fire source feature for the purposes of determining requirements for fire-resistance of building elements.

(3) Subregulation (2) does not derogate from—

(a) the significance of the boundary between a unit and common property, or between 2 units, as described in paragraph (a) or (b) of that subregulation, for the purposes of determining other requirements for fire-resistance of those building elements under the Code; or

(b) the significance of any other boundary of a unit or common property, or the significance of the boundary of any other allotment, for the purposes of determining requirements for fire-resistance of building elements (eg the far boundary of a road adjoining the allotment, or a boundary between 2 units that is not within a building).

(4) In this regulation—

unit means a unit under the *Strata Titles Act 1988* or a community lot under the *Community Titles Act 1996*.

5—Application of Act

(1) Pursuant to section 7 of the Act, sections 66, 67 and 68 of the Act (relating to the classification and occupation of buildings) do not apply to any Class 1 or 10 building under the *Building Code* which is not within the area of a council.

(3) Pursuant to section 7(3) of the Act, subsection (1)(d)(viia) of section 33 of the Act does not apply in respect of development that does not involve the creation of a new boundary—

(a) that separates 2 or more sole occupancy units within an existing building; or

(b) that bounds a public corridor within an existing building; or

(c) that is within a prescribed separation distance from an existing building.

(4) Pursuant to section 7(3) of the Act, subsection (5) of section 33 of the Act applies, in respect of a development to which subsection (1)(d)(viia) of that section applies (taking into account the operation of subregulation (3)), on the basis that a reference to the Building Rules is a reference to Section C—Volume 1, and P 2.3.1—Volume 2, of the *Building Code*.

(5) In this regulation—

prescribed separation distance, in relation to a building, means the separation distance that applies to the building under the *Building Code* for the purpose of determining requirements for fire-resistance of building elements under the Code;

sole occupancy unit has the same meaning as in the *Building Code*.

5A—Presumption with respect to division of certain buildings

For the purposes of section 33(1)(c)(v) of the Act, if a proposed division of land relates to an existing Class 1 or 2 building under the *Building Code*, walls of the building exposed to a fire source feature as a result of the proposed division must comply with Section C—Volume 1, and P 2.3.1—Volume 2, of the *Building Code* as in force at the time the application for consent is made (and the Development Assessment Commission may not issue a certificate in respect of the division under section 51 of the Act unless or until it is satisfied (in such manner as it thinks fit) that such compliance exists).

5AA—Exclusion of certain classes of development from requirement to obtain development plan consent

Pursuant to section 33(4a) of the Act, the classes of development within the ambit of Schedule 1A are excluded from the operation of paragraph (a) of section 33(1).

Part 2—Development

6—Additions to definition of development

An act or activity in relation to land specified in Schedule 2 is declared to constitute development.

6A—Significant trees

(1) Subject to this regulation, the following are declared to constitute classes of significant trees for the purposes of paragraph (a) of the definition of ***significant tree*** in section 4(1) of the Act, namely trees within the designated area under subregulation (2) that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level.

(2) For the purposes of subregulation (1), the designated area will be constituted by—

(a) the whole of Metropolitan Adelaide, other than—

(i) those parts of the area of the Adelaide Hills Council within the Extractive Industry Zone, the Public Purpose Zone or the Watershed (Primary Production) Zone in the Development Plan that relates to that area; and

(ii) those parts of the area of the City of Playford within the Watershed Zone or the Mount Lofty Ranges Rural Zone on the eastern side of the Hills Face Zone in the Development Plan that relates to that area; and

(b) any part of the area of the Adelaide Hills Council outside Metropolitan Adelaide that is within a Country Township Zone in the Development Plan that relates to that area; and

(c) the whole of The District Council of Mount Barker other than those parts of the area of The District Council of Mount Barker within the Industry (Kanmantoo) Zone, the Rural Watershed Protection Zone, the Rural (Mount Barker) Zone, the Rural (Kanmantoo) Zone or the Rural (Kondoparinga) Zone in the Development Plan that relates to that area.

(3) For the purposes of subregulation (1), the measurement of the circumference of the trunks of a tree with multiple trunks is to be undertaken on the basis of the actual circumference of each trunk and without taking into account any space between the trunks.

(4) Subregulation (1) does not apply to—

(a) a tree that may not be cleared without the consent of the Native Vegetation Council under the *Native Vegetation Act 1991*; or

(b) a tree belonging to a class of plants to which a declaration by the Minister under Chapter 8 Part 1 of the *Natural Resources Management Act 2004* applies; or

(c) a tree planted as part of a woodlot, orchard or other form of plantation created for the purpose of growing and then harvesting trees or any produce; or

(d) a tree if the tree is located at a site where it is proposed to undertake development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program or the Local Government Infrastructure Program, other than where the site is a site where a State heritage place is situated.

(5) Subregulation (4)(d) expires on 31 December 2012.

6B—Aboveground and inflatable pools

(1) Any work or activity involving the construction of an aboveground or inflatable swimming pool which is capable of being filled to a depth exceeding 300 millimetres is prescribed under paragraph (c) of the definition of ***building work*** in section 4(1) of the Act.

(2) However—

(a) subregulation (1) does not apply if—

(i) the swimming pool is being placed where, or approximately where, the pool, or another pool capable of being filled to a depth exceeding 300 millimetres, has been previously located within the last 2 years; and

(ii) the placing of the pool, or another pool, at that location (or approximately that location)—

(A) has been previously granted development approval under the Act, other than where any safety features required on account of that approval have been removed; or

(B) occurred before 1 January 2004, other than where the pool that was previously so located did not incorporate a filtration system; and

(b) subregulation (1) applies subject to any exclusions from the ambit of the definition of ***development*** under Schedule 3 or Schedule 3A.

(3) In this regulation—

swimming pool includes—

(a) a paddling pool; and

(b) a spa pool (but not a spa bath).

7—Exclusions from definition of development

(1) Subject to this regulation, an act or activity specified in Schedule 3 is excluded from the ambit of the definition of ***development***.

(2) An exclusion is subject to any condition or limitation prescribed by Schedule 3 for the relevant act or activity.

(3) An exclusion under Schedule 3 does not apply in respect to a State heritage place.

(4) An exclusion under Schedule 3 does not apply in respect of any work involving any repair to, or alteration or restoration of, a building that would cause the building not to comply with the Building Rules.

(5) Nothing in this regulation or Schedule 3 affects the operation of Schedule 3A.

8—Exclusions from definition of development—Colonel Light Gardens State Heritage Area

(1) Subject to this regulation, an act or activity specified in Schedule 3A in respect of the Colonel Light Gardens State Heritage Area is excluded from the ambit of the definition of ***development***.

(2) An exclusion is subject to any condition or limitation prescribed by Schedule 3A for the relevant act or activity.

(3) An exclusion under Schedule 3A does not apply in respect of any work involving any repair to, or alteration or restoration of, a building that would cause the building not to comply with the Building Rules.

(4) For the purposes of this regulation and Schedule 3A, the *Colonel Light Gardens State Heritage Area* is the State Heritage Area known as Mitcham (City) State Heritage Area (Colonel Light Gardens), established by the Development Plan that relates to the area of the City of Mitcham.

8A—Complying development

(1) Pursuant to section 35 of the Act (but subject to subregulation (4)), any form of development specified in Part 1 of Schedule 4 is a *complying* development in respect of a Development Plan.

(2) A provision in a Development Plan cannot affect the classification of a form of development as *complying* development under these regulations.

(3) Pursuant to section 36 of the Act (but subject to subregulation (4)), any form of building work specified in Part 2 of Schedule 4 is declared to comply with the Building Rules.

(4) No development which affects a State heritage place can constitute a *complying* development in respect of a Development Plan or building work that complies with the Building Rules.

Part 3—Development plans

9—Statement of Intent

(1) Pursuant to section 25 of the Act, a Statement of Intent in respect of a proposed amendment to a Development Plan must include the following matters:

(a) Scope—an explanation of the reasons for the preparation of the amendment, and a description of the changes in circumstances leading to the need for amendment and the range of issues to be addressed in the DPA;

(b) Planning Strategy Policies—an identification of relevant Planning Strategy policies identified by the Minister and a statement confirming that the DPA will be consistent with those policies;

(c) Minister's Policies—an identification of any policies relevant to the amendment that apply under or by virtue of section 25(5), 26 or 29 of the Act, and a statement confirming that those policies will only be changed in a way that ensures consistency with the Planning Strategy;

(d) Council Policies—an indication of how the policy issues proposed to be addressed by the amendment relate to the latest report of the council under section 30 of the Act, relevant infrastructure planning (as identified under section 25(3)(d) of the Act), relevant council wide policies, local planning issues, any other DPA that may be current, and relevant policies in the Development Plans for adjoining areas;

(e) Policy Library—an identification of any objectives or principles under section 24(1)(da)(ii) of the Act that are relevant in the circumstances, a statement confirming that the latest version of any such objectives or principles will be used, and a statement that additional policies will be clearly identified and justified;

(f) Investigations—an outline of the investigations that will be undertaken and the form that those investigations will take in order to address the strategic and social, economic and environmental issues of the proposed amendment;

(g) Agency Consultation—a list of the Ministers, government Departments or agencies, and councils, that will be consulted during the investigation and consultation stages;

(h) Public Consultation—a description of the public consultation (including the consultation required under the Act or by these regulations) that is proposed to be undertaken during the investigation and consultation stages;

(i) Process—an indication of the process that is proposed under section 25(6) of the Act and an explanation as to why the proposed process is considered to be the most appropriate;

(j) Planning Procedures—the identification of the personnel who will provide professional advice to the council on the DPA for the purposes of section 25(4) and (13)(a) of the Act, and a statement confirming that no-one directly involved in the preparation of the DPA has a conflict of interest;

(k) Document Production—

(i) an indication of the means by which the existing and proposed policies will be shown in accordance with section 25(3)(c)(iii) of the Act; and

(ii) an outline of the nature and extent of the responsibility of officers and consultants in relation to the preparation of the draft text and maps so that such items can easily be consolidated into the Development Plan if the amendment is approved;

(l) Timetable—an outline of the proposed timetable for each step of the process (ensuring that the program is completed within reasonable time limits and including specific periods for the purposes of paragraphs (a), (b) and (c) of section 25(19) of the Act), and a commitment on the part of the council that the council will take steps to update this timetable if it appears at any stage that the council will require an extension.

(2) If or when agreement is reached with the Minister on a Statement of Intent that includes a proposal for an amendment to a part of the Development Plan that forms a part of a set of standard policy modules for the purposes of the Act, it will be taken that the Minister has provided a relevant authorisation under section 25(5) of the Act.

9A—Infrastructure planning

(1) Pursuant to section 25(3)(d) of the Act, the council must, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek the advice of a Minister, and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.

(2) The advice must be sought in a manner and form agreed under the Statement of Intent.

10—Consultation with Minister for the River Murray

(1) The following is prescribed under section 24(5) of the Act with respect to consultation with the Minister for the River Murray:

(a) the Minister is to consult with the Minister for the River Murray before the Minister gives any relevant approval under section 25(15) or 26(8) of the Act;

(b) the Minister should, for the purposes of the consultation under paragraph (a), furnish to the Minister for the River Murray—

(i) in the case of an amendment being considered under section 25 of the Act—a copy of the report provided by the council under subsection (13)(a) of that section;

(ii) in the case of an amendment being considered under section 26 of the Act—a summary of any submission made for the purposes of that section;

(c) subject to any extension or steps taken in the manner envisaged by section 24(6) of the Act, the period of 10 business days is prescribed under section 24(5) of the Act for the purposes of the consultation with the Minister for the River Murray under paragraph (a) of this regulation.

(2) Consultation need not occur under subregulation (1) if the Minister for the River Murray has indicated that he or she does not need to be consulted before a relevant approval is given under section 25(15) or 26(8) of the Act (as the case may be).

10A—Consultation with government Departments or agencies

(1) Unless otherwise determined by the Minister, a council subject to a requirement under section 25(7)(a) of the Act must ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under section 25(7)(b) of the Act.

(2) For the purposes of sections 25(7)(a) and 26(5)(a) of the Act, the period of 6 weeks is prescribed.

11—Prescribed certificate of CEO—section 25

For the purposes of section 25(10) of the Act, a certificate of the chief executive officer of a council must—

(a) be in the form of Schedule 4A; and

(b) form part of the DPA.

11A—Public consultation—sections 25 and 26

(1) For the purposes of sections 25 and 26 of the Act, public notice of a DPA must be given by publication in the designated manner of a notice—

(a) advising the times and places at which the DPA is available for inspection (without charge) and purchase by the public; and

(b) inviting any interested person to make written submissions on the amendment—

(i) if the amendment has been prepared by a council—to the council;

(ii) if the amendment has been prepared by the Minister—to the Advisory Committee, or to a committee specifically appointed by the Minister for the purposes of the amendment,

within the relevant period specified in the notice; and

(c) stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under paragraph (b), until the conclusion of any public hearing held for the purposes of section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and

(d) providing information about when and where any public meeting is proposed to be held for the purposes of section 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).

(2) The notices required under subregulation (1) will be published—

(a) if the amendment has been prepared by a council—by the council;

(b) if the amendment has been prepared by the Minister—by the Advisory Committee, or by the committee referred to in subregulation (1)(b)(ii).

(3) If 1 or more written submissions are made in response to a notice published under subregulation (1), a copy of each submission must be made available for inspection in accordance with the statement included under subregulation (1)(c).

(4) For the purposes of sections 25(9)(c) and 26(5b)(c) of the Act, the written notice must include the same information required for a notice under subregulation (1).

(5) A council must ensure that a copy of any DPA released for public consultation under section 25 of the Act is provided to the Minister within 2 business days after that release.

(6) For the purposes of subregulation (1), the designated manner for giving public notice of a DPA is—

(a) by publication of the notice in the Gazette; and

(b) in the case of a DPA under section 25 of the Act—

(i) unless subparagraph (ii) applies—by publication of the notice in a newspaper circulating generally throughout the State; or

(ii) if the Statement of Intent provides a form of publication as an alternative to publication in the manner contemplated by subparagraph (i)—by publication in a manner specified in the Statement of Intent; and

(c) in the case of a DPA under section 26 of the Act—by publication of the notice in a newspaper circulating generally throughout the State.

12—Public meeting

(1) This regulation applies to a public meeting held under section 25(11)(b) or 26(5c)(b) of the Act.

(2) The public meeting must be convened by—

(a) if the amendment has been prepared by a council—the council (or a committee appointed by the council);

(b) if the amendment has been prepared by the Minister—by the Advisory Committee (or a subcommittee appointed by the Advisory Committee), or by the committee referred to in regulation 11A(1)(b)(ii).

(3) Any interested person may appear at the public meeting and make representations on the proposed amendment or any submission on the amendment.

(4) A public meeting may, in an appropriate case, be adjourned from time to time and, if necessary or appropriate, from place to place.

13—Council report

(1) A report by a council to the Minister under section 25(13)(a) of the Act must be accompanied by—

(a) a copy of each report or written submission on the amendment from a government Department or agency, or from the public, received by the council under the Act or these regulations;

(b) if an alteration to the amendment is proposed by the council—a copy of the amendment as altered.

(2) For the purposes of section 25(14)(b) of the Act, a certificate of the chief executive officer of a council must be in the form of Schedule 4B.

(3) A certificate of the chief executive officer under subregulation (2) must form part of the report by the council under section 25(13)(a) of the Act.

14—Prescribed plans etc

The following documents are prescribed for the purposes of section 29(1)(b) of the Act:

(a) a coastal management plan (or part of a coastal management plan) approved by the Governor under the *Coast Protection Act 1972*;

(b) an environment protection policy (or part of an environment protection policy) under the *Environment Protection Act 1993*;

(c) a management plan (or part of a management plan) for a park or reserve adopted under the *National Parks and Wildlife Act 1972*;

(d) the list or amendment to the list of places entered, either on a provisional or permanent basis, in the State Heritage Register under the *Heritage Places Act 1993*;

(e) any regulation relating to the development of land under the *Electricity Act 1996*;

(f) a management plan (or part of a management plan) under the *Fisheries Management Act 2007*;

(g) an aquaculture policy under the *Aquaculture Act 2001*;

(h) the State Water Plan or a plan (or a part of any such plan) prepared under Part 7 of the *Water Resources Act 1997*;

(i) an NRM plan (or a part of any such plan) prepared under Chapter 4 of the *Natural Resources Management Act 2004*.

Part 4—Applications for development approval

15—Application to relevant authority

(1) Subject to these regulations, an application in relation to a proposed development for the purposes of sections 32 and 33 of the Act—

(a) must be lodged with the council for the area in which the proposed development is to be undertaken; and

(b) must be in a form which complies with the requirements of section 39(1) of the Act and includes the particulars required to be supplied by that form; and

(c) must be accompanied by 3 copies of the plans, drawings, specifications and other documents and information relating to the proposed development (or such additional or lesser number of copies as the relevant authority may require) required under Schedule 5 (prepared in accordance with the requirements of that Schedule).

(2) The fees payable in relation to the application are prescribed by Schedule 6.

(3) Subregulations (1) and (2) are subject to the following qualifications:

(a) if an application seeks a consent for some, but not all, of the relevant matters referred to in section 33 of the Act, the application must be adjusted accordingly and the plans, drawings, specifications and other documents and information, and the fees, must accord with Schedule 5 and Schedule 6 to such extent as may be appropriate to the matters for which consent is sought;

(b) if—

(i) the application relates to a proposed development that involves the division of land; or

(ii) the proposed development is to be undertaken by a council and the Development Assessment Commission is the relevant authority pursuant to clause 2 of Schedule 10; or

(iii) the proposed development is to be undertaken in a part of the State that is not (wholly or in part) within the area of a council; or

(iv) the proposed development has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program,

the application must be lodged with the Development Assessment Commission instead of with a council;

(c) if the application relates to a proposed development that involves the division of land—the application must be accompanied by 9 copies of the appropriate plans, drawings, specifications and other documents and information (or such additional or lesser number of copies as the Development Assessment Commission may require) required under Schedule 5 (prepared in accordance with the requirements of that Schedule).

(4) If an application is lodged with a council but a regional development assessment panel is the relevant authority, the council must—

(a) retain 1 copy of the application, and 1 copy of any plans, drawings, specifications and other documents and information accompanying the application; and

(b) forward the application, together with the remaining copies of the plans, drawings, specifications and other documents and information, to the appropriate person acting on behalf of the regional development assessment panel.

(5) If an application is lodged with a council but the Development Assessment Commission is the relevant authority, the council must—

(a) retain 1 copy of the application, and 1 copy of any plans, drawings, specifications and other documents and information accompanying the application; and

(b) forward the application, together with the remaining copies of the plans, drawings, specifications and other documents and information, and a written acknowledgment that the appropriate fees have been paid, to the Development Assessment Commission within 5 business days after their receipt by the council.

(6) If an application relates to a proposed development that involves the division of land, the Development Assessment Commission must forward to the council in whose area the development is situated—

(a) a copy of the application; and

(b) 3 copies of the plans, drawings, specifications and other documents and information accompanying the application; and

(c) a written acknowledgment that the appropriate fees have been paid,

within 5 business days after their receipt by the Development Assessment Commission under subregulation (3).

(7) However—

(a) the Development Assessment Commission may request an applicant to provide such additional documents or information before forwarding the documents under subregulation (6) and, in such a case, any period between the date of the request and the date of compliance is not to be included in the 5 business days under subregulation (6); and

(b) the Development Assessment Commission will be taken to have complied with subregulation (6) by providing the council with electronic access to the relevant documents and information via the Internet within the time specified under that subregulation, unless the council indicates, in such manner as may be determined by the Development Assessment Commission, that it wishes to receive written documentation instead.

(8) Pursuant to section 54(2)(c) of the Act, the period of 4 weeks from the commencement of the relevant work, or such longer period as a relevant authority may allow, is prescribed.

(9) Pursuant to section 54A(2)(c) of the Act, the period of 4 weeks from the performance of the relevant tree-damaging activity, or such longer period as a relevant authority may allow, is prescribed.

(10) Despite a previous subregulation, if an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is *complying* development in respect of the Development Plan—

(a) the application must be lodged with the council for the area in which the proposed development is to be undertaken (instead of with the Development Assessment Commission); and

(b) the application must be accompanied by 3 copies of the appropriate plans, drawings, specifications and other documents or information (or such additional or lesser number of copies as the council may require) required under Schedule 5; and

(c) the council must forward to the Development Assessment Commission within 5 business days after receipt by the council—

(i) a copy of the application; and

(ii) a copy of the plans, drawings, specifications and other documents or information accompanying the application.

(11) The relevant authority may, in an appropriate case, dispense with or modify the requirements of Schedule 5 in relation to a particular application.

16—Nature of development

(1) If an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

(2) If the relevant authority is of the opinion that an application relates to a kind of development that is described as *non-complying* under the relevant Development Plan, and the applicant has not identified the development as such, the relevant authority must, by notice in writing, inform the applicant of that fact.

17—Non-complying development

(1) If a person applies for consent in respect of a Development Plan for a *non-complying* development, the applicant must provide a brief statement in support of the application.

(2) If the statement required under subregulation (1) is not provided at the time that the application is made, any period between the date of a request by the relevant authority for the provision of the statement and the date on which the statement is provided is not to be included in the time within which the relevant authority is required to decide the application under these regulations.

(3) A relevant authority may, after receipt of an application which relates to a kind of development that is described as a *non-complying* development under the relevant Development Plan—

(a) refuse the application pursuant to section 39(4)(d) of the Act, and notify the applicant accordingly; or

(b) resolve to proceed with an assessment of the application.

(4) If a relevant authority resolves to proceed with an assessment of the application, the relevant authority must, before giving any notice required under section 38(4) or (5) of the Act, obtain from the applicant a statement of effect under section 39(2)(d) of the Act.

(5) The statement of effect must include—

(a) a description of the nature of the development and the nature of its locality; and

(b) a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and

(c) an assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and

(d) an assessment of the expected social, economic and environmental effects of the development on its locality; and

(e) any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case),

and may include such other information or material as the applicant thinks fit.

(6) A statement of effect is not required if the proposed development consists (wholly or substantially) of—

(a) the alteration of a building; or

(b) the construction of a new building which is to be used in a manner which is ancillary to, or in association with, the use of an existing building and which would facilitate the better enjoyment of the existing use of the existing building; or

(c) the division of land where the number of allotments to result from the division is equal to or less than the number of existing allotments,

and the relevant authority considers that the proposed development is of a minor nature.

18—Notification of application for tree-damaging activity to owner of land

If an owner of land to which an application for a tree-damaging activity in relation to a significant tree relates is not a party to the application, the relevant authority must—

(a) give the owner notice of the application within 5 business days after the application is made; and

(b) give due consideration in its assessment of the application to any submissions made by the owner within a reasonable time after the giving of notice under paragraph (a).

18A—Application and provision of information

(1) For the purposes of section 39(2a)(b) of the Act, *residential code* development is prescribed.

(2) For the purposes of section 39(2b)(a) of the Act, the following classes of development are prescribed:

(a) any development that is *complying* development (other than *residential code* development);

(b) any development that is *merit* development.

(3) For the purposes of section 39(2b)(d) of the Act, the period of 15 business days from the date of the receipt of the application by the relevant authority is prescribed.

19—Period for additional information and other matters

(1) Pursuant to section 39(3)(b) of the Act, if a request is made by a relevant authority under section 39(2) of the Act, the request must be complied with by the applicant as follows:

(a) in the case of a request in respect of development that falls within a class of development prescribed by these regulations for the purposes of section 39(2b)(a) of the Act—within the period of 30 days from the date of the request;

(b) in any other case—within the period of 3 months from the date of the request.

(2) For the purposes of section 39(5a) of the Act—

(a) if an applicant requests time to address any issue related to an application (including so as to prepare and submit any variation), any period of time in excess of 10 business days required by the applicant is to be included in the time within which the relevant authority is required to decide the application; and

(b) if an applicant requires time to respond to any matter raised by a person or body in connection with an application under the Act, any period of time in excess of 30 days required by the applicant is to be included in the time within which the relevant authority is required to decide the application.

20—Amended applications

(1) If a relevant authority permits an applicant to vary an application under section 39(4) of the Act, the date of receipt of the application as so varied (together with any amended plans, drawings, specifications or other documents or information, and appropriate fee) will, for the purposes of the time limits prescribed in Part 8, be taken to be the date of receipt of the application.

(2) However, subregulation (1) does not apply if the relevant authority is of the opinion that the variations to the application are not substantial.

(3) If a variation relates (wholly or in part) to a proposed division of land (other than in the Golden Grove Development Area), a copy of any plans, as amended, must be lodged with the Development Assessment Commission.

(4) If an application is varied following referral under Part 5 or giving of notice under Part 6, the relevant authority may, if it is of the opinion that the variations are not substantial, consider the application without the need to repeat an action otherwise required under Part 5 or Part 6.

(5) If a variation would change the essential nature of a proposed development (as referred to in section 39(4)(a) of the Act), the relevant authority and the applicant may, by agreement, proceed with the variation on the basis that the application (as so varied) will be treated as a new application under these regulations.

21—Certification of building indemnity insurance

(1) In this regulation—

certificate of insurance, in relation to domestic building work, means the certificate required under Division 3 of Part 5 of the *Building Work Contractors Act 1995* evidencing the taking out of a policy of insurance in accordance with that Division in relation to that work;

domestic building work means building work—

(a) that constitutes domestic building work performed by a building work contractor under a domestic building work contract or on the building work contractor's own behalf under the *Building Work Contractors Act 1995*; and

(b) in relation to which a policy of insurance is required to be taken out in accordance with Division 3 of Part 5 of that Act.

(2) The owner of land on which domestic building work is to be performed must ensure that a copy of a certificate of insurance in relation to that work is lodged with the relevant authority—

(a) —

(i) if a domestic building work contract for that building work has been entered into before the lodgment of an application for building rules consent under section 33(1)(b) of the Act; or

(ii) if the domestic building work is to be performed by a builder on the builder's own behalf,

at the same time as the application for building rules consent is lodged under these regulations; or

(b) in any other case—on or before the giving of notice of commencement of the building work under regulation 74.

(3) A person must not commence domestic building work unless or until a copy of a certificate of insurance in relation to that work has been lodged in accordance with subregulation (2).

22—Withdrawing/lapsing application

(1) If an application is withdrawn by the applicant under section 39(9) of the Act, the relevant authority must notify—

(a) any agency to which the application has been referred under Part 5; and

(b) any person who has made a representation in relation to the application under Part 6,

of the withdrawal.

(2) A relevant authority may lapse an application for a development authorisation under Part 4 of the Act if at least 2 years have passed since the date on which the application was lodged with the relevant authority under the Act.

(3) A relevant authority must, before it takes action to lapse an application under subregulation (2)—

(a) take reasonable steps to notify the applicant of the action under consideration; and

(b) allow the applicant a reasonable opportunity to make submissions to the relevant authority (in a manner and form determined by the relevant authority) about the proposed course of action.

(4) An applicant is not entitled to a refund of any fees if an application is lapsed under this regulation.

(5) If—

(a) an application relates to a Category 2 or 3 development; and

(b) at least 2 years have passed since the date on which notice of the application was given under section 38(4)(a) or (5)(c) of the Act (as the case may be),

the relevant authority must not give its consent unless a new notice of the application has been given under section 38(4) or (5) of the Act.

23—Contravening development

(1) An application for consent or approval may be made under these regulations notwithstanding that the development has been commenced or undertaken, or is continuing, in contravention of the Act.

(2) Subject to section 85(14) of the Act, a relevant authority which has received an application under these regulations may, by notice in writing to the applicant, decline to deal with the application until any proceedings under the Act have been concluded.

Part 5—Referrals and concurrence

24—Referrals

(1) Pursuant to section 37 of the Act, if an application for consent or approval relates to a development that falls within a class of development prescribed under Schedule 8, the relevant authority—

(a) must refer the application, together with a copy of any relevant information provided by the applicant, to the relevant body prescribed under Schedule 8; and

(b) must not make its decision until it has received a response from that body in relation to the matter or matters for which the referral was made (but if a response is not received from the body within the period prescribed by Schedule 8, it will be presumed, unless the body notifies the relevant authority within that period that the body requires an extension of time because of section 37(3) of the Act, that the body does not desire to make a response, or concurs (as the case requires)).

(2) Subregulation (1) is subject to the qualifications that a referral under that subregulation will only relate to whether a development plan consent should be granted and that where an application for development plan consent is referred to a prescribed body in accordance with the requirements of Schedule 8, the relevant authority is not required, subject to subregulation (3), to refer to that body a further application for any other consent required for the approval of the same proposed development (and no further response is required from that body).

(3) Subregulation (2) does not extend to an application which is relevant to a matter that has been reserved for further consideration by the prescribed body.

(4) A prescribed body must, within 5 business days after making a request under section 37(2) of the Act, notify the relevant authority of the request (and, in so doing, provide reasonable information about what has been requested).

(5) Schedule 8 does not apply to any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program or the Local Government Infrastructure Program.

25—Procedure where concurrence required

If a relevant authority must seek the concurrence of another body under the Act or these regulations prior to issuing a consent or approval under the Act, the relevant authority—

(a) must first comply with the requirements of this Part and Schedule 8 to the extent that the application must be referred to another body or bodies for report or directions (but not concurrence), and with the requirements of Part 6 (insofar as they are relevant to the particular application); and

(b) must then forward to the body from which the concurrence is required—

(i) a copy of the application, together with any plans, drawings, specifications or other documents or information submitted by the applicant; and

(ii) a copy of any report received from another body under the Act or these regulations which may be relevant to the body's decision; and

(iii) a copy of any written submissions or representations received by the relevant authority under section 38 of the Act; and

(iv) if a statement of effect has been prepared—a copy of that statement; and

(v) a copy of any report which has been obtained from a person under Part 15 of these regulations; and

(vi) a copy of the conditions (if any) that the relevant authority proposes to attach to its approval (if given).

26—Form of response

(1) 2 or more prescribed bodies may provide a joint response for the purposes of section 37 of the Act.

(2) Subject to subregulation (3), a response for the purposes of section 37 of the Act must be made in writing (but may, at the discretion of the prescribed body, be provided to the relevant authority by fax).

(3) A prescribed body which has no comment on an application referred to it under section 37 of the Act may make its response orally (and that response must then be noted on the relevant file).

27—Additional information or amended plans

(1) If a relevant authority has referred an application to a prescribed body under this Part and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, it may repeat the referral process, and must do so if it appears that the additional information or amendment is significant.

(2) Any action taken by a prescribed body as a result of additional information, or a plan, drawing or specification, received under subregulation (1) will, to the extent of any inconsistency with any previous action taken by the prescribed body, override that previous action.

28—Special provisions—referrals

(1) In this regulation—

related operational Act means a related operational Act under the *River Murray Act 2003*.

(2) If an application for the consent or approval of a proposed development must be referred under Schedule 8 to the Minister for the time being administering the *River Murray Act 2003*, that Minister—

(a) must, in considering the application, take into account any matter raised by another Minister or other authority responsible for, or involved in, the administration of a related operational Act that is provided to that Minister in response to the referral of the application by that Minister to the other Minister or authority for comment and that is provided to that Minister within a period specified by that Minister; and

(b) may, in providing a response to the relevant authority under section 37 of the Act, make that response on the basis of a matter referred to in paragraph (a).

(3) If a relevant authority, in assessing an application for building rules consent, considers that—

(a) a proposed alternative solution within the meaning of the *Building Code* requires assessment against a performance requirement of the *Building Code* which provides for fire fighting operations of a fire authority; or

(b) the proposed development is at variance with a performance requirement of the *Building Code* which provides for fire fighting operations of a fire authority; or

(c) special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the *Building Code*,

then the relevant authority must refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.

(4) If a report is not received from the fire authority on a referral under subregulation (3) within 20 business days, the relevant authority may presume that the fire authority does not desire to make a report.

(5) The relevant authority must have regard to any report received from a fire authority under this regulation.

(6) A relevant authority must provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under subregulation (3) that relates to an application that is referred to the Building Rules Assessment Commission under the Act.

29—Land division applications

(1) If a council or a regional development assessment panel is the relevant authority for an application which relates to a proposed development that involves the division of land, other than where the division of land is *complying* development in respect of the Development Plan in the Golden Grove Development Area, the council or regional development assessment panel (as the case may be) must not, subject to subregulation (2), make a decision on the application until it has received a report from the Development Assessment Commission in relation to the matters under section 33(1) (as relevant).

(2) If a report is not received from the Development Assessment Commission within 8 weeks from the day on which the application is lodged with the Development Assessment Commission under regulation 15, or within such longer period as the Development Assessment Commission may require by notice in writing to the relevant authority, it may presume that the Development Assessment Commission does not desire to make a report.

(3) The Development Assessment Commission may, in relation to an application which relates to a proposed development that involves the division of land, consult with any other agency and may impose a time limit of 4 weeks for a response from that agency.

30—Underground mains areas

(1) If a council considers that an area should be declared an underground mains area, the council may seek a report from the relevant electricity authority in relation to the matter.

(2) Subject to subregulation (3), the council may, after having received and considered a report from the electricity authority, declare the area as an underground mains area.

(3) If any land within, or partly within, the proposed area is, at the time that a report is sought under subregulation (1), the subject of an application for division under the Act, and the council at the time that the report is sought gives notice of the application to the electricity authority, the council may presume that the electricity authority does not desire to make a report if a report is not received within 8 weeks from the day on which the council makes its request for the report.

(4) If an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), a relevant authority may require, as a condition on its decision on the application, that any electricity mains be placed underground.

(5) In this regulation—

relevant electricity authority, in relation to an area, means a person who is authorised to operate an electricity mains in the area pursuant to a licence under the *Electricity Act 1996* or an exemption from the requirement to hold such a licence.

31—Appeals

(1) Pursuant to section 37(5) of the Act, no appeal lies against a condition imposed by a relevant authority pursuant to a direction by the Commissioner of Highways under items 2 or 3 of the table in clause 2 of Schedule 8.

(2) Pursuant to section 37(5) of the Act, no appeal lies against—

(a) a refusal of an application if the relevant authority is acting at the direction of the Technical Regulator under item 9B of the table in clause 2 of Schedule 8; or

(b) a condition imposed by a relevant authority pursuant to a direction by the Technical Regulator under item 9B of the table in clause 2 of Schedule 8.

31A—Preliminary advice and agreement—section 37AA

(1) In this regulation—

prescribed body means a prescribed body under section 37 of the Act.

(2) An application to a prescribed body for the purposes of section 37AA of the Act—

(a) must be made in a form determined by the Minister for the purposes of this regulation (being a form published by the Minister in the Gazette); and

(b) must be accompanied by such plans, drawings, specifications or other documents as may be determined by the Minister in publishing a form under paragraph (a).

(3) For the purposes of section 37AA(2)(c) of the Act, an agreement of a prescribed body—

(a) must be in writing endorsed and stamped by the prescribed body; and

(b) must be accompanied by such plans, drawings, specifications or other documents submitted under subregulation (2)(b) that are relevant to the agreement, being documents endorsed and stamped by the prescribed body.

(4) For the purposes of section 37AA(3)(a) of the Act, the prescribed fee is equal to the fee that would be payable under Schedule 6 for a referral to a prescribed body had the application been for development plan consent rather than under section 37AA of the Act.

(5) If an applicant for development plan consent proposes to rely on an agreement under section 37AA of the Act, the applicant must ensure that the application lodged under regulation 15 is accompanied by copies of the agreement and other documents endorsed and stamped under subregulation (3) (with the number of copies being equal to the number that applies under regulation 15 for the other documents that are required to accompany the application under that regulation).

(6) If—

(a) a relevant authority permits an applicant to vary an application under section 39(4) of the Act; and

(b) the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body,

then the application must (unless withdrawn) be referred to the prescribed body—

(c) to obtain a variation to the agreement under section 37AA of the Act; or

(d) to obtain a response from the prescribed body for the purposes of section 37 of the Act (and the requirements of that section, and these regulations in relation to such a referral, other than for the payment of a fee under Schedule 6, will then apply).

(7) If—

(a) an application is withdrawn by the applicant; and

(b) the applicant sought to rely on an agreement under section 37AA of the Act in connection with the application,

the relevant authority must notify the relevant prescribed body of the withdrawal.

(8) If—

(a) an application is lapsed by a relevant authority under regulation 22; and

(b) the applicant sought to rely on an agreement under section 37AA of the Act in connection with the application,

the relevant authority must notify the relevant prescribed body of the lapsing.

(9) If—

(a) an applicant seeks to rely on an agreement under section 37AA of the Act in connection with the application; and

(b) a notice of a decision on the application is issued by the relevant authority under regulation 42,

the relevant authority must send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under regulation 42.

Part 6—Public notice and consultation

32—Public notice categories[1]

(1) Subject to subregulation (2), the various forms of development specified in Part 1 of Schedule 9 are assigned to Category 1 for the purposes of section 38 of the Act.

(2) The assignment of various forms of development to Category 1 does not extend to developments that involve, or are for the purposes of, any activity specified in Schedule 22, other than where the development is, in the opinion of the relevant authority, of a minor nature.

(3) The following forms of development are assigned to Category 2 for the purposes of section 38 of the Act:

(a) the various forms of development specified in Part 2 of Schedule 9;

(b) developments that involve, or are for the purposes of, any activity specified in Schedule 22 and that would, but for subregulation (2), be assigned to Category 1.

(4) Each clause of Schedule 9 is to be read separately so as to constitute a distinct assignment to a relevant category that should not be taken as being subject to satisfying any other clause of the relevant part of the Schedule.

(5) For the purposes of the Act and these regulations, a development that comprises 2 or more elements (as set out in the relevant application or as determined by the relevant authority)—

(a) if all of those elements are within Part 1 of Schedule 9, will be assigned to Category 1 for the purposes of section 38 of the Act;

(b) if all of those elements are within Part 1 or Part 2 of Schedule 9 (with at least 1 element within Part 2), will be assigned to Category 2 for the purposes of section 38 of the Act.

(6) In the case of *residential code* development, the assignment of a form of that development to a category by Schedule 9 prevails to the extent of any inconsistency with a Development Plan but in any other case an assignment by a Development Plan will prevail.

Note—

1 Pursuant to section 38 of the Act, the assignment by these regulations of a form of development to Category 1 or Category 2 is subject to any assignment provided by the relevant Development Plan.

33—Giving of notice

(1) A notice required under section 38(4) or (5) of the Act must—

(a) describe the nature of the proposed development; and

(b) identify the land on which the development is proposed; and

(c) if applicable, state that the proposed development is a *non-complying* development under the relevant Development Plan; and

(d) indicate where and when the relevant application may be inspected, and with whom, and the time by which, any relevant representations may be lodged.

(2) A notice under section 38(5)(c) of the Act may be given by publishing a copy of the notice in a newspaper circulating generally throughout the area of the State in which the relevant land is situated on at least 1 occasion.

34—Public inspection of certain applications

(1) For the purposes of section 38 of the Act, the relevant authority must, in respect of any application for consent in respect of the Development Plan for a Category 2 or 3 development, ensure that copies of—

(a) the application; and

(b) any supporting plans, drawings, specifications or other documents or information provided to the relevant authority under section 39 of the Act; and

(c) if applicable, any statement of effect that has been prepared in accordance with these regulations,

are reasonably available for inspection (without charge) by the public at the principal office of the relevant authority for the period commencing on the day on which notice of the application is first given under these regulations and ending on a day by which written representations must be lodged under regulation 35.

(2) The relevant authority must, pursuant to a request made within the period that applies under subregulation (1), on payment of a fee fixed by the relevant authority, provide to a member of the public a copy of any document or information available for inspection under subregulation (1).

(3) A person who makes a request under subregulation (2) must, at the time of making the request, provide to the relevant authority the following information, namely his or her name, address and contact details, and must, at the request of the relevant authority, verify this information in such manner as the relevant authority thinks fit.

(4) Subregulations (1) and (2) are subject to the following qualifications:

(a) the relevant authority is not required to make available any plans, drawings, specifications or other documents or information which relate to the assessment of the proposed development against the Building Rules and which are not reasonably necessary for determining whether development plan consent should be granted;

(b) the relevant authority is not required to make available any plans, drawings, specifications or other documents or information if to do so would, in the opinion of the relevant authority, unreasonably jeopardise the present or future security of a building.

35—Lodging written representations

Pursuant to section 38(7) of the Act—

(a) a representation under section 38 of the Act must be lodged with the relevant authority within 10 business days after the day on which notice of the application is given for the purposes of section 38(4) or (5) of the Act (or, if public notice is given under section 38(5)(c) of the Act, within 10 business days after the day on which a copy of the notice is published in a newspaper under these regulations) (and any representation lodged after any such period cannot be taken to constitute a representation for the purposes of section 38(12) of the Act); and

(b) a representation must include the name and address of the person (or persons) who are making the representation; and

(c) if a representation is being made by 2 or more persons, the representation should nominate a person who will be taken to be making the representation for the purposes of any subsequent step or proceedings under section 38 of the Act (and if no such nomination is made, it will be taken that the first person named in, or otherwise identified by, the representation as being a party to the representation is nominated as the person who will be taken to be making the representation for the purposes of any such subsequent step or proceedings); and

(d) a representation must set out, with reasonable particularity, the reasons for the representation; and

(e) a representation must indicate whether or not the person or persons who are making the representation desire, subject to section 38 of the Act, to be heard by the relevant authority.

36—Response by applicant

(1) Pursuant to section 38(8) of the Act, a response to a representation must be made by the applicant within 10 business days after the relevant material is forwarded to the applicant, or within such longer period as the relevant authority may allow.

(2) An extension of time allowed by the relevant authority under subregulation (1) is not to be included in the time within which the relevant authority is required to decide the relevant application under these regulations.

37—Notice of hearing of submissions

If pursuant to section 38(10) or (11) of the Act a person is to be allowed to appear personally or by representative before a relevant authority to be heard on a representation, or to respond to any matter, the relevant authority must, unless the person otherwise agrees, give the person at least 5 business days notice of the place and time at which the person should appear.

Part 7—Assessment of developments by Commission

38—Determination of Commission as relevant authority

(1) Pursuant to section 34(1)(b)(i) and (ii) of the Act, the Development Assessment Commission is the relevant authority in respect of any development of a class specified in Schedule 10[1].

(2) If the Development Assessment Commission is the relevant authority under section 34(1)(b) of the Act—

(a) in a case where the Minister has made a declaration under section 34(1)(b)(iii) or (vi) of the Act—

(i) the relevant council or regional development assessment panel (as the case may be) must forward to the Development Assessment Commission any application received by the council or regional development assessment panel under the Act and these regulations in relation to the matter, together with any accompanying documentation or information and, as appropriate, fees, within 5 business days after receipt of a copy of the notice of the Minister's declaration; and

(ii) the Development Assessment Commission may, as it thinks fit—

(A) adopt any act or decision of the council or regional development assessment panel in relation to the assessment of the application (including an act or decision under Part 4, Part 5 or Part 6 of these regulations);

(B) disregard or reject any act or decision of the council or regional development assessment panel in relation to the assessment of the application; and

(b) in any case—the Development Assessment Commission must give the council for the area in which the development is to be undertaken a reasonable opportunity to provide the Development Assessment Commission with a report on the matters under section 33(1) (as relevant) (but if a report is not received by the Development Assessment Commission within 6 weeks after the council received the application (or a copy of the application) under these regulations or, in a case where section 34(1)(b)(vi) of the Act applies, within the relevant period under subregulation (3) after the relevant declaration is made by the Minister, or within such longer period as the Development Assessment Commission may allow, the Development Assessment Commission may presume that the council does not desire to provide a report).

(3) For the purposes of subregulation (2)(b), the relevant period in a case where section 34(1)(b)(vi) of the Act applies is—

(a) if the declaration of the Minister is made under that section within 6 weeks after an application has been lodged with the council or regional development assessment panel—6 weeks from the date of lodgement or 3 weeks from the date of the declaration, whichever is longer;

(b) in any other case—

(i) if the declaration of the Minister is made under section 34(1)(b)(vi)(A) or (B)—3 weeks after the declaration is made;

(ii) if the declaration of the Minister is made under section 34(1)(b)(vi)(C)—1 week after the declaration is made.

(4) If—

(a) the Development Assessment Commission is the relevant authority under section 34(1)(b)(iv) of the Act; and

(b) the proposed development is to be undertaken within 1 kilometre of a boundary with a council,

the Development Assessment Commission must give that council a reasonable opportunity to provide the Development Assessment Commission with comments on the proposed development (but if such comments are not received by the Development Assessment Commission within 6 weeks after the council is invited to provide them, or within such longer period as the Development Assessment Commission may allow, the Development Assessment Commission may assume that the council does not desire to provide any comments).

(5) Subregulation (2)(b) does not apply where the development has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.

(6) Pursuant to subsection (2) of section 34 of the Act, if the Development Assessment Commission (as constituted as a relevant authority under subsection (1) of that section) takes action under paragraph (c) or (d) of subsection (2) of that section in relation to development that has been approved by the State Coordinator-General, the council for the area in which the development is to be undertaken will not be taken to be a relevant authority for the purposes of the Act in relation to that development and will not be the relevant authority to determine whether the development should be approved.

Note—

1 This regulation is subject to the operation of sections 34(2) and 49 of the Act (if relevant).

39—Assessment in respect of Building Rules referred to the council

If a council is a relevant authority pursuant to section 34(2) of the Act, then, despite any other provision of these regulations, the council must not give its decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision in respect of the assessment of the development against the provisions of the relevant Development Plan (but then, if the council grants building rules consent, the council may also, if it is appropriate for it to do so, issue a notice of approval under Part 8 of these regulations).

40—Issue of building rules consent other than by a council

If the Development Assessment Commission or a regional development assessment panel issues a building rules consent, it must forward to the council for the area in which the development is to be undertaken (if any)—

(a) 2 copies of the plans, drawings, specifications and other documents and information lodged by the applicant pursuant to regulation 15 and Schedule 5, stamped or otherwise endorsed with the relevant consent; and

(b) if relevant, a schedule in the appropriate form under Schedule 16 which sets out the matters to be specified under Division 4 of Part 12 of these regulations.

Part 8—Determination of an application

41—Time within which decision must be made

(1) Pursuant to section 41 of the Act, and subject to these regulations, a relevant authority should deal with an application under Division 1 of Part 4 of the Act within the following periods (calculated from the date of receipt of the application by the relevant authority):

(a) if—

(i) the application only seeks development plan consent; and

(ii) the proposed development is of a kind prescribed as *complying* development under these regulations or the relevant Development Plan,

2 weeks;

(b) in any other case where the application only seeks development plan consent, other than where the application relates to a proposed development that involves the division of land—**8 weeks**;

(c) if—

(i) development plan consent has been obtained (or is not necessary); and

(ii) the application only seeks building rules consent (and no other consent); and

(iii) the building falls within the Class 1 or 10 classification under the *Building Code*,

4 weeks;

(d) in any other case—**12 weeks**,

subject to the qualifications that—

(e) if—

(i) paragraph (a), (b) or (c) applies; and

(ii) the application must be referred to a prescribed body under section 37 of the Act for a report or directions (but not concurrence),

an additional period of 6 weeks, **plus** any extension of time under section 37(3) of the Act (or, if more than 1 such extension of time is given, a period equal to the longest extension), must be added to the relevant period that applies above;

(f) if the application must be—

(i) referred to the Development Assessment Commission, the Minister or a council for concurrence under section 35(3) of the Act; or

(ii) referred to a prescribed body under section 37 of the Act for concurrence,

an additional period of 10 weeks, **plus** any extension of time required by the Development Assessment Commission, the Minister or a council for the purposes of section 35(3) of the Act, or any extension of time under section 37(3) of the Act (or, if more than 1 such extension of time is given, a period equal to the longest extension), must be added to any period that applies above;

(g) if the application must be referred to the Building Rules Assessment Commission under section 36 of the Act—**an additional period of 2 weeks** must be added to the period that applies above;

(h) if the application must otherwise be referred to another body for report under these regulations, or another body is entitled to report on the application under these regulations—an additional period equal to the time within which a report must be made by the body under these regulations in order to be taken into account for the purposes of any assessment must be added to the period that applies above.

(2) Despite subregulation (1), if a period prescribed by that subregulation would end on a day which falls between 25 December in any year and 1 January in the following year, an extra week must be added to that period.

(3) For the purposes of section 41(2)(b) of the Act, a notice to the relevant authority must—

(a) be in the form set out in Schedule 11; and

(b) be lodged at the principal office of the relevant authority.

(4) For the purposes of section 41(5)(b) of the Act, a notice must be signed and dated by the applicant and must state—

(a) that it is a notice given under section 41(5)(b) of the Act; and

(b) the development application number; and

(c) the name and address of the applicant.

42—Notification of decision to applicant (including conditions)

(1) Pursuant to section 40 of the Act, notice of a decision on an application under Division 1 of Part 4 of the Act must be given in a form determined by the Minister for the purposes of this regulation (being a form published by the Minister in the Gazette).[1]

(2) A notice under subregulation (1) must be given within 5 business days after the decision is made on the application.

(3) The notice must be accompanied by details of any condition to which the decision is subject, and of the reason for the imposition of the condition (and, if any condition is imposed on the basis of a direction of a prescribed body under section 37 of the Act, the relevant authority must identify the prescribed body).

(4) If the decision is in respect of a development plan consent or a development approval, the relevant authority must endorse the set of approved plans and other relevant documentation with a stamp or a similar form of authentication.

(5) If a private certifier has made a decision in respect of the building rules consent, the relevant authority must attach a copy of the private certifier's decision (as notified to the relevant authority under section 93 of the Act) to any relevant notice of a decision of the relevant authority.

(6) A notice under this regulation may include any classification assigned to a building under section 66 of the Act.

(7) If the decision is or includes a consent with respect to proposed building work for which a Statement of Compliance will be required under regulation 83AB, the notice must be accompanied by—

(a) a written notice—

(i) indicating that the statement will need to be completed in accordance with the requirements of regulation 83AB(8); and

(ii) indicating what (if any) certificates, reports or other document will need to be furnished at the time of the provision of the statement; and

(b) a blank copy of a Statement of Compliance for use under these regulations.

Note—

1 Section 25 of the *Acts Interpretation Act 1915* allows the use of a form to the same effect as a prescribed form, provided that any deviation from the prescribed form is not calculated to mislead.

43—Notification of decision to a prescribed body

(1) If an application for the consent or approval of a proposed development is referred to the Development Assessment Commission, the Minister or a council under section 35(3) of the Act, or to a prescribed body under section 37 of the Act, the relevant authority must send a copy of the notice issued by the relevant authority under regulation 42 to the Development Assessment Commission, Minister, council or prescribed body (as the case requires).

(2) The relevant authority should comply with subregulation (1) within 5 business days after the notice is given to the applicant under regulation 42.

(3) If a council or regional development assessment panel is the relevant authority for an application which relates (wholly or in part) to a proposed division of land, the council or regional development assessment panel must, if or when it issues a development authorisation, send a copy of the notice issued by the council or regional development assessment panel under regulation 42 to the Development Assessment Commission.

(4) The council or regional development assessment panel should comply with subregulation (3) within 5 business days after the notice is given to the applicant under regulation 42.

(5) A council or regional development assessment panel will be taken to have complied with subregulations (3) and (4) by providing the Development Assessment Commission with electronic access to the relevant notice via the Internet within the time specified under subregulation (4) under a scheme approved by the Development Assessment Commission in connection with the operation of this regulation.

44—Notification of decision to owner of land

(1) If an owner of the land to which a decision on an application under Division 1 of Part 4 of the Act relates is not a party to the application, the relevant authority must send a copy of any notice issued by the relevant authority under regulation 42 to that owner.

(2) The relevant authority should comply with subregulation (1) within 5 business days after the notice is given under regulation 42.

45—Scheme description—community titles

(1) If an application under Division 1 of Part 4 of the Act relates to the division of land by a plan of community division and the relevant authority has endorsed a scheme description pursuant to the *Community Titles Act 1996*—

(a) a notice under regulation 42(1) must be accompanied by 2 copies of the endorsed scheme description; and

(b) a copy of any notice under regulation 43 or 44 must be accompanied by a copy of the endorsed scheme description.

(2) An endorsement of a scheme description by a relevant authority under section 3 of the *Community Titles Act 1996* should be in the following terms:

1 All the consents or approvals required under the *Development Act 1993* in relation to the division of the land (and a change in the use of the land (if any)) in accordance with this scheme description and the relevant plan of community division under the *Community Titles Act 1996* have been granted.

OR

No consent or approval is required under the *Development Act 1993* in relation to the division of the land (or a change in the use of the land) in accordance with this scheme description.

2 This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the *Development Act 1993* in relation to any other development envisaged by this scheme description.

Signed:

Dated:

[The endorsement may also include notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future. The endorsement may be signed and dated by a duly authorised officer of the relevant authority.]

46—Special provision relating to staged consents

(1) If it appears to a relevant authority that all of the consents necessary for the approval of a particular development have been obtained under Division 1 of Part 4 of the Act, and that no such consent has lapsed and that all such consents are consistent with each other, the relevant authority must, subject to the Act and any other Act or law, forthwith (and in any event within 5 business days after receiving the last consent) issue a notice of approval under the Act.

(2) A copy of a notice issued under subregulation (1) need not be sent to any person or body under regulation 43, or to any other person or body under the Act or these regulations (other than the applicant and any owner of land who is not a party to the relevant application), if the person or body has already received notification of the relevant authority's decision on that aspect of the application in respect of which the person or body has a particular interest.

(3) The requirement under subregulation (1) does not arise unless or until the *Development Authorisation (Staged Consents) Fee* under Schedule 6 has been paid, if relevant.

(4) The requirement under subregulation (1) operates subject to any step that the relevant authority considers it needs to take under section 42 of the Act.

(5) Subregulation (4) only applies in a case where the development is within the ambit of Schedule 1A.

47—Endorsed plans

If an approval which requires a building rules consent is granted by a relevant authority, the relevant authority must return to the successful applicant a copy of the plans, drawings, specifications and other documents and information lodged by the applicant pursuant to regulation 15 and Schedule 5, stamped or otherwise endorsed with the relevant consent.

48—Lapse of consent or approval

(1) Subject to this or any other regulation, any consent or approval under Part 4 of the Act (whether subject to conditions or not) will lapse at the expiration of—

(a) subject to the operation of paragraph (b)—12 months from the operative date of the consent or approval;

(b) if—

(i) the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months from the operative date of the approval—3 years from the operative date of the approval, unless the development has been substantially or fully completed within those 3 years (in which case the approval will not lapse); or

(ii) if the relevant development involves the division of land and an application for a certificate under section 51 of the Act has been lodged with the Development Assessment Commission within 12 months from the operative date of the relevant consent—3 years from the operative date of the consent.

(2) A period prescribed by subregulation (1) may be extended by a relevant authority—

(a) when the relevant consent or approval is given; or

(b) at such later time as may be appropriate.[1]

(3) If an approval is given, any consent which was necessary for that approval will not lapse unless or until the approval lapses.

(4) In this regulation—

operative date of a consent or approval means—

(a) the date on which the consent or approval is given; or

(b) if the decision to grant the consent or approval has been the subject of an appeal under this Act, the date on which any appeal is dismissed, struck out or withdrawn, or all questions raised by any appeal have been finally determined (other than any question as to costs),

whichever is the later.

Note—

1 See section 40(3) of the Act in respect of the extension of any development authorisation under Division 1 of Part 4 of the Act.

Part 9—Special provisions relating to land division

Division 1—Preliminary

49—Interpretation

In this Part—

council means, in relation to any division of land that is not wholly within the area of a council, the Development Assessment Commission.

Division 2—Prescribed requirements—general land division

50—Prescribed requirements

The requirements set out in this Division are prescribed for the purposes of sections 33(1)(c)(v) and 51(1) of the Act.

51—Width of roads and thoroughfares

(1) Subject to subregulations (2) and (4), the width of any proposed road within the relevant division of land must be not less than 12.4 metres or more than 35 metres.

(2) Subject to section 38 of the *Roads (Opening and Closing) Act 1991*, the width of any proposed road which is likely to be used regularly or extensively by commercial vehicles must be not less than 20 metres.

(3) Subject to subregulation (4), the width of every proposed thoroughfare, not being a road, must be not less than 2 metres.

(4) The council may dispense with a width prescribed by subregulation (1) or (3) (and specify a different width) if it is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.

(5) Subject to subregulation (6), the width of the road at the head of every cul-de-sac must be at least 25 metres for a length of not less than 25 metres, or such other dimensions as may be acceptable to the council.

(6) The council may dispense with a requirement under subregulation (5) if it appears to the council that the cul-de-sac is likely to become a through road.

52—Road widening

(1) Subject to subregulation (2), if an existing road abuts land which is proposed to be divided and the council considers that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area, the proposed division of land must make provision for that widening.

(2) The abutting road referred to in subregulation (1) cannot be required to be widened—

(a) if the relevant plan delineates more than 5 allotments—by more than 15 metres; or

(b) if the relevant plan delineates 5 allotments or less—

(i) to a total width in excess of 15 metres; or

(ii) by an area in excess of 23 square metres from the corner allotment abutting a junction of 2 or more roads shown on the relevant plan for the purpose of improving visibility; or

(c) in any case—if a building suitable for occupation exists on any part of the land considered necessary for road widening purposes, if the plan makes some other provision for road widening which will accord with the objectives of this regulation.

53—Requirement as to forming of roads

(1) Subject to subregulation (2), the roadway of every proposed road on a plan of division must be formed to a width specified by the council, and in a manner satisfactory to the council.

(2) The council must not, when specifying a width for a roadway to be formed under subregulation (1), specify a width in excess of 7.4 metres unless, in the opinion of the council, that specification is necessary in view of the volume or type of traffic that is likely to traverse that road.

(3) Adequate provision must be made for the turning of vehicles at the head of a cul-de-sac.

(4) The council may dispense with the requirements under subregulation (3) if it is of the opinion that the cul-de-sac is likely to become a through road.

(5) Subject to subregulation (6), every footpath, water-table, kerbing, culvert and drain of every proposed road must be formed in a manner satisfactory to the council.

(6) The council may dispense with a requirement under subregulation (5).

54—Construction of roads, bridges, drains and services

(1) The roadway of every proposed road within the relevant division must be constructed and where required by the council, paved and sealed with bitumen, tar or asphalt or other material approved by the council.

(2) Any bridge, culvert, or underground drain or inlet which is reasonably necessary for a proposed road in accordance with recognised engineering design practice must be constructed.

(3) Any footpath, water-table, kerbing, culvert or drain of a proposed road required to be formed by the council must be constructed.

(4) Any drain which is necessary in accordance with recognised engineering practice for the safe and efficient drainage of the land and for the safe and efficient disposal of stormwater and effluent from the land must be provided and constructed.

(5) Electrical services must be installed in accordance with recognised engineering practice, and where relevant, in accordance with any requirement imposed under regulation 30.

55—Supplementary provisions

(1) The manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under this Division must be in conformity with a road location and grading plan signed by a licensed surveyor and approved by the council before the commencement of the work.

(2) Subject to subregulation (4), all work referred to in regulations 53 and 54 must be carried out in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the council, a licensed surveyor, and approved by the council before the commencement of the work.

(3) In subregulation (2)—

professional engineer means a person who is—

(a) a corporate member of the Institution of Engineers, Australia who has appropriate experience and competence in the field of civil engineering; or

(b) a person who is registered on the National Professional Engineers Register administered by the Institution of Engineers, Australia and who has appropriate experience and competence in the field of civil engineering.

(4) Before the roadway of any proposed road is sealed, the applicant must satisfy the council that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.

Division 3—Open space contribution scheme

56—Open space contribution scheme

(1) In this regulation—

Outer-Metropolitan Adelaide means an area constituted by the areas of the following councils, other than any part of such an area that is within Metropolitan Adelaide (as defined by the Act):

(a) Adelaide Hills Council;

(b) Alexandrina Council;

(c) The Barossa Council;

(d) Light Regional Council;

(e) The District Council of Mallala;

(f) The District Council of Mount Barker;

(g) Rural City of Murray Bridge;

(h) City of Victor Harbor;

(i) The District Council of Yankalilla;

Regional South Australia means any part of the State that is not within—

(a) Metropolitan Adelaide; or

(b) Outer-Metropolitan Adelaide.

(2) For the purposes of subsection(1)(d), (2)(c) and (7) of section 50 of the Act, the following rates of contribution are prescribed:

(a) where the land that is to be divided is within Metropolitan Adelaide—$4 493 for each new allotment or strata lot delineated on the relevant plan that does not exceed 1 hectare in area;

(b) where the land that is to be divided is within Outer-Metropolitan Adelaide—$3 427 for each new allotment or strata lot delineated by the relevant plan that does not exceed 1 hectare in area;

(c) where the land that is to be divided is within Regional South Australia—$2 489 for each new allotment or strata lot delineated by the relevant plan that does not exceed 1 hectare in area.

(3) If a variation is made to an amount prescribed under subregulation (2), the amount to be applied in a particular case is the amount in force as at the time the relevant application under Part 4 of the Act was made.

(4) Pursuant to section 50(2) of the Act, where an application for the division of land by strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988* relates to an existing building unit scheme, a contribution is not payable under section 50 of the Act unless the plan divides the land into more units than existed on 22 February 1968, and in that case, the contribution will be calculated only in respect of the additional units.

(5) For the purposes of subregulation (4), an existing building unit scheme is a scheme where—

(a) land was, before 22 February 1968, laid out in a building unit scheme consisting of 2 or more properties designed for separate occupation; and

(b) as at that date, buildings to which the scheme relates had been erected.

Division 4—Certificate in respect of division of land

57—Exclusion from requirement to obtain a certificate[1]

Pursuant to section 51(1) of the Act, a certificate in respect of the division of land is not required if the division comprises a lease or licence to occupy part only of an allotment.

Note—

1 A certificate is also not required in a case involving a Crown development approved by the Minister under section 49 of the Act (see section 49(16)).

58—General land division

(1) Pursuant to section 51(1) of the Act, the Development Assessment Commission may issue a certificate under that section notwithstanding that the requirements under Division 2 have not been fully satisfied if the council advises the Development Assessment Commission—

(a) that the applicant has entered into a binding arrangement with the council for the satisfaction of those requirements (other than a requirement under regulation 54(5)) and that the arrangement is supported by adequate security; and

(b) in a case where a requirement under regulation 54(5) has not been fully satisfied—that the applicant has entered into a binding arrangement with the appropriate electricity authority for the satisfaction of the requirement and that the arrangement is supported by adequate security.

(2) Pursuant to section 51(1) of the Act, the Development Assessment Commission may issue a certificate under that section notwithstanding that the requirements of the relevant responsible Minister relating to the provision of water supply and sewerage services have not been fully satisfied if that Minister advises the Development Assessment Commission that the applicant has entered into a binding arrangement with the Minister for the satisfaction of those requirements and that the arrangement is supported by adequate security.

(3) A document approved by the Minister for the purposes of this regulation by notice in the Gazette (and any alterations or amendments to any such document approved by the Minister from time to time by notice in the Gazette) is recognised as a model for binding arrangements under subregulation (1) or (2), and an agreement that conforms with any such model will, to the extent that the agreement provides for the matters referred to in section 33(1)(c) of the Act, be taken to be a sufficient agreement, and to provide adequate security, for the purposes of section 51(1) of the Act in its applications to the division of the land.

(4) A copy of a document approved by the Minister under subregulation (3) must be kept available at the principal office of the department of the Minister.

(5) In this regulation—

electricity authority means a person who holds a licence under the *Electricity Act 1996* authorising the operation of a transmission or distribution network or a person exempted from the requirement to hold such a licence.

59—Division of land by strata title

(1) Pursuant to section 51(1) of the Act, the Development Assessment Commission may issue a certificate under that section in relation to the division of land by strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988* notwithstanding that the requirements of section 33(1)(d) of the Act have not been fully satisfied if the council advises the Development Assessment Commission that the applicant has entered into a binding arrangement with the council for the satisfaction of those requirements and that the arrangement is supported by adequate security.

(2) The following documents, namely:

(a) the document entitled *Standard Strata Unit Development Bond*, agreed between the Urban Development Institute of Australia (South Australian Division) Incorporated, the Housing Industry Association Limited (South Australian Division) and the Local Government Association of South Australia, if or when approved by the Minister for the purposes of this regulation by notice in the Gazette;

(b) any other document approved by the Minister for the purposes of this regulation by notice in the Gazette,

(and any alterations or amendments to any such documents approved by the Minister from time to time by notice in the Gazette), are recognised as models for binding arrangements under subregulation (1) (insofar as they are relevant to the particular kind of strata plan), and an agreement that conforms with any such model will, to the extent that the agreement provides for the matters referred to in section 33(1)(d) of the Act, be taken to be a sufficient agreement, and to provide adequate security, for the purposes of section 51(1) of the Act in its application to the division of land by strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*.

(3) A copy of a document approved by the Minister under subregulation (2) must be kept available at the principal office of the department of the Minister.

60—General provisions

(1) The approval of a model for binding arrangements by the Minister under this Division does not limit the ability of an applicant to enter into any other form of arrangement, to the satisfaction of the Development Assessment Commission and the relevant council, for the purposes of section 51(1) of the Act.

(2) In addition to the requirements of section 51(1) of the Act, the Development Assessment Commission must not issue a certificate on an application under this Division unless the Development Assessment Commission is satisfied—

(a) that any relevant development authorisation under the Act has not lapsed; and

(b) that the amount required under the open space contribution scheme under section 50 of the Act (if any) has been paid.

(3) Subject to the operation of subregulation (2), if—

(a) a proposed division of land is *complying* development in respect of the Development Plan in the Golden Grove Development Area; and

(b) the Development Assessment Commission does not issue a "Statement of Requirements" under section 33(1)(c) of the Act in respect of the proposed division within 60 days after an application for a certificate under this Division is made to the Development Assessment Commission,

the Development Assessment Commission must issue a certificate in relation to the division.

(4) A certificate under section 51 of the Act must—

(a) —

(i) be in the form of Schedule 12 and accompanied by a copy of the final approved land division plan, prepared in accordance with Schedule 5, signed and dated by a duly authorised officer of the Development Assessment Commission, and bearing the following certification:

This is a copy of the plan to which development approval dated day of year refers.

.....

Signed; or

(ii) be in the form of a notation on a copy of the final approved land division plan and signed and dated by a duly authorised officer of the Development Assessment Commission; and

(b) in the case of a certificate for the division of land by community plan under the *Community Titles Act 1996* or by the strata plan under the *Strata Titles Act 1988*, incorporate, or be accompanied by, a certificate in a form approved by the Registrar-General from the relevant council (if any) which—

(i) evidences any necessary consent of the council to an encroachment by a building over other land (see section 27(1)(b)(i) of the *Community Titles Act 1996* or section 7(6)(b)(i) of the *Strata Titles Act 1988*); and

(ii) sets out—

(A) the date on which any relevant building was erected (if known); and

(B) the postal address of the site.

(5) Certificates may be issued under this Division for the division of land in stages, provided that the provisions of the Act and these regulations are complied with in relation to each stage.

(6) For the purposes of subregulation (4)—

(a) a certificate may be created and held as an electronic document; and

(b) a signature of a duly authorised officer may be provided by an electronic method that indicates the officer's certification in a way that is reasonably reliable.

(7) For the purposes of section 51(4) of the Act, a copy of the certificate and plan (or certificates and plans) referred to in subregulation (4) must be furnished to the relevant council—

(a) by providing the council with electronic access to the relevant documents via the Internet; or

(b) at the request of the council (provided in such manner as may be determined by the Development Assessment Commission), by sending a written copy to the council.

(8) A certificate lapses at the expiration of 12 months following its issue (unless lodged with the Registrar-General under the *Real Property Act 1886* before its expiration, or extended by the Development Assessment Commission in response to an application made prior to the lapse of the certificate).

(9) The Development Assessment Commission must consult with the relevant council (if any) before it grants an extension of the period prescribed by subregulation (8).

(10) For the purposes of subregulation (8), a certificate will be taken to have been lodged with the Registrar-General if the Registrar-General has been provided with electronic access to the certificate via the Internet under a scheme agreed between the Registrar-General and the Development Assessment Commission in connection with the operation of this regulation.

Part 10—Major developments or projects

61—Declaration by the Minister—section 46

(1) If the Minister makes a declaration under section 46(1), (1b) or (4) of the Act that relates to—

(a) a particular development or project; or

(b) a specified part of the State,

then the Minister must, within 5 business days after the relevant notice is published in the Gazette—

(c) where paragraph (a) applies—send a copy of the notice to the council or councils for the area or areas in which the proposed development or project is to be undertaken;

(d) where paragraph (b) applies—send a copy of the notice to the council or councils for the specified part of the State.

(2) For the purposes of section 46(5)(b) of the Act, a relevant authority must transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the relevant authority under Division 1 of Part 4 of the Act)—

(a) in the case of the Development Assessment Commission or a regional development assessment panel—within 10 business days after the relevant notice is published in the Gazette;

(b) in the case of a council—within 10 business days after the receipt of a copy of the notice required by subregulation (1).

(3) A relevant authority must, at the time that documents are transmitted to the Minister under subregulation (2), also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the relevant authority).

(4) Pursuant to subsection (6)(e) of section 46 of the Act (but subject to subregulation (5)), if an application lodged with the Minister under that section will require an assessment against the Building Rules, the application must, unless otherwise directed by the Minister, be accompanied by 3 copies of the plans, drawings, specifications and other documents and information relating to the proposed development (or such additional or lesser number of copies as the Minister may require) required under Schedule 5 (prepared in accordance with the requirements of that Schedule).

(5) If—

(a) an application lodged with the Minister under section 46 of the Act will require an assessment against the Building Rules; and

(b) the Minister indicates that it will be recommended to the Governor that the assessment against the Building Rules be referred to the council for the area in which the proposed development is to be undertaken, or be undertaken by a private certifier or by some other person,

then, unless otherwise directed by the Minister—

(c) the application lodged with the Minister need only be accompanied by 1 copy of the plans, drawings, specifications and other documents and information required by subregulation (4); and

(d) the applicant must, at an appropriate time, provide 2 copies of those documents and that information to the council, private certifier or other person who is to undertake the assessment against the Building Rules (and if the council, private certifier or other person requires additional copies then the applicant must also comply with that requirement).

62—Reference of matters to Development Assessment Commission

(1) The Minister must, when referring a matter to the Development Assessment Commission under section 46(7) of the Act, provide to the Development Assessment Commission—

(a) a copy of the relevant declaration or declarations under section 46 of the Act; and

(b) a copy of any relevant documentation or information received by the Minister under section 46(5) and (6) of the Act.

(2) The Minister may also provide to the Development Assessment Commission any comments or other information as the Minister thinks fit.

(3) The Minister should, when referring a matter to the Development Assessment Commission, specify the time within which the Development Assessment Commission should deal with the referral.

63—Prescribed criteria

(1) The following criteria are prescribed for the purposes of section 46(9) of the Act:

(a) the character of the receiving environment;

(b) the potential social, economic and environmental impacts of the development or project;

(c) the resilience of the environment to cope with change;

(d) the degree of confidence in the prediction of impacts resulting from the development or project;

(e) the extent to which undesirable impacts which may occur are likely to be irreversible;

(f) the extent to which impacts, and requirements for monitoring and assessing impacts, will be ongoing;

(g) the presence of other statutory assessment or policy frameworks which provide other procedures or processes to address any issues of concern.

(2) For the purposes of taking into account the criteria prescribed by subregulation (1), consideration must be given to—

(a) the extent of impacts by an analysis of their—

(i) type;

(ii) size;

(iii) scope;

(iv) intensity;

(v) duration; and

(b) the nature of impacts by an analysis of—

(i) the degree to which the impacts are predictable;

(ii) the resilience of the environment to cope with change;

(iii) the degree to which the impacts can be reversed;

(iv) the degree to which the impacts can be managed or mitigated;

(v) the degree to which performance criteria can be applied in the circumstances of the case; and

(c) the significance of impacts by an analysis of—

(i) the degree to which the impacts adversely affect environmentally sensitive areas;

(ii) the degree to which the impacts are acceptable considering the nature of the impacts; and

(d) other factors determined to be relevant by the Development Assessment Commission.

63A—Prescribed time period

(1) The Development Assessment Commission must, immediately after completing a draft of the guidelines under section 46 of the Act that is to be used for the purposes of consultation with the Environment Protection Authority under subsection (10) of that section, furnish a copy of that draft to the Environment Protection Authority.

(2) For the purposes of section 46(10) of the Act, the period of consultation with the Environment Protection Authority is 15 business days from the day on which the draft of the guidelines is furnished under subregulation (1).

63B—Prescribed fee

(1) Pursuant to section 46(16) of the Act (but subject to subregulation (3)), the prescribed fee is—

(a) $1 470; plus

(b) any relevant fee under components (2)(c) or (d), (3), (8) and (9) of item 1 of Schedule 6 (as if references in that Schedule to the relevant authority were references to the Governor acting under Subdivision 2 of Division 2 of Part 4 of the Act); plus

(c) if the development cost exceeds $100 000—0.25% of the development cost up to a maximum amount determined by the Minister.

(2) Unless otherwise determined by the Minister (and subject to the operation of subregulation (3))—

(a) the fee (other than a fee under components (8) and (9) of item 1 of Schedule 6) is payable to the Minister within 2 months after the proponent lodges an application or project proposal with the Minister under section 46(6) of the Act; and

(b) the fee under components (8) and (9) of item 1 of Schedule 6 is payable before any assessment of a development under the Building Rules occurs.

(3) If—

(a) an application under section 46 of the Act will require an assessment against the Building Rules; and

(b) the assessment is to be referred to the council for the area in which the proposed development is to be undertaken, or is to be undertaken by a private certifier,

then, unless otherwise determined by the Minister—

(c) if the assessment is to be referred to a council—the fee under components (8) and (9) of item 1 of Schedule 6 will be payable to the council (and must be paid before any assessment of the development under the Building Rules occurs); and

(d) if the assessment is to be undertaken by a private certifier—the fee under components (8) and (9) of item 1 of Schedule 6 is not payable but the fee payable under 5(1) of Schedule 6 is payable as part of the prescribed fee (and must be held by the private certifier pending payment to the Minister under Schedule 7).

(4) If a fee is not paid in accordance with the requirements of subregulation (2), the Minister may determine that no further step will occur in the assessment of the development or project until the fee is paid.

(5) If a proponent decides to withdraw an application or proposal under Division 2 of Part 4 of the Act, the Minister may (in the Minister's discretion) refund a fee (in whole or in part).

(6) In this regulation—

development cost does not include any fit-out costs.

63C—EIS process—specific provisions

(1) For the purposes of section 46B(5)(a) of the Act, the period of 30 business days from the date of referral of the EIS to the relevant authority or body is prescribed.

(2) The following requirements are prescribed for the purposes of section 46B(6) of the Act:

(a) the public meeting should be publicised by the Minister ensuring that notice of the meeting is published on at least 2 occasions in a newspaper or newspapers circulating generally throughout the area of the State in which the proposed development or project is to be undertaken;

(b) the public meeting should be designed—

(i) to provide information on the development or project; and

(ii) to explain the EIS document and process; and

(iii) to assist interested persons to make submissions under the Act.

(3) For the purposes of section 46B(10)(a) of the Act, notification is given by giving to the relevant person notice in writing in accordance with regulation 94 (subject to the qualification that if the written submission was made by 2 or more persons jointly (including by petition) then it is sufficient if the notice is addressed to all of them (either individually or as a group without stating individual names) and given to a person who was nominated as a contact person for the purposes of the submission or, if no person was so nominated, to the first person named in, or otherwise identified by, the submission).

63D—PER process—specific provisions

(1) For the purposes of section 46C(5)(a) of the Act, the period of 30 business days from the date of the referral of the PER to the relevant authority or body is prescribed.

(2) The following requirements are prescribed for the purposes of section 46C(6) of the Act:

(a) the public meeting should be publicised by the Minister ensuring that notice of the meeting is published on at least 2 occasions in a newspaper or newspapers circulating generally throughout the area of the State in which the proposed development or project is to be undertaken;

(b) the public meeting should be designed—

(i) to provide information on the development or project; and

(ii) to explain the PER document and process; and

(iii) to assist interested persons to make submissions under the Act.

(3) For the purposes of section 46C(8) of the Act, the period of 2 months from the date on which the Minister gives the proponent written notice of the matters raised for consideration by him or her and copies of the submissions referred to the proponent under section 46C(7) of the Act is prescribed.

63E—DR—specific provisions

(1) For the purposes of section 46D(5)(a) of the Act, the period of—

(a) in the case of a referral to the Environment Protection Authority relating to a development that involves, or is for the purposes of, an activity specified in Schedule 22—30 business days;

(b) in any other case—20 business days,

from the date of referral of the DR to the relevant authority or body is prescribed.

(2) For the purposes of section 46D(7) of the Act, the period of 10 business days from the date on which the Minister gives to the proponent written notice of the matters raised for consideration by him or her and copies of the submissions referred to the proponent under section 46D(6) of the Act is prescribed.

64—Referral of assessment of building work

(1) If a proposed development is subject to the operation of section 48 of the Act, the Governor (or the Development Assessment Commission acting as a delegate of the Governor under section 48(8) of the Act), may—

(a) refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or

(b) require that an assessment of the development in respect of the Building Rules be undertaken by a private certifier, or by some other person of a class determined by the Governor (or the Development Assessment Commission),

and, in such a case, the Governor (or the Development Assessment Commission) need not proceed to make a decision in relation to the matter until that assessment has occurred.

(2) A council or person acting under subregulation (1) must ensure that any assessment is consistent with any development plan consent (including any condition or notes that apply in relation to that consent) that has been given under section 48 of the Act.

(3) If a council or person acting under subregulation (1) determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the council or person is consistent with any development plan consent), the council or person must—

(a) provide the certification in the form set out in Schedule 12A; and

(b) to the extent that may be relevant and appropriate—

(i) issue a schedule of essential safety provisions under Division 4 of Part 12; and

(ii) assign a classification to the building under these regulations; and

(iii) ensure that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*.

(4) If a council or person issues a certificate under subregulation (3)(a), the council or person must—

(a) in the case of a council—furnish to the Minister a copy of the certificate, together with a copy of any schedule of essential safety provisions;

(b) in the case of a person—furnish to the Minister—

(i) 2 copies of the certificate, together with 2 copies of any schedule of essential safety provisions; and

(ii) 1 copy of any plans, drawings, specifications and other documents and information relating to the proposed development provided by the applicant for assessment in respect of the Building Rules.

64A—Cancellation of development authorisation—section 48

For the purposes of section 48(11) of the Act, the period of 2 years from the date of the development authorisation is prescribed.

65—Notification of decision

(1) The Minister must ensure that the council for the relevant area receives written notification of the outcome of the Governor's decision on a proposed development under Division 2 of Part 4 of the Act.

(2) A written notification under subregulation (1) must be accompanied by a copy of any documentation relating to the assessment of the development in respect of the Building Rules received by the Minister under regulation 64(4)(b).

(3) If a Governor's decision under Division 2 of Part 4 of the Act relates to a development or project that involves or is for the purposes of a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, the Minister must ensure that the Environment Protection Authority receives written notification of the decision.

Part 11—Development under Division 3 or 3A of Part 4 of Act

Division 1—Crown development by State agencies

66—Exclusions from definition of State agency

Pursuant to section 49(1) of the Act, the bodies specified in Schedule 13 are excluded from the ambit of the definition of ***State agency***.

67—Development excluded from approval and notice

(1) Pursuant to section 49(3) of the Act (but subject to this regulation), the various forms of development specified in Schedule 14, when carried on by a prescribed agency, are excluded from the provisions of section 49 of the Act.

(2) For the purposes of section 49(19)(a) of the Act, the various forms of development set out in clause 4 of Schedule 14 are declared to be minor works of a prescribed kind.

(3) If a prescribed agency proposes to undertake any building work which is within the ambit of Schedule 14, the prescribed agency must, before commencing that building work—

(a) give notice of the proposed work to the council for the area in which the building work is to be undertaken; and

(b) furnish the council with—

(i) a description of the nature of the proposed work; and

(ii) so far as may be relevant, details of the location, siting, layout and appearance of the proposed work.

(4) Subregulation (3) does not apply if the building work is within the ambit of Schedule 3, Schedule 3A or Part 2 of Schedule 4.

(5) In this regulation—

prescribed agency means—

(a) a State agency within the meaning of section 49 of the Act; or

(b) a person who is acting under a specific endorsement of a State agency under section 49(2)(c) of the Act.

Division 2—Development involving electricity infrastructure

68—Prescribed persons

(1) For the purposes of section 49A of the Act, the following are prescribed persons:

(a) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the operation of a distribution network or some other licence under the *Electricity Act 1996* authorising the operation of all or part of that distribution network;

(b) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the generation of electricity or some other licence under the *Electricity Act 1996* authorising the generation of electricity by means of an electricity generating plant previously operated pursuant to the licence issued in accordance with the order of the Minister;

(c) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the operation of a transmission network or some other licence under the *Electricity Act 1996* authorising the operation of all or part of that transmission network.

(2) However, a State agency within the meaning of section 49 of the Act is not a prescribed person for the purposes of section 49A of the Act.

69—Development excluded from approval and notice

(1) Pursuant to section 49A(3) of the Act (but subject to this regulation), the various forms of development specified in Schedule 14A, when carried on by a prescribed person, are excluded from the provisions of section 49A of the Act.

(2) For the purposes of section 49A(23) of the Act, the various forms of development set out in clause 2 of Schedule 14A are declared to be minor works of a prescribed kind.

(3) If a prescribed person proposes to undertake any building work which is within the ambit of Schedule 14A, the person must, before commencing that building work—

(a) give notice of the proposed work to the council for the area in which the building work is to be undertaken; and

(b) furnish the council with—

(i) a description of the nature of the proposed work; and

(ii) so far as may be relevant, details of the location, siting, layout and appearance of the proposed work.

(4) Subregulation (3) does not apply if the building work is within the ambit of Schedule 3, Schedule 3A or Part 2 of Schedule 4.

Division 3—General provisions

70—Related provisions

(1) For the purposes of sections 49(2) and 49A(1) of the Act, the following are the prescribed particulars:

(a) a description of the nature of the proposed development;

(b) details of the location, siting, layout and appearance of the proposed development.

(2) An application under section 49(2) or 49A(1) of the Act must be in a form determined by the Minister.

(3) A notice under section 49(4a) or 49A(4a) of the Act must be given to the council within 3 business days after the relevant application is lodged with the Development Assessment Commission.

(4) Pursuant to subsection (7a) of section 49 and subsection (7a) of section 49A of the Act, if an application under either of those sections relates to development of a class prescribed under Schedule 8, the Development Assessment Commission must refer the application, together with a copy of any relevant information provided by the State agency or proponent (as the case may be), to the relevant body under that Schedule for comment and report within the period of 6 weeks (and this period of 6 weeks will also be the period that applies under section 49(7c) or 49A(7c) of the Act).

(5) For the purposes of sections 49(10) and 49A(10) of the Act, the period of 3 months is prescribed.

(6) For the purposes of sections 49(14aa)(b) and 49A(15)(b) of the Act, the following are prescribed criteria when considering a variance with the Building Rules:

(a) that the provisions of the Building Rules are inappropriate to the particular building or building work, or that the proposed building work fails to conform with the Building Rules only in minor respects;

(b) that the variance is justifiable having regard to the objects of the relevant Development Plan or the performance requirements of the *Building Code* and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed.

(7) Despite subregulation (6), if in considering a matter under section 49(14) or 49A(14) of the Act an inconsistency exists between the Building Rules and a Development Plan in relation to a State heritage place or a local heritage place—

(a) the Development Plan prevails and the Building Rules must not be applied to the extent of the inconsistency; but

(b) the person acting under that subsection must ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved that are as good as can reasonably be achieved in the circumstances.

71—Lapse of approval

(1) Subject to this regulation, an approval under section 49 or 49A of the Act (whether subject to conditions or not) will lapse at the expiration of—

(a) subject to the operation of paragraph (b)—12 months from the date of the approval;

(b) if the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months from the date of the approval—3 years from the date of the approval, unless the development has been substantially or fully completed within those 3 years (in which case the approval will not lapse).

(2) Subject to this regulation, an approval for a proposed division of land will lapse at the expiration of 3 years from the date of the approval.

(3) A period prescribed by subregulation (1) or (2) may be extended by the Minister—

(a) when the relevant approval is given; or

(b) at such later time as may be appropriate.

Part 12—Regulation of building work

Division 1—Preliminary

72—Interpretation

In this Part—

council has the same meaning as in Part 6 of the Act.

73—Development Assessment Commission to act outside council areas

Pursuant to section 58 of the Act, the Development Assessment Commission is prescribed for the purposes of the definition of ***council*** under that section.

Division 2—Notifications

74—Notifications during building work

(1) The following periods and stages are prescribed for the purposes of section 59(1) of the Act:

(a) 1 business day's notice of the intended commencement of building work on the site;

(b) 1 business day's notice of the intended commencement of any stage of the building work specified by the council by notice in writing to the building owner on or before development approval is granted in respect of the work;

(c) 1 business day's notice of the intended completion of any stage of the building work specified by the council by notice in writing to the building owner on or before development approval is granted in respect of the work;

(d) 1 business day's notice of completion of the building work.

(2) A notice under subregulation (1)(a) must include the name, address and telephone number of the persons who are proposed to sign Parts A and B of the Statement of Compliance under Schedule 19A (if relevant).

(3) A notice by a person under subregulation (1) may be given—

(a) by leaving a written notice with a duly authorised officer of the council; or

(b) by posting it to the council; or

(c) by faxing it to the council; or

(d) by telephone; or

(e) by transmitting an electronic version of the notice to the council's email address.

(4) If notice is given under subregulation (3)(d), the council must make a note recording the receipt of the notice on the relevant file.

Division 3—Building work affecting other land

75—Building work affecting other land

(1) It must be assumed in designing, and assessing the design of, a building that it is possible that an excavation which intersects (but does not extend beyond) a notional plane extending downwards from the boundary at the site at a slope of 1 vertical to 2 horizontal from a point 600 millimetres below natural ground level at the boundary could be undertaken on an adjoining site.

(2) Pursuant to section 60 of the Act, work of the following nature is prescribed as building work which is to be treated for the purposes of that section as building work that affects the stability of other land or premises, namely:

(a) an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600 millimetres below natural ground level at a boundary with an adjoining site (as depicted by the example shown as figure 1 in Schedule 15);

(b) an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted by the example shown as figure 2 in Schedule 15);

(c) any fill which is within 600 millimetres of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes.

(3) For the purposes of section 60(1)(b) of the Act, the owner of the affected land or premises may require the building owner to shore up any excavation or to underpin, stabilise or otherwise strengthen the foundations of any building to the extent specified by a professional engineer engaged by the owner of the affected land or premises.

(4) The building owner must pay the reasonable costs of obtaining a report and plans and specifications from a professional engineer for the purposes of subregulation (3).

(5) In subregulations (3) and (4)—

professional engineer means a person who is—

(a) a corporate member of the Institution of Engineers, Australia who has appropriate experience and competence in the field of civil or geotechnical engineering; or

(b) a person who is registered on the National Professional Engineers Register administered by the Institution of Engineers, Australia and who has appropriate experience and competence in the field of civil or geotechnical engineering.

Division 4—Safety, health and amenity

76—Essential safety provisions

(1) This regulation applies in relation to a building in which essential safety provisions are installed or required to be installed or to be inspected, tested or maintained under the *Building Code* or any former regulations under the *Building Act 1971*.

(2) This regulation does not apply if the building is a Class 1a or 10 building under the *Building Code*.

(3) In this regulation, a reference to maintenance in respect of essential safety provisions includes a reference to replacing the safety provisions, and to keeping records relating to the carrying out of maintenance work on the safety provisions.

(4) A relevant authority or council must—

(a) on granting a building rules consent in relation to the construction of a building to which this regulation applies; or

(b) on the assignment of a change in the classification of a building to which this regulation applies in a case where there is no building work; or

(c) on application by the owner of a building to which this regulation applies and payment of the appropriate fee set out in Schedule 6; or

(d) on issuing any other certification with respect to building work complying with the Building Rules in a case where this regulation applies,

issue a schedule in the appropriate form under Schedule 16 that specifies—

(e) the essential safety provisions for the building; and

(f) the standards or other requirements for maintenance and testing in respect of each of those essential safety provisions as set out in *Minister's Specification SA 76*.

(5) The owner of a building in which essential safety provisions must be installed must, within a reasonable time after installation of those provisions, provide to the council a certificate of compliance for each essential safety provision, in the appropriate form under Schedule 16, signed by the installer of the safety provision or, if the installer is a company, signed by the manager responsible for the installation work.

(6) The owner must not use or permit the use of a building to which this regulation applies unless maintenance and testing have been carried out in respect of each essential safety provision of the building in accordance with *Minister's Specification SA 76* as in force at the time of the consent in respect of the building work in the course of which the essential safety provision was installed or, in the case of a building in which essential safety provisions were required under any former regulations under the *Building Act 1971*, in accordance with the requirements that applied to that building under those regulations.

(7) The owner of a building in relation to which a schedule of essential safety provisions has been issued must, as soon as practicable after the end of each calendar year, provide to the council adequate proof of the carrying out of maintenance and testing in respect of those safety provisions for that calendar year as required under subregulation (6).

(8) An owner complies with subregulation (7) if a certificate in the appropriate form under Schedule 16 and signed by the owner or the manager of the building is lodged with the council certifying that maintenance and testing have been carried out in respect of the essential safety provisions of the building for the relevant calendar year as required under subregulation (6).

(9) Subregulation (7) does not apply if—

(a) the building is a Class 1b building under the *Building Code*; or

(b) the building is a Class 2 building under the *Building Code* that does not have a rise in storeys exceeding 3 and does not have a floor area exceeding 2 000 square metres; or

(c) the building is a Class 3, 4, 5, 6, 7, 8 or 9b building under the *Building Code* that does not have a rise in storeys exceeding 2 and does not have a floor area exceeding 500 square metres,

and the building is not subject to a requirement under subregulation (10).[1]

(10) Despite subregulation (9), the council may require compliance with subregulation (7) if—

(a) the essential safety provisions were installed under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the *Building Code*; or

(b) the building has been the subject of a notice under section 71 of the Act.

Note—

1 See Schedule 17 for a summary of these provisions in table form.

76A—Fire safety requirements—caravan parks and residential parks

(1) This regulation applies—

(a) in respect of new caravan parks and residential parks—to a caravan park or residential park that is the subject of a development authorisation after 4 January 1996 (and then to the park, and to services or equipment, on an on-going basis); and

(b) in respect of existing caravan parks and residential parks—to an alteration to the layout of the park, or to an alteration to fire safety services or equipment, after 4 January 1996 (and then to the park (insofar as it is altered), and to the services or equipment, on an on-going basis).

(2) The owner of a caravan park or residential park to or in respect of which this regulation applies must ensure compliance with *Minister's Specification SA 76*A, as in force from time to time.

(3) In this regulation—

caravan park and ***residential park*** and have the same meanings as in *Minister's Specification SA 76*A.

76B—Fire safety requirements—smoke alarms in dwellings

(1) This regulation applies to Class 1 and 2 buildings under the *Building Code* (whenever constructed).

(2) Subject to any other requirement in the *Building Code*, 1 or more smoke alarms complying with Australian Standard 3786–1993 (as in force from time to time) must be installed in each dwelling that is, or forms part of, a building to which this regulation applies in locations that will provide reasonable warning to occupants of bedrooms in that dwelling so that they may safely evacuate in the event of fire.

(3) If title of land on which a building to which this regulation applies is situated is transferred, then, within 6 months from the day on which title is transferred, each dwelling that is, or forms part of, the building must have a smoke alarm or smoke alarms in accordance with the requirements of subregulation (2) that are powered through a mains source of electricity (unless the building is not connected to a mains source of electricity) or powered by 10 year life non-replaceable, non-removable permanently connected batteries.

(4) If a smoke alarm or smoke alarms are not installed in a building to which this regulation applies in accordance with the requirements of this regulation, the owner of the building is guilty of an offence.

Maximum penalty: $750.

(5) For the purposes of this regulation—

(a) the transfer of the interest of—

(i) a unit holder of a unit under the *Strata Titles Act 1988*; or

(ii) an owner of a community lot under the *Community Titles Act 1996*; or

(iii) an occupant of a unit in a building unit scheme,

will be taken to be a transfer of title of land; and

(b) land will be taken to include a unit under the *Strata Titles Act 1988*, a community lot under the *Community Titles Act 1996* and a unit in a building unit scheme (and to the extent that such a unit or community lot comprises a building, it will be taken that the building is situated on that unit or lot); and

(c) a unit holder of a unit under the *Strata Titles Act 1988*, an owner of a community lot under the *Community Titles Act 1996* or an occupant of a unit in a building unit scheme will be taken to be the owner of any building comprising the unit or lot.

76C—Fire safety requirements—brush fences

(1) This regulation applies to—

(a) the construction of a brush fence closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*; or

(b) the construction of a Class 1 or 2 building under the *Building Code* closer than 3 metres to an existing or proposed brush fence.

Note—

This regulation does not apply if the relevant application for building rules consent has been made before 29 November 2007.

(2) For the purposes of subregulation (1), the distance of 3 metres will be measured from any part of an existing or proposed brush fence and from any part of an existing or proposed external wall of the relevant building.

(3) In a case where this regulation applies, the Class 1 or 2 building must comply with *Minister's Specification SA 76*C.

(4) *Minister's Specification SA 76*C may specify encroachments that are permitted despite the operation of subregulation (3).

(5) In this regulation—

brush means—

(a) Broombrush (Melaleuca uncinata); and

(b) any other form of dried vegetation material—

(i) that has similar fire characteristics to Broombrush; and

(ii) that is brought within the ambit of this definition by *Minister's Specification SA 76*C;

brush fence includes—

(a) a fence that is predominantly constituted by brush;

(b) a gate that is predominantly constituted by brush;

construction—

(a) in relation to a brush fence—includes an alteration of, or addition to, a brush fence but does not include the repair of an existing brush fence that does not enlarge or extend the brush fence;

(b) in relation to a Class 1 or 2 building—means building or re-building, erecting or re-erecting, or extending or altering, the building;

encroachment means a part of a building, including fittings or attachments, that may occur between an external wall and, for the purposes of this regulation, a brush fence;

external wall means an external wall within the meaning of the *Building Code*.

76D—Swimming pool safety

(1) For the purposes of the definition of ***new prescribed requirements*** in section 71AA of the Act, the following requirements are prescribed:

(a) in relation to a prescribed swimming pool—the requirements set out in Part 3.9.3 of Volume 2 of the *Building Code*;

(b) in relation to a swimming pool other than a prescribed swimming pool—the requirements relating to the construction and safety of swimming pools under the *Building Code*, as in force at the time the application for a relevant consent or approval was made (being an application that related to the construction of the swimming pool or to some other form of building work where swimming pool safety features are relevant).

(2) For the purposes of section 71AA of the Act, the transfer of title to land where a swimming pool is situated is prescribed as constituting a "prescribed event".

(3) For the purposes of the definition of ***swimming pool safety features*** in section 71AA of the Act, the following structures and equipment are prescribed (insofar as are relevant to the particular circumstances taking into account the provisions of the *Building Code*):

(a) fences;

(b) barriers;

(c) water recirculation systems;

(d) secondary outlets from a swimming pool;

(e) warning notices.

(4) Pursuant to section 71AA(2) of the Act, the owner of a prescribed swimming pool must ensure that swimming pool safety features are installed in accordance with the new prescribed requirements before the occurrence of a prescribed event.

(5) For the purposes of this regulation—

(a) if a formal settlement forms part of the processes associated with a transfer of title to land, the title will be taken to be transferred at the time of settlement; and

(b) the transfer of the interest of—

(i) a unit holder of a unit under the *Strata Titles Act 1988*; or

(ii) an owner of a community lot under the *Community Titles Act 1996*; or

(iii) an occupant of a unit in a building unit scheme,

will be taken to be a transfer of title of land; and

(c) land will be taken to include a unit under the *Strata Titles Act 1988*, a community lot under the *Community Titles Act 1996* and a unit in a building unit scheme.

(6) This regulation takes effect on 1 October 2008.

77—Health and amenity

(1) In this regulation—

public sewer means the undertaking within the meaning of the *Sewerage Act 1929*.

(2) The owner of a building must ensure that all sewage and sullage discharged from the building is treated and disposed of in such a manner that the sewage or sullage does not endanger the health of any person or affect the foundation of any building on the site, or on any adjacent site.

(3) A person will be taken to have complied with subregulation (2) if—

(a) the building is connected to the public sewer; or

(b) sewage or sullage discharged from the building is collected, treated and disposed of by means of a waste control system which complies with the requirements of the *Public and Environmental Health Act 1987* and which is installed in a manner approved by the council.

Division 5—General

78—Building Rules: bushfire prone areas

(1) For the purposes of Performance Requirement GP5.1—Volume 1, and P2.3.4—Housing Provisions—Volume 2, of the *Building Code*, a building is in a bushfire prone area if—

(a) it is in an area referred to in Schedule 18; or

(b) it is an area identified as a *medium or high bushfire risk area* by the relevant Development Plan.

(2) If—

(a) application is made for building rules consent for building work in the nature of an alteration to a Class 1, 2 or 3 building under the *Building Code*; and

(b) the building is in a bushfire prone area under subregulation (1); and

(c) the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),

then the relevant authority may require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.

(3) A person who undertakes building work in a bushfire prone area under subregulation (1) must comply with the requirements of *Minister's Specification SA 78* insofar as it is relevant to the particular building work (in addition to the requirements of the *Building Code*).

(4) If—

(a) application is made for building rules consent for building work; and

(b) the building (or proposed building) is in an area identified as a *general bushfire risk area* by the relevant Development Plan,

then—

(c) if the building work involves—

(i) the construction of a Class 1, 2 or 3 building under the *Building Code*; or

(ii) the construction of a Class 10 building under the *Building Code* that will adjoin a Class 1, 2 or 3 building,

the building to which the building work relates must comply with Appendix F8 of the *South Australian Housing Code*; and

(d) —

(i) if the building work is in the nature of an alteration to a Class 1, 2 or 3 building under the *Building Code*; and

(ii) the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),

the relevant authority may require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of Appendix F8 of the *South Australian Housing Code*.

(5) In subregulation (4)—

construction, in relation to a building, means building or re-building, or erecting or re-erecting.

78AA—On-site retention of stormwater

(1) This regulation applies to—

(a) Class 1 and 2 buildings under the *Building Code*; and

(b) Class 10a structures associated with Class 1 and 2 buildings under the *Building Code*.

(2) If a relevant authority, on granting a development authorisation in relation to a building to which this regulation applies, directs that 1 or more on-site stormwater retention devices be incorporated as part of a stormwater drainage system, then any relevant requirements of *Minister's Specification SA 78AA* must be complied with (unless the relevant authority accepts an alternative solution).

78A—Building work on designated Aboriginal lands

(1) This regulation applies to building work undertaken in relation to a Class 1 building under the *Building Code* on designated Aboriginal land.

(2) A person who undertakes building work to which this regulation applies must comply with *Minister's Specification SA 78A* (in addition to the requirements of the *Building Code*).

(3) For the purposes of this regulation—

designated Aboriginal land is land determined by the Minister to be designated Aboriginal land for the purposes of *Minister's Specification SA 78A*.

79—Construction Industry Training Fund

(1) In this regulation—

government authority has the same meaning as in the *Construction Industry Training Fund Act 1993*.

(2) A relevant authority must not issue a building rules consent unless it is satisfied—

(a) that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*; or

(b) that no such levy is payable.

(3) Subregulation (2) does not apply if—

(a) the building work is to be carried out for or on behalf of a government authority by a person or body other than—

(i) an officer or employee of a government authority; or

(ii) another government authority; and

(b) at the time that building rules consent is sought the government authority has not engaged the person or body to carry out that work.

(4) If after assessing a proposed development against the building rules the relevant authority is yet to be satisfied that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993* or is not payable, the relevant authority may notify the applicant that it cannot issue a building rules consent until it is satisfied that the levy has been paid or is not payable.

(5) If a notification is given under subregulation (4)—

(a) any period between the date of the notification and the date on which satisfactory evidence is provided to the relevant authority pursuant to the notification is not to be included in the time within which the relevant authority is required to decide the application; and

(b) if such evidence is not provided to the relevant authority within 4 weeks after the date of the notification, the relevant authority may, if it thinks fit, determine that the application has lapsed.

80—Provision of access for people with disabilities—alterations of a prescribed kind

For the purposes of section 53A(2) of the Act the following alterations to a building erected or constructed before 1 January 1980 are alterations of a prescribed kind:

(a) any alteration of a structural nature to a principal or other entrance to the building;

(b) the construction of, or any building work incidental to the construction of, or any alteration of a structural nature to, a public foyer, entrance hall, lift lobby or toilet;

(c) where the floor is not more than 190 millimetres above or below the adjacent finished ground level at the point of entrance to the building—the installation of a replacement shopfront.

80A—Building safety—prescribed date

For the purposes of the definition of ***prescribed date*** in section 53A(3) of the Act, 1 January 2002 is prescribed.

80AB—Building inspection policies

For the purposes of section 71A(2) of the Act, Class 1 and 2 buildings under the *Building Code* are prescribed.

80B—Heated water services

(1) This regulation applies to—

(a) the construction of, or the alteration or addition to, a Class 1a building under the *Building Code* where a reticulated gas supply is not available to a point in a street, easement or similar situation adjacent to the relevant property;

(b) the construction of, or the alteration or addition to, a Class 1b building under the *Building Code*.

(2) A heated water service installed in connection with development to which this regulation applies must comply with *Minister's Specification SA 80B.*

(3) This regulation expires on 1 May 2009.

Part 13—Classification and occupation of buildings

81—Preliminary

In this Part—

council has the same meaning as in Part 6 of the Act.

82—Classification of buildings

(1) The owner of a building to which a classification has not been assigned may apply to the council for assignment of a classification to the building in accordance with the *Building Code*.

(2) An owner of a building may apply for a change in classification of that building (but an application may be subject to the need to obtain an appropriate consent or approval in respect of any associated development).

(3) An application under subregulation (1) or (2) must—

(a) specify the existing classification (if any), and the classification which is being sought; and

(b) be accompanied by—

(i) such details, particulars, plans, drawings, specifications, certificates and other documents as the council may reasonably require to determine the building's classification; and

(ii) the appropriate fee calculated in accordance with Schedule 6.

(4) A council must assign the appropriate classification under the *Building Code* to a building if it is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.

83—Certificates of occupancy

(1) Pursuant to section 67(1)(a) of the Act, a certificate of occupancy is not required in respect of a Class 1a or 10 building under the *Building Code*.

(2) Pursuant to section 67(3)(b) of the Act, the following documentation is required:

(a) a copy of a Statement of Compliance, duly completed in accordance with the requirements of Schedule 19A, that relates to any relevant building work, together with any documentation required under regulation 42(7)(a)(ii);

(b) unless already provided—a copy of any certificate of compliance under regulation 76(5) (if relevant);

(c) if the development has been approved subject to conditions, such evidence as the council may reasonably require to show that the conditions have been satisfied;

(d) if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the council may reasonably require to show—

(i) in the case of a building more than 1 storey—that the requirements of *Minister's Specification SA 83* have been complied with; or

(ii) in any other case—that the building is suitable for occupation.

(3) A council may dispense with the requirement to provide a Statement of Compliance under subregulation (2)(a) if—

(a) the council is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and

(b) it appears to the council that the relevant building is suitable for occupation.

(4) If—

(a) a building is—

(i) to be equipped with a booster assembly for use by a fire authority; or

(ii) to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and

(b) facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,

the council must not grant a certificate of occupancy unless or until it has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.

(5) If a report is not received from the fire authority within 15 business days, the council may presume that the fire authority does not desire to make a report.

(6) The council must have regard to any report received from a fire authority under subregulation (4) before it issues a certificate of occupancy.

(7) Pursuant to section 67(8) of the Act, an application for the issue of a certificate of occupancy should be decided—

(a) unless paragraph (b) applies—within 5 business days from the day on which all documentation required by the council under subregulation (2) is received by the council;

(b) if the council must seek a report from a fire authority under subregulation (4)—within 20 business days from the day on which all documentation required by the council under subregulation (2) is received by the council.

(8) A certificate of occupancy will be in the form set out in Schedule 19.

(9) Pursuant to section 67(13) of the Act, a council may revoke a certificate of occupancy—

(a) if—

(i) there is a change in the use of the building; or

(ii) the classification of the building changes; or

(iii) building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300 square metres is about to commence, or is being or has been carried out; or

(iv) the building is about to undergo, or is undergoing or has undergone, major refurbishment,

and the council considers that in the circumstances the certificate should be revoked and a new certificate sought; or

(b) if the council considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or

(c) if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of regulation 76(7); or

(d) if the council considers—

(i) that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or

(ii) that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.

(10) Subject to subregulation (11), a reference in this regulation to a council will be taken to include a reference to a private certifier acting pursuant to section 68A of the Act.

(11) Subregulations (3) and (9) only apply to councils.

83A—Occupation of Class 1a buildings

A person must not occupy a Class 1a building under the *Building Code* (or an addition to a Class 1a building) that has not been fully completed in accordance with a development authorisation insofar as it relates to the performance of building work unless—

(a) the building is structurally sound and weatherproof; and

(b) the building work that has been carried out on the building is in accordance with the relevant approval (disregarding any variation of a minor nature which has no adverse effect on the safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the council); and

(c) the building includes all items specified in Clause P2.4.3 of the Housing Provisions of the *Building Code* for Class 1a buildings under that Code; and

(d) all connections relating to the supply of water from all sources, and for the disposal of water and effluent, have been made (although if the approved documentation provides for 2 or more connections for the disposal of water or effluent, it is sufficient for the purposes of that aspect of this paragraph that 1 such connection is made); and

(e) if the building is in a bushfire prone area under regulation 78, the building complies with Clause P2.3.4 of the Housing Provisions of the *Building Code*; and

(f) all smoke alarms required under Clause P2.3.2 of the Housing Provisions of the *Building Code* have been installed and tested.

Maximum penalty: $4 000.

83AB—Statement of Compliance

(1) In this regulation—

notice of completion means a notice of completion of building work under regulation 74(1)(d).

(2) Subject to subregulation (3), this regulation applies to all classes of building under the *Building Code* constructed[1] pursuant to a building rules consent granted on or after 1 October 2003.

(3) This regulation does not apply to a Class 10 building under the *Building Code*.

(4) Subject to subregulation (5), if building work is carried out in a case where this regulation applies, a duly completed Statement of Compliance under Schedule 19A must be provided to the relevant authority under subregulation (6) within 10 business days after a notice of completion with respect to the building work is given.

(5) If a Class 1a building under the *Building Code* (or part of such a building) has not been previously occupied and the building (or part) is occupied before a notice of completion with respect to the building work has been given, a duly completed Statement of Compliance must be provided to the relevant authority under subregulation (6) within 10 business days after the building (or part) is occupied.

(6) For the purposes of subregulation (4) or (5), the relevant authority is—

(a) if a private certifier was the relevant authority for the purposes of the assessment of the building work against the provisions of the Building Rules—that private certifier;

(b) in any other case—the council.

(7) A Statement of Compliance provided under this regulation must be accompanied by any certificates, reports or other documents that the relevant authority, by written notice issued at the time that the relevant building rules consent was given, indicated would need to be furnished at the time of the provision of the statement under this regulation.

(8) A Statement of Compliance must be completed as follows:

(a) Part A of the statement must be signed by the licensed building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a private certifier;

(b) Part B must be signed by the owner of the relevant land, or by someone acting on his or her behalf.

(9) For the purposes of subregulation (8)(a), a licensed building work contractor (the ***contractor***) will be taken to be responsible for carrying out building work if the contractor has responsibility for—

(a) performing the work; or

(b) engaging another person to perform the work in a situation where the contractor retains overall responsibility for the work.

(10) For the purposes of Part A of the Statement of Compliance, ***service connections*** are connections to any of the following:

(a) a public electricity source;

(b) a public water supply;

(c) a public sewer;

(d) a septic tank drainage system;

(e) a public telecommunications system;

(f) any other public service or facility provided by an authority or utility.

(11) If a requirement of this regulation is not complied with, the owner of the relevant land is guilty of an offence unless he or she establishes that the failure to comply with the relevant requirement is due to the act or omission of another person.

Maximum penalty: $4 000.

Note—

1 See definition of ***construct*** under the Act.

83B—Swimming pools

A person must not, in relation to a swimming pool completed after 22 September 1994, fill the pool with water unless the pool is enclosed by a barrier that complies with Performance Requirement GP1.2—Volume 1, and P.2.5.3—Housing Provisions—Volume 2, of the *Building Code*.

Maximum penalty: $4 000.

Part 14—Mining production tenements

84—Mining production tenements

(1) Pursuant to section 75(2) of the Act, the appropriate Authority must refer an application for a mining production tenement to the Minister for advice if the land to be comprised in the tenement is situated in—

(a) those parts of the State described in Schedule 20, other than in a regional reserve under the *National Parks and Wildlife Act 1972*; or

(b) an area of a council not described in Schedule 20 and the council, after consultation with the appropriate Authority, objects to the granting of the tenement within a period of 6 weeks from the date on which the council receives notice of the application.

(2) Pursuant to section 76(4) of the Act, the Building Rules apply to building work in the area of a council if the building is intended to provide—

(a) housing or other forms of shelter; or

(b) office accommodation; or

(c) work areas or other amenities which are not directly involved in the performance of operations carried on in pursuance of any of the Mining Acts.

(3) If the Building Rules apply to building work under subregulation (2), the building work must not be undertaken unless it has been granted a building rules consent by the council.

Part 15—Advice and certification

Division 1—Prescribed qualifications

85—Interpretation

In this Division—

independent technical expert means a person who, in relation to building work—

(a) is not the building owner or an employee of the building owner; and

(b) has not—

(i) been involved in any aspect of the relevant development (other than through the provision of preliminary advice of a routine or general nature); or

(ii) had a direct or indirect pecuniary interest in any aspect of the relevant development or any body associated with any aspect of the relevant development; and

(c) has engineering or other qualifications that the relevant authority is satisfied, on the basis of advice received from a relevant professional association or a relevant registration or accreditation authority, qualify the person to act as a technical expert under these regulations.

86—Qualifications in planning

(1) The qualifications specified in subregulation (3) are prescribed for the purposes of sections 25(4) and 26(3) of the Act.

(2) Subregulation (1) is subject to the qualification that a person is disqualified from providing advice under section 25(4) of the Act if the person has an interest (other than an interest that exists in common with a substantial class of persons) in a development which is proposed to proceed in the event that the relevant amendment to the Development Plan is approved under the Act by virtue of—

(a) having been involved for remuneration in any aspect of the planning or design of the proposed development; or

(b) having a direct or indirect interest in any aspect of the proposed development or any body associated with any aspect of the proposed development.

(3) The following qualifications are specified:

(a) corporate membership of the Urban and Regional Planning Chapter of the Planning Institute of Australia Incorporated; or

(b) such qualifications or experience in urban and regional planning, environmental management or a related discipline as are in the opinion of the Minister appropriate.

87—Qualifications in building

(1) Pursuant to section 101(2) of the Act, a relevant authority must seek and consider the advice of a person with prescribed qualifications when—

(a) assessing a development against the provisions of the Building Rules for the purposes of section 33(1)(b) of the Act; or

(b) considering an application for a certificate of occupancy under section 67 of the Act; or

(c) granting approval to occupy a building on a temporary basis under section 68 of the Act,

(except that this subregulation does not apply in relation to a relevant authority if the relevant authority is acting through, or on the advice or with the assistance of, an officer who holds the prescribed qualifications).

(2) For the purposes of subregulation (1), the prescribed qualifications are—

(a) current accreditation as a Building Surveyor issued by an approved building industry accreditation authority; or

(b) if—

(i) the building does not have a rise in storeys exceeding 3 and does not have a floor area exceeding 2 000 square metres; and

(ii) the calculations have been certified by an independent technical expert,

current accreditation as an Assistant Building Surveyor issued by an approved building industry accreditation authority; or

(c) if—

(i) the building does not have a rise in storeys exceeding 1 and does not have a floor area exceeding 500 square metres; and

(ii) the calculations have been certified by an independent technical expert,

current accreditation as a Building Surveying Technician issued by an approved building industry accreditation authority; or

(d) if—

(i) the building is a Class 1a or 10 building under the *Building Code* that does not have a rise in storeys exceeding 2; and

(ii) the calculations have been certified by an independent technical expert,

for the purposes of subregulation (1)(a)—current accreditation as a Building Surveying Technician issued by an approved building industry accreditation authority; or

(e) an approval from the Minister under section 101(2) of the Act.

(3) The following qualifications are prescribed for the purposes of section 69(1) of the Act:

(a) current accreditation as a Building Surveyor issued by an approved building industry accreditation authority; or

(b) current accreditation as an Assistant Building Surveyor issued by an approved building industry accreditation authority; or

(c) an approval from the Minister.

(4) The following qualifications are prescribed for the purposes of sections 19(1)(a)(ii), 59(3), 71(1) and 71(1a) of the Act:

(a) the qualifications set out in subregulation (3); or

(b) current accreditation as a Building Surveying Technician issued by an approved building industry accreditation authority.

(5) For the purposes of section 71(19)(a)(i) of the Act, the prescribed qualifications in building surveying are—

(a) current accreditation as a Building Surveyor issued by an approved building industry accreditation authority; or

(b) with respect to buildings that do not have a rise in storeys exceeding 3 and do not have a floor area exceeding 2 000 square metres—current accreditation as an Assistant Building Surveyor issued by an approved building industry accreditation authority.

(6) In this regulation—

approved building industry accreditation authority means—

(a) the Building Surveyors and Allied Professions Accreditation Board; or

(b) any other accreditation body recognised by the Minister for the purposes of this definition.

88—Certificate of independent technical expert in certain cases

(1) This regulation applies to the assessment of a proposed development against the Building Rules in respect of—

(a) materials and forms of construction to which Part B1—Volume 1, or Part 2.1—Housing Provisions—Volume 2, of the *Building Code* applies; or

(b) the matters referred to in Section E—Volume 1 of the *Building Code*; or

(c) energy efficiency matters referred to in Section J—Volume 1, or V2.6.2—Housing Provisions—Volume 2, of the *Building Code*.

(2) For the purposes of section 36(4)(a) of the Act, a relevant authority must, in a circumstance where this regulation applies, accept that building work complies with the Building Rules to the extent that such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified by an independent technical expert who—

(a) certifies that the materials, forms of construction and systems to which the details, particulars, plans, drawings or specifications relate will, if installed or carried out in accordance with the details, particulars, plans, drawings or specifications, comply with the requirements of the *Building Code*; and

(b) sets out in detail the basis on which the certificate is given and the extent to which the person giving the certificate has relied on relevant tests, specifications, rules, standards, codes of practice or other publications.

(3) Pursuant to section 101(1) of the Act, a relevant authority, authorised officer or private certifier may rely on the certificate of an independent technical expert in a circumstance where this regulation applies.

Division 2—Private certification

89—Private certification—authorised functions

(1) Pursuant to section 89(2) of the Act, a private certifier is authorised to exercise the following functions:

(a) the assessment of a development against the Building Rules and, if appropriate, the assignment of a classification under the *Building Code*, and the granting of a building rules consent (but not an approval) under sections 33(1)(b) or 34(2)(d) of the Act, other than where section 36(3) of the Act applies;

(b) the powers and duties of a relevant authority under section 36(2) of the Act;

(c) where section 36(3) of the Act applies—the provision of advice to the relevant authority;

(d) insofar as an application or an authorisation relates to an assessment against the Building Rules, the powers and duties of a relevant authority under section 37 of the Act;

(e) insofar as an application or an authorisation relates to an assessment against the Building Rules, the ability to make a request under section 39(2) of the Act, or to grant a permission under section 39(4)(a) or (b), or to grant a variation under section 39(6);

(f) the provision of a notice of decision to an applicant under section 40 of the Act;

(g) the imposition of conditions under section 42 of the Act if the private certifier grants a building rules consent;

(h) the powers of a relevant authority under section 53A of the Act;

(i) if the private certifier grants a building rules consent or otherwise undertakes an assessment of building work against the Building Rules—

(i) the issue of a schedule of essential safety provisions under Division 4 of Part 12 of these regulations; or

(ii) the assignment of a classification to the building under these regulations;

(j) the ability to act under any other provision of the Act or these regulations which specifically provides for the exercise of a function by a private certifier.

(2) Subregulation (1) is subject to the following qualifications:

(a) a private certifier must not grant a building rules consent in respect of a development which requires development plan consent, other than a development classified as a *complying* development under these regulations (excluding *residential code* development) or the relevant Development Plan, before that development plan consent is granted;

(b) a private certifier must, in deciding whether to grant a building rules consent, take into account the development plan consent and any condition or notes that apply in relation to the development plan consent (if such consent has been granted).

(3) If a private certifier grants a building rules consent, the private certifier must, when providing the applicant with written notice of the decision, include in the notice a statement advising the applicant that building work cannot commence unless or until the development is approved under the Act.

90—Engagement of private certifier

(1) A private certifier must be engaged by or under an agreement in writing.

(2) If a person who is not the owner of land where a development is proposed proposes to engage a private certifier to assess building work against the provisions of the Building Rules, the person must, before engaging the private certifier, notify the owner of the land of his or her intention to engage a private certifier.

(3) If a case to which subregulation (2) applies involves a Class 1a building under the *Building Code*, the person proposing to engage a private certifier must, before engaging the private certifier, obtain the written consent of the owner of the land to the use of a private certifier.

91—Qualifications

(1) For the purposes of section 91(1)(a) or (b), the prescribed qualifications and experience are—

(a) —

(i) current accreditation as a Building Surveyor issued by an approved building industry accreditation authority; and

(ii) at least 8 years experience in the practice of architecture, civil engineering in respect of buildings or building surveying after obtaining—

(A) a graduate qualification in architecture; or

(B) a graduate qualification in civil engineering; or

(C) accreditation as a Building Surveyor issued by an approved building industry accreditation authority or a Certificate of Registration as a Building Surveyor issued by the Local Government Qualifications Committee; or

(b) qualifications and experience approved by the Minister for the purposes of this regulation after consultation with the registration authority under regulation 93A.

(2) In this regulation—

approved building industry accreditation authority means—

(a) the Building Surveyors and Allied Professions Accreditation Board; or

(b) any other accreditation body recognised by the Minister for the purposes of this definition.

92—Provision of information

(1) Pursuant to section 93(1)(b) of the Act, a decision to grant a building rules consent is a decision of a prescribed kind.

(2) Pursuant to section 93(1)(b)(iii) of the Act, the following information or documentation must be provided to the relevant authority:

(a) 2 copies of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed with the private certifier's consent; and

(b) if the private certifier determines under section 36(2) of the Act that it is appropriate to grant building rules consent in relation to a development that is at variance with the Building Rules, written notification specifying—

(i) the variance; and

(ii) the grounds on which the determination is made; and

(c) if relevant, evidence of any concurrence from the Building Rules Assessment Commission; and

(d) if relevant, a schedule of essential safety provisions in the appropriate form under Schedule 16 which sets out the matters to be specified under Division 4 of Part 12 of these regulations; and

(e) a certificate that the building rules consent is consistent with the development plan consent and any condition or notes that apply in relation to the development plan consent (if such consent has been granted).

(2a) A certificate under subregulation (2)(e) must be in the form set out in Schedule 22A.

(2b) In connection with any CNBP development or LGIP development assessed by a private certifier for the purposes of providing any building rules consent—

(a) the private certifier must, at the time that he or she provides to the relevant authority the information or documentation required under subregulation (2) (other than paragraph (e)), provide a copy of each item to the council; and

(b) subregulation (2)(e) will not apply.

(3) If a private certifier assigns a classification to a building, the private certifier must—

(a) if the assignment is made in conjunction with the assessment of a development against the Building Rules and the granting of a building rules consent—at the time that the private certifier notifies the council of his or her decision to grant the building rules consent;

(b) in any other case—within 5 business days after making the assignment,

provide to the council written notification of the classification assigned by the private certifier, including information on—

(c) the address or location of the building; and

(d) if relevant—

(i) the maximum number of persons who may occupy the building; and

(ii) if the building has more than 1 classification—the part of the building to which the classification relates and the classifications currently assigned to the other parts of the building.

(4) If a private certifier issues a certificate of occupancy for a building, the private certifier must, within 5 business days after issuing the certificate, provide to the council a copy of the certificate of occupancy together with a copy of any documentation provided under regulation 83(2).

(5) If a private certifier receives a Statement of Compliance under regulation 83AB and a certificate of occupancy is not to be issued, the private certifier must, with 5 business days after receiving the statement, provide to the council a copy of the statement together with a copy of any documentation provided for the purposes of that regulation.

(6) Any material required to be provided to a relevant authority or council under this regulation, other than material referred to in subregulation (2)(a) or other certified plans or drawings, may be so provided, with the approval of the relevant authority or council, by fax or other form of electronic transmission.

(7) In this regulation—

CNBP development means development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program;

LGIP development means development that has been approved by the State Coordinator-General for the purposes of the Local Government Infrastructure Program.

93—Insurance

Pursuant to section 100 of the Act, a private certifier must hold a policy for professional indemnity insurance that is reasonable and adequate taking into account the amount and nature of the work undertaken by the private certifier, subject to the qualification that the insurance must at least satisfy the requirements prescribed by Schedule 23.

93A—Register of private certifiers

(1) A person must not act as a private certifier unless he or she is registered under this regulation.

Maximum penalty: $4 000.

(2) An application for registration—

(a) must be made to the registration authority in a manner and form determined by the Minister; and

(b) must be accompanied by a $115 fee.

(3) A person is entitled to be registered if the person—

(a) satisfies the requirements of section 91(1) of the Act (and the relevant regulations); and

(b) is not disqualified under section 91(2) of the Act or regulation 103; and

(c) holds the professional indemnity insurance required by these regulations.

(4) Registration remains in force until—

(a) the registration is surrendered or cancelled (either under this regulation or pursuant to a determination under regulation 103); or

(b) the relevant person dies or, in the case of a company, is dissolved.

(5) Registration may also be suspended pursuant to a determination under regulation 103.

(6) A registered person must, on or before each anniversary of his or her registration—

(a) pay an annual registration fee of $58 in a manner determined by the Minister; and

(b) lodge with the registration authority a return in a form determined by the Minister.

(7) The registration authority may cancel a registration if—

(a) events have occurred such that the registered person would not be entitled to registration if he or she were to apply for registration; or

(b) the registered person, in acting as a private certifier, contravenes or fails to comply with a provision of the Act or these regulations; or

(c) the registered person fails to pay the annual registration fee required under subregulation (6); or

(d) the registration authority considers that the registered person obtained the registration improperly or on the basis of false or misleading information.

(8) However—

(a) before taking action under subregulation (7)(b) or (d), the registration authority must give the person a notice in writing—

(i) stating the proposed course of action; and

(ii) stating the reasons for the proposed course of action; and

(iii) inviting the person to show, within a specified time (of at least 10 business days), why the proposed action should not be taken,

(and the registration authority may then cancel the registration if, after considering representations made under this paragraph, the registration authority still considers that action should be taken); and

(b) before taking action under subregulation (7)(c), the registration authority must give the person a notice in writing—

(i) stating that the fee has not been paid; and

(ii) warning the person that the registration will be cancelled if the person does not pay the fee within 10 business days,

(and the registration authority may then cancel the registration if the fee remains unpaid after the 10 business days).

(9) Despite a preceding subregulation, a registration is automatically cancelled if the Minister disqualifies the person from acting as a private certifier under section 91(2)(b) of the Act.

(10) An insurer under a professional indemnity insurance policy taken out by a private certifier under these regulations must give the registration authority at least 10 business days written notice of an intention to cancel the policy.

(11) A person may surrender his or her registration.

(12) In this regulation—

registration authority means the Minister.

93B—Person must avoid conflict of interest as a private certifier

(1) A person must not—

(a) act for a council in relation to a development if the person has acted as a private certifier in relation to the same development; or

(b) act as a private certifier in relation to a development in the area of a council if—

(i) the person has acted for the council in relation to the same development; or

(ii) the person has an agreement with the council to provide professional advice to the council on an ongoing basis for the purposes of section 101(2) of the Act.

Maximum penalty: $4 000.

(2) For the purposes of subregulation (1), a person acts for a council if the person—

(a) provides professional advice to the council for fee or reward; or

(b) represents the council for fee or reward.

Part 16—Miscellaneous

94—Service of notices

(1) Subject to subregulation (2), and without derogating from any other regulation relating to the service of a notice, a notice or document which is required to be given or served on a person under the Act or these regulations may be so given or served as follows:

(a) by personal service on the person or an agent of the person; or

(b) by leaving it for the person at his or her usual or last known place of residence or business, or at any address for the service of notices or documents—

(i) with a person apparently over the age of 16 years; or

(ii) by placing it in a letter box, or in a conspicuous place; or

(c) by posting it in an envelope addressed to the person at his or her usual or last known place of residence or business, or at any address for the service of notices or documents; or

(d) in the case of a person who is the owner or occupier of a unit within a strata scheme under the *Strata Titles Act 1988*—by posting it to the person care of the strata corporation at the postal address of the strata corporation; or

(e) in the case of a person who is the owner or occupier of a community lot within a community scheme under the *Community Titles Act 1996*—by posting it to the person care of the community corporation at the postal address of the community corporation; or

(f) in the case of an incorporated body—by leaving it at its registered or principal office, or at any address for the service of notices or documents, with a person apparently over the age of 16 years, or by posting it in an envelope addressed to the body at its registered or principal office, or at any address for the service of notices or documents; or

(g) by faxing it to a fax number known to be used by the person (in which case the notice or document will be taken to have been given or served at the time of transmission).

(2) For the purposes of subregulation (1)—

(a) the person or authority which must give or serve a notice or document may assume that the address of an owner or occupier of land entered in the assessment book of the council for the area in which the land is situated, or shown in the certificate of title register book for the land, is the owner's or occupier's address for the service of notices or documents; and

(b) if a notice or document must be given to or served on 2 or more persons who appear to have the same place of residence or business, or who have the same address for the service of notices or documents, it will be taken that the notice or document has been provided to, or served on, each of them if 1 notice or document, addressed to all of them, is given or served in accordance with this regulation; and

(c) if a notice or document must be given to or served on 2 or more persons who are the owners or occupiers of units within the same strata scheme under the *Strata Titles Act 1988*, it will be taken that the notice or document has been provided to, or served on, each of them if 1 notice or document, addressed to all of them as the owners or occupiers of the relevant units, is posted to the postal address of the strata corporation; and

(d) if a notice or document must be given to or served on 2 or more persons who are the owners or occupiers of community lots within the same community scheme under the *Community Titles Act 1996*, it will be taken that the notice or document has been provided to, or served on, each of them if 1 notice or document, addressed to all of them as the owners or occupiers of the relevant lots, is posted to the postal address of the community corporation.

95—Fees

(1) The fees set out in Schedule 6 are payable as specified in that Schedule.

(2) An authority (including the Minister) with which an application is duly lodged under these regulations—

(a) may require the applicant to provide such information as the authority may reasonably require to calculate any fee payable under these regulations; and

(b) may make any other determination for the purposes of these regulations (even if it is not the relevant authority).

(3) If an authority acting under subregulation (2), or a relevant authority in any event, believes that any information provided by an applicant is incomplete or inaccurate, the authority (or relevant authority) may calculate any fee on the basis of estimates made by it.

(4) A relevant authority may, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under these regulations.

(5) On a reassessment under subregulation (4)—

(a) if it appears that an overpayment has occurred, a refund is due in accordance with the reassessment; and

(b) if it appears that an underpayment has occurred, a further amount becomes payable in accordance with the reassessment.

(6) If a fee is not paid in accordance with the Act or these regulations, any period between the date of a request for payment of the fee by an authority entitled to receive payment of the fee under the Act or these regulations and the date of the actual payment of the fee will not be taken into account for the purposes of any time limit or period prescribed by these regulations.

(7) For the purposes of a regulation that provides that a fee is fixed or determined by a relevant authority or council, relevant authorities and councils are prescribed as a class pursuant to item 31 of the Schedule to the Act.

(8) Despite any other regulation, Schedule 7 has effect in relation to the distribution of fees between various authorities and bodies under the Act and these regulations.

(9) In Schedule 6 and Schedule 7—

GST component means a component attributable to a liability to GST.

(10) For the purposes of this regulation—

GST means the tax payable under the GST law;

GST law means—

(a) *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth); and

(b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods and services.

96—Prescribed rate of interest

(1) For the purposes of sections 55(6)(a), 56(4)(a), 69(6)(a), 84(8) and 85(13)(a) of the Act, the rate of interest is the prescribed bank rate for the financial year in which the liability to pay the interest first arises.

(2) In subregulation (1)—

prescribed bank rate, for a particular financial year, means the published indicator rate for prime corporate lending of the Commonwealth Bank of Australia at the commencement of the financial year.

97—Limitation on time when action may be taken

Pursuant to section 7(3)(b) of the Act, section 73 of the Act does not apply to any defective building work—

(a) carried out before the commencement of the Act; or

(b) carried out after the commencement of the Act pursuant to an approval granted under another Act before the commencement of the Act; or

(c) carried out after the commencement of the Act pursuant to an approval granted under the *Building Act 1971* after the commencement of the Act by virtue of section 24 of the *Statutes Repeal and Amendment (Development) Act 1993*.

98—Register of applications

(1) A relevant authority (other than a private certifier exercising the powers of a relevant authority under the Act) must keep available for public inspection without fee during its normal office hours a register of applications for consent, approval, or the assignment of building classifications under the Act.

(2) The following matters must be recorded in a register under subregulation (1) in respect of each application:

(a) the name and address of the applicant (or of each applicant);

(b) the date of the application;

(c) the date on which the application was received by the relevant authority;

(d) a description of the land which is the subject of the application;

(e) a brief summary of the matters, acts or things in respect of which any consent or approval is sought;

(f) details of any referral or concurrence on the application;

(g) whether any decision is made on the application by a council, a regional development assessment panel, the Development Assessment Commission or the Governor;

(h) any decision on the application (including the date of the decision and any conditions that are imposed);

(i) in the case of an application for a building rules consent—the fee or fees payable in relation to the application (separately listed and including a specific record of the fee payable to the Minister under item 2(c) of Schedule 7);

(j) the date of the commencement of any building work, and the date of the completion of any building work, given under regulation 74(1);

(k) if any decision on the application is the subject of an appeal, the result of the appeal.

(3) A relevant authority may, on payment of a fee fixed by the relevant authority, make available to a member of the public a copy of any part of a register or document kept for the purposes of subregulation (1).

(4) A private certifier must keep a register that records, in respect of each application made to the private certifier under the Act—

(a) the name and address of the applicant (or of each applicant);

(b) the date of the application;

(c) a description of the land which is the subject of the application;

(d) a brief summary of the matters, acts or things in respect of which any consent or decision is sought;

(e) details of any referral or concurrence on the application;

(f) any decision on the application (including the date of the decision and any conditions that are imposed);

(g) in the case of an application for a building rules consent—the fee payable under item 5(1) of Schedule 6;

(h) if any decision on the application is the subject of an appeal, the result of the appeal.

(5) A private certifier must keep a record required under subregulation (4) for not less than 3 years after the date on which the relevant application is determined by the private certifier.

99—Register of land management agreements

(1) The Minister must establish a register of agreements entered into by the Minister under section 57(1) of the Act.

(2) A council must establish a register of agreements entered into by the council under section 57(2) of the Act.

(3) A register must contain a copy of each agreement entered into by the Minister or the council (as the case may be) under section 57 of the Act after the commencement of this regulation and may contain other information the Minister or the council (as the case may be) considers appropriate.

(4) The register established by the Minister must be kept at the principal office of the Department of the Minister.

(5) A register established by a council must be kept at the principal office of the council.

(6) A register must be kept available for public inspection during normal office hours for the office where the register is situated.

100—Land management agreements—development applications

(1) The Minister must establish a register of agreements entered into by the Minister, or any other designated Minister, under section 57A of the Act.

(2) A council must establish a register of agreements entered into by the council under section 57A of the Act.

(3) A register must contain a copy of each agreement entered into by a Minister or the council (as the case may be) under section 57A of the Act and may contain other information the Minister or the council (as the case may be) considers appropriate.

(4) The register established by the Minister must be kept at the principal office of the Department of the Minister.

(5) A register established by a council must be kept at the principal office of the council.

(6) A register must be kept available for public inspection during normal office hours for the office where the register is situated.

(7) For the purposes of section 57A(18) of the Act, the period of 9 months from the operative date of the relevant development approval is prescribed.

(8) A notice given by the relevant authority under section 57A(18) of the Act—

(a) must be in writing; and

(b) must identify the relevant development approval according to the site of the proposed development and the date on which the approval was given; and

(c) must state that the relevant authority has decided to lapse the development approval because the agreement has not been noted against the relevant instrument of title or land (as the case may be) under section 57A of the Act within the period that applies under subregulation (7); and

(d) must be given to each person named as a party to the agreement (other than the relevant authority).

(9) The relevant authority must also give a copy of a notice under subregulation (8) to—

(a) any owner of the land who is not a party to the agreement; and

(b) if the council for the area where the relevant land is situated is not a party to the agreement—the council.

(10) In this regulation—

operative date of an approval means—

(a) the date on which the approval is given; or

(b) if the decision to grant the approval has been the subject of an appeal under this Act, the date on which any appeal is dismissed, struck out or withdrawn, or all questions raised by any appeal have been finally determined (other than any question as to costs),

whichever is the later.

101—Documents to be preserved by a council

(1) A council must retain a copy of each of the following documents in relation to any building work approved under the Act in its area (whether approved by the council or otherwise):

(a) all technical details, particulars, plans, drawings, specifications and other documents or information relating to building work;

(b) all certificates, opinions and other documents submitted to the council in connection with an application for approval of building work;

(c) the duplicate of any certificate of occupancy issued by, or provided to, the council;

(d) a copy of any schedule of essential safety provisions issued by, or provided to, the council;

(e) a copy of any certificate submitted to the council under regulation 76 during the preceding 6 years;

(f) a copy of any other plan submitted to the council under these regulations.

(2) The council must preserve any document referred to in subregulation (1) until the building to which the document relates is demolished or removed.

(3) Notwithstanding subregulations (1) and (2), the council may in the case of a Class 1 or 10 building under the *Building Code*, offer to give the plans and specifications in its possession, to the building owner 10 years after the date of the approval (on such terms as the council thinks reasonable) and, if the owner declines the offer, the council may destroy the documents.

(4) A person may, subject to subregulation (5), with the consent of the council or the owner of the building to which the document relates, and on payment of a reasonable fee fixed by the council, inspect at the offices of the council during its normal office hours any document retained by the council under subregulation (1).

(5) A council is not required to make available any plans, drawings, specifications or other documents or information if to do so would, in the opinion of the council, unreasonably jeopardise the present or future security of a building.

(6) Despite subregulations (4) and (5), a council must, at any reasonable time and without the imposition of a fee, allow a person authorised by the Minister for the purposes of this subregulation to inspect, copy or take extracts from any document retained by the council under subregulation (1).

102—Documents to be provided by private certifier

A private certifier must ensure that he or she is able to produce to an authorised officer within a reasonable period (on request) a copy of any of the following documents:

(a) any agreement to engage the private certifier under section 90 of the Act;

(b) any notification of engagement given by the private certifier under section 93(a) of the Act;

(c) any technical details, particulars, plans, drawings, specifications or other documents or information considered by the private certifier on an application for a building rules consent;

(d) any certificates, opinions or other documents submitted to the private certifier in connection with an application for a building rules consent;

(e) any notification of a decision given by the private certifier under section 93(b)(i) of the Act;

(f) any statement required under regulation 89(3);

(g) any document that the private certifier is required to provide to a relevant authority under regulation 92(2), (3) or (4) (to the extent that a preceding paragraph does not apply).

103—Complaints relating to building work assessment

(1) In this regulation—

code of practice means a code of practice established by the Minister pursuant to section 97(3) of the Act.

(2) A person may make a complaint to the Minister about a private certifier or council if the person believes—

(a) that the private certifier or council has failed to comply with, or acted in contravention of, the Act, these regulations or the *Building Code* with respect to any matter associated with any assessment, decision, permission, consent, approval, authorisation, certificate or process that relates to building work (or proposed building work), or the classification or occupation of a building; or

(b) in the case of a private certifier—that the private certifier has failed to comply with, or acted in contravention of, a code of practice.

(3) A complaint must—

(a) be in writing; and

(b) contain particulars of the allegations on which the complaint is based; and

(c) be verified by statutory declaration.

(4) Except with the express permission of the Minister, a complaint must not be lodged with the Minister more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.

(5) The Minister may require the complainant to give further particulars of the complaint (verified, if the Minister so requires, by statutory declaration).

(6) The Minister may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to continue to entertain a complaint, if it appears to the Minister—

(a) that the complainant does not have a sufficient interest in the matter to which the complaint relates; or

(b) that the matter raised in the complaint is trivial; or

(c) that the complaint is frivolous or vexatious or is not made in good faith; or

(d) that it would be more appropriate for proceedings to be initiated in a court or tribunal constituted by law; or

(e) that there is some other good reason not to proceed (or to proceed further) with the matter under this regulation.

(7) If a complaint is against a council—

(a) the Minister must initially refer the matter to the council for consideration (or further consideration) and report; and

(b) the Minister may, on the basis of a report under paragraph (a) (and in addition to the powers of the Minister under subregulation (6)), decide not to proceed with the matter under this regulation.

(8) The Minister must inform the complainant of a decision under subregulation (6) or (7)(b) and the reasons for it.

(9) Subject to the operation of subregulation (6) and (7), the Minister must, after receiving a complaint—

(a) refer the matter to an authorised officer for investigation and report; and

(b) by written notice—inform the private certifier or council of the reference of the matter to an authorised officer (including, in the case of a private certifier, information about the nature of the complaint).

(10) The authorised officer must conduct an investigation into the complaint as soon as practicable after the matter is referred under subregulation (9).

(11) The authorised officer must give the private certifier or council a reasonable opportunity to make representations to the authorised officer about the complaint.

(12) The authorised officer may (in addition to the powers of an authorised officer under section 19 of the Act) require—

(a) the private certifier or council; or

(b) the complainant,

to provide to the authorised officer any document or other information relevant to the investigation of the complaint (verified, if the authorised officer so requires, by statutory declaration).

(13) If during an investigation the authorised officer is satisfied that there is matter about which another complaint could have been made against the private certifier or council, the authorised officer may, after consultation with the Minister, deal with the matter as part of the investigation as if a complaint had been made about the matter.

(14) The authorised officer—

(a) may report to the Minister at any stage of an investigation; and

(b) must present a written report to the Minister at the conclusion of an investigation.

(15) The Minister must supply the complainant and the private certifier or council with a copy of a report presented under subregulation (14)(b).

(16) The Minister may, on the receipt of a report under subregulation (14)(b)—

(a) decide to take no further action on the complaint; or

(b) discuss the matter with the parties in order to attempt to resolve the issues between them; or

(c) if the complaint has been made against a private certifier—

(i) caution or reprimand the private certifier;

(ii) make recommendations to the private certifier;

(iii) impose conditions on the registration of the private certifier under regulation 93A;

(iv) determine that the registration of the private certifier under regulation 93A should be suspended or cancelled;

(v) disqualify the private certifier from registration under regulation 93A for a specified period or until the fulfilment of specified conditions; or

(d) if the complaint has been made against a council—refer the matter to the council for further consideration, with or without recommendations; or

(e) refer the matter to another person or authority, with a recommendation for further inquiry or action.

(17) A determination under subregulation (16)(c)(iii), (iv) or (v) will have effect according to its terms and without the need for further inquiry by the registration authority under regulation 93A.

(18) However, before taking action under subregulation (16)(c), (d) or (e), the Minister must give the private certifier or council (as the case may be) a notice in writing—

(a) stating the proposed course of action; and

(b) stating the reasons for the proposed course of action; and

(c) inviting the private certifier or council to show, within a specified time (of at least 10 business days), why the proposed action should not be taken.

(19) The Minister must inform the complainant of the outcome of the complaint under subregulation (16).

(20) The Minister, an authorised officer or any other person or body conducting an investigation or other proceeding under this regulation is under no duty to rectify a problem involving a building or building work identified or reported as a result of the performance of a function under this regulation.

104—Transfer of development potential

(1) If the provisions of a Development Plan provide for the transfer of development potential, any council for the area to which the plan relates or, if there is no such council, the Development Assessment Commission, must maintain a register setting out the following information in relation to each site which is involved in the scheme:

(a) the site area;

(b) the basic plot ratio;

(c) the total floor area of all buildings as at the date of any relevant application for the transfer of development potential;

(d) the amount of transferable floor area available for disposal from time to time;

(e) the date and number of any approval under the Act for additional floor area and the amount of such additional area;

(f) the date of approval of any original disposal of transferable floor area;

(g) the date of any gift, sale, transfer or assignment of transferable floor area constituting an original disposal thereof or any agreement for or document constituting any such transaction;

(h) the names and addresses of the parties to a transaction referred to in paragraph (g) for the original disposal of transferable floor area;

(i) the amount of transferable floor area disposed of in any original disposal;

(j) the consideration in respect of any original disposal of transferable floor area;

(k) the names and parties to any agreement executed in compliance with a condition of approval of an original disposal of transferable floor area;

(l) the date of registration of any agreement referred to in paragraph (k);

(m) the date of approval of any subsequent disposal of transferable floor area;

(n) the date of any gift, sale, transfer or assignment of transferable floor area constituting a subsequent disposal thereof or any agreement for or document constituting any such transaction;

(o) the names and addresses of the parties to a transaction referred to in paragraph (n) for the subsequent disposal of transferable floor area;

(p) the amount of transferable floor area disposed of in any subsequent disposal;

(q) the consideration in respect of any subsequent disposal of transferable floor area;

(r) the date and number of any approval of the Act, including the grant of bonus plot ratio, in respect of transferable floor area;

(s) the name and address of the applicant for any approval referred to in paragraph (r);

(t) a description of the site area of any development incorporating bonus plot ratio in respect of transferable floor area sufficient to identify that area;

(u) the amount of transferable floor area incorporated in any development as bonus plot ratio;

(v) the name of the deceased donee, purchaser, transferee or assignee of transferable floor area;

(w) the date of death of the donee, purchaser, transferee of assignee of transferable floor area;

(x) the names and addresses of the executors or administrators of the will or estate of the deceased donee, purchaser, transferee or assignee of transferable floor area.

(2) The register will be known as the Register of Development Rights for the relevant area.

(3) The Development Assessment Commission must notify a council if it makes any decision which affects information contained in a register kept by the council under this regulation.

(4) A register must be available for inspection by members of the public during normal office hours on payment of a reasonable fee fixed by the relevant authority which maintains the register.

105—Accreditation of building products

For the purposes of section 104(1) of the Act, the following bodies are prescribed:

(a) the Minister;

(b) a person duly authorised under the *Code Mark Scheme* administered by the Australian Building Codes Board.

106—Adoption of codes and standards

(1) For the purposes of section 23(5) of the Act, the Standards Association of Australia is prescribed.

(2) For the purposes of section 108(6) of the Act, the following bodies are prescribed:

(a) the Minister;

(b) the Minister for the time being administering the *Fisheries Management Act 2007*;

(c) the Minister for the time being administering the *Crown Lands Act 1929*;

(d) the Australian Building Codes Board;

(e) the Standards Association of Australia;

(f) the Commonwealth Scientific and Industrial Research Organisation;

(g) the International Scientific Organisation;

(h) the American Institute of Steel Construction Incorporated;

(i) the American Society of Testing Materials;

(j) the Building Research Authority of New Zealand;

(k) Fire Research Station, Building Research Establishment, Department of Environment, Great Britain;

(l) Fire Insurer's Research and Testing Organisation, Great Britain.

(3) For the purposes of section 108(8)(c) of the Act, the prescribed office is such office as may from time to time constitute the principal office of the Department of the Minister.

106A—Bushfire protection

(1) In this regulation—

bushfire protection area means an area identified as a bushfire protection area by a Development Plan;

land division consent means a consent under section 33(1)(c) of the Act;

Minister's Code means the *Minister's Code—Undertaking development in Bushfire Protection Areas—February 2009* published by the Minister (as in force from time to time).

(2) The Minister's Code is prescribed for the purposes of fire safety within a bushfire protection area.

(3) An application for a development plan consent or a land division consent in relation to development in a bushfire protection area that is within the ambit of the Minister's Code must be assessed taking into account the relevant requirements of the Minister's Code.

(4) Subregulation (3) does not derogate from any other requirements or principles under these regulations, a Development Plan or the Building Rules.

107—Constitution of statutory committees

(1) Pursuant to section 16(1) of the Act, the Advisory Committee must establish the following committees, with membership determined by the Minister:

(a) the Building Advisory Committee to report to the Advisory Committee on—

(i) matters relating to administration of the Act in respect to the design, construction and maintenance of buildings; and

(ii) the adequacy and application of the Building Rules; and

(iii) such other matters determined by the Minister or referred to the committee by the Advisory Committee;

(b) the Local Heritage Advisory Committee to report to the Advisory Committee on—

(i) proposed amendments to Development Plans insofar as they relate to local heritage; and

(ii) on such other matters determined by the Minister or referred to the committee by the Advisory Committee.

(2) Pursuant to section 16(1) of the Act, the Development Assessment Commission must establish the following committees:

(a) the Port Waterfront Redevelopment Committee, with membership determined by the Minister, 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 of Schedule 10 of these regulations (subject to any referral that may be made under section 34(2) of the Act);

(b) the Extractive Industries Committee, with membership determined by the Minister—

(i) to administer as appropriate delegated functions of the Development Assessment Commission in relation to extractive industries; and

(ii) to report to the Development Assessment Commission on such other matters determined by the Minister or referred to the committee by the Development Assessment Commission.

(3) The Minister may determine, in relation to a committee established under subregulation (1) or (2)—

(a) the terms and conditions under which a member is appointed; and

(b) the term of office of a member.

(4) Pursuant to section 20(2)(b) of the Act, the Development Assessment Commission must delegate to the Port Waterfront Redevelopment Committee—

(a) all of its powers to deal with, and to determine, applications for which the Development Assessment Commission is the relevant authority under clause 5 of Schedule 10 of these regulations; and

(b) the power to impose conditions under section 42 of the Act.

(5) The Development Assessment Commission must establish the Building Rules Assessment Commission for the purposes of the Act.

(6) The Minister may determine in relation to the Building Rules Assessment Commission—

(a) the membership; and

(b) the terms and conditions under which a member is appointed; and

(c) the term of office of a member.

(7) The functions of the Building Rules Assessment Commission are—

(a) to consider matters referred to it under the Act; and

(b) to administer as appropriate any delegated functions of the Development Assessment Commission; and

(c) to report to the Development Assessment Commission on such matters determined by the Minister or referred by the Development Assessment Commission.

108—Special committees for certain developments—section 34(1)(b)(vi)

(1) Pursuant to section 16(1)(a) of the Act, the Development Assessment Commission must establish a special committee to act as its delegate if the Minister makes a declaration under section 34(1)(b)(vi) of the Act.

(2) The committee will consist of—

(a) the members of the Development Assessment Commission; and

(b) the person or persons who are entitled under subregulation (3) to act as a member or members of the committee for the particular development.

(3) If the Minister makes a declaration under section 34(1)(b)(vi) of the Act, then—

(a) unless the principal member makes a nomination under paragraph (b)—the principal member of the council for the area in which the proposed development would be situated or, if the proposed development would be situated in the areas of 2 or more councils, the principal member for each council, is entitled to act as a member of the committee for the particular development; or

(b) a person nominated by the principal member of a council referred to in paragraph (a) is entitled to act as a member of the committee for the particular development provided that the nomination is made by the principal member by notice in writing sent to the Development Assessment Commission within 5 business days after the council receives a copy of the Minister's declaration under that section.

(4) Unless otherwise determined by the Development Assessment Commission, a quorum at a meeting of the committee consists of 5 members of the committee (and no business may be transacted at a meeting of a committee unless a quorum is present).

(5) Pursuant to section 20(2)(b) of the Act, the Development Assessment Commission must delegate to the committee the following powers of the Development Assessment Commission in relation to proposed developments that are within the ambit of declarations of the Minister under section 34(1)(b)(vi) of the Act:

(a) the power to determine whether relevant development authorisations should be given under Division 1 of Part 4 of the Act;

(b) the power to impose conditions under section 42 of the Act.

(6) In this regulation—

principal member of a council means the mayor or chairperson of the council.

109—Notice of appointment of member of a panel

For the purposes of section 56A(5) of the Act, the following particulars relating to a person who has been appointed as a member of a development assessment panel are prescribed:

(a) the full name of the person;

(b) the term of the appointment.

110—Delegations

Pursuant to section 20(8) of the Act, a notice of a delegation must be given in the Gazette if—

(a) in the case of the Minister—the delegation is—

(i) to a council; or

(ii) to a body or committee, other than the Development Assessment Commission or the Advisory Committee (or a committee or subcommittee established by the Development Assessment Commission or the Advisory Committee); or

(iii) to a person not employed under the *Public Sector Management Act 1995*;

(b) in the case of the Development Assessment Commission—the delegation is—

(i) to a council, other than under section 34 of the Act; or

(ii) to a body or committee, other than a body or committee established under the Act or these regulations; or

(iii) to a person not employed under the *Public Sector Management Act 1995*, other than a person who is a member of the Development Assessment Commission or a member of a committee or subcommittee established by the Development Assessment Commission;

(c) in the case of a council—the delegation is—

(i) to a body or committee not established by the council (not being a controlling authority); or

(ii) to a person who is not an officer or employee of the council.

111—Application of Fund

Pursuant to section 81(g) of the Act, the use of money standing to the credit of the *Planning and Development Fund* for a public work or public purpose that promotes or complements a policy or strategy contained in the Planning Strategy is authorised as a purpose for which the Fund may be applied.

112—General offence

(1) A person who contravenes or fails to comply with these regulations is guilty of an offence.

(2) A person who is guilty of an offence against these regulations for which no penalty is specifically prescribed is liable to a fine not exceeding $2 500.

(3) Subregulation (1) does not render the Minister, the Development Assessment Commission, a council, or any other authority referred to in these regulations, or any of their staff or officers, or a person acting on their behalf, liable to prosecution for any act or omission related to the administration or operation of these regulations.

113—Notification of urgent work

For the purposes of sections 54(2)(a) and 54A(2)(a) of the Act, the relevant notification must be given—

(a) by telephone or fax, using the main telephone or fax number at the principal office of the relevant authority, or a number determined by the relevant authority for the purposes of this regulation; or

(b) by transmitting an electronic version of the notification to the relevant authority's email address.

114—Declaration of commercial competitive interest

(1) Pursuant to subsection (3) of section 88B of the Act, a disclosure of a commercial competitive interest under section 88B must be given in the form of a duly completed Notice of Disclosure in the form of Schedule 24.

(2) The form required under subregulation (1) must be given by the person required to make the relevant disclosure—

(a) to the Registrar of the relevant court—

(i) in the case of a person who has commenced the proceedings—at the time of lodging the application or other documentation that commences the proceedings;

(ii) in the case of a person who becomes a party to the proceedings—within 10 business days after becoming a party to the proceedings;

(iii) in the case of a person who provides financial assistance to another person who commences or becomes a party to any relevant proceedings—within 10 business days after the commencement of the proceedings or the date on which the other person becomes a party to the proceedings (as the case may be); and

(b) to each of the other parties to the proceedings—

(i) in the case of a person who has commenced the proceedings—within 10 business days after commencing the proceedings;

(ii) in the case of a person who becomes a party to the proceedings—within 10 business days after becoming a party to the proceedings;

(iii) in the case of a person who provides financial assistance to another person who commences or becomes a party to any relevant proceedings—within 10 business days after the commencement of the proceedings or the date on which the other person becomes a party to the proceedings (as the case may be).

115—System indicators

(1) A body specified in Column 1 of Schedule 25 must—

(a) keep and collate the information specified opposite the body in Column 2 of that Schedule on a quarterly basis; and

(b) provide the information for each quarter to the Minister, in a manner and form determined by the Minister, within 21 days after the end of the quarter.

(2) The Minister may, by written notice to the relevant body, on application by that body, exempt a body from a requirement within the ambit of Schedule 25 if the Minister is satisfied that the body would experience significant administrative difficulties if required to comply with the relevant requirement and that, in all the circumstances of the particular case, an exemption is reasonable.

(3) An exemption under subregulation (2)—

(a) may operate for a period determined by the Minister; and

(b) may be granted subject to such conditions as the Minister thinks fit; and

(c) may be varied or revoked by the Minister by subsequent notice to the relevant body.

(4) In this regulation or Schedule 25—

Planning SA means the Department responsible for assisting the Minister in the administration of the Act;

quarter means a 3 month period commencing on any of the following days in any year:

1 January

1 April

1 July

1 October.

116—Disclosure of financial interests—assessment panels

(1) In this regulation—

financial benefit, in relation to a person, means—

(a) any remuneration, fee or other pecuniary sum exceeding $1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and

(b) any remuneration, fees or other pecuniary sum received by the person in respect of a trade, vocation, business or profession engaged in by the person where the total exceeds $1 000,

but does not include an allowance, fee or other sum payable to the person under the Act;

income source, in relation to a person, means—

(a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

(b) any trade, vocation, business or profession engaged in by the person;

ordinary return means a return required under clause 2(1)(b) of Schedule 2 of the Act;

primary return means a return required under clause 2(1)(a) of Schedule 2 of the Act;

return period, in relation to the ordinary return of a prescribed member, means—

(a) in the case of a prescribed member whose last return was a primary return—the period between the date of the primary return and 30 June next following;

(b) in any other case—the period of 12 months expiring on 30 June on or within 60 days after which the ordinary return is required to be submitted.

(2) A word or expression used in this regulation that is referred to in clause 1 of Schedule 2 of the Act has the same meaning in this regulation as in that clause.

(3) For the purpose of this regulation, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

(4) For the purposes of clause 2(1)(a) of Schedule 2 of the Act, a primary return must be in the form set out in Schedule 26 and contain the following information:

(a) a statement of any income source that the prescribed member required to submit the return or a person related to the prescribed member has or expects to have in the period of 12 months after the date of the primary return;

(b) the name of any company, or other body, corporate or unincorporate, in which the prescribed member or a member of his or her family holds any office whether as director or otherwise, for the purpose of obtaining financial gain (including at sometime in the future);

(c) the information required by subregulation (7).

(5) Pursuant to clause 2(1)(b) of Schedule 2 of the Act, an ordinary return must be submitted on or within 60 days after 30 June in each year.

(6) For the purposes of clause 2(1)(b) of Schedule 2 of the Act, an ordinary return must be in the form set out in Schedule 27 and contain the following information:

(a) if the prescribed member required to submit the return or a person related to the prescribed member received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit;

(b) if the prescribed member or a member of his or her family held an office as director or otherwise in any company or other body, corporate or unincorporate, during the return period for the purpose of obtaining financial gain (including at sometime in the future)—the name of the company or other body;

(c) the information required by subregulation (7).

(7) For the purposes of this regulation, a return (whether primary or ordinary) must contain the following information:

(a) the name or description of any company, partnership, association or other body in which the prescribed member required to submit the return or a person related to the prescribed member is an investor;

(b) a concise description of any trust (other than a testamentary trust) of which the prescribed member or a person related to the prescribed member is a beneficiary or trustee (including the name and address of each trustee);

(c) the address or description of any land in which the prescribed member or person related to the prescribed member has any beneficial interest other than by way of security for any debt;

(d) any fund in which the prescribed member or a person related to the prescribed member has an actual or prospective interest to which contributions are made by a person other than the prescribed member or a person related to the prescribed member;

(e) if the prescribed member or a person related to the prescribed member is indebted to another person (not being related by blood or marriage to the prescribed member or to a member of his or her family) in an amount of or exceeding $7 500—the name and address of that other person;

(f) if the prescribed member or a person related to the prescribed member is owed money by a natural person (not being related to the prescribed member or a member of his or her family by blood or marriage) in an amount of or exceeding $10 000—the name and address of that person;

(g) any other substantial interest of a pecuniary nature of the prescribed member or of a person related to the prescribed member of which the prescribed member is aware and which he or she considers might appear to raise a material conflict between his or her private interest and the duty that he or she has or may subsequently have as a member of an assessment panel.

(8) A prescribed member is required by this regulation only to disclose information that is known to the prescribed member or ascertainable by the prescribed member by the exercise of reasonable diligence.

(9) Nothing in this regulation requires a prescribed member to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the prescribed member.

(10) A prescribed member may include in a return such additional information as the prescribed member thinks fit.

(11) Nothing in this regulation will be taken to prevent a prescribed member from disclosing information required by this regulation in such a way that no distinction is made between information relating to the prescribed member personally and information relating to a person related to the prescribed member.

(12) Nothing in this regulation requires disclosure of the actual amount or extent of a financial benefit or interest.

Schedule 1—Definitions

Act means the *Development Act 1993*;

amusement machine means a machine that is designed and constructed for the purpose of enabling a person to participate in a game of amusement and is activated by the insertion of a coin or token, but does not include a lottery ticket dispensing machine;

amusement machine centre includes premises that contain 4 or more amusement machines and are open for public use or participation, whether or not the premises may also be used for some other purpose, and also includes premises commonly known as pinball parlours, amusement centres, billiard saloons or fun parlours;

building height means the maximum vertical distance between the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like;

community centre means land used for the provision of social, recreational or educational facilities for the local community, but does not include a pre-school, primary school, educational establishment or indoor recreation centre;

consulting room means a building or part of a building (not being a hospital) used in the practice of a profession by a medical, veterinary or dental practitioner, or a practitioner in any curative science, in the provision of medical services, mental, moral or family guidance, but does not include a building or part of a building in which animals are kept for fee or reward;

dairy means a building or part of a building used for all or any of the operations of commercial milk production (whether mechanical or otherwise) and includes a milking shed, milk room, wash room or engine room;

detached dwelling means a detached building comprising 1 dwelling on a site that is held exclusively with that dwelling and has a frontage to a public road, or to a road proposed in a plan of land division that is the subject of a current development authorisation;

dwelling means a building or part of a building used as a self-contained residence;

educational establishment means a secondary school, college, university or technical institute, and includes an associated pre-school, primary school or institution for the care and maintenance of children;

electricity substation means—

(a) works for the conversion, transformation or control of electricity by 1 or more transformers, or by any switchgear or other equipment; or

(b) any equipment, building, structure or other works ancillary to or associated with works referred to in paragraph (a), other than any such works—

(i) that are mounted on a pole; or

(ii) that are wholly enclosed in a weather-proof enclosure not exceeding 8.5 cubic metres; or

(iii) that are incidental to any lawful use of the land which the works are situated;

essential safety provisions means—

(a) in relation to a building erected or altered after 17 June 1991—any safety systems, equipment or other provisions defined as such, or required to be installed under the *Building Code*, these regulations, any former regulations under the *Building Act 1971*, or *Minister's Specification SA 32* or *76*; or

(b) in relation to a building erected or altered after 1 January 1974 but before 17 June 1991—any safety systems, equipment or other provisions required under Part 59 of the revoked *Building Regulations 1973* to be inspected, tested or maintained in good working order or submitted to the council, and in the case of log books, to be maintained and kept;

farm building means a building used wholly or partly for the purpose of farming, but does not include a dwelling;

farming includes the use of land for any purpose of agriculture, cropping, grazing, or animal husbandry, but does not include horticulture, commercial forestry, horse keeping, or any intensive animal keeping or the operation of a stock slaughter works or dairy;

the fire authority—

(a) in relation to any part of the State where the South Australian Metropolitan Fire Service has responsibility for the provision of fire-fighting services—means the South Australian Metropolitan Fire Service;

(b) in relation to any other part of the State—means the South Australian Country Fire Service;

floor area ratio means the ratio between—

(a) the total floor area contained on all floors within a building or buildings (excluding areas permanently set aside for the parking, loading, unloading or movement of vehicles); and

(b) the area of the site, where the area of the site is expressed as unity;

fuel depot means land used primarily for the storage of petrol, gas, oils or other petroleum products and within or upon which no retail trade is conducted;

general industry means any industry other than a service industry, light industry or special industry;

Golden Grove Development Area means the Development Area under the *Golden Grove (Indenture Ratification) Act 1984*;

gross leasable area means the total floor area of a building excluding public or common tenancy areas such as malls, verandahs or public toilets;

group dwelling means 1 of a group of 2 or more detached buildings, each of which is used as a dwelling and 1 or more of which has a site without a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current development authorisation;

home activity means a use of a site by a person resident on the site—

(a) that does not detrimentally affect the amenity of the locality or any part of the locality; and

(b) that does not require or involve any of the following:

(i) assistance by more than 1 person who is not a resident in the dwelling;

(ii) use (whether temporarily or permanently) of a floor area exceeding 30 square metres;

(iii) the imposition on the services provided by a public utility organisation of any demand or load greater than that which is ordinarily imposed by other users of the services in the locality;

(iv) the display of goods in a window or about the dwelling or its curtilage;

(v) the use of a vehicle exceeding 3 tonne tare in weight;

horse keeping means the keeping or husbandry of horses where more than 1 horse is kept per 3 hectares of land used for such purposes or where hand feeding of a horse is involved;

horticulture means the use of land for market gardening, viticulture, floriculture, orchards, wholesale plant nurseries or commercial turf growing;

hotel means premises licensed, or proposed to be licensed, as a hotel under the *Liquor Licensing Act 1985*, but does not include a motel;

indoor recreation centre means a building designed or adapted primarily for recreation, but does not include a stadium or amusement machine centre;

industry means the carrying on, in the course of a trade or business, of any process (other than a process in the course of farming or mining) for, or incidental to—

(a) the making of any article, ship or vessel, or of part of any article, ship or vessel; or

(b) the altering, repairing, ornamenting, finishing, assembling, cleaning, washing, packing, bottling, canning or adapting for sale, or the breaking up or demolition, of any article, ship or vessel; or

(c) the getting, dressing or treatment of materials (and ***industrial*** will be construed accordingly);

intensive animal keeping means the keeping or husbandry of animals in a broiler shed, chicken hatchery, feedlot, kennel, piggery, poultry battery or other like circumstances, but does not include horse keeping;

licensed builder means a building work contractor under the *Building Work Contractors Act 1995*;

light industry means an industry where the process carried on, the materials and machinery used, the transport of materials, goods or commodities to and from the land on or in which (wholly or in part) the industry is conducted and the scale of the industry does not—

(a) detrimentally affect the amenity of the locality or the amenity within the vicinity of the locality by reason of the establishment or the bulk of any building or structure, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, spilled light, or otherwise howsoever; or

(b) directly or indirectly, cause dangerous or congested traffic conditions in any nearby road;

major public service depot means a public service depot on a site of 8 000 square metres or more;

Minister's Specification means a specification as from time to time issued by the Minister for the purpose of these regulations;

minor public service depot means a public service depot on a site of less than 8 000 square metres;

motel means a building or group of buildings providing temporary accommodation for more than 5 travellers, and includes an associated restaurant facility, but does not include a hotel or residential flat building;

motor repair station means any land or building used for carrying out repairs (other than panel beating or spray painting) to motor vehicles;

multiple dwelling means 1 dwelling occupied by more than 5 persons who live independently of one another and share common facilities within that dwelling;

nursing home means a place for the care of the aged and infirm where no care of outpatients or surgery is undertaken;

office means any building used for administration or the practice of a profession, but does not include consulting rooms or premises where materials or goods are stored for sale or manufacture;

open space ratio means the ratio between—

(a) the area of the open space about a building or the unbuilt portion of a site; and

(b) the total floor area of any building or buildings on the site (including all roofed areas, such as carports or verandahs) where that total floor area is expressed as unity;

petrol filling station means land used for the purposes of fuelling motor vehicles and may include any associated land for the servicing of motor vehicles, or for the sale of goods where the area used for the sale of goods is not greater than 50 square metres, but does not include a motor repair station;

plan of community division means a plan of community division under the *Community Titles Act 1996*;

pre-school means a place primarily for the care or instruction of children of less than primary school age not resident on the site, and includes a nursery, kindergarten or child-care centre;

prescribed mains means electricity mains of 11 000 volts rating, or less, but does not include switchgear, transformers or other works ancillary to prescribed mains deemed by the electricity authority unsuitable to be placed underground;

public service depot means land used for storage and operations connected with the provision of public services (including gas, electricity, water supply, sewerage, drainage, roadworks or telecommunication services) by a body responsible for the provision of those services;

recreation area means any park, garden, children's playground or sports ground that is under the care, control and management of the Crown, or a council, and is open to the public without payment of a charge, but does not include a stadium;

residential flat building means a single building in which there are 2 or more dwellings, but does not include a semi-detached dwelling, a row dwelling or a group dwelling;

restaurant means land used primarily for the consumption of meals on the site;

retail showroom means premises used primarily for the sale, display or offer by retail, of furniture, floor coverings, household appliances or electronic equipment for domestic use, but does not include premises for the sale, display or offer by retail of foodstuffs, clothing, sporting goods and personal effects goods;

road transport terminal means land used primarily for the bulk handling of goods for transport by road, whether or not the land is also used for—

(a) the loading and unloading of vehicles used to transport such goods; or

(b) the parking, servicing or repairing of vehicles used to transport such goods;

row dwelling means a dwelling—

(a) occupying a site that is held exclusively with that dwelling and has a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current development authorisation; and

(b) comprising 1 of 3 or more dwellings erected side by side, joined together and forming, by themselves, a single building;

semi-detached dwelling means a dwelling—

(a) occupying a site that is held exclusively with that dwelling and has a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current planning authorisation; and

(b) comprising 1 of 2 dwellings erected side by side, joined together and forming, by themselves, a single building;

service industry means a light industry in which—

(a) goods manufactured on the site (but not any other goods) are sold or offered for sale to the public from the site; or

(b) goods (other than vehicles or vehicle parts) are serviced, repaired or restored,

and the site occupied for such sale, service, repair or restoration (but not manufacture) does not exceed 200 square metres;

service trade premises means premises used primarily for the sale, rental or display of basic plant, equipment or machinery used in agriculture or industry, boats, caravans, domestic garages, sheds, outbuildings, motor vehicles, tents, trailers, swimming pools, building materials, landscaping materials or similar bulky articles or merchandise;

shop means—

(a) premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or

(b) a restaurant; or

(c) a retail showroom; or

(d) a personal service establishment,

but does not include—

(e) a hotel; or

(f) a motor repair station; or

(g) a petrol filling station; or

(h) a plant nursery where there is no sale by retail; or

(i) a timber yard; or

(j) service trade premises; or

(k) service industry;

site means the area of land (whether or not comprising a separate or entire allotment) on which a building is built, or proposed to be built, including the curtilage of the building, or in the case of a building comprising more than 1 separate occupancy, the area of land (whether or not comprising a separate or entire allotment) on which each occupancy is built, or proposed to be built, together with its curtilage;

special industry means an industry where the processes carried on, the methods of manufacture adopted or the particular materials or goods used, produced or stored, are likely—

(a) to cause or create dust, fumes, vapours, smells or gases; or

(b) to discharge foul liquid or blood or other substance or impurities liable to become foul,

and thereby—

(c) to endanger, injure or detrimentally affect the life, health or property of any person (other than any person employed or engaged in the industry); or

(d) to produce conditions which are, or may become, offensive or repugnant to the occupiers or users of land in the locality of or within the vicinity of the locality of the land on which (whether wholly or partly) the industry is conducted;

stock slaughter works means a building or part of a building, or land, used primarily for slaughter of stock or poultry, or the keeping of stock or poultry prior to slaughter on site;

store means a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on, but does not include a junk yard, timber yard or public service depot;

total floor area with respect to a building or other roofed area means the sum of the superficies of horizontal sections thereof made at the level of each floor, inclusive of all roofed areas and of the external walls and of such portions of any party walls as belong to the building;

warehouse means a building or enclosed land used for the storage of goods and the carrying out of commercial transactions involving the sale of such goods, but does not include any land or building used for sale by retail;

waste means waste within the meaning of the *Environment Protection Act 1993*;

writing in relation to an advertisement, means all modes of representing or reproducing in visible form (other than by means of any illuminating or self-illuminating devices) words, figures, emblems or other symbols or any combination of words, figures, emblems or other symbols.

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

1—Preliminary

(1) The following classes of development are within the ambit of this Schedule.

(2) In this Schedule—

attributable walls or structures means any walls or structures that are attributable to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence between the relevant allotment and an adjoining allotment;

Flood Management Zone/Area means a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan;

Historic Conservation Zone/Area means a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone;

River Murray Zone means the River Murray Flood Zone or the River Murray Zone with the exception of the Primary Production Policy Area within that zone;

road has the same meaning as in the *Local Government Act 1999*.

(3) For the purposes of this Schedule—

(a) the primary street in relation to a building is the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(b) a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated.

(4) Clauses 3 to 12 (inclusive) of this Schedule do not apply if—

(a) the development is in relation to a site where a State heritage place or a local heritage place is situated; or

(b) the development falls within a class of development prescribed under Schedule 8; or

(c) the development would be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.

2—Brush fences

(1) The construction or alteration of, or addition to, a brush fence that constitutes development by virtue of (and only by virtue of) the operation of—

(a) Schedule 3 clause 4(1)(f)(vi) or (g)(v); or

(b) Schedule 3A clause 4(1)(f)(v).

(2) In this clause—

brush fence has the same meaning as the meaning that applies for the purposes of a clause referred to in subclause (1).

3—Outbuildings

The construction or alteration of, or addition to, an outbuilding, other than where the outbuilding is in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, a River Murray Zone, the Golden Grove Residential Zone or Golden Grove Residential D Zone, or Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt, in which human activity is secondary, and which—

(a) is detached from and ancillary to a dwelling erected on the site; and

(b) is not being constructed, added to or altered so that any part of the outbuilding is situated—

(i) in front of any part of the building line of the building to which it is ancillary that faces the primary street; or

(ii) within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and

(c) in the case of a garage—is set back at least 5.5 metres from the primary street; and

(d) complies with the following requirements as to dimensions:

(i) a total floor area not exceeding 40 square metres;

(ii) a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);

(iii) a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;

(iv) if situated on a boundary of the allotment—a length not exceeding 8 metres; and

(e) if situated on a side boundary of the allotment—

(i) will not result in all attributable walls or structures located along the boundary exceeding 50% of the length of the boundary, disregarding the distance of any front setback; and

(ii) will not be within 3 metres of any other attributable wall or structure located along the boundary; and

(f) if ancillary to—

(i) a detached or semi-detached dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or

(ii) any other kind of dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and

(g) in the case of a garage—

(i) will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and

(ii) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and

(iii) is located so that vehicle access will use an existing or authorised driveway or access point under section 221 of the *Local Government Act 1999*; and

(iv) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:5 in any place and 1:8 on average; and

(h) if clad in sheet metal—is pre-colour treated or painted in a non-reflective colour; and

(i) does not involve any excavation or filling exceeding a vertical height of 1 metre overall.

4—Carports and verandahs

The construction or alteration of, or addition to, a carport or verandah (a ***designated structure***), other than in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, or a River Murray Zone, which—

(a) is ancillary to a dwelling erected on the site; and

(b) is not being constructed, added to or altered so that any part of the designated structure is situated in front of any part of the building line of the building to which it is ancillary that faces the primary street; and

(c) is set back at least 5.5 metres from the primary street; and

(d) complies with the following requirements as to dimensions:

(i) a total floor area not exceeding 40 square metres;

(ii) if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment, or so as to have any part of the designated structure within 900 millimetres of a boundary of the allotment—a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground);

(iii) a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;

(iv) if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment—a length not exceeding 8 metres; and

(e) if situated so as to abut, or to have any part of the designated structure on, a side boundary of the allotment—will not result in all attributable walls or structures located along the boundary exceeding 50% of the length of the boundary, disregarding the distance of any front setback; and

(f) if ancillary to—

(i) a detached or semi-detached dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or

(ii) any other kind of dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and

(g) in the case of a carport—

(i) will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and

(ii) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and

(iii) is located so that vehicle access will use an existing or authorised driveway or access point under section 221 of the *Local Government Act 1999*; and

(iv) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:5 in any place and 1:8 on average; and

(v) if any part involves cladding in sheet metal—will have cladding which is pre-colour treated or painted in a non-reflective colour.

5—Swimming pools

The construction or alteration of, or addition to, a swimming pool, other than in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, or a River Murray Zone, which—

(a) is ancillary to a dwelling erected on the site; and

(b) is not being constructed, added to or altered so that any part of the pool is within 1 metre of a boundary of the allotment; and

(c) is not being constructed, added to or altered so that any part of the pool is situated in front of any part of the building line of the building to which it is ancillary that faces the primary street; and

(d) does not have a filtration system located—

(i) in the case of a filtration system enclosed in a solid structure that will have a material impact on the transmission of noise—within 5 metres of a dwelling located on an adjoining allotment; or

(ii) in any other case—within 12 metres of a dwelling located on an adjoining allotment.

6—Spa pools

The construction or alteration of, or addition to, a spa pool, other than in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, or a River Murray Zone, which—

(a) is ancillary to a dwelling erected on the site; and

(b) is not being constructed, added to or altered so that any part of the spa pool is within 1 metre of a boundary of the allotment; and

(c) is not being constructed, added to or altered so that any part of the spa pool is situated in front of any part of the building line of the building to which it is ancillary that faces the primary street; and

(d) does not have a filtration system located—

(i) in the case of a filtration system enclosed in a solid structure that will have a material impact on the transmission of noise—within 5 metres of a dwelling located on an adjoining allotment; or

(ii) in any other case—within 12 metres of a dwelling located on an adjoining allotment.

7—Shade sails

The construction of a shade sail, other than in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, or a River Murray Zone, if—

(a) the shade sail is to consist of permeable material; and

(b) the area of the sail will not exceed 40 square metres; and

(c) no part of the sail will be—

(i) 3 metres above ground or floor level (depending on where it is situated) at any place within 900 millimetres of a boundary of the allotment; or

(ii) 5 metres above ground or floor level (depending on where it is situated) within any other part of the allotment; and

(d) no part of the sail will be in front of any part of the building line of the building to which it is ancillary that faces the primary street; and

(e) in a case where any part of the sail will be situated on a boundary of the allotment—the length of the sail along the boundary will not exceed 8 metres; and

(f) in a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment—the length of the sail and any such supporting structure together with all attributable walls or structures located along the boundary will not exceed 50% of the length of the boundary, disregarding the distance of any front setback.

8—Water tanks (above ground)

The construction or alteration of, or an addition to, a water tank (and any supporting structure), other than in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, or a River Murray Zone, if—

(a) the tank is part of a roof drainage system; and

(b) the tank has a total floor area not exceeding 15 square metres; and

(c) the tank is located wholly above ground; and

(d) no part of the tank is higher than 4 metres above the natural surface of the ground; and

(e) no part of the tank will be in front of any part of the building line of the building to which it is ancillary that faces the primary street; and

(f) in the case of a tank made of metal—the tank is pre-colour treated or painted in a non-reflective colour.

9—Water tanks (underground)

The construction or alteration of, or addition to, a water tank (and any associated pump) if—

(a) the tank is ancillary to a dwelling erected on the site; and

(b) the tank (and any associated pump) is located wholly below the level of the ground.

10—Solar photovoltaic panels

The installation, alteration, repair or maintenance of a system comprising solar photovoltaic panels on the roof of a building (after taking into account the operation of clause 15 of Schedule 3) if—

(a) the panels (and any associated components) do not overhang any part of the roof; and

(b) the panels are fitted parallel to the roof with the underside surface of the panels being not more than 100 millimetres above the surface of the roof; and

(c) if the building is in a Historic Conservation Zone/Area—no part of the system, when installed, will be able to be seen by a person standing at ground level in a public street.

11—Internal building work

(1) Work undertaken within a building, other than in a Historic Conservation Zone/Area, a Flood Management Zone/Area, a River Murray Zone, or the area of The Corporation of the City of Adelaide, if—

(a) there will be no increase in the total floor area of the building; and

(b) there will be no alteration to the external appearance of the building to any significant degree.

(2) Work undertaken within a building in a Historic Conservation Zone/Area if—

(a) there will be no increase in the total floor area of the building; and

(b) there will be no alteration to the external appearance of the building.

12—Demolition

(1) The partial or total demolition of a building and associated structures, other than in—

(a) a Historic Conservation Zone/Area; or

(b) the area of The Corporation of the City of Adelaide; or

(c) a designated area under subclause (3).

(2) Any demolition for the purposes of any *complying* development within a designated area under subclause (3) will not be within the ambit of subclause (1)(c).

(3) For the purposes of subclause (1)(c), a designated area is an area declared by the Minister on the application of the relevant council to be a designated area.

(4) The Minister may declare the whole, or a part, of the area of a council to be a designated area under subclause (3).

(5) The Minister must not make a declaration under subclause (3) unless the Minister is satisfied that the declaration is appropriate in order to introduce or enhance planning objectives and principles relating to residential building design and neighbourhood character and amenity.

(6) A declaration of the Minister under subclause (3) must be made by notice in the Gazette.

(7) A declaration may be made subject to such conditions as the Minister thinks fit (and specifies in the notice of declaration published in the Gazette).

(8) The Minister may, by subsequent notice in the Gazette, vary or revoke a declaration under subclause (3) or a condition under subclause (7).

(9) However, before taking action under subclause (8), the Minister must give the relevant council a notice in writing—

(a) stating the proposed course of action; and

(b) stating the reasons for the proposed course of action; and

(c) inviting the council to show, within a specified time (of at least 1 month), why the proposed course of action should not be taken.

(10) Subclause (9) does not apply to a variation or revocation made at the request of the relevant council.

13—Commonwealth Nation Building Program

(1) Any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.

(2) Subclause (1) does not apply if the development is in relation to a site where a State heritage place is situated.

(3) This clause expires on 31 December 2012.

14—Local Government Infrastructure Program

(1) Any development that has been approved by the State Coordinator-General for the purposes of the Local Government Infrastructure Program.

(2) Subclause (1) does not apply if the development is in relation to a site where a State heritage place is situated.

(3) This clause expires on 31 December 2012.

Schedule 2—Additional acts and activities constituting development

A1 The following acts or activities constitute development.

1 (1) Any excavating or filling (or excavating and filling) of land within the zones and areas to which this clause applies which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 cubic metres in total, but not including the excavating of filling (or excavating and filling) of land—

(a) incidental to the ploughing or tilling of land for the purpose of agriculture; or

(b) incidental to the installation, repair or maintenance of any underground services; or

(c) on or within a public road or public road reserve; or

(d) in the event of an emergency in order—

(i) to protect life or property; or

(ii) to protect the environment where authority to undertake the activity is given by or under another Act.

(2) This clause applies to—

(a) The Hills Face Zone;

(b) The following zones and areas in the Development Plan applying in the area of the City of Mitcham:

(i) Residential (Hills) Zone;

(ii) Residential (Foothills) Zone within the suburb of Bedford Park;

(iii) Residential (Blackwood Urban) Zone;

(iv) Commercial (Main Road) Zone;

(v) Commercial (Coromandel Parade) Zone;

(vi) Neighbourhood Centre Zone within the suburb of Belair;

(vii) Historic (Conservation) Zone—Belair Village;

(viii) Special Use Zones;

(ix) Rural Landscape Zone;

(c) The Residential Policy Area 27—Southern Foothills in the Residential Zone in the Development Plan applying in the area of the City of Burnside.

2 Any excavating or filling (or excavating and filling) of land in a local heritage place which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 cubic metres in total.

3 Any excavating or filling (or excavation and filling) of land, or the forming of a levee or mound, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, but not including the excavation or filling (or excavating and filling) of land—

(a) incidental to the ploughing or tilling of land for the purpose of agriculture; or

(b) incidental to the installation, repair or maintenance of any underground services; or

(c) on or within a public road or public road reserve; or

(d) in the event of an emergency in order—

(i) to protect life or property; or

(ii) to protect the environment where authority to undertake the activity is given by or under another Act.

4 Without derogating from the operation of any other clause, the forming of a levee or mound with a finished height greater than 3 metres above the natural surface of the ground.

5 Any excavating or filling (or excavating and filling)—

(a) within coastal land, as defined for the purposes of item 1 of Schedule 8; or

(b) within 3 nautical miles seaward of the coast measured from mean high water mark on the sea shore at spring tide,

which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 cubic metres in total.

6 The placing or making of any structure or works for coastal protection, including the placement of rocks, stones or other substances designed to control coastal erosion, within 100 metres landward of the coast measured from mean high water mark on the sea shore at spring tide or within 1 kilometre seaward of the coast measured from mean high water mark on the sea shore at spring tide.

7 (1) Without derogating from the operation of any other clause, the construction, installation or placement of any infrastructure for—

(a) the taking of water from any part of the River Murray system within the River Murray Floodplain Area; or

(b) the draining or depositing of any water or other substance or material into any part of the River Murray system within the River Murray Floodplain Area,

other than—

(c) where the infrastructure is being constructed, installed or placed by the Minister for the River Murray (or by a person who is undertaking works for or on behalf of that Minister); or

(d) where the infrastructure is to be used for domestic purposes within a prescribed zone for the purposes of item 19 of clause 2 of Schedule 8.

(2) For the purposes of subclause (1), a reference to the River Murray Floodplain Area is a reference to the River Murray Protection Area so designated under the *River Murray Act 2003*.

(3) In subclause (1)—

infrastructure has the same meaning as in the *River Murray Act 2003*;

River Murray system has the same meaning as in the *River Murray Act 2003*.

8 Other than within the City of Adelaide, the commencement of the display of an advertisement, but not including a change made to the contents of an existing advertisement if the advertisement area is not increased.

9 (1) Within the City of Adelaide, the display of a sign or a change in the type of sign that is on display, including a change in size and the addition of animation or illumination.

(2) For the purposes of subclause (1)—

sign means every painted sign, mural or other sign, signboard, visual display screen, visual display image, visual display or projection device, other advertising device, lamp, globe, floodlight, banner, bunting and streamer, including any background as well as any lettering and any advertising structure, but not including—

(a) a traffic control device displayed and erected under the *Road Traffic Act 1961*; or

(b) a sign displayed and erected by the Corporation of the City of Adelaide unless in relation to a commercial activity or purpose; or

(c) a sign displayed by reason of any statutory obligation upon the Crown, a Minister of the Crown, any instrumentality or agency of the Crown, the council, or a person requiring such display; or

(d) a sign displayed on enclosed land which is not ordinarily visible from land outside the enclosure, or from any public place; or

(e) a sign displayed upon or inside a vehicle other than a vehicle which is adapted and exhibited primarily as an advertisement; or

(f) banners displayed in Rundle Mall; or

(g) a sign not exceeding 4 square metres in advertisement area, advertising land for sale or lease that is situated on the land advertised for sale or lease; or

(h) a sign affixed to the inside of a window of premises, or displayed inside a window of premises; or

(i) a sign displaying the name or street number of premises and not exceeding 0.2 square metres in area; or

(j) a moveable sign.

10 (1) The division of land subject to a lease under a prescribed Crown Lands Act where an application has been made to the Minister responsible for the administration of the relevant Act to surrender the lease for freehold title on the basis that the land will be granted in fee simple and then divided.

(2) In subclause (1)—

prescribed Crown Lands Act means—

(a) the *Crown Lands Act 1929*; and

(b) the *Irrigation (Land Tenure) Act 1930*; and

(c) the *Discharged Soldiers Settlement Act 1934*; and

(d) the *Marginal Lands Act 1940*; and

(e) the *War Service Land Settlement Agreement Act 1945*.

Schedule 3—Acts and activities which are not development

A1—Application of Schedule 3

The following acts or activities are excluded from the definition of ***development*** (other than in respect of a State heritage place, or as otherwise indicated below).

1—Advertising displays

The commencement of an advertising display containing an advertisement—

(a) that is a traffic control device displayed and erected under the *Road Traffic Act 1961*; or

(b) that is displayed by reason of a statutory obligation on the Crown, a Minister of the Crown, an agency or instrumentality of the Crown, a council, or a person requiring such display; or

(c) that is on enclosed land or within a building and is not readily visible from land outside the enclosure or the building; or

(d) that is displayed for the purposes of identification, direction, warning or other information in relation to a detached, semi-detached, row or multiple dwelling or residential flat building, subject to the following conditions:

(i) that the advertisement area is not more than 0.2 square metres; and

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; and

(iii) that not more than 2 such advertisements are displayed in relation to the same building; or

(e) other than within the City of Adelaide, that is displayed on a building or a building in separate occupation (other than the side or rear walls of the building) used primarily for retail, commercial, office or business purposes, subject to the following conditions:

(i) that the advertisement is not displayed or erected above any verandah or the fascia of a verandah or, in a case where there is no verandah, that no part of the advertisement is more than 3.7 metres above ground level; and

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(f) that announces a local event of a religious, educational, cultural, social or recreational character, or that relates to an event of a political character, subject to the following conditions:

(i) that the total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2 square metres; and

(ii) except for an advertisement that relates to a federal, State or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event; and

(iii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(g) that is on land on which building work is being lawfully undertaken, subject to the following conditions:

(i) that the information in the advertisement refers to the work being undertaken; and

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; and

(iii) that the advertisement area is not more than 3 square metres; or

(h) that constitutes a moveable sign under the *Local Government Act 1999* and is placed on a public street, road or footpath within an area of a council under that Act; or

(i) that is a real estate "for sale" or "for lease" sign, subject to the following conditions:

(i) that the sign is situated on the land which is for sale or for lease; and

(ii) that the sign—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; and

(iii) that the sign is not more than 4 square metres in advertisement area; and

(iv) that the sign is removed within 2 weeks after the completion of the sale or the entering into of the lease.

2—Council works

(1) The construction, reconstruction, alteration, repair or maintenance by a council of—

(a) a road, drain or pipe, other than the construction of a new road, drain or pipe within 100 metres of the coast, measured from mean high water mark on the sea shore at spring tide; or

(b) an effluent drainage scheme, but not including any effluent pond or lagoon; or

(c) a structure or equipment used for or associated with the supply, conversion, transformation or control of electricity, other than—

(i) the construction of an electricity generating station, an electricity substation, a transmission line, a distribution main or a single wire earthed return electricity line; or

(ii) if the relevant Development Plan contains a map entitled *Airport Building Heights*, the construction of a structure within Area A or Area C described in that map; or

(d) a single wire earthed return electricity line, other than any such activity—

(i) in the Flinders Ranges Environmental Areas Class A and B, excluding townships; or

(ii) —

(A) in any Coastal Zone, Urban Coastal Zone, Rural Coastal Zone or Coastal Landscape Area delineated in the relevant Development Plan; or

(B) where no such zone or area has been delineated in the Development Plan—in any of the following:

(AA) rural land which is within 500 metres of the coast measured from mean high water mark on the sea shore at spring tide; or

(BB) land within a country township, developed urban area or proposed urban area shown on the relevant Development Plan which is within 100 metres of the coast measured from mean high water mark on the sea shore at spring tide; or

(e) a recreation area, or a building in a recreation area, other than—

(i) the construction of a new building exceeding 30 square metres in total floor area on a recreation area; or

(ii) an alteration or extension to an existing building on a recreation area which will result in the total floor of the building exceeding 30 square metres; or

(iii) the construction or alteration of, or an extension to, any building within 100 metres of the coast (landward or seaward), measured from mean high water mark on the sea shore at spring tide; or

(iv) the placing or making of any structure or works for coastal protection, including the placement of rocks, stones or other substances designed to control coastal erosion, within 100 metres landward of the coast measured from mean high water mark on the sea shore at spring tide or within 100 metres of the seaward boundary of the recreation area where the recreation area extends seaward from the mean high water mark on the sea shore at spring tide; or

(f) the placement, installation or construction of playground equipment on or in a recreation area; or

(g) an item of street furniture (including directional signs, lighting, seating and weather shelters), other than the construction of street lighting within Area A or Area C described in a map entitled *Airport Building Heights* if that map is contained in the relevant Development Plan; or

(h) a building within an existing council works depot which is consistent with the continued use of the area as a council works depot, other than—

(i) the construction of a new building exceeding 200 square metres in total floor area, or 10 metres in height; or

(ii) an alteration or extension to an existing building which will result in the total floor area of the building exceeding 200 square metres, or the total height of the building exceeding 10 metres; or

(iii) the performance of work within 10 metres of a boundary of the depot.

(2) The erection, alteration or replacement by a council of a sign or advertisement (including in a case that involves the commencement of the display of an advertisement) on an item of street furniture located on a road or road reserve (but not on a part of a carriageway), subject to the following conditions:

(a) that the size of the display area does not exceed 3 square metres; and

(b) that the sign or advertisement—

(i) does not incorporate a moving display or message; and

(ii) does not flash; and

(iii) is not internally illuminated; and

(c) that the sign or advertisement is not within 100 metres of a signalised intersection or a pedestrian actuated crossing; and

(d) that the erection or display of the sign or advertisement is not classified as *non-complying* development under the relevant Development Plan.

3—Land division

(1) For the purpose of giving effect to a proposal approved or authorised under the provisions of the *Roads (Opening and Closing) Act 1991*, the division of a single allotment into 2 allotments or the adjustment of an allotment boundary.

(2) The grant or acceptance of a lease or licence, or the making of an agreement for a lease or licence, by virtue of which a person becomes, or may become, entitled to possession or occupation of part only of an allotment, other than a lease or licence over land—

(a) that comprises a dwelling and curtilage; or

(b) on which there is no building that is suitable, and is used, for human occupation.

(3) The division of an allotment pursuant to an order under the *Encroachments Act 1944*.

(4) The amendment of an existing strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988* where the delineation of strata lots or strata units, and common property, is not altered.

(5) The division of an allotment for the purpose of widening or adding to an existing road, road reserve or drainage reserve, subject to the condition that any land that is being added to the road, road reserve or drainage reserve is, or is to be, vested in the Crown, a Minister of the Crown, an instrumentality or agency of the Crown, or a council.

(6) The division of an allotment—

(a) for the purpose of widening or adding to an existing rail corridor or rail reserve, subject to the condition that any land that is being added to the rail corridor or rail reserve is, or is to be, vested in an owner or operator of the relevant railway; or

(b) for purposes associated with the construction, use, alteration, extension, repair or maintenance of any form of infrastructure*, or with gaining access to any form of infrastructure*, located on a rail corridor or rail reserve.

(7) The conferral of a right to occupy a residential unit under the *Retirement Villages Act 1987*.

* The infrastructure need not be rail infrastructure.

4—Sundry minor operations

(1) The construction or alteration of, or addition to, any of the following (including any incidental excavation or filling), other than in respect of a local heritage place:

(a) an outbuilding (other than in the Hills Face Zone, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, in the Golden Grove Residential Zone or in the Golden Grove Residential D Zone, or in Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt) in which human activity is secondary, and which—

(i) is detached from and ancillary to another building which is erected on the site, or for which consent has been granted by the relevant authority, or which is expressed as *complying* development in respect of the Development Plan; and

(ii) has a total floor area not exceeding—

(A) in the case of an outbuilding in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone—10 square metres;

(B) in any other case—15 square metres; and

(iia) has no span exceeding 3 metres, and no part of the building being higher than 2.5 metres above the natural surface of the ground; and

(iii) is not being constructed, added to or altered so that any portion of the building is situated—

(A) in front of any part of the building line of the building to which it is ancillary that faces the primary street; or

(B) within 900 millimetres of a boundary of the land with a secondary street (if the land has boundaries on 2 or more roads); and

(iv) is not within 6 metres of the intersection of 2 boundaries of the land where those boundaries both face a road, other than where a 4 x 4 metre corner cut-off has already been provided (and is to be preserved); or

(b) —

(i) a windmill, other than a windmill in Area A or Area C described in a map entitled *Airport Building Heights* if that map is contained in the relevant Development Plan; or

(ii) a flagpole,

which is not attached to a building and is not more than 10 metres in height, or which is attached to a building and is not more than 4 metres in height above the topmost point of attachment to the building, exclusive of guy wires; or

(c) a swimming pool (other than in the Hills Face Zone, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan) which is constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which—

(i) does not have a depth exceeding 300 millimetres; or

(ii) in the case of an aboveground or inflatable swimming pool, does not incorporate a filtration system; or

(d) a spa pool which is constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which does not have a maximum capacity exceeding 680 litres; or

(e) a detached incinerator not exceeding 0.5 cubic metres in overall volume; or

(f) a fence not exceeding 2.1 metres in height (measured from the lower of the 2 adjoining finished ground levels), other than—

(i) a fence in—

(A) the Hills Face Zone, a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or

(B) a Regional Centre Zone, or in any Centre Zone in the area of The Corporation of the City of Campbelltown; or

(C) the Golden Grove Residential Zone or in the Golden Grove Residential D Zone; or

(D) Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt; or

(E) a Streetscape (Built Form) Zone in the area of The Corporation of the City of Unley if the fence is situated between the building line of the main face of a building and the road on to which the building faces; or

(ii) a fence in the Residential Historic (Conservation) Zone in the City of Charles Sturt that is situated on the boundary of the relevant allotment with a road (other than a laneway); or

(iii) a fence that exceeds (or would exceed) 1 metre in height within 6 metres of the intersection of 2 boundaries of land where those boundaries both face a road, other than where a 4 x 4 metre corner cut-off has already been provided (and is to be preserved); or

(iv) a masonry fence that exceeds (or would exceed) 1 metre in height (measured from the lower of the 2 adjoining finished ground levels); or

(v) a fence that is (or is to be) a safety fence for a swimming pool which is approved for construction, or requires approval for construction, on or after 1 July 1993; or

(vi) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

(g) a fence not exceeding 2.1 metres in height (measured (if relevant) from the lower of the 2 adjoining finished ground levels) in the North Adelaide Historic (Conservation) Zone in The Corporation of City of Adelaide, other than—

(i) a fence situated on the boundary of the relevant allotment with a road (other than a laneway); or

(ii) —

(A) if there is no adjacent building facing the same road on to which the building faces—a fence situated between the building line of the main face of a building and the road on to which the building faces;

(B) if there is an adjacent building facing the same road on to which the building faces—a fence situated between a notional line drawn between the nearest front corner of each building to the other building and the road on to which the buildings face,

(and for the purposes of this subparagraph buildings separated only by a laneway will still be taken to be adjacent); or

(iii) a masonry fence that exceeds (or would exceed) 1 metre in height (measured (if relevant) from the lower of the 2 adjoining finished ground levels); or

(iv) a fence that is (or is to be) a safety fence for a swimming pool approved for construction, or requires approval for construction, on or after 1 July 1993; or

(v) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

(h) a post and wire fence, other than a chain mesh fence, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or

(i) a retaining wall (other than in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, or within 100 metres of the coast measured from mean high water mark on the sea shore at spring tide) which retains a difference in ground levels not exceeding 1 metre; or

(j) a water tank (and any supporting structure) which—

(i) is part of a roof-drainage system; and

(ii) has a total floor area not exceeding 10 square metres; and

(iia) is located wholly above ground; and

(iii) has no part higher than 4 metres above the natural surface of the ground; or

(k) a temporary builder's office, shed, store or other similar building—

(i) that is used for the purpose of storing materials or documents, providing amenities for workers, or for any other purpose connected with the performance of building work, other than to provide overnight accommodation; and

(ii) that is to be removed at the completion of the relevant building work; and

(iii) that is positioned on the ground and totally within the site of the building work; or

(l) a deck (other than in a Coastal Zone, a Coastal Conservation Zone, the Hills Face Zone, a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone or in a bushfire prone area under regulation 78(1)) which is used (or to be used) in association with an existing dwelling and which—

(i) will not have any point on the floor of the deck that is higher than 500 millimetres above the natural surface of the ground; and

(ii) will not have any portion of the deck situated within 900 millimetres of a boundary of the land.

(1a) Other than in respect of a local heritage place or in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, the installation of a garage or carport door (of any kind or style) if the garage or carport—

(a) already exists on the site; and

(b) is ancillary to another building which is erected on the site or for which consent has been granted by the relevant authority; and

(c) does not have any portion in front of any part of the building line of the building to which it is ancillary that faces the primary street.

(1b) Other than in respect of a local heritage place or in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, the construction of a shade sail if—

(a) the shade sail is to consist of permeable material; and

(b) the area of the sail will not exceed 20 square metres; and

(c) no part of the sail will be more than 3 metres above ground or floor level (depending on where it is to be situated); and

(d) no part of the sail will be in front of any part of the building line of the building to which it is ancillary that faces the primary street.

(2) Other than in respect of a local heritage place, the repair, maintenance or internal alteration of a building—

(a) that does not involve demolition of any part of the building (other than the removal of fixtures, fittings or non load-bearing partitions); and

(b) that will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and

(c) that is not inconsistent with any other provision of this Schedule.

(3) Other than in respect of a local heritage place—

(a) the installation of, or any alteration of or addition to, a building that is necessary for or incidental to the installation of—

(i) an individual air handling unit mounted on a wall, window or domestic floor; or

(ii) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms and installed within the ceiling space; or

(iii) an exhaust fan,

where the item being installed does not encroach on a public street or affect the ability of the building to resist the spread of fire;

(b) the installation or alteration of a building or the making of any excavation or filling, that is necessary for or incidental to the installation of, any electrical, gas, water, sewage and sullage, or telecommunications service (including appliances and fittings), and which does not affect the ability of the building in which it is installed to resist the spread of fire;

(c) the construction of a pergola associated with an existing dwelling (whether attached to the building or freestanding)—

(i) which does not have a roof; and

(ii) each freestanding side of which is open; and

(iii) no part of which is higher than 4 metres above the ground; and

(iv) which is not being constructed so that any part of the pergola will be in front of any part of the building line of the dwelling to which it is ancillary that faces the primary street.

(4) In respect of a local heritage place, the installation of, or an alteration of or addition to a building that is necessary for or incidental to the installation of—

(a) an individual air handling unit mounted on a wall, window or floor; or

(b) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms and installed within the ceiling space; or

(c) an exhaust fan; or

(ca) any electrical, gas, water, sewage and sullage, or telecommunications service (including appliances and fittings),

where the item being installed—

(d) does not encroach on a public street or affect the ability of the place to resist the spread of fire; and

(e) will not, when installed, be able to be seen by a person standing at ground level in a public street.

(5) The repair, maintenance or replacement of an existing seawall, levee bank or other structure associated with coast protection where there is no change to the materials used for the purposes of the structure and no change to the form or dimensions of the structure.

(6) The construction of a temporary building by, or with the authorisation of, a council where the building—

(a) does not remain on the site for more than 30 days; and

(b) is erected for the use of the council, or for some other public or community purpose approved by the council; and

(c) does not carry any advertising material (other than material which is incidental to the purpose for which the building is erected).

(7) Any work undertaken solely for the purposes of fitting a smoke alarm in accordance with the requirements under regulation 76B.

(7a) For the purposes of this clause—

(a) the primary street in relation to a building is the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(b) a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the land where the building is situated (or to be situated).

(8) In this clause—

brush means—

(a) Broombrush (Melaleuca uncinata); and

(b) any other form of dried vegetation material that constitutes *brush* for the purposes of regulation 76C;

brush fence includes—

(a) a fence that is predominantly constituted by brush;

(b) a gate that is predominantly constituted by brush;

road has the same meaning as in the *Local Government Act 1999* but does not include an alley, lane or right of way;

swimming pool includes a paddling pool.

5—Use of land and buildings

(1) The use of land and the use of any lawfully-erected building which is ordinarily regarded as (and is in fact) reasonably incidental to any particular use of the land and the building, or the land or the building, and which is for the substantial benefit of the person or persons who, in any capacity, are making use of the land and the building, or the land or the building.

(2) The following uses of land or buildings (whether or not within the ambit of subclause (1)):

(a) the carrying on of a home activity on land used for residential purposes; or

(b) the use of any land or building for the supply, conversion, transformation or control of electricity by 1 or more transformers or by any switchgear or other equipment used wholly or partly for supplying electricity to any part of such land or building; or

(c) the keeping of animals, birds, or other livestock (other than horses, sheep, cattle, pigs, goats, donkeys and wild animals) solely for the domestic needs or enjoyment of the occupants of a dwelling (and land appurtenant to a dwelling), other than the use of land for the keeping of free-flying birds within Area A or Area C described in a map entitled *Airport Building Heights* if that map is contained in the relevant Development Plan; or

(d) the parking of any vehicle not exceeding 3 000 kilograms in weight (including the weight of any attached trailer) on land used for residential purposes; or

(e) the parking of a caravan or motor-home of any weight on land used for residential purposes by a person who is an occupant of a dwelling situated on that land.

6—Special cemetery buildings

The construction of a mausoleum in a public cemetery where—

(a) the mausoleum is located more than 50 metres from the boundaries of the cemetery; and

(b) no part of the mausoleum is higher than 3 metres above the natural surface of the ground; and

(c) the mausoleum is not internally accessible to the public (including any relative of a deceased person).

7—Inground sewerage pumping stations

(1) The construction of an inground sewerage pumping station (including any associated value chamber, electrical control or switching gear, and flue extending not more than 15 metres above ground level)—

(a) that has a total floor area not exceeding 8 square metres and a depth not exceeding 10 metres; and

(b) that is designed and constructed in accordance with specifications approved by the Minister responsible for the administration of the *Sewerage Act 1929*.

(2) Subclause (1) does not apply to the construction of an inground sewerage pumping station with flue within Area A described in a map entitled *Airport Building Heights* contained in the relevant Development Plan.

8—Inground water valve chamber

The construction of an inground water valve chamber—

(a) that has a total floor area not exceeding 15 square metres and a depth not exceeding 4 metres; and

(b) that is designed and constructed with specifications approved by the Minister responsible for the administration of the *Waterworks Act 1932*.

9—Certain building work outside council areas

Building work in relation to a Class 10 building under the *Building Code* that is not within the area of a council, other than building work—

(a) in a zone or area designated for retail, office, commercial, industrial or extractive industry use under the relevant Development Plan; or

(b) in respect of a local heritage place; or

(c) in a zone or area designated as Environmental Class A or B by the relevant Development Plan; or

(d) in a zone or area designated for conservation by the relevant Development Plan; or

(e) within 1 kilometre of the coast measured from mean high water mark on the sea shore at spring tide; or

(f) within 1 kilometre of the River Murray; or

(g) within 500 metres of an arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan); or

(h) within a township, or within 50 metres of the boundaries of a township; or

(i) on land that is subject to the *National Parks and Wildlife Act 1972*; or

(j) within part of the State described in Schedule 20.

10—Dams

The excavation or filling (or excavation and filling) of land for the purposes of a dam, other than—

(a) where a levee or mound with a finished height greater than 3 metres above the natural surface of the ground is to be formed; or

(b) where a retaining wall which retains a difference in ground levels exceeding 1 metre is to be used or formed; or

(c) where the dam is in the Hills Face Zone, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or

(d) where the dam is to have a capacity exceeding 5 megalitres.

11—Amalgamation of land

The amalgamation of 2 or more contiguous allotments.

12—Aerials, towers etc

(1) Other than in respect of a local heritage place or in the Hills Face Zone, the construction, alteration or extension of prescribed infrastructure (including any incidental excavation or filling) if—

(a) the total height of the prescribed infrastructure, when constructed, altered or extended, will not exceed (taking into account attachments (if any))—

(i) in the case of prescribed infrastructure not attached to a building—

(A) in Metropolitan Adelaide—7.5 metres or, in the case of prescribed infrastructure to be used solely by a person who holds an amateur licence under the *Radiocommunications Act 1992* of the Commonwealth, 10 metres;

(B) in any other case—10 metres;

(ii) in the case of prescribed infrastructure attached to a building—

(A) in a residential zone in Metropolitan Adelaide—2 metres;

(B) in any other case—4 metres,

above the topmost point of attachment to the building, disregarding any attachment by guy wires; and

(b) in the case of prescribed infrastructure that is or incorporates, or has as an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish will not exceed—

(i) in a residential zone, or in a Historic (Conservation) Zone or a Historic (Conservation) Policy Area under the relevant Development Plan—1.2 metres;

(ii) in any other case—2.6 metres.

(2) In the Hills Face Zone, other than in respect of a local heritage place, the construction, alteration or extension of prescribed infrastructure attached to a building if—

(a) the total height of the prescribed infrastructure, when constructed, altered or extended, will not exceed (taking into account attachments (if any)) 2 metres above the topmost point of attachment to the building, disregarding any attachment by guy wires; and

(b) in the case of prescribed infrastructure that is or incorporates, or has as an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish will not exceed 1.2 metres.

(3) The construction, alteration or extension of prescribed subscriber connection telecommunications infrastructure at premises occupied or used by the subscriber, or in the immediate vicinity of those premises, where the infrastructure is located (or to be located) at a place that is not within the area of a council, other than infrastructure (or proposed infrastructure)—

(a) at a local heritage place; or

(b) in a zone or area designated for retail, office, commercial, industrial or extractive industry use by the relevant Development Plan; or

(c) in a zone or area designated as Environmental Class A or B by the relevant Development Plan; or

(d) in a zone or area designated for conservation by the relevant Development Plan; or

(e) within 1 kilometre of the coast measured from mean high water mark on the sea shore at spring tide; or

(f) within 1 kilometre of the River Murray; or

(g) within 500 metres of an arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan); or

(h) within a township, or within 50 metres of the boundaries of a township; or

(i) on land that is subject to the *National Parks and Wildlife Act 1972*; or

(j) within part of the State described in Schedule 20.

(4) In this clause—

building does not include prescribed infrastructure;

prescribed infrastructure means a non load-bearing aerial, antenna, mast or open-framed tower, or other similar structure (but not including an advertising hoarding);

prescribed subscriber connection telecommunications infrastructure means any of the following when used (or to be used) in order to provide telecommunications facilities to a particular subscriber:

(a) an aerial, antenna, mast, tower or pole if—

(i) the total height of the structure (including attachments (if any)) does not (or will not) exceed 20 metres; and

(ii) in the case of a structure that is or incorporates, or has an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish does not (or will not) exceed 2.4 metres;

(b) an equipment shelter or housing if—

(i) its total floor area does not (or will not) exceed 10 square metres; and

(ii) its height does not (or will not) exceed 3.5 metres;

(c) an open-lattice frame or pole mounted with a solar panel or panels if—

(i) the total height of the frame or pole does not (or will not) exceed 4.5 metres; and

(ii) the total area of the panels does not (or will not) exceed 20 square metres;

residential zone means a zone or area primarily designated for residential use by a Development Plan;

subscriber means a subscriber to a telecommunications service.

13—Railway activities

(1) Other than in respect of a local heritage place, the construction, alteration, extension, repair or maintenance (including any incidental excavation or filling) of any of the following:

(a) railway track, other than—

(i) track for a new railway line, but not including a siding or passing or crossing loop outside Metropolitan Adelaide that is to be less than 1 kilometre in length; or

(ii) track for an extension to an existing railway line where the length of new track is to be at least—

(A) within Metropolitan Adelaide—300 metres;

(B) outside Metropolitan Adelaide—1 kilometre;

(b) infrastructure associated with a railway;

(c) if associated with a railway—

(i) a culvert or drain not more than 1 metre deep; or

(ii) a pipe not more than 1 metre in diameter.

(1a) The construction, alteration, extension, repair or maintenance (including any incidental excavation or filling) of any of the following:

(a) tram or light rail track on—

(i) a public street or road; or

(ii) land owned by, or under the care, control and management of a Crown agency or instrumentality; or

(iii) unalienated Crown land;

(b) infrastructure associated with a tramway or light railway;

(c) if associated with a tramway or light railway—

(i) a culvert or drain not more than 1 metre deep; or

(ii) a pipe not more than 1 metre in diameter.

(2) Building work in relation to a Class 10 building under the *Building Code* on railway land which is not within the area of a council, other than where the building is, or is to be, within a township or 50 metres from the boundary of a township.

(3) The alteration, extension, repair or maintenance of—

(a) a bridge over railway land; or

(b) a railway tunnel, or a tunnel under railway land.

(4) An alteration to an area used for vehicle access, carparking, or the standing of vehicles, in association with the use of a railway, tramway or light railway, or other railway, tramway or light railway activities.

(5) In this clause—

infrastructure means—

(a) track structures (including over or under track structures);

(b) track supports;

(c) any structure or equipment associated with any power, signalling, control or communications system (including signalling boxes, huts, gantries, masts, towers, poles and frames);

(d) installations or equipment for lighting platforms or other parts of any station, yards or sidings, other than within Area A or Area C described in a map entitled *Airport Building Heights* if that map is contained in the relevant Development Plan;

(e) warning, directional or other signs;

(f) shelters and furniture, including information boards and seating, associated with any railway, tramway or light railway;

railway land means—

(a) land within a rail corridor or rail reserve, including any associated sidings; and

(b) railway yards; and

(c) other land over which a railway track, or tram or light rail track, passes;

railway line includes sidings and crossing or passing loops.

14—Gas infrastructure

(1) Subject to subclause (2), the construction, alteration, extension, repair or maintenance (including any incidental excavation or filling) of gas infrastructure.

(2) Subclause (1) does not apply where the gas infrastructure is within—

(a) a local heritage place; or

(b) coastal land.

(3) In this clause—

coastal land has the same meaning as in Schedule 8;

gas infrastructure has the same meaning as in the *Gas Act 1997*, but does not include a transmission pipeline within the meaning of the *Petroleum Act 2000*.

15—Solar photovoltaic panels

(1) Subject to subclause (2), the installation, alteration, repair or maintenance of a designated photovoltaic system on the roof of a building.

(2) Subclause (1) does not apply if the place where the designated photovoltaic system is installed is a local heritage place if, when installed, it is able to be seen by a person standing at ground level in a public street.

(3) In this clause—

designated photovoltaic system means—

(a) a photovoltaic system comprising solar photovoltaic panels that have a total weight not exceeding 100 kilograms; or

(b) a photovoltaic system comprising solar photovoltaic panels that have a total weight exceeding 100 kilograms if—

(i) the weight load is distributed so that it does not exceed 100 kilograms at any 1 point of attachment to the roof; and

(ii) the panels (and any associated components) do not overhang any part of the roof; and

(iii) the panels are fitted parallel to the roof with the underside surface of the panels being not more than 100 millimetres above the surface of the roof; and

(iv) the panels are installed by a person who holds an accreditation under a scheme recognised by the Minister for the purposes of this paragraph.

Schedule 3A—Colonel Light Gardens State Heritage Area

A1—Application of Schedule 3A

The following acts or activities in respect of the Colonel Light Gardens State Heritage Area are excluded from the definition of ***development*** (other than as otherwise indicated below).

1—Advertising displays

The commencement of an advertising display containing an advertisement—

(a) that is a traffic control device displayed and erected under the *Road Traffic Act 1961*; or

(b) that is displayed by reason of a statutory obligation on the Crown, a Minister of the Crown, an agency or instrumentality of the Crown, the council, or a person requiring such display; or

(c) that is on enclosed land or within a building and is not readily visible from land outside the enclosure or the building; or

(d) that is displayed for the purposes of identification, direction, warning or other information in relation to a detached, semi-detached, row or multiple dwelling or residential flat building, subject to the following conditions:

(i) that the advertisement area is not more than 0.1 square metres; and

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; and

(iii) that not more than 2 such advertisements are displayed in relation to the same building; or

(e) that is displayed on a building or a building in separate occupation (other than the side or rear walls of the building) used primarily for retail, commercial, office or business purposes, subject to the following conditions:

(i) that the advertisement is not displayed or erected above any verandah or the fascia of a verandah or, in a case where there is no verandah, that no part of the advertisement is more than 3.7 metres above ground level; and

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(f) that announces a local event of a religious, educational, cultural, social or recreational character, or that relates to an event of a political character, subject to the following conditions:

(i) that the total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2 square metres; and

(ii) except for an advertisement that relates to a federal, State or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event; and

(iii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(g) that is on land on which building work is being lawfully undertaken, subject to the following conditions:

(i) that the information in the advertisement refers to the work being undertaken; and

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; and

(iii) that the advertisement area is not more than 3 square metres; or

(h) that constitutes a moveable sign within the meaning of the *Local Government Act 1999* and is placed on a public street, road or footpath within an area of the council under that Act; or

(i) that is a real estate "for sale" or "for lease" sign, subject to the following conditions:

(i) that the sign is situated on the land which is for sale or for lease; and

(ii) that the sign—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; and

(iii) that the sign is not more than 4 square metres in advertisement area; and

(iv) that the sign is removed within 2 weeks after the completion of the sale or the entering into of the lease.

2—Council works

(1) The placement, replacement, installation, construction, reconstruction, alteration, repair or maintenance by the council of playground equipment on or in a recreation area.

(2) The repair or maintenance by the council of an item of street furniture (including directional signs, seating or rubbish bins), other than lighting infrastructure or a weather shelter.

(3) The replacement, construction, reconstruction, alteration, repair or maintenance by the council of a road, drain or pipe.

3—Retirement units

The conferral of a right to occupy a residential unit under the *Retirement Villages Act 1987*.

4—Sundry minor operations

(1) The construction, reconstruction, repair or alteration of, or addition to, any of the following (including any incidental excavation or filling):

(a) an outbuilding in which human activity is secondary, and which—

(i) is behind a building or screened from view from a public road by a building; and

(ii) is detached from and ancillary to a building erected on the site, or for which consent has been granted by the relevant authority; and

(iii) has a total floor area not exceeding 10 square metres, no span exceeding 3 metres, and no part higher than 2.5 metres above the natural surface of the ground; and

(iv) is not being constructed, added to or altered so that any portion of the building is nearer to an existing boundary of a road than any distance that may be prescribed in respect of set-backs by the relevant Development Plan for the road (or a portion of the road); or

(b) a television aerial or antenna that is attached to the rear side of a chimney and not more than 1 metre in height above the topmost point of the chimney; or

(c) a swimming pool constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which—

(i) does not have a depth exceeding 300 mm; and

(ii) is not within 10 metres of a boundary of a road on to which the relevant dwelling faces, and not within 3 metres of any other boundary of the relevant allotment; and

(iii) does not have a finished height, and would not have any associated structure (other than a fence with a finished height), exceeding 1.5 metres (measured from ground level); or

(d) without limiting paragraph (c), an aboveground or inflatable swimming pool constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which does not incorporate a filtration system; or

(e) a spa pool constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling and situated behind the dwelling, and which does not have a maximum capacity exceeding 680 litres; or

(f) a fence not exceeding 2 metres in height (measured (if relevant) from the lower of the 2 adjoining finished ground levels), other than—

(i) a fence situated on the boundary of the relevant allotment with a road (other than a laneway); or

(ii) —

(A) if there is no adjacent building facing the same road on to which the building faces—a fence situated between the building line of the main face of a building and the road on to which the building faces;

(B) if there is an adjacent building facing the same road on to which the building faces—a fence situated between a notional line drawn between the nearest front corner of each building to the other building and the road on to which the buildings face,

(and for the purposes of this subparagraph buildings separated only by a laneway will still be taken to be adjacent); or

(iii) a masonry fence that exceeds (or would exceed) 1 metre in height (measured (if relevant) from the lower of the 2 adjoining finished ground levels); or

(iv) a fence that is (or is to be) a safety fence for a swimming pool approved for construction, or requires approval for construction, on or after 1 July 1993; or

(v) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

(g) a retaining wall that retains a difference in ground levels not exceeding 1 metre; or

(h) a water tank (and any supporting structure) that—

(i) is part of a roof-drainage system for a building; and

(ii) has a total floor area not exceeding 6 square metres; and

(iii) has no part higher than the eaves on the nearest part of the building; and

(iv) is situated behind or to the side of the building; or

(i) a temporary builder's office, shed, store or other similar building that—

(i) is used for the purpose of storing materials or documents, providing amenities for workers, or for any other purpose connected with the performance of building work, other than to provide overnight accommodation; and

(ii) is to be removed at the completion of the relevant building work; and

(iii) is positioned on the ground and totally within the site of the building work.

(2) The repair, maintenance or internal alteration of a building that—

(a) does not involve demolition of any part of the building (other than the removal of fixtures, fittings or non load-bearing partitions); and

(b) will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and

(c) is not inconsistent with any other provision of this Schedule.

(3) The installation or alteration of a building, or the making of any excavation or filling, necessary for or incidental to the installation of any electrical, gas, water or sewage and sullage service (including appliances and fittings), the installation of which requires the approval of an authority other than a council, and which does not affect the ability of the building in which it is installed to resist the spread of fire.

(4) The construction, reconstruction, repair or alteration of a pergola associated with an existing dwelling (whether attached to the building or freestanding)—

(a) that does not have a roof; and

(b) where each freestanding side of which is open; and

(c) where no part of which is higher than 4 metres above the ground; and

(d) that is not being constructed or altered so that any portion of the pergola is nearer to an existing boundary of a road than any distance that may be prescribed in respect of set-backs in the relevant Development Plan for the road (or that portion of the road); and

(e) that is not situated in front of the dwelling.

(5) The installation of, or an alteration of or addition to, a building that is necessary for or incidental to the installation of—

(a) an individual air handling unit mounted on a wall, window or floor; or

(b) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms and installed within the ceiling space; or

(c) an exhaust fan,

where the item being installed—

(d) is to be installed at the back of the building, or on the side of the building but at least 6 metres back from the front wall of the building; and

(e) does not encroach on a public street or affect the ability of the place to resist the spread of fire.

(6) The construction of a temporary building by, or with the authorisation of, the council where the building—

(a) does not remain on the site for more than 30 days; and

(b) is erected for the use of the council, or for some other public or community purpose approved by the council; and

(c) does not carry any advertising material (other than material incidental to the purpose for which the building is erected).

(7) Any work undertaken solely for the purposes of—

(a) fitting a smoke alarm in accordance with the requirements under regulation 76B; or

(b) installing a skylight; or

(c) replacing roofing materials, guttering or down-pipes with the same or similar materials or items; or

(d) replacing windows where the kind of materials, style and dimensions are not changing.

(8) In this clause—

brush means—

(a) Broombrush (Melaleuca uncinata); and

(b) any other form of dried vegetation material that constitutes *brush* for the purposes of regulation 76C;

brush fence includes—

(a) a fence that is predominantly constituted by brush;

(b) a gate that is predominantly constituted by brush;

swimming pool includes a paddling pool.

5—Use of land and buildings

The use of land and the use of any lawfully-erected building that is ordinarily regarded as (and is in fact) reasonably incidental to any particular use of the land and the building, or the land or the building, and that is for the substantial benefit of the person or persons who, in any capacity, are making use of the land and the building, or the land or the building, including, without limiting the generality of the foregoing, the following uses of land and buildings:

(a) the carrying on of a home activity; or

(b) the use of any land or building for the supply, conversion, transformation or control of electricity by 1 or more transformers or by any switchgear or other equipment used wholly or partly for supplying electricity to any part of such land or building; or

(c) the keeping of animals, birds, or other livestock (other than horses, sheep, cattle, pigs, goats, donkeys and wild animals) solely for the domestic needs or enjoyment of the occupants of a residence (and land appurtenant to a residence); or

(d) the parking of any vehicle not exceeding 3 000 kilograms in weight (including the weight of any attached trailer) on land used for residential purposes.

6—Painting

Painting of a building, other than—

(a) painting any part of the exterior of—

(i) the Institute Hall situated on West Parkway in Colonel Light Gardens; or

(ii) the RSL Hall on Prince George Parade in Colonel Light Gardens; or

(b) painting that involves painting a previously unpainted brick or stone exterior surface of an existing building.

Schedule 4—Complying development

Part 1—Development plan

A1—Application of Part 1

The following forms of development are *complying* developments in respect of a Development Plan (other than development which affects a State heritage place or development in the River Murray Flood Zone or the River Murray Zone with the exception of the Primary Production Policy Area within that zone, or as otherwise indicated below).

1—Building works

(1) Other than in relation to the City of Adelaide, a local heritage place, a Residential Historic (Conservation) Zone, a Historic (Conservation) Zone, a Historic Conservation Area, a Historic Township Zone, or a Historic (Conservation) Policy Area—

(a) the construction of a new building in the same, or substantially the same, position as a building which was demolished within the previous 3 years where the new building has the same, or substantially the same, layout and external appearance as the previous building;

(d) the construction of a fence not exceeding 2.1 metres in height (measured from the lower of the 2 adjoining finished ground levels), other than—

(i) a fence in—

(A) the Hills Face Zone, a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or

(B) a Regional Centre Zone, or in any Centre Zone in the area of The Corporation of the City of Campbelltown; or

(C) the Golden Grove Residential Zone or in the Golden Grove Residential D Zone; or

(D) Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt; or

(E) a Streetscape (Built Form) Zone in the area of The Corporation of the City of Unley if the fence is situated between the building line of the main face of a building and the road on to which the building faces; or

(ii) a fence within 6 metres of the intersection of 2 boundaries of the land where those boundaries both face a road, other than where a 4 x 4 metre corner cut-off has already been provided (and is to be preserved); or

(iia) a masonry fence that would exceed 1 metre in height (measured from the lower of the 2 adjoining finished ground levels); or

(iii) a fence within 10 metres landward of the coast measured from high water mark on the sea shore at spring tide; or

(iv) a fence which extends seaward from the high water mark on the sea shore at spring tide;

(e) the construction of a water tank having a floor area not exceeding 10 square metres and a height not greater than 4 metres above the ground, other than in the Hills Face Zone, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan;

(f) the construction of a swimming pool associated with a dwelling and intended primarily for use by the occupants of that dwelling, other than—

(i) a swimming pool in the Hills Face Zone, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or

(ii) a swimming pool within 10 metres of a boundary with a road on to which the relevant dwelling fronts, or within 3 metres of any other boundary of the relevant allotment; or

(iii) a swimming pool that would have a finished height, or that would have any associated structure (other than a fence) with a finished height, exceeding 1.5 metres (measured from ground level).

(2) Other than in relation to a local heritage place, in the Hills Face Zone, in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, or in a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan or any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, the construction or alteration of, or addition to, an outbuilding, in which human activity is secondary, if—

(a) the outbuilding is detached from and ancillary to a dwelling erected on the site; and

(b) the outbuilding is not being constructed, added to or altered so that any part of the outbuilding is situated—

(i) in front of any part of the building line of the building to which it is ancillary that faces the primary street; or

(ii) within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and

(c) in the case of a garage—the garage is set back at least 5.5 metres from the primary street; and

(d) the outbuilding complies with the following requirements as to dimensions:

(i) a total floor area not exceeding 60 square metres;

(ii) a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);

(iii) a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;

(iv) if situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street)—a length not exceeding 8 metres; and

(e) if situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street)—

(i) the development will not result in all attributable walls or structures located along the boundary exceeding 50% of the length of the boundary, disregarding (in the case of a side boundary) the distance of any front setback; and

(ii) will not be within 3 metres of any other attributable wall or structure located along the boundary; and

(f) in the case of an outbuilding that is ancillary to—

(i) a detached or semi-detached dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or

(ii) any other kind of dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and

(g) in the case of a garage—

(i) if facing the primary street—the garage will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and

(ii) if designed or located so as to provide vehicle access from an alley, lane or right of way—the alley, lane or right of way is at least 6.2 metres wide along the boundary with the allotment; and

(iii) the garage is located so that vehicle access will use an existing or authorised access point under section 221 of the *Local Government Act 1999*; and

(iv) the garage is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:5 in any place and 1:8 on average; and

(h) the outbuilding, if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour; and

(i) any excavation or filling associated with the development does not exceed a vertical height of 1 metre overall.

(3) Other than in relation to a local heritage place, in the Hills Face Zone, in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, or in a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan or any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, the construction or alteration of, or addition to, a carport or verandah (a ***designated structure***) if—

(a) the designated structure is ancillary to a dwelling erected on the site; and

(b) the designated structure is not being constructed, added to or altered so that any part of the designated structure is situated—

(i) in front of any part of the building line of the building to which it is ancillary that faces the primary street; or

(ii) within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and

(c) in the case of a carport—the carport is set back at least 5.5 metres from the primary street; and

(d) the designated structure complies with the following requirements as to dimensions:

(i) a total floor area not exceeding 60 square metres;

(ii) a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground); and

(iii) a roof height where no part of the roof is more than 5 metres above the natural surface of the ground; and

(iv) if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment (not being a boundary with a primary street or a secondary street)—a length not exceeding 8 metres; and

(e) if situated so as to abut a boundary of the allotment (not being a boundary with a primary street or a secondary street)—the development will not result in all attributable walls or structures located along the boundary exceeding 50% of the length of the boundary, disregarding (in the case of a side boundary) the distance of any front setback; and

(f) in the case of a designated structure that is ancillary to—

(i) a detached or semi-detached dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or

(ii) any other kind of dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and

(g) in the case of a carport—

(i) if facing the primary street—the carport will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and

(ii) if designed or located so as to provide vehicle access from an alley, lane or right of way—the alley, lane or right of way is at least 6.2 metres wide along the boundary with the allotment; and

(iii) the carport is located so that vehicle access will use an existing or authorised access point under section 221 of the *Local Government Act 1999*; and

(iv) the carport is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:5 in any place and 1:8 on average; and

(h) any excavation or filling associated with the development does not exceed a vertical height of 1 metre overall.

(10) Without limiting subclause (1)(f), the construction of a swimming pool associated with a dwelling and intended primarily for use by the occupants of that dwelling, and which is not designed to be permanently in place or to be fixed in any way when in use.

(10a) For the purposes of this clause—

(a) the primary street in relation to a building is the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(b) a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated.

(11) In this clause—

attributable walls or structures means any walls or structures that are attributable to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence between the relevant allotment and an adjoining allotment;

road has the same meaning as in the *Local Government Act 1999* but does not include an alley, lane or right of way;

swimming pool has the same meaning as in regulation 76B.

2—Building work—detached dwellings—out of council areas

Building work associated with a detached dwelling that is not within the area of a council, other than building work—

(a) in a zone or area designated for retail, office, commercial, industrial or extractive industry use under the relevant Development Plan; or

(b) in respect of a local heritage place; or

(c) in a zone or area designated as Environmental Class A or B by the relevant Development Plan; or

(d) in a zone or area designated for conservation by the relevant Development Plan; or

(e) within 1 kilometre of the coast measured from mean high water mark on the sea shore at spring tide; or

(f) within 1 kilometre of the River Murray; or

(g) within 500 metres of an arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan); or

(h) within a township, or within 50 metres of the boundaries of a township; or

(i) on land that is subject to the *National Parks and Wildlife Act 1972*; or

(j) within part of the State described in Schedule 20.

2A—Single storey additions and alterations

(1) This clause does not apply to any development in relation to a local heritage place or in a Historic Conservation Zone/Area, the Hills Face Zone, or a Flood Management Zone/Area.

(2) The alteration of, or addition to, an existing detached or semi-detached dwelling, other than where the dwelling is situated on a battle-axe allotment (or as indicated in subclause (1)), if—

(a) the alteration or addition is at, or relates to, the ground floor level of the dwelling and does not involve the construction or alteration of a mezzanine floor or a second or subsequent storey; and

(b) the dwelling is not being altered or added to so that any part of the dwelling will be—

(i) —

(A) nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the relevant Development Plan in relation to any road or portion of a road that constitutes the primary street frontage; or

(B) in front of the average setbacks of any existing dwellings on any adjoining allotments with the same primary street (or, if there is only 1 such dwelling, the setback of that dwelling),

whichever provides the lesser of the 2 distances; or

(ii) within 900 millimetres of a boundary of the allotment with a secondary street or, if a dwelling on any adjoining allotment is closer to the secondary street than 900 millimetres, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances); or

(iii) if the size of the allotment does not exceed 300 square metres—within 3 metres of the rear boundary of the allotment (measured from the closest solid wall);

(iv) if the size of the allotment exceeds 300 square metres—within 4 metres of the rear boundary of the allotment (measured from the closest solid wall);

(c) if any side wall of the dwelling will exceed 3 metres in height when measured from the top of the footings as a result of the development—the wall will be set back at least 900 millimetres from the boundary plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 metres from the top of the footings; and

(d) in relation to any wall located on a side boundary associated with the development—

(i) the wall will not exceed 3 metres in height when measured from the top of the footings; and

(ii) the wall will not exceed 8 metres in length; and

(iii) the wall, when its length is added to the length of any other attributable walls or structures located on that boundary—

(A) will not result in all such attributable walls and structures exceeding a length equal to 50% of the length of the boundary, disregarding the distance of any front setback; and

(B) will not be within 3 metres of any other attributable wall or structure located along the boundary; and

(e) the dwelling is not being altered or added to so that—

(i) any part of the dwelling will exceed 9 metres in height when measured from the top of the footings; or

(ii) any part of the dwelling will not exceed the height of any part of the dwelling before the commencement of the development; or

(iii) any wall height will exceed 6 metres when measured from the top of the footings; and

(f) any finished floor level associated with the development will not be below a level equal to 300 millimetres above any 1:100 year ARI shown in the relevant Development Plan (if such an ARI is shown and is relevant to the location of the dwelling); and

(g) the following minimum private open space requirements apply after the development has been completed (after including the areas of the dwelling and any outbuildings, carports or verandahs on the allotment):

Allotment size	**Minimum area of private open space**	**Minimum dimension**
> 500m^2	80m^2	4m
300—500m^2	60m^2	4m
< 300m^2	24m^2	3m

and in any event at least 24 square metres of private open space at the rear or side of the dwelling with access directly from a habitable room within the dwelling must be provided; and

(h) the development will not result in the dwelling not having a setback of at least 900 millimetres on at least 1 side boundary of the allotment; and

(i) if the development involves or incorporates the construction or alteration of a garage or carport, the garage or carport—

(i) is or will be set back at least 5.5 metres from the primary street; and

(ii) is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling that faces the primary street; and

(iii) will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and

(iv) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and

(v) is located so that vehicle access will use an existing or authorised driveway or access point under section 221 of the *Local Government Act 1999*; and

(vi) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when the work is completed is not steeper than 1:5 in any place and 1:8 on average; and

(j) the development will not result in the removal of a place for the parking of a car or cars unless—

(i) in the case of a dwelling that will only have (or continue to have) 1 bedroom at the completion of the development—the dwelling will have at least 1 car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in paragraph (i) in relation to garages and carports;

(ii) in the case of a dwelling that will have (or continue to have) 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces, 1 of which is enclosed or covered, or able to be enclosed or covered, and both of which comply with the requirements set out in paragraph (i) in relation to garages and carports; and

(k) the circumstances are such that the total roofed area of buildings on the allotment will not exceed 60% of the total area of the allotment; and

(l) the development will not alter the external appearance of the building when viewed from the primary street; and

(m) any excavation or filling associated with the development does not exceed a vertical height of 1 metre overall.

(3) For the purposes of this clause—

(a) in calculating private open space—

(i) any area at ground level at the front of the dwelling will not be included; and

(ii) each area at ground level must have a width of at least 2.5 metres; and

(iii) any balcony must have a width of at least 2 metres; and

(b) the primary street in relation to a building is the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(c) a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated (or to be situated).

(4) In this clause—

ARI means the *average recurrence interval* of a flood event;

attributable walls or structures means any walls or structures that are attributable to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence between the relevant allotment and an adjoining allotment;

battle-axe allotment means an allotment or site that comprises—

(a) a driveway (and any related open space) that leads back from a road to the balance of the allotment or site; and

(b) a balance of the allotment or site that is the principal part of the allotment or site and that does not have a boundary with a road;

Flood Management Zone/Area means a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan;

habitable room means a room used for domestic activities but does not include a bathroom, laundry, hallway, lobby or other service or access area or space that is not occupied for extended periods;

Historic Conservation Zone/Area means a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone;

road has the same meaning as in the *Local Government Act 1999* but does not include an alley, lane or right of way.

2B—New dwellings

(1) Subject to subclause (3), this clause applies in relation to any area determined by the Minister for the purposes of this clause and identified by notice in the Gazette.

(2) The Minister may, by subsequent notice in the Gazette, vary or revoke a determination under subclause (1).

(3) Despite any determination under subclause (1), this clause does not apply to any development—

(a) in relation to a local heritage place; or

(b) in—

(i) a Historic Conservation Zone/Area; or

(ii) the Hills Face Zone; or

(iii) a Flood Management Zone/Area.

(4) If in connection with the relevant application for development plan consent—

(a) the applicant has indicated that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land; or

(b) the relevant authority has reason to believe that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land,

this clause will not apply unless the applicant is able to furnish a site contamination audit report under Part 10A of the *Environment Protection Act 1993* to the effect—

(c) that site contamination does not exist (or no longer exists) at the allotment; or

(d) that any site contamination at the allotment has been cleared or addressed to the extent necessary to enable the allotment to be suitable for unrestricted residential use.

(5) Insofar as this clause applies to a site that does not comprise an entire allotment, the site, and any balance of the allotment, must each at least meet the minimum site area and any minimum frontage requirements prescribed in the relevant Development Plan.

(6) The construction of a new detached or new semi-detached dwelling, other than where the dwelling is to be situated on a battle-axe allotment (or as indicated in a preceding subclause), if—

(a) the dwelling is not being constructed so that any part of the dwelling will be—

(i) —

(A) nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the relevant Development Plan in relation to any road or portion of a road that constitutes the primary street frontage; or

(B) in front of the average setbacks of any existing dwellings on any adjoining allotments with the same primary street (or, if there is only 1 such dwelling, the setback of that dwelling),

whichever provides the lesser of 2 distances; or

(ii) within 900 millimetres of a boundary of the allotment with a secondary street or, if a dwelling on any adjoining allotment is closer to the secondary street than 900 millimetres, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances); or

(iii) if the size of the site does not exceed 300 square metres—

(A) in relation to the ground floor of the dwelling—within 3 metres of the rear boundary of the site (measured from the closest solid wall);

(B) in relation to any other storey of the dwelling—within 5 metres of the rear boundary of the site; or

(iv) if the size of the site exceeds 300 square metres—

(A) in relation to the ground floor of the dwelling—within 4 metres of the rear boundary of the site (measured from the closest solid wall);

(B) in relation to any other storey of the dwelling—within 6 metres of the rear boundary of the site; and

(b) if any side wall of the dwelling will exceed 3 metres in height when measured from the top of the footings—the wall will be set back at least 900 millimetres from the boundary of the site plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 metres from the top of the footings; and

(c) if any side wall of the dwelling that faces south and the development includes building work in relation to an upper storey, other than where the boundary on that side of the building is with a secondary street—any upper storey component is to be set back at least to the distance required under paragraph (b) plus 1 metre; and

(d) in relation to any wall to be located on a side boundary of the site associated with the development—

(i) the wall will not exceed 3 metres in height when measured from the top of the footings; and

(ii) the wall will not exceed 8 metres in length; and

(iii) the wall, when its length is added to the length of any other attributable walls or structures located on that boundary—

(A) will not result in all such attributable walls and structures exceeding a length equal to 50% of the length of the boundary, disregarding the distance of any front setback; and

(B) will not be within 3 metres of any other attributable wall or structure located along the boundary; and

(e) the dwelling is not constructed so that—

(i) any part of the dwelling will exceed 9 metres in height when measured from the top of the footings; or

(ii) any wall height will exceed 6 metres when measured from the top of the footings; and

(f) no part of the dwelling will have a finished floor level below a level equal to 300 millimetres above any 1:100 year ARI shown in the relevant Development Plan (if such an ARI is shown and is relevant to the location of the dwelling); and

(g) the following minimum private open space requirements will apply in relation to the site after the development has been completed (after including the areas of the dwelling and any outbuildings, carports or verandahs on the site):

Site size	**Minimum area of private open space**	**Minimum dimension**
> 500m²	80m²	4m
300—500m²	60m²	4m
< 300m²	24m²	3m

and in any event at least 24 square metres of private open space at the rear or side of the dwelling with access directly from a habitable room within the dwelling must be provided; and

(h) the dwelling will have a setback of at least 900 millimetres on at least 1 side boundary of the site; and

(i) in relation to any upper storey window that will face a side or rear boundary of the site, other than in relation to any such boundary that adjoins a road or a reserve that has a width exceeding 15 metres—

(i) the sill height will be at least 1.5 metres above the finished floor level; or

(ii) the window will have permanently obscure glazing in any part of the window below 1.5 metres above the finished floor level and, if it is capable of being opened, the window will be an awning window hinged at the top and will not be capable of being opened more than 200 millimetres; and

(j) the dwelling will not have a balcony or terrace on an upper storey, other than where that balcony or terrace will face a road, or reserve, that is at least 15 metres wide at all places to be faced by the dwelling; and

(k) in relation to any proposed garage or carport, the garage or carport—

(i) will be set back at least 5.5 metres from the primary street; and

(ii) is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling that faces the primary street; and

(iii) will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and

(iv) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and

(v) is located so that vehicle access will use an existing or authorised driveway or access point under section 221 of the *Local Government Act 1999*; and

(vi) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:5 in any place and 1:8 on average; and

(l) in the case of—

(i) a dwelling that will only have 1 bedroom at the completion of the development—the dwelling will have at least 1 car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in paragraph (k) in relation to garages and carports;

(ii) a dwelling that will have 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces, 1 of which is enclosed or covered, or able to be enclosed or covered, and both of which comply with the requirements set out in paragraph (k) in relation to garages and carports; and

(m) the dwelling will have at least 1 habitable room window facing the primary street; and

(n) the development will not result in the total roofed area of all buildings on the allotment exceeding 60% of the total area of the allotment; and

(o) any excavation or filling associated with the development does not exceed a vertical height of 1 metre overall; and

(p) in relation to the site—there already exists, for the purposes of a dwelling, at least to a point immediately adjacent to the allotment, the availability of connections to—

(i) a permanent water supply for potable water; and

(ii) a sewage system or a waste control system which complies with the requirements of the *Public and Environmental Health Act 1987* and which is installed in a manner approved by the council or an appropriate government agency or instrumentality; and

(iii) a permanent electricity supply.

(7) For the purposes of this clause—

(a) a side wall faces south if the wall has an axis perpendicular to its surface orientated south 30° west to south 20° east; and

(b) in calculating private open space—

(i) any area at ground level at the front of the proposed dwelling will not be included; and

(ii) each area at ground level must have a width of at least 2.5 metres; and

(iii) any balcony must have a width of at least 2 metres; and

(c) the placing of a transportable dwelling will be taken to constitute the construction of a new dwelling; and

(d) the primary street in relation to a dwelling is the road that forms part of the street address of the dwelling, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(e) a secondary street in relation to a dwelling is any road, other than the primary street, that shares a boundary with the allotment on which the dwelling is to be situated.

(8) In this clause—

ARI means *average recurrence interval* of a flood event;

attributable walls or structures means any walls or structures that are attributable to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence between the relevant allotment and an adjoining allotment;

battle-axe allotment means an allotment or site that comprises—

(a) a driveway (and any related open space) that leads back from a road to the balance of the allotment or site; and

(b) a balance of the allotment or site that is the principal part of the allotment or site and that does not have a boundary with a road;

Flood Management Zone/Area means a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan;

habitable room means a room used for domestic purposes but does not include a bathroom, laundry, hallway, lobby or other service or access area or space that is not occupied for extended periods;

Historic Conservation Zone/Area means a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone;

road has the same meaning as in the *Local Government Act 1999* but does not include an alley, lane or right of way;

south means true south.

3—Special cemetery buildings

The construction of a mausoleum in a public cemetery where—

(a) the mausoleum is located more than 50 metres from the boundaries of the cemetery; and

(b) no part of the mausoleum is higher than 3 metres above the natural surface of the ground.

4—Railway activities

(1) Other than in respect of a local heritage place, development for purposes connected with the operation of a railway that is to be undertaken on railway land, other than—

(a) the construction or extension of—

(i) a passenger station or freight terminal building; or

(ii) a railway workshop; or

(iii) any other kind of building if the total floor area exceeds, or will exceed, 200 square metres; or

(b) the construction of a new railway line[1], but not including a line that is replacing an existing line or following the route of a previous line; or

(c) the extension of an existing railway line[1]; or

(d) the construction of a new bridge; or

(e) the construction of a new tunnel.

(2) In this clause—

bridge includes a bridge designed to be used by—

(a) vehicles other than trains; or

(b) people;

railway land and ***railway line*** have the same meanings as in clause 13 of Schedule 3.

Note—

1 Certain activities do not constitute development under the Act—see clause 13 of Schedule 3.

Part 2—Building rules

5 The following forms of building work are declared to comply with the Building Rules (other than building work which affects a State heritage place, or as otherwise indicated below).

6 The installation of, or any alteration of or addition to, a building that is necessary for or incidental to the installation of—

(a) an individual air handling unit mounted on a wall, window or domestic floor; or

(b) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms and installed within the ceiling space; or

(c) an exhaust fan,

where the item being installed does not encroach on a public street or affect the ability of the building in which it is installed to resist the spread of fire.

7 The installation or alteration of a building or the making of any excavation or filling that is necessary for or incidental to the installation of, electrical, gas, water, sewage and sullage, or telecommunications services (including appliances and fittings) the installation of which requires the approval of an authority other than a council, and which does not affect the ability of the building to resist the spread of fire.

8 The construction, alteration or removal of a dam on land used for farming purposes, except where the dam is of masonry construction.

9 The construction of a pergola associated with an existing dwelling (whether attached to the building or freestanding)—

(a) which does not have a roof; and

(b) each freestanding side of which is open; and

(c) no part of which is higher than 4 metres above the ground.

10 An alteration to a building—

(a) that does not involve the demolition of any part of the building (other than the removal of the fixtures, fittings or non load-bearing partitions); and

(b) that will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and

(c) that is not inconsistent with any other provision of this Schedule.

11 Building work in relation to a Class 10 building under the *Building Code* which is not within the area of a council, other than building work within a township or 50 metres from the boundary of a township.

12 The construction of—

(a) a hayshed or implement shed not exceeding 500 square metres in total floor area; or

(b) a Class 10a building under the *Building Code* not exceeding 25 square metres in total floor area,

where the hayshed, implement shed or Class 10a building—

(c) will be at least 50 metres from any allotment boundary; and

(d) will be within a rural, farming, horticultural, primary industry or primary production zone or area, as delineated by the relevant Development Plan, and within a part of the State outside the areas of the following councils:

The Barossa Council

District Council of Barunga West

The District Council of Ceduna

Clare and Gilbert Valleys Council

The Coorong District Council

Town of Gawler

Regional Council of Goyder

District Council of Kapunda and Light

The District Council of Mallala

Mid Murray Council

The District Council of Mount Remarkable

City of Playford

City of Salisbury

City of Victor Harbor

Wakefield Regional Council

The District Council of Yankalilla.

13 The construction of a stockyard (including any associated ramp or facility for loading stock onto a vehicle), but not including any walkway or steps.

14 (1) The construction or alteration of any of the following (including any incidental excavation or filling):

(a) an outbuilding in which human activity is secondary, and which has a total floor area not exceeding 15 square metres, no span exceeding 3 metres, and no part of the building higher than 2.5 metres above the natural surface of the ground; or

(b) a fence not exceeding 2.1 metres in height, or 1 metre in the case of a masonry fence (both measured from the lower of the 2 adjoining finished ground levels), other than—

(i) a safety fence for a swimming pool which is approved for construction, or requires approval for construction, on or after 1 July 1993; or

(ii) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

(c) —

(i) a windmill; or

(ii) a flagpole,

which is not attached to a building and is not more than 10 metres in height, or which is attached to a building and is not more than 4 metres in height above the topmost point of attachment to the building, exclusive of guy wires; or

(d) a retaining wall which retains a difference in ground levels not exceeding 1 metre; or

(e) a water tank (and any supporting structure) which—

(i) is part of a roof-drainage system; and

(ii) has a total floor area not exceeding 10 square metres; and

(iia) is located wholly above ground; and

(iii) has no part higher than 4 metres above the natural surface of the ground; or

(f) a temporary builder's office, shed, store or other similar building—

(i) that is used for the purpose of storing materials or documents, providing amenities for workers, or for any other purpose connected with the performance of building work, other than to provide overnight accommodation; and

(ii) that is to be removed at the completion of the relevant building work; and

(iii) that is positioned on the ground and totally within the site of the building work; or

(g) an electricity powerline or any associated structure.

(2) In this clause—

brush means—

(a) Broombrush (Melaleuca uncinata); and

(b) any other form of dried vegetation material that constitutes *brush* for the purposes of regulation 76C;

brush fence includes—

(a) a fence that is predominantly constituted by brush;

(b) a gate that is predominantly constituted by brush.

15 The construction of an offshore marine aquaculture structure that is embedded in the sea bed or moored from a mooring point embedded in the sea bed.

16 (1) Other than in respect of a local heritage place, the construction, alteration or extension of prescribed infrastructure (including any incidental excavation or filling) if the total height of the prescribed infrastructure, when constructed, altered or extended, will not exceed (taking into account attachments (if any))—

(a) in the case of prescribed infrastructure not attached to a building—10 metres;

(b) in the case of prescribed infrastructure attached to a building—4 metres above the topmost point of attachment to the building, disregarding any attachment by guy wires.

(2) In this clause—

building does not include prescribed infrastructure;

prescribed infrastructure has the same meaning as in clause 12 of Schedule 3.

17 (1) Other than in respect of a local heritage place, building work undertaken for the purposes of the construction, alteration, extension, repair or maintenance of railway track (including track for a siding or a crossing or passing loop), other than building work associated with a new bridge or tunnel.

(2) In this clause—

bridge has the same meaning as in clause 4 of this Schedule.

Schedule 4A—Certificate—section 25(10)

Certificate of chief executive officer that a Development Plan Amendment (DPA) is suitable for purposes of public consultation

I (*full name*), as Chief Executive Officer of (*name of council*), certify that the Statement of Investigations, accompanying this DPA, sets out the extent to which the proposed amendment or amendments—

(a) accord with the Statement of Intent (as agreed between the council and the Minister under section 25(1) of the Act) and, in particular, all of the items set out in regulation 9 of the *Development Regulations 2008*; and

(b) accord with the Planning Strategy, on the basis that each relevant provision of the Planning Strategy that relates to the amendment or amendments has been specifically identified and addressed, including by an assessment of the impacts of each policy reflected in the amendment or amendments against the Planning Strategy, and on the basis that any policy which does not fully or in part accord with the Planning Strategy has been specifically identified and an explanation setting out the reason or reasons for the departure from the Planning Strategy has been included in the Statement of Investigation; and

(c) accord with the other parts of the Development Plan (being those parts not affected by the amendment or amendments); and

(d) complement the policies in the Development Plans for adjoining areas; and

(e) satisfy the other matters (if any) prescribed under section 25(10)(e) of the *Development Act 1993*.

The following person or persons have provided advice to the council for the purposes of section 25(4) of the Act:

Date:

.....

Chief Executive Officer

Schedule 4B—Certificate—section 25(14)(b)

Certificate of chief executive officer that an amendment to a Development Plan is suitable for approval

I (*full name*), as Chief Executive Officer of (*name of council*), certify, in relation to the proposed amendment or amendments to (*title of Development Plan*), as last consolidated on , referred to in the report accompanying this certificate—

(a) that the council has complied with the requirements of section 25 of the *Development Act 1993* and that the amendment or amendments are in a correct and appropriate form; and

(b) in relation to any alteration to the amendment or amendments recommended by the council in its report under section 25(13)(a) of the Act, that the amendment or amendments (as altered)—

(i) accord with the Planning Strategy, on the basis that each relevant provision of the Planning Strategy that relates to the amendment or amendments has been specifically identified and addressed, including by an assessment of the impacts of each policy reflected in the amendment or amendments against the Planning Strategy, and on the basis that any policy which does not fully or in part accord with the Planning Strategy has been specifically identified and an explanation setting out the reason or reasons for the departure from the Planning Strategy has been included in the report of the council; and

(ii) accord with the other parts of the Development Plan (being those parts not affected by the amendment or amendments); and

(iii) complement the policies in the Development Plans for adjoining areas; and

(iv) satisfy the other matters (if any) prescribed under section 25(14)(b)(ii) of the *Development Act 1993*; and

(c) that the report by the council sets out a comprehensive statement of the reasons for any failure to complying with any time set for any relevant step under section 25 of the Act; and

(d) that the following person or persons have provided professional advice to the council for the purposes of section 25(13)(a) of the Act:

Date:

.....

Chief Executive Officer

Schedule 5—Requirements as to plans and specifications

Note—

Regulation 15(3) provides that if an application seeks a consent for some, but not all, of the matters referred to in section 33 of the Act, the plans, drawings, specifications and other documents and information relating to the development must accord with this Schedule to such extent as may be appropriate to the matters for which consent is sought.

A1—Plans for certain classes of *complying* development

An application for development plan consent that relates to an outbuilding, carport or verandah that is *complying* development under Schedule 4, clause 1(2) or (3) must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:200, showing—

(i) the boundaries and dimensions of the site; and

(ii) the position and dimensions of any existing or proposed building and its distance and relationship to the boundaries of the site; and

(iii) existing and proposed finished floor levels and site levels; and

(iv) the location of any significant tree on the site or on adjoining land that might be affected by the work, or that might affect the work, proposed to be performed; and

(v) the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and

(vi) if the proposed building is to be a garage or carport—the location and gradient of any driveway or proposed driveway and its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*; and

(vii) the amount and location of the private open space to remain on the site; and

(viii) the approximate north point; and

(b) if a vehicle access point is to be established—documentary evidence that it has been authorised under section 221 of the *Local Government Act 1999*; and

(c) elevation drawings to a scale of not less than 1:100 of any relevant or proposed building including showing wall, post and building heights; and

(d) if relevant—a schedule of colours for any cladding; and

(e) a copy of the certificate of title, deposited plan or other instrument evidencing title in relation to the land.

A2—Plans for alterations, additions and new dwellings—complying development

An application for development plan consent that relates to *complying* development under Schedule 4, clause 2A or 2B must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:200, showing—

(i) the boundaries and dimensions of the site; and

(ii) the position and dimensions of any existing or proposed building and its distance and relationship to the boundaries of the site; and

(iii) the location of any significant tree on the site or on adjoining land that might be affected by the work, or that might affect the work, proposed to be performed; and

(iv) the purpose for which any existing building on the site is used (if relevant) and the purpose for which any proposed building on the site is intended to be used; and

(v) the location and dimension of car parking spaces before and after completion of the proposed development; and

(vi) if a proposed building is to be or incorporate a garage or carport—the location and gradient of any driveway or proposed driveway and its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*; and

(vii) the amount and location of the private open space to remain on the site; and

(viii) finished floor levels; and

(ix) the true north point; and

(b) if a vehicle access point is to be established—documentary evidence that it has been authorised under section 221 of the *Local Government Act 1999*; and

(c) if relevant under clause 2A and in all cases under clause 2B—a floor plan to a scale of not less than 1:100 showing the number and location of bedrooms and other habitable rooms at the completion of the development; and

(d) elevation drawings to a scale of not less than 1:100 of any relevant or proposed building including showing wall, post and building heights; and

(e) drawings showing how the proposed development relates to buildings on adjoining sites (other than any site to the rear of the site of the proposed development); and

(f) in the case of an application within the ambit of Schedule 4, clause 2B—

(i) a declaration by or on behalf of the applicant indicating whether or not, to the best of his or her knowledge and belief, the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land; and

(ii) if the indication is that the allotment is or may have been so subject to site contamination—a report that complies with the requirements of Schedule 4, clause 2B(4); and

(g) in the case of an application within the ambit of Schedule 4, clause 2B—a declaration by or on behalf of the applicant, or other evidence that confirms, that there already exists, for the purposes of a dwelling, the connections referred to in clause 2B(6)(p) of that Schedule; and

(h) a copy of the certificate of title, deposited plan or other instrument evidencing title in relation to the land.

1—Plans for building work

(1) An application for building rules consent must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site and any relevant easements; and

(ii) the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(iii) the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and

(iv) the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and

(v) the method of drainage and services proposed to be used; and

(va) if the building work is within the ambit of Schedule 1A, clause 3 or 4 and involves a garage or carport—the location and gradient of any driveway or proposed driveway and its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*; and

(vb) the amount and location of the private open space to remain on the site; and

(vc) the location of any significant tree on the site or on adjoining land; and

(vi) the approximate north point; and

(b) drawings showing—

(i) a dimensioned plan of each floor level, drawn to a scale of not less than 1:100; and

(ii) dimensioned elevations and sections of any proposed building, drawn to a scale of not less than 1:100; and

(iii) the sizes and locations of footings and other structural components, drawn to a scale of not less than 1:100; and

(iv) such other details as may be necessary, drawn to a scale of not less than 1:20; and

(c) specifications describing materials and standards of work and, where not indicated on the drawings referred to in paragraph (b), such other information as may be necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the Act and these regulations and provide satisfactory levels of safety on or about the site; and

(d) calculations or reports to show that the building work will, if performed in accordance with the calculations and reports, comply with the Act and these regulations; and

(e) details in writing of any foundation investigations that have been carried out; and

(f) if the building work is within the ambit of Schedule 1A, clause 3 or 4—

(i) if a vehicle access point is to be established—documentary evidence that it has been authorised under section 221 of the *Local Government Act 1999*; and

(ii) information about the material and colour of any cladding that is to be used; and

(iii) a copy of the certificate of title, deposited plan or other instrument evidencing title in relation to the land.

(2) An application for the building rules consent for development consisting of or involving the demolition or removal of a building (or part of a building) must be accompanied by—

(a) a description in writing of the construction of the building (or relevant part) to be demolished or removed; and

(b) a site plan showing the location of the building in relation to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(c) if only part of a building is to be demolished or removed, calculations or other information in writing to show that the remainder of the building will comply with the Act and these regulations, either as the building remains after the proposed demolition or removal takes place, or after other building work is performed; and

(d) a description in writing of the demolition procedure, including details of the measures to be taken to provide satisfactory levels of safety on or about the site.

(3) An application for building rules consent for development consisting of or involving an alteration to a building must, if—

(a) the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the *Building Code*; or

(b) the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the *Building Code* to be assigned to the building,

be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the relevant authority may reasonably require to show that the entire building will, on completion of the building work, comply with the requirements of the Act and these regulations for a building of the classification applied for or with so many of those requirements as will ensure that building is safe and conforms to a proper structural standard.

(4) An application for the assessment of proposed building work in stages must—

(a) in the case of an application for consent to the siting of, excavation and filling for, and general arrangements of, a proposed building, be accompanied by—

(i) a site plan, drawn to a scale of not less than 1:500, showing—

(A) the boundaries and dimensions of the site and any relevant easements; and

(B) the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(C) the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and

(D) the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and

(E) the method of drainage and services proposed to be used; and

(ii) elevational drawings of the proposed building showing its relation to the ground levels of the site; and

(iii) plans and specifications showing the extent of excavation or filling to be carried out; and

(b) in the case of an application for consent to the construction of the substructure of a building, be accompanied by—

(i) the documents referred to in subclauses (1)(b), (c), (d) and (e) (but relating to the substructure only); and

(ii) such other documents as may be necessary to enable the extent of the superstructure to be determined; and

(c) in the case of an application for approval of the construction of the superstructure of a building, be accompanied by the documents referred to in subclauses (1)(b), (c) and (d).

(5) If a development involves—

(a) the construction of a fence closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*; or

(b) the construction of a Class 1 or 2 building under the *Building Code* closer than 3 metres to an existing or proposed fence,

at least 1 plan or other document provided for the purposes of a preceding subclause must describe or indicate the material that makes up, or is proposed to make up, the fence (as the case requires).

(6) For the purposes of subclause (5), the distance of 3 metres will be measured from any part of an existing or proposed fence and from any part of an existing or proposed external wall of the relevant building (being an external wall within the meaning of the *Building Code*).

(7) In subclause (5)—

construction—

(a) in relation to a fence—includes an alteration of, or addition to, a fence but does not include the repair of an existing fence that does not enlarge or extend the fence;

(b) in relation to a Class 1 or 2 building—means building or re-building, erecting or re-erecting, or extending or altering, the building.

2—Requirements for development near the coast

If a development is to be undertaken on a site any part of which is adjacent to the coast, the following particulars must be shown on the plan:

(a) the distance from high water mark to the nearest point or points where buildings suitable for human occupation are likely to be constructed; and

(b) the surface profile of the natural surface between high water mark and the points where buildings suitable for human occupation are likely to be constructed, at intervals of 30 metres, together with a written description of the nature of the exposed surface along that profile.

2A—Statement relating to electricity infrastructure

(1) An application relating to development that would involve the construction of a building may be accompanied by a declaration by or on behalf of the applicant to the effect that the erection of the building would not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.

(2) The declaration must be in a form determined by the Minister and published in the Gazette.

2B—Additional requirements for City of Unley in certain cases

(1) An application for the assessment of development within a Historic (Conservation) Zone or a Streetscape (Built Form) Zone in the area of The Corporation of the City of Unley consisting of or involving—

(a) the construction of a new building; or

(b) —

(i) an addition to an existing building; or

(ii) an alteration in the form or appearance of an existing building,

that—

(iii) affects a facade of the building, or is not more than 5 metres back from a facade of the building; and

(iv) is visible from a street frontage,

must be accompanied by—

(c) a report describing the prevailing character attributes and design elements within the locality of the site and the extent to which the proposed development is consistent with these attributes and elements with particular reference to the desired characteristics identified in the relevant Development Plan; and

(d) drawings demonstrating how the proposed development relates to the buildings on adjoining sites (other than any site to the rear of the site of the proposed development) by providing an elevation and site plan, drawn to a scale of not less than 1:100, that shows the proposed development on the site within the context of the buildings on those adjoining sites and includes information showing:

(i) topography (according to existing and proposed ground levels);

(ii) the form, scale, height and floor levels of all relevant buildings;

(iii) spacing between buildings;

(iv) materials and colours of all relevant buildings;

(v) driveways (as they will exist after the development);

(vi) fences (as they will exist after the development);

(vii) landscaping (as it will exist after the development);

(viii) visible services and street furniture.

(2) In this clause—

facade includes a facade that may not be the principal front of a building.

3—Requirements for general land division applications for development approval—proposal plans

(1) This clause does not apply with respect to a division of land which is *complying* development in respect of the relevant Development Plan (but see clause 4).

(2) A plan which provides for the division of land must—

(a) show the following particulars:

(i) all allotments, roads, streets, thoroughfares and reserves into which the land is proposed to be divided, marked with distinctive numbers, names or symbols, the measurements and areas of the proposed allotments and reserves, the widths of all proposed roads, streets or thoroughfares, and the total area (bounded by a firm, clear line) of the land proposed to be divided;

(ii) the names, widths and alignments of abutting, existing or proposed roads, streets and thoroughfares and of any existing or proposed roads, streets or thoroughfares intersecting or forming a junction therewith;

(iii) the former subdivisional and section boundaries and the number of those subdivisions and sections all shown by broken lines;

(iv) the north point, the scale of the plan, the names of each owner of land and agent, and references to the volumes and folios of all certificates of title relating to the land proposed to be divided;

(v) a heading which contains a description of the land being divided by reference to any relevant Lands Titles Registration Office or General Registry Office plan showing the block or allotment number, the section number and the name of the hundred, and, in addition—

(A) if the division is lodged within the boundaries of a named area assigned pursuant to the *Geographical Names Act 1991* the words "In the area named .....";

(B) if the division is lodged for residential allotments and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* the words "Laid out as the Township of .....";

(C) if the division is lodged for residential purposes and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* but is adjoining to an existing named division, the words "Laid out as Portion of the Township of .....", the name being the name of the existing named division;

(D) if the division is lodged for other than residential purposes and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* no name is required but, if a name is used, the words "In the area named .....";

(vi) the position of any buildings intended to be retained on the land and the approximate position of any buildings which are to be demolished or removed;

(vii) all existing registered easements;

(viii) all relevant topographic features; and

(b) be drawn in accordance with the following rule of scale:

(i) if the area of the smallest allotment is one-fifth of 1 hectare or under, a scale of not less than 1:1 000;

(ii) if the area of the smallest allotment is over one-fifth of a hectare and under 1 hectare, a scale of not less than 1:2 500;

(iii) if the area of the smallest allotment is 1 hectare or over, a scale so that such allotment or block will be delineated by no less than 3 square centimetres on the plan.

(3) A plan which provides for the division of land into more than 5 allotments, or for a new road must—

(a) show the following particulars in addition to those contained in subclause (2):

(i) the numbers of the sections, allotments or plans, and references to the volumes and folios of all certificates of title, of adjoining land, and of the land on the opposite side of any abutting road;

(ii) the contours of the present surface of the ground above some known datum level sufficient to determine the intended level or gradient of all proposed allotments, reserves and parcels of land, all abutting and proposed roads, streets or thoroughfares, and all roads, streets or thoroughfares with which it is intended that the proposed roads, streets or thoroughfares be connected, and where the land is to be filled or graded, both existing contours or levels and proposed contours or levels must be shown;

(iii) the positions and construction of new permanent marks; and

(b) be vouched for by a licensed surveyor as to its reasonable accuracy.

(4) The land comprised in a plan for the division of land must consist of a single allotment or an aggregation of contiguous allotments.

(5) For the purposes of subclause (4), allotments separated only by a road or a road reserve will be regarded as contiguous.

4—Requirement for complying divisions[1]

(1) This clause applies with respect to a division of land which is *complying* development in respect of the relevant Development Plan.

(2) A plan which provides for the division of land to which this clause applies must comply with—

(a) in the case of the division of land under Part 19AB of the *Real Property Act 1886*—the requirements for plans under that Act;

(b) in the case of the division of land by a plan of community division under the *Community Titles Act 1996*—the requirements for plans under that Act;

(c) in the case of the division of land by strata plan under the *Strata Titles Act 1988*—the requirements for plans under that Act.

Note—

1 Only a "final plan" is required in this case.

5—Additional requirements for community plans

(1) An application for the division of land by a plan of community division under the *Community Titles Act 1996* must be accompanied by the proposed scheme description of the relevant community scheme (unless a scheme description is not required to be lodged with the Registrar-General under section 15 of that Act[1]).

(2) A plan which provides for the division of land by a plan of community division under the *Community Titles Act 1996* must state whether the plan is a primary plan, a secondary plan or a tertiary plan under that Act and—

(a) in the case of a secondary plan—must define the primary lot;

(b) in the case of a tertiary plan—must define the secondary lot.

Note—

1 Section 15 of the *Community Titles Act 1996* provides that there is no need to lodge a scheme description with the Registrar-General if—

(a) the plan of community division under that Act—

(i) does not create more than 6 community lots (or such other number as is prescribed by regulation under that Act); and

(ii) does not create a development lot; and

(b) each of the community lots is intended to be used solely or predominantly for residential purposes.

6—Land division certificates—final plan

A land division plan lodged for a certificate under section 51 of the Act must comply with—

(a) in the case of the division of land under Part 19AB of the *Real Property Act 1886*—the requirements for plans under that Act;

(b) in the case of the division of land by a plan of community division under the *Community Titles Act 1996*—the requirements for plans under that Act;

(c) in the case of the division of land by strata plan under the *Strata Titles Act 1988*—the requirements for plans under that Act.

7—Activities of environmental significance

(1) This clause applies with respect to an application that involves a development that must be referred to the Environment Protection Authority under item 10 or 11 of Schedule 8.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of the proposed development and, as relevant, any place on the site where an activity specified in Schedule 21 or Schedule 22 is to be carried out; and

(iii) the positions, dimensions and uses of any proposed or existing structures (including fences and retaining walls), and the location and nature of any proposed or existing easements; and

(iv) any significant topographical features (including any creek or flood plain); and

(v) the levels and slope of the site; and

(vi) the method of drainage, and the direction of any stormwater, and any works or services that are proposed to be installed or used in connection with the management of water; and

(vii) the location and size of any proposed or existing dams or bores; and

(viii) the location and nature of any proposed or existing effluent disposal facilities that are not to be connected to disposal or treatment services; and

(ix) the internal layout of any proposed or existing building to be used in connection with an activity specified in Schedule 21 or Schedule 22, and where each such activity is to be carried out; and

(x) the approximate north point; and

(b) a plan or description of the surrounding area that identifies or describes—

(i) the location of the site in relation to adjacent land; and

(ii) the distance to the nearest building (if any) on each piece of adjacent land; and

(iii) the use of each piece of adjacent land; and

(iv) the location of any lake, creek, dam or other form of surface water within 500 metres of a boundary of the site; and

(c) a detailed description of the activities to be undertaken in the site, and information on each of the following (insofar as may be relevant):

(i) methods to be used to minimise potential impacts (including noise, odours, fumes, dust and other airborne emissions);

(ii) the type of waste to be generated on the site;

(iii) arrangements for the storage and disposal of waste, stormwater and sewage;

(iv) the type and number of vehicles using the site, traffic movements into, out of and around the site, and the kind of surfaces on which vehicles will be moving;

(v) the hours and days of operation or trading;

(vi) the excavations, earthworks or embankments to be undertaken or created for the purposes of the development, and how soil erosion will be prevented.

8—Water resources requirements

(1) This clause applies with respect to an application that involves a development that must be referred to the Minister for the time being administering the *Natural Resources Management Act 2004* under item 12A of Schedule 8.

(2) An application to which this clause applies must be accompanied by a document which specifies—

(a) the estimated water allocation requirements for the relevant development; and

(b) the source or sources from which it is proposed that the water required for the purposes of the relevant development will be obtained.

9—Referrals with respect to River Murray Protection Areas

(1) This clause applies with respect to an application that involves a development that must be referred to the Minister for the time being administering the *River Murray Act 2003* under item 19 or 20 of Schedule 8.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of the proposed development and, as relevant, any place on the site where an activity specified in the relevant item under Schedule 8 is to be carried out; and

(iii) any significant topographical features (including the contours of the land and any creek or flood plain); and

(iv) the approximate location of any native vegetation; and

(v) the method of drainage, including drainage management, and the direction of flow of any stormwater, and the location and nature of any works or services that are proposed to be installed or used in connection with the management of water (including stormwater); and

(vi) the location and nature of any proposed or existing effluent disposal facilities that are to be used in connection with the development and are not to be connected to disposal or treatment services; and

(vii) the location and method of construction of any proposed access track or road which is to give access to any waterfront (if any); and

(viii) the approximate north point; and

(b) a plan or description of the surrounding area that identifies or describes—

(i) the land uses of adjacent land; and

(ii) the location of any watercourse, wetland, dam or other form of surface water within 500 metres of a boundary of the site; and

(c) a detailed description of the activities to be undertaken on the site, and information on each of the following (insofar as may be relevant):

(i) methods to be used to minimise potential impacts on the River Murray;

(ii) arrangements for the storage, treatment, disposal or re-use of waste, stormwater or sewage;

(iii) the excavations, earthworks or embankments to be undertaken or created for the purposes of the development, and how soil erosion will be prevented.

(3) In this clause—

native vegetation has the same meaning as in the *Native Vegetation Act 1991*;

River Murray has the same meaning as in the *River Murray Act 2003*.

10—Referrals with respect to the use of River Murray water within the Murray-Darling Basin

(1) This clause applies in respect of an application that involves a development that must be referred to the Minister for the time being administering the *River Murray Act 2003* under item 21 of Schedule 8.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of any proposed or existing pumpsheds, pipes or other infrastructure for irrigation or drainage; and

(iii) the location and size of any proposed or existing dams or bores; and

(iv) the location on the site where the water is proposed to be used or applied; and

(v) the approximate north point; and

(b) detailed information on each of the following:

(i) the estimated water allocation requirements for the relevant development; and

(ii) the source or sources from which it is proposed that the water required for the purposes of the relevant development will be obtained; and

(iii) the capability of the soil on the site to sustain the proposed development; and

(iv) the location of any place (whether or not on the site) from where water is proposed to be extracted.

11—Additional requirements for bushfire protection areas

(1) In this clause—

bushfire protection area means an area identified as a bushfire protection area by a Development Plan;

land division consent means a consent under section 33(1)(c) of the Act;

Minister's Code means the *Minister's Code—Undertaking development in Bushfire Protection Areas—February 2009* published by the Minister (as in force from time to time).

(2) An application for development plan consent, building rules consent or land division consent that relates to development in a bushfire protection area must be accompanied by, or incorporate, the plans, drawings, specifications and other documents or drawings required under the Minister's Code, insofar as they are relevant in the circumstances of the particular case.

Schedule 6—Fees

1 The following fees are payable in relation to an application under Part 4 of the Act:

(1) A Lodgement Fee (the ***base amount***) $48.50

plus

(a) if the application is seeking the relevant authority to assess a *non-complying* development under the Development Plan, other than where the application relates to development that involves the division of land; and $77.50

(b) if the application is seeking the relevant authority to assess an application that relates to the division of land—

(i) if the number of allotments resulting from the division under the application is equal to or less than the number of existing allotments; or $38.75

(ii) if the number of allotments resulting from the division under the application is greater than the number of existing allotments; and $114.00

(c) if the development involves building work that is, under the provisions of the Act, subject to the requirement to obtain building rules consent and the development cost exceeds $5 000 (including a case where the relevant assessment is undertaken by a private certifier) $55.00

(2) If the application requires the relevant authority to assess the development against the provisions of the relevant Development Plan, other than where the application relates—

(a) to a *complying* development under these regulations or the Development Plan, other than if the development is *complying* development under Schedule 4, clause 1(2) or (3), 2A or 2B; or

(b) to a proposed division of land into allotments which does not involve the performance of building work,

a Development Plan Assessment Fee of the following amount:

(c) if the development cost does not exceed $10 000 $30.25

(d) if the development cost exceeds $10 000 but does not exceed $100 000 $83.00

	(e) if the development cost exceeds $100 000	0.125% of the development cost up to a maximum of $200 000
(3)	If the application relates to a proposed division of land—	
	(a) other than where the application relates to a *complying* development under these regulations or the Development Plan, a Land Division Fee of the following amount:	
	(i) if the number of allotments resulting from the division is equal to or less than the number of existing allotments	$56.00
	(ii) if the number of allotments resulting from the division is greater than the number of existing allotments	$123.00 plus $11.60 for each allotment up to a maximum of $5 597
	and	
	(b) a Statement of Requirements Fee for the purposes of section 33(1)(c) or (d) of the Act—	
	(i) if the number of allotments resulting from the division is equal to or less than the existing number of allotments	$229.00
	(ii) if the number of allotments resulting from the division is greater than the number of existing allotments	$324.00
	and	
	(c) a Development Assessment Commission Consultation Report Fee—	
	(i) if the number of allotments resulting from the division is equal to or less than the existing number of allotments	$54.00
	(ii) if the number of allotments resulting from the division is greater than the existing number of allotments	$161.00
	and	
	(d) a Certificate of Approval Fee for the purposes of section 51 of the Act—	
	(i) if the number of allotments resulting from the division is equal to or less than the existing number of allotments	$80.50
	(ii) if the number of allotments resulting from the division is greater than the existing number of allotments	$270.00

(4)	If the application relates to a proposed development that is of a kind described as a *non-complying* development under the relevant Development Plan—		
	(a)	a Non-complying Development Administration Fee (in respect of the requirement for a concurrence under section 35(2) of the Act (1 fee))	$98.50
	and		
	(b)	a Non-complying Development Assessment Fee of the following amount (unless no assessment is to be undertaken due to an immediate refusal of the application):	
	(i)	if the development cost does not exceed $10 000	$41.50
	(ii)	if the development cost exceeds $10 000 but does not exceed $100 000	$98.50
	(iii)	if the development cost exceeds $100 000	0.125% of the development cost up to a maximum of $200 000
	(iv)	if the application relates to the proposed division of land—	
	(A)	if the number of allotments resulting from the division is equal to or less than the existing number of allotments	$41.50
	(B)	if the number of allotments resulting from the division is greater than the number of existing allotments	$98.50 plus $11.60 for each new allotment up to a maximum of $1 727
(5)	If the application must be referred to a body prescribed under Schedule 8 for the purposes of section 37 of the Act—		
	(a)	except to the extent that paragraph (b) applies, for each body to which the application must be referred—a Referral Fee of the following amount:	
	(i)	unless subparagraph (ii) applies	$173.00
	(ii)	if the development cost exceeds $1 000 000	$288.00
	(b)	for a referral—	
	(i)	that falls within the ambit of clauses 1(6), 2(3), 2(7), 2(8), 2(10) or 3(3) of Schedule 22—for the referral to the Environment Protection Authority	$288.00

	(ii) that falls within the ambit of item 19, 20 or 21—for a referral under those items	$288.00
(6)	If the proposed development is a Category 2 or Category 3 development for the purposes of section 38 of the Act—a Public Notification Fee	$83.00
(7)	If the proposed development is a Category 3 development for the purposes of section 38 of the Act—an Advertisement Fee	An amount determined by the relevant authority as being appropriate to cover its reasonable costs in giving public notice of the application under section 38(5)(c) of the Act
(8)	If the application requires a relevant authority to assess the development against the provisions of the Building Rules—	
	(a) in the case of a building that has a floor area	$F = 0.0023 \times CI \times A \times CF$, or $51.50, whichever is the greater
	(b) in the case of a building that does not have a floor area	$F = 0.0023 \times CI \times S \times CF$, or $51.50, whichever is the greater
	where—	
	F is the fee (in dollars) payable under this component (unless the $51.50 minimum applies)	
	CI is the construction index determined by the Minister from time to time and set out in the Schedule of Construction Indices published in the Gazette	
	A is the prescribed floor area	
	S is the projected area of the largest side or plane of the building	
	CF is the complexity factor	
(9)	If the application requires a relevant authority to grant consent to a development that is at variance with the Building Rules	$121.00
(10)	If the application requires referral to the Building Rules Assessment Commission for concurrence before granting consent to a development that is at variance with the performance requirements of the Building Code	$243.00
(11)	If—	
	(a) a council is the relevant authority with respect to a particular development; and	
	(b) the development requires both development plan consent and building rules consent (including in a case where a private certifier may exercise the powers of a relevant authority to give the building rules consent),	

	a Development Authorisation (Staged Consents) Fee, other than where— (c) the application relates to a *complying* development under these regulations or the Development Plan; or (d) the applicant applies to the council at the same time for both development plan consent and building rules consent.	$48.50
(12)	If— (a) a council is the relevant authority with respect to a particular development; and (b) the application is within the ambit of Schedule 1A, other than clause 2, (being a fee due and payable to the council).	$40.25

For the purposes of this item:

(a) ***development cost*** does not include any fit-out costs;

(b) ***allotment*** does not include an allotment for road or open space requirements;

(c) subject to Schedule 7, a body prescribed under Schedule 8 for the purposes of section 37 of the Act may waive the whole or part of a fee due to the body under component (5), or refund any such fee (in whole or in part);

(d) if an application must be referred to the same body under more than 1 item in Schedule 8, only 1 fee is payable under component (5) with respect to the referral to that particular body (being, if relevant, the higher or highest fee);

(e) if—

(i) a State agency lodges an application for approval with the Development Assessment Commission under section 49 of the Act; or

(ii) a prescribed person lodges an application for approval with the Development Assessment Commission under section 49A of the Act,

then—

(iii) if—

(A) the development cost exceeds $100 000; or

(B) the development involves the division of land and the number of allotments resulting from the division is greater than the existing number of allotments,

any relevant fee under components (1), (2) and (3) of this item will be payable to the Development Assessment Commission as if it were a relevant authority (but not so as to require any payment by the Development Assessment Commission to a council under Schedule 7);

(iv) in any other case—no fee is payable;

(f) no fee is payable in respect of a development—

(i) excluded from the provisions of section 49 of the Act by a regulation under section 49(3); or

(ii) excluded from the provisions of section 49A of the Act by a regulation under section 49A(3);

(g) no fee is payable in respect of a development which is to be undertaken by a council, except where the primary reason for the proposed development is to raise revenue for the council;

(h) an application seeking the variation of a development authorisation previously given under the Act (including a condition imposed in relation to a development) will be subject to the fees prescribed by this item as if it were an application for a new development, but only to the extent that a particular fee imposed in relation to the application reflects the step or steps to be undertaken by the relevant authority or another relevant body on account of the application and not so as to require the payment of a fee for a minor variation that makes no substantive change to the development authorisation that has been previously given;

(i) if an application is for a second or subsequent consent because the applicant is seeking the assessment of a particular development in stages, the base amount under component (1) is only payable in relation to the first application (but the base amount will again be payable if the application is to be treated as a new application for a new development in the manner envisaged by paragraph (h) and taking into account the operation of section 39(7)(b) of the Act);

(j) the Development Authorisation (Staged Consents) Fee is not payable unless or until the council receives an application for building rules consent or, if building rules consent is given by a private certifier, unless or until the private certifier notifies the council of his or her decision to grant the consent under section 93(1)(b) of the Act.

2 The following fee is payable in respect of an application for assignment of a classification to a building or a change in the classification of a building for the purposes of section 66 of the Act:

(a)	in the case of a building that has a floor area	$F = 0.00184 \times CI \times A \times CF$, or $51.50, whichever is the greater
(b)	in the case of a building that does not have a floor area	$F = 0.00184 \times CI \times S \times CF$, or $51.50, whichever is the greater

where—

F is the fee (in dollars) payable under this component (unless the $51.50 minimum applies)

CI is the construction index determined by the Minister from time to time and set out in the Schedule of Construction Indices published in the Gazette

A is the prescribed floor area

S is the projected area of the largest side or plane of the building

CF is the complexity factor.

3 A fee of $34.75 is payable in respect of an application for a certificate of occupancy.

4 A fee of $75.00 is payable in respect of an application under section 76(4)(c).

5 (1) If the matter involves an application to a private certifier for an assessment of a development against the provisions of the Building Rules, a fee equal to 5% of the fee that would apply under component (8) of item 1 if a council were the relevant authority for that assessment, exclusive of any GST component, is payable by the applicant.

(2) The fee must be paid by the applicant to the private certifier at the time of application.

(3) The fee must be held by the private certifier pending payment to the Minister under Schedule 7.

(4) Except as provided above, the fee to be paid to a private certifier will be determined by agreement between the applicant and the private certifier.

6 The following fees are payable in respect of a referral to the Building Rules Assessment Commission under section 36(2b) of the Act:

(a) for Class 1 and 10 buildings—$381.00;

(b) for Class 2 to 9 buildings—$835.00.

7 (1) A fee of $58.00 is payable in respect of the registration of an agreement under section 57 or 57A of the Act.

(2) A fee of $10.80 is prescribed for the purposes of section 57(2d) or 57A(7) of the Act.

8 (1) A fee of $115.00 is payable in respect of an application to the Minister for an approval under section 101 of the Act.

(2) A fee under this item must be paid in a manner determined by the Minister.

9 A fee of $77.50 is payable in respect of an application to extend a period under regulation 48.

10 For the purposes of items 1(8) and 2—

(a) the prescribed floor area is—

(i) for the purpose of calculating the fee on an application for assessment against the provisions of the Building Rules that consists of the erection of a building or the demolition of a building—the aggregate of the floor areas of the building proposed to be erected or demolished;

(ii) for the purpose of calculating the fee on an application for assessment against the provisions of the Building Rules where the building work consists of an alteration to a building—

(A) the aggregate of the floor areas of the rooms or compartments to be altered; or

(B) if the alteration consists of the fixing or erection of an attachment that does not have a floor area—the floor area of the building within a distance of 3 metres of where the attachment is to be fixed or erected;

(iii) for the purpose of calculating the fee on application for assignment of a classification to, or a change in the classification of, a building—the aggregate of the floor areas of the building;

(b) the floor area of a building is to be measured over any enclosing walls and is to include the area of the floor of any fully or partly covered carport, portico, verandah, balcony, porch or other similar structure attached or to be attached to the building;

(c) if a building is without storeys, or has a storey of a height of more than 10 metres, the floor area is to be calculated as if the building contained floors at 10 metre intervals, measured vertically;

(d) a building is to be taken not to have any floor area if it is principally of open framework or web construction or solid construction and without any fully or partly enclosed space intended for occupation or use by persons;

(e) the ***complexity factor*** is—

(i) except as below—1.0;

(ii) for building work for the erection or alteration of a building that exceeds 6 storeys—1.3;

(iii) for building work for the erection or alteration of a building that contains an atrium—1.3;

(iv) for building work for the erection or alteration of a building that contains an arcade exceeding 40 metres in length—1.3;

(v) for building work that consists solely of the demolition of a building—0.2;

(vi) for assignment of classification or a change in classification where no building work is proposed—0.8;

(f) if a building is made up of parts that have different construction indices, the fee payable for the assessment of building work against the provisions of the Building Rules, the assignment of classification or a change in classification, is the aggregate of the fees calculated in accordance with this Schedule for those parts;

(g) if an application for the assessment of building work against the provisions of the Building Rules incorporates an application for the assignment of a classification to, or a change in the classification of, the building, 1 fee is payable in respect of the applications, being whichever of the fees for those applications that is of the greater amount.

Schedule 7—Provisions regulating distribution of fees between authorities

1—Interpretation

In this Schedule—

quarter means a 3-month period commencing on any of the following days in any year:

1 January

1 April

1 July

1 October.

2—Distribution of fees between a council and other authorities

A council must, within 10 business days after the end of each quarter—

(a) pay to the Development Assessment Commission an amount equal to the sum of the following:

(i) in relation to fees received by the council during that quarter under component (1) of item 1 of Schedule 6 in respect of applications for which the Development Assessment Commission is the relevant authority—75% of fees representing the base amount under that component plus 75% of fees paid under paragraph (a) or (c) of that component; and

(ii) in relation to fees received by the council during that quarter under component (2) of item 1 of Schedule 6—

(A) 5% of fees under that component in respect of applications for which the council is the relevant authority; and

(B) the total of all fees under that component in respect of applications for which the Development Assessment Commission is the relevant authority; and

(iii) in relation to fees received by the council during that quarter under component (4)(a) of item 1 of Schedule 6—

(A) 90% of fees under that component in respect of applications for which the council is the relevant authority; and

(B) 10% of fees under that component in respect of applications for which the Development Assessment Commission is the relevant authority; and

(iv) in relation to fees received by the council during that quarter under component (4)(b)(i), (ii) or (iii) of item 1 of Schedule 6—

(A) 5% of fees under that component in respect of applications for which the council is the relevant authority; and

(B) the total of all fees under that component in respect of applications for which the Development Assessment Commission is the relevant authority; and

(v) the total of all fees received by the council during that quarter under components (5), (6) and (7) of item 1 of Schedule 6 in respect of applications for which the Development Assessment Commission is the relevant authority; and

(vi) the total of all fees received by the council during that quarter under components (8) and (9) of item 1 of Schedule 6 in relation to applications for which the council is not the relevant authority for the purposes of the assessment of the applications in respect of the Building Rules; and

(vii) $16.10 for each amount received by the council during that quarter under component (11) of item 1 of Schedule 6; and

(b) in relation to fees received by the council during that quarter in relation to component (5)(a) of item 1 of Schedule 6 on account of referrals of applications under Schedule 8 where the council is the relevant authority—

(i) if component (5)(a)(i) applies—pay to the relevant body under Schedule 8 $140 for each amount received by the council on account of referrals to that body;

(ii) if component (5)(a)(ii) applies—pay to the relevant body $256 for each amount received by the council on account of referrals to that body;

(c) in relation to fees received by the council during that quarter in relation to component (5)(b) of item 1 of Schedule 6 on account of referrals of applications under Schedule 8 where the council is the relevant authority—pay to the relevant body $256 for each amount received by the council on account of referrals to that body;

(d) pay to the Minister 5% of fees received by the council during the quarter under component (8) of item 1 of Schedule 6, or under clause 3(a)(ix) of this Schedule, exclusive of any GST component;

(e) pay to the Development Assessment Commission 5% of fees received by the council under component (12) of item 1 of Schedule 6.

3—Distribution of fees between the Commission and councils

The Development Assessment Commission must, within 10 business days after the end of each quarter—

(a) pay to a council an amount equal to the sum of the following:

(i) in relation to fees received by the Development Assessment Commission during that quarter under component (1) of item 1 of Schedule 6 in respect of applications that involve the division of land for which the council is the relevant authority—75% of the fees representing the base amount under that component plus 75% of the fees paid under paragraph (c) of that component; and

(ii) in relation to fees received by the Development Assessment Commission during that quarter under component (2) of item 1 of Schedule 6—95% of fees under that component in respect of applications for which the council is the relevant authority; and

(iii) the total of all fees received by the Development Assessment Authority during that quarter under component (3)(a) of item 1 of Schedule 6 in respect of applications for which the council is the relevant authority; and

(iv) $143 for each amount received by the Development Assessment Commission during that quarter under component (3)(b) of item 1 of Schedule 6 in respect of developments within the area of the council; and

(v) 90% of fees received by the Development Assessment Commission during that quarter under component (4)(a) of item 1 of Schedule 6 where the Development Assessment Commission is the relevant authority in respect of developments within the area of the council; and

(vi) 10% of fees received by the Development Assessment Commission during that quarter under component (4)(a) of item 1 of Schedule 6 where the council is the relevant authority; and

(vii) 95% of fees received by the Development Assessment Commission during that quarter under component (4)(b)(i), (ii) or (iii) of item 1 of Schedule 6 where the council is the relevant authority; and

(viii) the total of all fees received by the Development Assessment Commission during that quarter under components (6) and (7) of item 1 of Schedule 6 in respect of applications for which the council is the relevant authority; and

(ix) the total of all fees received by the Development Assessment Commission during that quarter under components (8) and (9) of item 1 of Schedule 6 in relation to applications for which the council is the relevant authority for the purposes of the assessment of the applications in respect of the Building Rules; and

(x) $32.25 for each amount received by the Development Assessment Commission during that quarter under component (11) of item 1 of Schedule 6; and

(b) in relation to fees received by the Development Assessment Commission during that quarter in relation to component (5)(a) of item 1 of Schedule 6 on account of referrals of applications under Schedule 8 where the Development Assessment Commission is the relevant authority—

(i) if component (5)(a)(i) applies—pay to the relevant body under Schedule 8 $140 for each amount received by the Development Assessment Commission on account of referrals to that body;

(ii) if component (5)(a)(ii) applies—pay to the relevant body $256 for each amount received by the Development Assessment Commission on account of referrals to that body; and

(c) in relation to fees received by the Development Assessment Commission in relation to component (5)(b) of item 1 of Schedule 6 on account of referrals of applications under Schedule 8 where the Development Assessment Commission is the relevant authority—pay to the relevant body $256 for each amount received by the Development Assessment Commission on account of referrals to that body.

4—Private certifiers

A private certifier must, within 10 business days after the end of each quarter, pay to the Minister the fees received by the private certifier during the quarter under item 5(1) of Schedule 6.

5—Requirement for a return and method of payment

(1) A payment under this Schedule must be accompanied by a return, in a form determined by the Minister, containing reasonable details of the items that make up the amount of the payment.

(2) A payment under this Schedule must be made—

(a) by cheque; or

(b) in some other manner determined by the Minister.

6—Payments direct to Development Assessment Commission

The fees payable under the following items of Schedule 6 must be paid in all cases to the Development Assessment Commission:

(a) item 1(1)(b);

(b) item 1(3);

(c) item 1(4)(b)(iv);

(d) any other fee expressed to be payable to the Development Assessment Commission.

Schedule 8—Referrals and concurrences

1—Interpretation

(1) In this Schedule—

coastal land means—

(a) land situated in a zone or area defined in the relevant Development Plan where the name of the zone or area includes the word "Coast" or "Coastal", or which indicates or suggests in some other way that the zone or area is situated on the coast;

(b) if paragraph (a) does not apply—

(i) land that is situated in an area that, in the opinion of the relevant authority, comprises a township or an urban area and that is within 100 metres of the coast measured mean high water mark on the sea shore at spring tide; or

(ii) land that is situated in an area that, in the opinion of the relevant authority, comprises rural land and that is within 500 metres landward of the coast from mean high water mark on the sea shore at spring tide,

if there is no zone or area of a kind referred to in paragraph (a) between the land and the coast;

(c) an area 3 nautical miles seaward of mean high water mark on the sea shore at spring tide;

commercial forest means a forest plantation where the forest vegetation is grown or maintained so that it can be harvested or used for commercial purposes (including through the commercial exploitation of the carbon absorption capacity of the forest vegetation);

prescribed area means any part of the coast within the meaning of the *Coast Protection Act 1972*, or any other waters of the sea within the State;

wind farm means an undertaking where 1 or more wind turbine generators (whether or not located on the same site) are used to generate electricity that is then supplied to another person for use at another place.

(2) In relation to each item in the table in clause 2—

(a) a form of development referred to in column 1 is prescribed as a class of development for the purposes of section 37 of the Act; and

(b) the body referred to in column 2 is prescribed as the body to which the relevant application is referred for the purposes of section 37 of the Act; and

(c) the period referred to in column 3 is prescribed for the purposes of section 37(1)(b) of the Act; and

(d) the following term or terms, when specified in column 4, have (subject to any qualification referred to in the relevant item) the meanings assigned to them as follows:

(i) ***Regard***—this means that the relevant authority cannot consent to or approve the development without having regard to the response of the prescribed body;

(ii) ***Concurrence***—this means that the relevant authority cannot consent to or approve the development without the concurrence of the prescribed body (which concurrence may be given by the prescribed body on such conditions as it thinks fit);

(iii) ***Direction***—this means that the prescribed body may direct the relevant authority—

(A) to refuse the relevant application; or

(B) if the relevant authority decides to consent to or approve the development—(subject to any other Act) to impose such conditions as the prescribed body thinks fit,

(and that the relevant authority must comply with any such direction).

(3) For the purposes of item 12(2), the prescribed areas are as follows:

(a) the whole of the area of the District Council of Grant;

(b) the whole of the area of The District Council of Robe;

(c) the whole of the area of the Wattle Range Council;

(d) that part of the area of the Naracoorte Lucindale Council comprising the Hundreds of Fox, Coles, Townsend, Conmurra, Joyce, Spence, Robertson, Naracoorte, Jessie and Joanna;

(e) that part of the area of the Kingston District Council comprising the Hundreds of Mount Benson and Bowaka.

(4) For the purposes of item 19, the prescribed zones are as follows (insofar as any relevant area falls within the River Murray Floodplain Area):

Name of council	**Relevant township or rural city**	**Prescribed zones** [1]
Renmark Paringa Council	Renmark	Community Zone
		Town Centre Zone
		District Business Zone
		Country Living Zone
		Marina Commercial Zone
		Residential (Waterfront) Zone
		Residential 1 Zone
		Residential 2 Zone
		Local Centre Zone
		General Industry Zone
	Paringa	District Business Zone
		Commercial (Bulk Handling) Zone

Name of council	Relevant township or rural city	Prescribed zones [1]
	Calperum	Country Living Zone
The Berri Barmera Council	Berri	District Centre Zone
		Commercial Zone
		Western Approach Zone
	Barmera	Town Centre Zone
		Residential Zone
		Public Purpose Zone
	Cobdogla	Country Township Zone
	Loveday	Country Township Zone
District Council of Loxton Waikerie	Loxton	Town Centre Zone
		Industry Zone
		Residential Zone
	Waikerie	Town Centre Zone
		Residential Zone
		Industry Zone
Mid Murray Council	Cadell	Service Centre Zone
	Mannum	Business Zone
		Residential Zone
		Recreation Zone
	Blanchetown	Service Centre (Blanchetown) Zone
Rural City of Murray Bridge	Mypolonga	Country Township Zone
	Woods Point	Country Township Zone
	Jervois	Country Township Zone
	Murray Bridge	Local Centre Zone
		Light Industry Zone
		General Industry Zone
		Residential Zone
The Coorong District Council	Meningie	Residential Zone
		Town Centre Zone
		Commercial Industry Zone
		Tourist Accommodation Zone
		Community Zone
		Rural Living Zone

Name of council	Relevant township or rural city	Prescribed zones [1]
	Tailem Bend	Community Zone
		Residential Zone
		Commercial Industry Zone
		Town Centre Zone
Alexandrina Council	Goolwa	Residential Zone
		Rural Fringe Zone
	Hindmarsh Island	Residential Marina (Hindmarsh Island) Zone
		Country Living (Hindmarsh Island) Zone
	Clayton	Country Township Zone
	Milang	Local Centre Zone
		Residential Zone
	Langhorne Creek	Country Township Zone
		Industry Zone

Note—

1 A reference to a zone is a reference to the zone as delineated in the relevant Development Plan.

(5) Despite the provisions of these regulations and, in particular, items 19, 20 and 21 of this Schedule, an application within the ambit of an exemption from the requirement to be referred to the Minister for the River Murray under section 37 of the *Development Act 1993* published by that Minister under section 22(18) of the *River Murray Act 2003* need not be referred to that Minister under this Schedule (and will not be subject to a Referral Fee under Schedule 6)[1].

Note—

1 An exemption issued by the Minister for the River Murray under section 22(18) of the *River Murray Act 2003* must be published in the Gazette. A list of the exemptions that have been issued may be found on the website of the Department of Water, Land and Biodiversity Conservation.

(6) For the purposes of this Schedule—

(a) a reference to—

(i) the *River Murray Floodplain Area*; or

(ii) the *River Murray Tributaries Area*,

is a reference to the River Murray Protection Area so designated under the *River Murray Act 2003*; and

(b) a reference to the River Murray system is a reference to the River Murray system within the meaning of the *River Murray Act 2003*; and

(c) native vegetation will be taken to be cleared if it is cleared within the meaning of the *Native Vegetation Act 1991*.

2—Table

Development	Body	Period	Conditions
1—Development near the coast			
Development on coastal land, other than— (a) development that comprises the construction or alteration of, or addition to, a farm building; or (b) development that in the opinion of the relevant authority is of a minor nature and comprises— (i) the alteration of an existing building; or (ii) the construction of a building to facilitate the use of an existing building; or (c) *complying* development in respect of the relevant Development Plan; or (d) development within a River Murray Protection Area under the *River Murray Act 2003*	Coast Protection Board	6 weeks	(a) Direction, if the development comprises or includes— (i) excavating or filling (or excavating and filling) land within 100 metres landward of the coast measured from mean high water mark on the sea shore at spring tide or within 3 nautical miles seaward measured from mean high water mark on the sea shore at spring tide, where the volume of material excavated or filled exceeds 9 cubic metres in total; or (ii) the placing or making of any structure or works for coastal protection, including the placement of rocks, stones or other substance designed to control coastal erosion, within 100 metres landward of the coast measured from mean high water mark on the sea shore at spring tide or within 1 kilometre seaward measured from mean high water mark on the sea

Development	Body	Period	Conditions
			shore at spring tide; or (b) Regard, in any other case
2—Land division adjacent to main roads			
(1) Development that involves the division of land where the land being divided abuts a controlled access road declared pursuant to the *Highways Act 1926*	Commissioner of Highways	6 weeks	Direction
(2) Development that involves the division of land where the land being divided abuts an arterial road and creates new road junctions on that arterial road	Commissioner of Highways	6 weeks	Direction, in respect of the location of the junctions
3—Development adjacent to main roads			
Development which in the opinion of the relevant authority is likely to— (a) alter an existing access; or (b) change the nature of movement through an existing access; or (c) create a new access; or (d) encroach within a road widening setback under the *Metropolitan Adelaide Road Widening Plan Act 1972*, in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, (as delineated in the relevant Development Plan), other than (unless an access certificate is required for *complying* development) *complying* development in respect of the relevant Development Plan	Commissioner of Highways	4 weeks	(a) Direction, in respect of a proposed development that would encroach on land shown on the Metropolitan Road Widening Plan as being potentially required for road widening or would be undertaken within 6 metres of the boundary of such land or, in any other case in respect of the location or nature of access to a controlled access road; or (b) Regard, in relation to any other form of development or any other matter

Development	Body	Period	Conditions
4—Advertising displays on or abutting arterial roads			
Development that will involve an advertising display on an existing arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan) and within 100 metres of a signalised intersection or a pedestrian actuated crossing where the display— (a) will be internally illuminated and incorporate red, yellow, green or blue lighting; or (b) will incorporate a moving display or message; or (c) will incorporate a flashing light	Commissioner of Highways	4 weeks	Regard
5—State heritage places			
(1) Other than development to be undertaken in accordance with a Heritage Agreement under the *Heritage Places Act 1993* or in a River Murray Protection Area under the *River Murray Act 2003*, development which directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which the State heritage place is situated	Minister for the time being administering the *Heritage Places Act 1993*	8 weeks	Regard
(2) Development where a consent or approval proposed by a council as a relevant authority in relation to the development does not totally adopt the recommendation or any condition proposed in a report forwarded by the Minister under subclause (1)	Development Assessment Commission	6 weeks	Concurrence

Development	Body	Period	Conditions
7—Mining—General			
Except as provided in item 8, development, other than development which, in the opinion of the relevant authority, is of a minor nature only, within a zone or area designated by a Development Plan as being for a mineral resource	Minister for the time being administering the Mining Acts	6 weeks	Direction
8—Mining—Extractive industries			
Development within an "Extractive Industry" or "Extractive Industry (Deferred)" zone or area under a Development Plan	Minister for the time being administering the Mining Acts	6 weeks	Direction
9—Airports			
If the relevant Development Plan contains a map entitled *Airport Building Heights*, development within the area shown on the map which would exceed a height prescribed by the map	Commonwealth Secretary for the Department of Transport and Regional Services	4 weeks	Direction
9A—Windfarms			
Development that involves the establishment of a windfarm	Environment Protection Authority	6 weeks	Regard
9B—Electricity infrastructure			
Development that involves the construction of a building where a declaration has not been given under Schedule 5, clause 2A, other than where the development is limited to— (a) an internal alteration of a building; or (b) an alteration to the walls of a building but not so as to alter the shape of the building	Technical Regulator	6 weeks	Direction
10—Activities of environmental significance			
Development—	Environment Protection	For development under	(a) For development within a River

Development	Body	Period	Conditions
(a) in the Mount Lofty Ranges Water Protection Area or the River Murray Water Protection Area, as proclaimed under the *Environment Protection Act 1993*, which is *non-complying* development under the relevant Development Plan, except— (i) development of a kind referred to in item 12; or (ii) where the development is proposed within a township with a sewerage or common septic tank effluent disposal scheme; or (b) that involves, or is for the purposes of, an activity specified in Schedule 21 (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building and which, in the opinion of the relevant authority— (i) does not change the use of the building; and (ii) is of a minor nature only; and (iii) does not have any adverse effect on the environment	Authority	paragraph (a)—6 weeks For development under paragraph (b)—4 weeks	Murray Protection Area under the *River Murray Act 2003*—Direction (b) In any other case—Regard

Development	Body	Period	Conditions
11—Activities of major environmental significance			
Development that involves, or is for the purposes of, an activity specified in Schedule 22 (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level)	Environment Protection Authority	6 weeks	Direction
12—Activities that would otherwise require a permit under the *Natural Resources Management Act 2004*			
(1) Development comprising or including an activity for which a permit would be required under section 127(3)(d) or (5)(a) of the *Natural Resources Management Act 2004* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this item operates in conjunction with section 129(1)(e) of that Act), other than development within a River Murray Protection Area under the *River Murray Act 2003*	Relevant authority under the *Natural Resources Management Act 2004* who would, if it were not for the operation of section 129(1)(e) of that Act, have the authority under that Act to grant or refuse the permit referred to in column 1	6 weeks	Direction

Development	Body	Period	Conditions
(2) Development that involves a change in use of land for the purposes of establishing or expanding a commercial forest within a prescribed area under clause 1(3) where a permit would be required under section 127(3) of the *Natural Resources Management Act 2004* by virtue of the operation of regulation 13 of the *Natural Resources Management (General) Regulations 2005* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this item operates in conjunction with section 129(1)(e) of that Act)	Minister responsible for the administration of the *Natural Resources Management Act 2004*	6 weeks	Direction
12A—Certain activities that may give rise to water allocation issues under the *Natural Resources Management Act 2004*			
Development, other than development within a River Murray Protection Area under the *River Murray Act 2003*, that involves, or is for the purposes of, an activity specified for the purposes of this item where— (a) the development may require water to be taken from a prescribed watercourse, lake or well, or surface water to be taken from a surface water prescribed area, under the *Natural Resources Management Act 2004*, over and above any allocation that has already been granted under the *Natural Resources Management Act 2004*; or (b) the development may be affected by the operation of a notice under section 132 of the *Natural Resources Management Act 2004* The following activities are specified for the purposes of this item:	The Chief Executive of the Department of the Minister responsible for the administration of the *Natural Resources Management Act 2004*	6 weeks	Regard

Development	Body	Period	Conditions
(a) horticulture;			
(b) activities requiring irrigation;			
(c) aquaculture;			
(d) industry;			
(e) intensive animal keeping;			
(f) commercial forestry.			
13—Retail developments in Metropolitan Adelaide exceeding a prescribed size			
Development within Metropolitan Adelaide that will involve the construction of a shop or group of shops in a Regional or District Centre Zone delineated by a Development Plan where the gross leasable area, or the increase in gross leasable area, to be created by the development (as the case may be) exceeds—	Development Assessment Commission	8 weeks	Direction
(a) in the case of a Regional Centre Zone— 10 000 square metres;			
(b) in the case of a District Centre Zone— 5 000 square metres			
14—Crematoria			
Development that involves the construction of a crematorium	Minister for the time being administering the *Public and Environmental Health Act 1987*	6 weeks	Direction
15—Aquaculture development			
Aquaculture development within a prescribed area, other than development which, in the opinion of the relevant authority, involves a minor alteration to an existing or approved development	Minister for the time being administering the *Aquaculture Act 2001*	6 weeks	Direction

Development	Body	Period	Conditions
16—Dams in water restriction areas			
Development that will involve the construction or enlargement of a dam in a part of the State within the ambit of a notice under section 132 of the *Natural Resources Management Act 2004*	The Chief Executive of the Department of the Minister responsible for the administration of the *Natural Resources Management Act 2004*	6 weeks	Direction
17—Historic shipwrecks			
(1) Development to be undertaken within 500 metres of a historic shipwreck or historic relic within the meaning of the *Historic Shipwrecks Act 1981*, other than development within the River Murray Floodplain Area	Minister for the time being administering the *Historic Shipwrecks Act 1981*	8 weeks	Direction
(2) Development to be undertaken within 500 metres of a historic shipwreck or historic relic within the meaning of the *Historic Shipwrecks Act 1976* (Commonwealth)	Commonwealth Minister for the time being administering the *Historic Shipwrecks Act 1976* (Commonwealth)	8 weeks	Direction
18—Dwellings in Bushfire Protection Areas			
Dwellings, tourist accommodation and other forms of habitable buildings— (a) in a *CFS Referral Area* in a Bushfire Protection Area; or (b) in a High Bushfire Risk Area in a Bushfire Protection Area, identified by the relevant Development Plan	South Australian Country Fire Service	6 weeks	Direction
19—Development within the River Murray Floodplain Area			
Development within the River Murray Floodplain Area where—	Minister for the time being administering the *River Murray Act 2003*	8 weeks	Direction

Development	Body	Period	Conditions
(a) the development is on coastal land other than development within the ambit of paragraph (a), (b), or (c) of column 1 of that item; or			
(b) the development directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which a State heritage place is situated, other than development to be undertaken in accordance with a Heritage Agreement under the *Heritage Places Act 1993*; or			
(c) the development is to be undertaken within 500 metres of a historic shipwreck or historic relic within the meaning of the *Historic Shipwrecks Act 1981*; or			
(d) the development comprises or includes an activity for which a permit would be required under section 127(3)(d), (3)(f) or (5)(a) of the *Natural Resources Management Act 2004* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this paragraph operates in conjunction with section 129(1)(e) and (3)(a) of that Act);			
(e) the development involves, or is for the purposes of, any of the following activities:			
(i) horticulture;			
(ii) activities requiring irrigation, other than irrigation used for domestic purposes;			
(iii) aquaculture;			

Development	Body	Period	Conditions
(iv) industry, other than where the development is to be undertaken within a prescribed zone under clause 1(3);			
(v) intensive animal keeping;			
(vi) horse keeping;			
(vii) commercial forestry; or			
(f) the development is within the ambit of clause 7 of Schedule 2; or			
(g) the development involves the construction of a building, or the undertaking of an act or activity specified in clause 3 of Schedule 2, other than where the development—			
(i) is within a prescribed zone under clause 1(4) and does not involve the performance of work in a watercourse or other water resource that forms part of the River Murray system, or on a bank or shore within 5 metres of the edge of a watercourse or other water resource that forms part of the River Murray system; or			
(ii) is within the ambit of clause 1(b), 6, 7, 9, 10 or 14(a) of Schedule 4; or			
(iii) is the construction of a fence not exceeding 2 metres in height; or			
(iv) is the construction of a carport, verandah, balcony, porch or other similar structure; or			
(v) comprises an alteration or extension			

Development	Body	Period	Conditions
of an existing dwelling where the total floor area of the dwelling after the completion of the development will not exceed 94 square metres and any extension of the dwelling will not result in a part of the dwelling being closer to the River Murray; or			
(vi) is the construction of an aboveground or inflatable swimming pool, or a spa pool; or			
(h) the development involves the division of an allotment or allotments and is of a kind described as *non-complying* development under the relevant Development Plan; or			
(i) the development involves the division of an allotment or allotments so as to result in—			
(i) an additional 4 or more allotments; or			
(ii) an additional 4 or more grants of occupancy (by the conferral or exercise of a right to occupy part only of an allotment); or			
(iii) a mix of 4 or more allotments and separate grants of occupancy; or			
(j) the development involves the creation of a new allotment or grant of occupancy through the division of an allotment where any part of the boundary of the new allotment or occupancy will have a frontage to a part of the River Murray system; or			
(k) the development involves the alteration of the boundaries of an allotment so as to result in—			

Development	Body	Period	Conditions
(i) the allotment having a frontage to a part of the River Murray system; or (ii) the allotment having an increase in its frontage to a part of the River Murray system; or (l) the development involves the creation of a caravan park, or the expansion or alteration of a caravan park so as to increase the capacity of the caravan park; or (m) the development involves the clearance of native vegetation			
20—Development within the River Murray Tributaries Area			
Development within the River Murray Tributaries Area where— (a) the development directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which a State heritage place is situated, other than development to be undertaken in accordance with a Heritage Agreement under the *Heritage Places Act 1993*; or (b) the development comprises or includes an activity for which a permit would be required under section 127(3)(d), (3)(f) or (5)(a) of the *Natural Resources Management Act 2004* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this paragraph operates in conjunction with section 129(1)(e) and (3)(a) of that Act); or	Minister for the time being administering the *River Murray Act 2003*	8 weeks	Direction

Development	Body	Period	Conditions
(c) the development involves, or is for the purposes of, any of the following activities: (i) horticulture; (ii) activities requiring irrigation, other than irrigation for domestic purposes; (iii) aquaculture; (iv) intensive animal keeping; (v) horse keeping; (vi) commercial forestry; or			
(d) the development involves the division of an allotment or allotments and is of a kind described as *non-complying* under the relevant Development Plan; or			
(e) the development involves the division of an allotment or allotments so as to result in— (i) an additional 4 or more allotments; or (ii) an additional 4 or more grants of occupancy (by the conferral or exercise of a right to occupy part only of an allotment); or (iii) a mix of 4 or more allotments and separate grants of occupancy; or			
(f) the development involves the creation of a new allotment or grant of occupancy through the division of an allotment where any part of the boundary of the new allotment or occupancy will have a frontage to a part of the River Murray system; or			

Development	Body	Period	Conditions
(g) the development involves the alteration of the boundaries of an allotment so as to result in— (i) the allotment having a frontage to a part of the River Murray system; or (ii) the allotment having an increase in its frontage to a part of the River Murray system; or (h) the development involves the clearance of native vegetation.			
21—Certain activities within the Murray-Darling Basin			
Development that involves, or is for the purposes of, an activity specified for the purposes of this item where the development may require water to be taken from the River Murray within the meaning of the *River Murray Act 2003* under a water licence under the *Natural Resources Management Act 2004* and applied to land within the Murray-Darling Basin. The following activities are specified for the purposes of this item: (a) horticulture; (b) activities requiring irrigation, other than irrigation for domestic purposes; (c) aquaculture; (d) industry; (e) intensive animal keeping; (f) horse keeping; (g) commercial forestry.	Minister for the time being administering the *River Murray Act 2003*	8 weeks	Direction

Development	Body	Period	Conditions
22—Gaming areas			
Development that involves the construction or extension of a gaming area within the meaning of the *Gaming Machines Act 1992*	Liquor and Gambling Commissioner	8 weeks	Direction
23—Affordable housing			
Development that purports to be for the purposes of the provision of affordable housing (applying the criteria determined under regulation 4 of the *South Australian Housing Trust (General) Regulations 1995*)	Minister for the time being administering the *Housing and Urban Development (Administrative Arrangements) Act 1995*	3 weeks	Regard

Schedule 9—Public notice categories

Note—

Pursuant to section 38 of the Act, the assignment by these regulations of a form of development to Category 1 or Category 2 is subject to any assignment provided by the relevant development plan.

The assignment of various forms of development to Category 1 does not extend to developments that involve, or are for the purposes of, any activity specified in Schedule 22 (see regulation 32).

Part 1—Category 1 development

1 Any development classified as a *complying* development under these regulations or the relevant Development Plan, or which would be a *complying* development if it were to meet the conditions associated with the classification where the failure to meet those conditions is, in the opinion of the relevant authority, of a minor nature only.

2 Except where the development is classified as *non-complying* under the relevant Development Plan, any development which comprises—

(a) the construction of any of the following (or of any combination of any of the following):

(i) 1 or more detached dwellings;

(ii) 1 or more single storey dwellings;

(iii) 1 or more sets of semi-detached dwellings, provided that no such dwelling is more than 2 storeys high;

(iv) 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high; or

(b) the alteration of, or addition to, a building so as to preserve the building as, or to convert it to, a building of a kind referred to in paragraph (a); or

(c) a change in the use of land to residential use that is consequential on the construction of, or conversion of a building to, a building of a kind referred to in paragraph (a), or on the resumption of use of such a building; or

(d) the construction of (or of any combination of) a carport, garage, shed, pergola, verandah, swimming pool, spa pool or outbuilding if—

(i) it will be ancillary to a dwelling; and

(ii) it will not be constructed any closer to a street frontage than the wall of the dwelling that is closest to the street frontage; and

(iii) it will not be constructed within the following distance of a boundary of the site of the development:

(A) if it will have solid walls (including walls with windows or made of glass)—900 mm;

(B) in any other case—600 mm; and

(iv) in the case of a carport, garage, shed or outbuilding—

(A) it will not exceed 1 storey; and

(B) if it will have eaves—the eaves will not be more than 3 metres above the ground; and

(C) if it will not have eaves but will have gutters—the gutters will not be more than 3 metres above the ground; and

(D) it will have a floor level that is not more than 0.6 metres above or below natural ground level at any point; and

(E) it will not have a floor area that is more than 54 square metres; and

(F) no wall will be more than 9 metres in length; or

(e) the construction of a farm building on land used for farming, or the alteration of, or addition to, a building on land used for farming that preserves the building as, or converts it to, a farm building; or

(f) the division of land which creates not more than 4 additional allotments; or

(g) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

3 Any development classified as *non-complying* under the relevant Development Plan which comprises—

(a) the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or

(b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only; or

(c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments.

4 The division of land by way of strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*.

5 The division of land (including for the construction of a road or thoroughfare) where the land is to be used for a purpose which is, in the opinion of the relevant authority, consistent with the objective of the zone or area under the relevant Development Plan, other than where the division will, in the opinion of the relevant authority, change the nature or function of an existing road.

6 (1) Any development which consists of any of the following, other than where the site of the development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development or where the development is classified as *non-complying* under the relevant Development Plan:

(a) the construction of, or a change in use to, a petrol filling station in a Commercial, District Commercial, Local Commercial, Industrial, Light Industrial, Industry, Light Industry or General Industry zone delineated in the relevant Development Plan; or

(b) the construction of, or a change in use to, a warehouse, store, timber yard or service industry in a District Commercial, Industry/Commerce, Industrial, Light Industrial, Industry, Light Industry or General Industry zone delineated in the relevant Development Plan; or

(c) the construction of, or a change in use to, a bank, office or consulting room in an Office, Local Office, Industry/Commerce, Commercial, Local Commercial or District Commercial zone as delineated in the relevant Development Plan; or

(d) the construction of, or a change in use to, a shop, office, consulting room or bank in a Business zone as delineated in the relevant Development Plan; or

(e) the construction of, or a change in use to, a motor showroom, used car lot or auction room in a District Commercial zone as delineated in the relevant Development Plan; or

(f) the construction of a building for the purposes of, or a change of use to, light industry or a motor repair station in an Industrial, Light Industrial, Industry/Commerce, Industry, Light Industry or General Industry zone as delineated in the relevant Development Plan; or

(g) the construction of a building for the purposes of, or a change of use to, general industry in a General Industry zone as delineated in the relevant Development Plan; or

(h) any kind of development within a Local Shopping, District Shopping, Specialty Goods Centre, Local Centre, Town Centre, City Centre, Neighbourhood Centre, District Centre, Regional Centre, Regional Town Centre or District Business zone as delineated in the relevant Development Plan; or

(i) the construction of, or a change of use to, an educational establishment or pre-school in an Educational zone as delineated in the relevant Development Plan; or

(j) the construction of, or a change of use to, tourist accommodation (and accessory activities) in a Tourist Accommodation zone as delineated in the relevant Development Plan; or

(k) the construction of, or a change in use to, recreation or tourist related facilities (including tourist accommodation and any accessory activities) on land in the Recreation (West Beach) Zone as delineated in the relevant Development Plan; or

(l) any kind of development in the Port Adelaide Centre zone or the Lincoln Cove Centre zone as delineated in the relevant Development Plan; or

(m) the construction of a building for the purposes of, or a change of use to, light industry, or the construction of, or a change of use to, an office, in the Technology Park Zone as delineated in the relevant Development Plan; or

(n) any kind of development involving, or undertaken for the purposes of, the construction, creation, use or alteration of any of the following (or of anything associated with any of the following) within the relevant area at Cape Jervis (see subclause (2)):

(i) tourist accommodation;

(ii) tourist, conference, leisure or amusement facilities;

(iii) a hotel or tavern;

(iv) a marina, a boat mooring, a boat storage facility, or a boat ramp or other boat launching facility;

(v) a marine harbour or channel;

(vi) a jetty or wharf;

(vii) a boat fuelling facility;

(viii) a breakwater;

(ix) a navigation aid structure;

(x) a rock wall or a retaining wall, or coastal protection works;

(xi) a shop, or group of shops, with a gross leasable area not exceeding 450 square metres; or

(o) the construction of a building for the purpose of, or a change of use to, general industry or light industry in an area designated as *Industrial* (either existing or proposed)—

(i) in the Whyalla Town Plan Structure Plan in the Development Plan that relates to the area of The Corporation of the City of Whyalla; or

(ii) in the Whyalla Town Plan, Map LNWCA(W)/1, for the area of Whyalla that is not within the area of The Corporation of the City of Whyalla; or

(p) a change of use to farming in a Rural, Primary Industry, Primary Production, Deferred Urban, Deferred Development, Watershed Protection, Landscape, MOSS (rural) or General Farming zone as delineated in the relevant Development Plan; or

(q) the construction of, or change in use to, a telecommunications facility the total height of which does not (or will not) exceed 30 metres in a Commercial, Local Commercial, District Commercial, Commerce/Industry, Industry/Commerce, Industrial/Commercial, Industry Deferred, Industry/Business, Local Business, Public Purpose, Service Depot, Service Industry, Showgrounds, Special Industry, Deferred Industry, Extractive Industry, Business, Technology Park, Office, Local Office, Industrial, Light Industrial, Industry, Light Industry, Commercial Light Industry or General Industry zone, as delineated in the relevant Development Plan; or

(r) the construction of a building for the purposes of, or a change in use to, railway activities in an industrial or commercial zone, or in a Public Purpose or Service Depot zone, as delineated in the relevant Development Plan; or

(s) the construction of a building on railway land which is not within the area of a council.

(2) For the purposes of subclause (1)(n), the following constitutes the relevant area at Cape Jervis—

(a) the Commercial (Cape Jervis) Zone, as delineated in the relevant Development Plan;

(b) an area adjoining the Commercial (Cape Jervis) Zone bounded as follows:

Commencing from the south-western corner of the Commercial (Cape Jervis) Zone (being where the southern boundary of the zone meets the seacoast) in a westerly direction into the sea along a projection of the southern boundary of the zone for a distance of 250 metres, then along a straight line in a northerly direction to intersect with the projection of the northern boundary of the zone for 250 metres in a westerly direction from the north-western corner of the zone (being where the northern boundary of the zone meets the seacoast), then along that projection in an easterly direction to the north-western corner of the zone (as described above), and then in a southerly direction along the western side of the zone (being along the seacoast) to the point of commencement.

(3) In this clause—

bank means premises of an ADI[1];

railway land has the same meaning as in clause 13 of Schedule 3;

telecommunications facility means a facility within the meaning of the *Telecommunications Act 1997* of the Commonwealth.

Note—

1 An ADI is an authorised deposit-taking institution within the meaning of the *Banking Act* (Commonwealth).

7 Except where the development is classified as *non-complying* under the relevant Development Plan, any development within the City of Adelaide which is listed in the Development Plan as "desired", or any development within the Core, Frame or Institutional Districts of the City of Adelaide which is listed in the Development Plan as "For consideration on merit", including other uses not specified in the use charts, as provided in Principle 4 of the City of Adelaide Development Plan.

8 Except where the development is classified as *non-complying* under the relevant Development Plan, any development which comprises—

(a) intensive outdoor recreation of a temporary nature only; or

(b) active outdoor recreation; or

(c) passive outdoor recreation,

within the Park Lands Zone of the City of Adelaide.

9 Any form of aquaculture development—

(a) in an aquaculture zone delineated by a Development Plan; or

(b) in an aquaculture zone, a prospective aquaculture zone or an aquaculture emergency zone identified in an aquaculture policy under the *Aquaculture Act 2001*; or

(c) within an area delineated in the following table:

Area Name:	Port Neill	GDA 94 Zone 53	
		Eastings	Northings
Coordinates:	0	621498	6215064
	1	621224	6215331
	2	622620	6216721
	3	623428	6217258
	4	626813	6224861
	5	627066	6224673
	6	623702	6217060

Area Name:	Rivoli	GDA 94 Zone 54	
		Eastings	Northings
Coordinates:	0	415867	5850537
	1	417510	5849364
	2	416683	5848669
	3	415510	5849771

10 Any development which comprises the construction of, or alteration of or addition to, a water or wastewater (or water and wastewater) treatment plant, or associated infrastructure, as part of a project for the provision, extension or improvement of public infrastructure, and which is undertaken on land owned by the Crown, a Minister of the Crown, or an agency or instrumentality of the Crown.

11 (1) Any development which comprises a special event if—

(a) the special event will not be held over more than 3 consecutive days; and

(b) in the opinion of the relevant authority, an event of a similar or greater size, or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.

(2) In subclause (1)—

special event means a community, cultural, arts, entertainment, recreational, sporting or other similar event that is to be held over a limited period of time.

12 Any development in that part of the area of the City of Salisbury defined in the relevant Development Plan as the MFP (The Levels) Zone which consists of—

(a) the division of land; or

(b) earthworks.

13 Except where the development falls within clause 25 of this Schedule, any development which comprises a tree-damaging activity in relation to a significant tree.

14 (1) The construction of a new railway line, or the extension of an existing railway line, in a rail corridor or rail reserve.

(2) In subclause (1)—

railway line has the same meaning as in clause 13 of Schedule 3.

15 Development which consists of the total demolition and removal of a dwelling (including an unoccupied dwelling) within a designated area under clause 1(2) of Schedule 4, other than—

(a) development within the City of Adelaide; or

(b) development within, or which affects, a State heritage place, a local heritage place, a Historic (Conservation) Zone or a Historic (Conservation) Policy Area.

16 Development for the purposes of a trans shipment facility undertaken more than 2 kilometres offshore (measured from mean high water mark on the sea shore at spring tide).

17 For the purpose of determining whether a development should be considered to be of a minor nature only, the relevant authority—

(a) must not take into account what is included within Schedule 3; and

(b) may take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and

(c) if relevant, may conclude that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d).

Part 2—Category 2 development

18 Except where the development falls within Part 1 of this Schedule, is within the City of Adelaide, or is classified as *non-complying* development under the relevant Development Plan, any development which consists of the construction of the following, or a change of land use consequent on the construction of the following:

(a) a building of 2 storeys comprising dwellings; or

(b) 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high; or

(c) a building in a situation referred to in clause 6 of this Schedule where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development.

19 Except where the development falls within Part 1 of this Schedule, is within the City of Adelaide, or is classified as *non-complying* development under the relevant Development Plan, a change of use of land in a situation referred to in clause 6 of this Schedule where the site is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development.

20 Except where the development is classified as *non-complying* under the relevant Development Plan or falls within Part 1 of this Schedule, any development ancillary to a dwelling that comprises the construction of (or of any combination of) a carport, garage, shed, pergola, verandah, swimming pool, spa pool or outbuilding.

21 Except where the development is classified as *non-complying* development under the relevant Development Plan, the division of land where the applicant proposes to use the land for a purpose which is, in the opinion of the relevant authority, consistent with the zone or area under the Development Plan and where the division will, in the opinion of the relevant authority, change the nature or function of an existing road.

22 Except where the development is classified as *non-complying* under the relevant Development Plan, or is of a temporary nature only, any development within the Park Lands Zone of the City of Adelaide which comprises an alteration of, or an addition to, an existing outdoor recreation activity.

23 Except where the development falls within Part 1 of this Schedule, any development which consists of the construction of a building for the purposes of, or a change of use to, any of the following in the Lobethal Woollen Mills Policy Area as delineated in the relevant Development Plan:

(a) light industry;

(b) motor repair station;

(c) offices, other than new offices, or an addition to existing offices, where the total floor area of the office building will exceed 10% of the area of the policy area;

(d) museum;

(e) public service depot;

(f) service industry;

(g) store;

(h) warehouse.

24 The construction of a building for the purposes of, or a change of use to, horticulture, other than olive growing, in a Horticulture or Horticultural zone delineated in the Development Plan.

25 Except where the activity is undertaken under section 54A of the Act, any development which comprises a tree-damaging activity in relation to a significant tree on land owned or occupied by a council where the council is the relevant authority in relation to the development.

26 (1) Except where the development falls within Part 1 of this Schedule, or is classified as *non-complying* development under the relevant Development Plan, any development which consists of the construction of, or change in use to, a telecommunications facility the total height of which does not (or will not) exceed 40 metres in a Rural, Primary Industry, Primary Production, Deferred Urban, Deferred Development, Watershed Protection, MOSS (rural), Horticulture, Horticultural or General Farming zone, as delineated in the relevant Development Plan.

(2) In this clause—

telecommunications facility means a facility within the meaning of the *Telecommunications Act 1997* of the Commonwealth.

Schedule 10—Decisions by Development Assessment Commission

1—Areas of all councils

(1) The following classes of development in the areas of all councils:

(a) development undertaken by the South Australian Housing Trust, other than—

(i) the alteration of, or an addition to, an existing building; or

(ii) the construction of an outbuilding ancillary to, or associated with, an existing building; or

(iii) the division of land which creates not more than 4 additional allotments; or

(iv) the construction of a detached dwelling that will be the only dwelling on the allotment; or

(v) a tree-damaging activity undertaken in relation to a significant tree; or

(vi) development of any kind undertaken outside Metropolitan Adelaide;

(b) development undertaken by the Land Management Corporation, either individually or jointly with other persons or bodies, other than—

(i) the alteration of, or an addition to, an existing building; or

(ii) the erection of an outbuilding ancillary to, or associated with, an existing building; or

(iii) the erection or construction of a detached dwelling that will be the only dwelling on the allotment; or

(iv) land division, or any form of *complying* development in respect of the Development Plan, in the Golden Grove Area.

(2) The following classes of development in the areas of all councils:

(a) prescribed mining operations;

(b) development of land for the purpose of the reception, storage, treatment or disposal of waste.

2—Council development

The following classes of development undertaken by a council (including any case where the council is not to undertake all of the relevant development itself):

(a) development that involves the construction (but not alteration) of, or change in use to—

(i) a hotel or tavern; or

(ii) tourist accommodation; or

(iii) an entertainment complex; or

(iv) a cinema; or

(v) a hospital,

other than where the interest of the council is limited to the ownership of rights associated with an easement, road or reserve and the purpose of the easement, road or reserve will not, in the opinion of the council, be materially affected;

(b) development that involves—

(i) the construction of, or a change in use to, a shop or office; or

(ii) the construction of a building for the purposes of, or a change in use to, a form of industry,

other than where—

(iii) the development involves an existing shop, office or industry that is owned, used and managed by the council and will not result in an increase in the total floor area of a building that constitutes, or is used for the purposes of, the shop, office or industry; or

(iv) the development involves a public service depot; or

(v) the interest of the council is limited to the ownership of rights associated with an easement, road or reserve and the purpose of the easement, road or reserve will not, in the opinion of the council, be materially affected;

(c) development that involves the construction of, or a change in use to—

(i) more than 1 detached dwelling; or

(ii) a group dwelling, multiple dwelling, residential flat building, row dwelling, retirement village unit or other similar form of residential development,

other than the alteration of, or an addition to, an existing building;

(d) development that involves the division of land where the number of allotments resulting from the division will be greater than 1 more than the existing number of allotments.

3—Metropolitan Hills Face Zone

(1) Those classes of development to which this clause applies in those parts of the areas of the following councils defined in the relevant Development Plan as Hills Face Zone, or Metropolitan Open Space System (Hills Face) Zone:

(a) the Municipalities of Burnside, Campbelltown, Marion, Mitcham, Onkaparinga, Playford, Salisbury and Tea Tree Gully; and

(b) the Adelaide Hills Council.

(2) This clause applies to—

(a) the construction of a dwelling that is not a detached dwelling;

(b) the excavation or filling (or excavation and filling) of land, other than—

(i) in association with the construction, conversion or alteration of, or addition to, a building; or

(ii) for the purposes of a dam used, or to be used, for the purpose of primary production; or

(iii) for the purposes of carrying out earthworks that are ancillary and subordinate to residential or rural development within the ambit of the relevant application or previously approved under the Act;

(c) the division of an allotment or allotments, other than where, in the case of division by deposit of a plan of division in the Lands Titles Registration Office, the number of allotments to result from the division is equal to or less than the number of existing allotments;

(d) the construction (but not alteration) of a tourism development (including tourist accommodation), entertainment complex, cinema, hospital, shop, office, motel, hotel, petrol filling station or building to be used for an industrial purpose.

3A—Commercial forestry—prescribed areas

(1) Development that involves a change in use of land for the purposes of establishing or expanding a commercial forest within a prescribed area where the area to be planted pursuant to the development equals or exceeds 20 hectares.

(2) In subclause (1)—

commercial forest means a forest plantation where the forest vegetation is grown or maintained so that it can be harvested or used for commercial purposes (including through the commercial exploitation of the carbon absorption capacity of the forest vegetation);

prescribed area means—

(a) the areas of any of the following councils:

(i) Adelaide Hills Council;

(ii) Alexandrina Council;

(iii) The Barossa Council;

(iv) The District Council of Mount Barker;

(v) City of Victor Harbor;

(vi) The District Council of Yankalilla; or

(b) any part of the area of the City of Onkaparinga outside Metropolitan Adelaide; or

(c) any part of the area of the City of Onkaparinga within Metropolitan Adelaide that is in Policy Area 61 (Primary Production), or Policy Area 62 (Watershed) in the Rural Zone delineated by the relevant Development Plan.

4—East End Market

Development that involves the erection of a new building in that part of the City of Adelaide bounded by Rundle Street, East Terrace, Grenfell Street and Frome Road.

4A—Adelaide Park Lands

(1) The following classes of development within the Adelaide Park Lands:

(a) development undertaken by a State agency (other than in partnership or joint venture with a person or body that is not a State agency);

(b) development undertaken by a State agency for the purposes of public infrastructure (whether or not in partnership or joint venture with a person or body that is not a State agency);

(c) development undertaken by a person where the development is initiated or supported by a State agency for the purposes of the provision of public infrastructure and specifically endorsed by the State agency for the purposes of this clause;

(d) without limiting a preceding paragraph, development undertaken by a prescribed person for the purposes of the provision of electricity infrastructure.

(2) In subclause (1)—

electricity infrastructure has the same meaning as in the *Electricity Act 1996*;

prescribed person means a prescribed person under regulation 68;

public infrastructure has the same meaning as in section 49 of the Act;

State agency has the same meaning as in section 49 of the Act.

4B—City of Adelaide—developments over $10m

Development in the area of The Corporation of the City of Adelaide where the total amount to be applied to any work, when all stages of the development are completed, exceeds $10 000 000.

5—City of Port Adelaide Enfield—Port Adelaide Centre Zone

All classes of 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 27—McLaren's Wharf;

(b) Policy Area 28—Dock One;

(c) Policy Area 34A—Avicennia Waters;

(d) Policy Area 34B—Newport Quays;

(e) Policy Area 34C—North Bank;

(f) Policy Area 34D—Fletcher's Haven;

(g) Policy Area 34E—Hart's Mill;

(h) Policy Area 35—Cruickshank's Corner;

(i) Policy Area 36—Port Approach.

6—City of Port Adelaide Enfield—Industry (Cast Metals) Zone

All classes of development in that part of the area of the City of Port Adelaide Enfield defined in a relevant Development Plan as an Industry (Cast Metals) Zone, other than—

(a) the alteration of, or an addition to, an existing building, but not including a case where the floor area of the building will be increased by more than 50 square metres; or

(b) the construction of an outbuilding ancillary to, or associated with, an existing building; or

(c) the division of an allotment or allotments where the number of allotments to result from the division is equal to or less than the number of existing allotments; or

(d) the commencement of the display of an advertisement or the erection of a structure solely for the purposes of the display of an advertisement.

6A—City of Port Adelaide Enfield—Osborne Maritime Policy Area

All classes of development in that part of the area of the City of Port Adelaide Enfield defined in the General Industry (2) Zone in the Port Adelaide Enfield (City) Development Plan as *Policy Area 49—Osborne Maritime*.

7—Mount Lofty Ranges Water Protection Area

The division of an allotment or allotments outside a township designated in or by a Development Plan in the Mount Lofty Ranges Water Protection Area, as declared under Part 8 of the *Environment Protection Act 1993*, other than—

(a) where the only purpose of the division is to realign the common boundary between 2 contiguous allotments and no more than 10% of either allotment is affected by the change in boundary; or

(b) where 2 habitable detached dwellings are situated on 1 allotment and the purpose of the division is to divide the allotment into 2 allotments so that each dwelling will be situated on a separate allotment.

8—Conservation Zones or River Murray Zone (Conservation Policy Area)

Applications for approval to all classes of development in any Conservation Zone delineated in a Development Plan or in the River Murray Zone (Conservation Policy Area) in the Development Plan that relates to the area of the Mid Murray Council, other than—

(a) the construction, conversion or alteration of, or addition to—

(i) a detached dwelling; or

(ii) an outbuilding used, or to be used, in association with an existing dwelling; or

(iii) a farm building; or

(b) the division of an allotment or allotments where the number of allotments to result from the division is equal to or less than the number of existing allotments.

9—River Murray Zones

(1) Those classes of development to which this subclause applies in that part of the River Murray Flood Zone situated in the areas of The Berri Barmera Council, The Coorong District Council, the District Council of Loxton Waikerie, the District Council of Renmark Paringa and the Rural City of Murray Bridge.

(2) Subclause (1) applies to—

(a) the division of an allotment;

(b) the erection or construction of a dwelling on an allotment where no dwelling currently exists (but not the alteration of or addition to an existing dwelling);

(c) the erection or construction of a marina, or mooring facilities, for more than 5 boats;

(d) the erection, construction, conversion or alteration of, or addition to, residential accommodation for tourists;

(e) the erection or construction of a building except where the building will be used in conjunction with a dwelling, and the dwelling and the building are situated on land held by 1 or more persons pursuant to the 1 tenure.

(3) Those classes of development to which this subclause applies in the River Murray Zone in the Development Plan that relates to the Mid Murray Council, other than—

(a) development in the Primary Production Policy Area or the River Settlement Policy Area within that zone; or

(b) in respect of development within the ambit of subclause (4)(b)—development in the Shack Settlement Policy Area within that zone.

(4) Subclause (3) applies to—

(a) the division of an allotment;

(b) the erection or construction of a dwelling on an allotment where no dwelling currently exists (but not the alteration of or addition to an existing dwelling);

(c) the erection or construction of a marina, or mooring facilities, for more than 5 boats;

(d) the erection, construction, conversion or alteration of, or addition to, residential accommodation for tourists;

(e) the erection or construction of a building except where the building will be used in conjunction with a dwelling, and the dwelling and the building are situated on land held by 1 or more persons pursuant to the 1 tenure.

10—West Beach Recreation Reserve

All classes of development on that land in allotment 21 of Section 157, and allotments 1 and 2 of Section 224, in the Hundreds of Adelaide and Noarlunga in the area known as West Beach Recreation Reserve and more particularly described in Certificate of Title Register Book Volume 4196 Folio 330.

11—Land within Irrigation Areas

All classes of development on that land which is included within Irrigation Areas proclaimed under the *Irrigation Act 1930* but which lies outside municipal and district council districts.

12—Private Open Space

All classes of development on land subject to a proclamation by virtue of the *Statutes Repeal and Amendment (Development) Act 1993*—

(a) made under section 62 of the *Planning Act 1982*; or

(b) having the force and effect of a proclamation made under section 62 of the *Planning Act 1982*.

13—Shopping development

Any development which involves the construction or alteration of, or the addition to, a shop or shops where—

(a) —

(i) in the case of the erection or construction of a new shop or shops—

(A) the gross leasable area of the shop will exceed 2 000 square metres; or

(B) where the application relates to a number of shops—the aggregate of the gross leasable areas of the shops to be built on the same allotment or on adjoining allotments will exceed 2 000 square metres; or

(ii) in the case of the alteration of, or an addition to, an existing shop or shops—

(A) the increase in the gross leasable area of the shop will exceed 2 000 square metres; or

(B) where the application relates to a number of shops—the aggregate of the increases in the gross leasable areas of the shops situated on the same allotment or on adjoining allotments exceeds 2 000 square metres; or

(iii) in the case of an application proposing, or including a proposal for, the construction of new shops and the alteration of or addition to existing shops situated on the same allotment or on adjoining allotments—the aggregate of the gross leasable areas of the new shop or shops when added to the aggregate of the increases in the gross leasable areas of the existing shop or shops exceeds 2 000 square metres; and

(b) the shop or shops are—

(i) situated within the area of 1 of the following councils:

Adelaide Hills Council (other than the former areas of the District Council of East Torrens or the District Council of Stirling), The Barossa Council (other than the former area of the District Council of Angaston), the District Council of Barunga West (other than the former area of the District Council of Port Broughton), The District Council of Ceduna, the Clare and Gilbert Valleys Council (other than the former area of the District Council of Clare), The District Council of Cleve, The Coorong District Council, the District Council of the Copper Coast, The District Council of Elliston, The Flinders Ranges Council, the Regional Council of Goyder (other than the former area of the District Council of Burra Burra), the District Council of Grant, the District Council of Kapunda and Light, The District Council of Karoonda East Murray, The District Council of Kimba, the District Council of Loxton Waikerie (other than the former area of the District Council of Loxton), The District Council of Mallala, the Mid Murray Council (other than the former area of the District Council of Mannum), the Naracoorte Lucindale Council, the Northern Areas Council, the District Council of Orroroo/Carrieton, the District Council of Peterborough, the City of Port Lincoln, the Port Pirie Regional Council (other than the former area of the City of Port Pirie), the Renmark Paringa Council (other than the former area of the District Council of Renmark), the Southern Mallee District Council, the Wakefield Regional Council, the Wattle Range Council and the District Council of Yorke Peninsula (other than the former areas of the District Council of Central Yorke Peninsula or the District Council of Minlaton); but

(ii) are not situated within any area designated in the relevant Development Plan as a—

shopping zone or shopping area

local shopping zone or local shopping area

district shopping zone or district shopping area

business centre zone or business centre area

local centre zone or local centre area

neighbourhood centre zone or neighbourhood centre area

district centre zone or district centre area

regional centre zone or regional centre area

business zone or business area

local business zone or local business area

district business zone or district business area

town centre zone or town centre area

centre zone.

14—City of Salisbury—MFP (The Levels) Zone

All classes of development in that part of the area of the City of Salisbury defined in the relevant Development Plan as the MFP (The Levels) Zone.

15—Railways

(1) Development for purposes connected with the construction or operation of a railway that is to be undertaken on railway land.

(2) In subclause (1)—

railway land has the same meaning as in clause 13 of Schedule 3.

16—Show Grounds Zones

Development in a Show Grounds Zone delineated in a Development Plan where the total amount to be applied to any work, when all stages of the development are completed, exceeds $4 000 000.

17—Commonwealth Nation Building Program

(1) Any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.

(2) This clause expires on 31 December 2012.

Schedule 11—Notice—section 41(2)

To: *(Insert name of relevant authority)*

From: (*Insert name, address and contact telephone number of person giving the notice*)

Date of application:

Location of proposed development:

House No: Lot No: Street: Town/Suburb:

Section No (full/part): Hundred: Volume: Folio:

Nature of proposed development:

Pursuant to section 41(2)(b) of the *Development Act 1993*, you are required to make a determination with respect to the application referred to above within 14 days after service of this notice.

Date:

Signed:

Note—

This notice may only be used if the relevant authority has not decided the relevant application within the time prescribed by the *Development Regulations 2008* and the nature of the development is a *merit* development under the *Development Act 1993*.

Schedule 12—Land division certificate

Development Act 1993—section 51

Development Regulations 2008—regulation 60

Approved in accordance with the requirements of section 51 of the *Development Act 1993*.

Signed:

Description of signatory:

Date:

Schedule 12A—Building rules certification—major developments or projects

Development No:

Applicant/owner details

Applicant's name:
Full postal address of applicant:

Owner's name:
Full postal address of owner:

Contact person:
Phone (work):
Phone (home):

Details of the proposed development

Project name (or other identifying description):
Full site address of proposed development:
Section No:
Hundred:
Volume:
Folio:
Description by use:
Council area:
Rise in storeys (BCA clause C1.2):
Building Classification assigned:
Construction type (BCA clause C1.1):
Floor area of building:
Name and address of Building Rules certifier:
Name and address of builder:

Certification details

The proposed development described above and shown on the attached certified drawings has been assessed against the Building Rules and is hereby certified as complying with the Building Rules. Yes/No

The proposed development is consistent with any provisional development authorisation issued for the proposed development by the Governor or his/her delegate. Yes/No

A schedule of essential safety provisions has been issued in accordance with the *Development Regulations 2008* and a copy is attached. Yes/No

The appropriate levy under the *Construction Industry Training Fund Act 1993* has been paid. Yes/No

Signed by certifier:

Date:

Contact details:

Note—

No building work can commence until a final development approval has been issued and gazetted by the Governor.

Schedule 13—Bodies excluded from definition of State agency

The South Australian Housing Trust
The South Australian Totalizator Agency Board

Schedule 14—State agency development exempt from approval

1 The following forms of development, other than in relation to a State heritage place or within the Adelaide Park Lands, are excluded from the provisions of section 49 of the Act:

(a) —

(i) the reconstruction (including widening), alteration, repair or maintenance of any road, bridge, railway, wharf or jetty; or

(ii) the maintenance of a levee bank; or

(b) if the work is certified by a private certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 70 for the purposes of section 49 of the Act)—

(i) *complying* development under these regulations (no matter what may be specified in the relevant Development Plan), or *complying* development under the relevant Development Plan; or

(ii) the construction, reconstruction or alteration of a local water treatment station, pressure regulating station or pumping station; or

(iii) the construction, reconstruction or alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(iv) the development of land dedicated under the *National Parks and Wildlife Act 1972* where such development is carried out in accordance with an adopted plan of management for the park; or

(v) the construction, reconstruction or alteration of, or addition to a building contained within the existing security-fenced area of an existing electricity substation; or

(vi) the construction, reconstruction or alteration of or addition to, a building which is to be located wholly underground, other than on or under land which is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future, or on land within the City of Adelaide; or

(vii) the construction, reconstruction or alteration of, or addition to, an outbuilding within the area of an existing school, other than—

(A) the construction of a new building exceeding 1 storey in height; or

(B) where the relevant work would be performed within 20 metres of a boundary of the area of the school; or

(C) where the relevant work would affect a local heritage place; or

(D) where the relevant work would affect a significant tree; or

(viii) building work associated with the placement of a transportable and temporary classroom within the area of an existing school, other than—

(A) where the building exceeds 1 storey in height; or

(B) where the classroom would be within 20 metres of a boundary of the area of the school; or

(C) where the building work would affect a local heritage place; or

(D) where the relevant work would affect a significant tree; or

(ix) building work associated with the alteration of, or addition to, a classroom within the area of an existing school, other than—

(A) where the work will result in the building exceeding 1 storey in height; or

(B) where the classroom is, or will be when the building work is completed, within 20 metres of a boundary of the area of the school; or

(C) where the building work would affect a local heritage place; or

(D) where the relevant work would affect a significant tree; or

(c) the construction, reconstruction, alteration, repair or maintenance of any drain, pipe or underground cable, other than on or under land which is subject to coastal processes or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future; or

(d) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act; or

(e) the excavation, removal or placement of sand and other beach sediment by or as authorised by the Coast Protection Board on land which is owned by, or under the care and control of, a council or Crown agency or instrumentality, where the land is between mean low water mark on the sea shore at spring tide, and the landward limit of any sandy beach or sand dune; or

(f) the granting of a lease or licence in a dedicated forest reserve under the *Forestry Act 1950*; or

(g) an alteration to the cadastre arising from the administration of the *Crown Lands Act 1929*, the *Pastoral Land Management and Conservation Act 1989*, or the *Irrigation Act 1930*, other than where 5 or more allotments are being created; or

(h) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above; or

(i) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it; or

(j) excavating or filling (or excavating and filling) for the purpose of providing proper access to an existing wharf, jetty or mooring, but excluding excavating or filling where more than 1 500 cubic metres of material has been excavated or filled at the particular place within the previous 12 months; or

(k) the division of land arising out of the granting of a lease under the *Harbors and Navigation Act 1993* for the purposes of aquaculture; or

(l) the construction, reconstruction or alteration of a fire hydrant, fire plug or location indicator in a public place that is not connected with the performance of any other building work that requires approval under the Act; or

(m) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more; or

(n) the construction, reconstruction, alteration, repair or maintenance of a beacon, buoy or other mark or structure (whether or not equipped with a light) intended to be an aide to navigation, other than a lighthouse, approved by the Marine Safety Section of Transport SA; or

(o) the construction of information or directional signs (whether attached to a structure or freestanding) that are associated with a development approved under section 49 of the Act, and directly related to an activity carried out at the site of the development, or on account of the development; or

(p) the construction of any of the following, if carried out by a State agency within the meaning of section 49 of the Act:

(i) tourist information or interpretative signs;

(ii) billboards and other structures at roadside information bays;

(iii) shade-cloth structures for tertiary educational institutions, schools, kindergartens, or child care centres;

(iv) a post and wire fence, including a chain mesh fence.

2 The following forms of development in the State Heritage Area known as Mitcham (City) State Heritage Area (Colonel Light Gardens), established by the Development Plan that relates to the area of the City of Mitcham, are excluded from the provisions of section 49 of the Act:

(a) the undertaking of any temporary development required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act; or

(b) an alteration, or repairs, to a building that—

(i) are predominantly internal; and

(ii) do not change the external appearance or total floor area of the building; and

(iii) will not adversely affect the structural soundness of the building or the safety of any person occupying or using it.

3 The following forms of development are excluded from the provisions of section 49 of the Act, namely the construction, reconstruction, alteration, repair or maintenance of infrastructure within the meaning of the *River Murray Act 2003* by the Minister for the River Murray (or by a person who is acting for or on behalf of that Minister) where the work is being undertaken in connection with the management of water flows within the River Murray system, as defined by that Act, for the purposes of the *River Murray Act 2003* or the *Murray-Darling Basin Act 1993*.

4 The following forms of development within the Adelaide Park Lands, other than in relation to a State heritage place, are excluded from the provisions of section 49 of the Act:

(a) —

(i) the alteration, repair or maintenance of a road, bridge, railway or weir, or the reconstruction of a road where there is no increase in the area of road; or

(ii) the maintenance of a levee bank; or

(iii) the maintenance of the bank of the River Torrens or of any creek;

(b) if the work is certified by a private certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 70 for the purposes of section 49 of the Act)—

(i) the alteration of a local water treatment station, pressure regulating station or pumping station; or

(ii) the alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(iii) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or

(iv) the alteration of, or addition to, a building—

(A) which is to be located wholly underground; and

(B) which will not result in a material change to the existing landform at the site of the development; or

(v) without limiting subparagraph (iv), the construction or reconstruction of a building—

(A) which is to be located wholly underground; and

(B) which is intended only to house public infrastructure (as defined in section 49(1) of the Act); and

(C) which has a total floor area not exceeding 15 square metres and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 metres; and

(D) which will not result in a material change to the existing landform at the site of the development; or

(vi) building work associated with the alteration of, or addition to, a building within the area of an existing school, other than—

(A) where the work will result in the building exceeding 1 storey in height; or

(B) where the building is, or will be when the building work is completed, within 20 metres of a boundary of the area of the school; or

(C) where the building work would affect a local heritage place; or

(D) where the relevant work would affect a significant tree;

(c) the construction, reconstruction, alteration, repair or maintenance of any drain, pipe or underground cable, other than the construction of a drain with a width or depth exceeding 1.5 metres or a pipe with a diameter exceeding 1.5 metres;

(d) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act;

(e) an alteration to the cadastre arising from the administration of the *Adelaide Park Lands Act 2005*;

(f) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;

(g) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;

(h) the construction, reconstruction or alteration of a fire hydrant, fire plug or location indicator in a public place that is not connected with the performance of any other building work that requires approval under the Act;

(i) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more;

(j) the construction of information or directional signs (whether attached to a structure or freestanding) that are associated with a development approved by the Development Assessment Commission under clause 4A of Schedule 10, and directly related to an activity carried out at the site of the development, or on account of the development.

5 (1) The following forms of development are excluded from the provisions of section 49 of the Act, namely any development that has been approved by the State Coordinator-General for the purposes of the Commonwealth Nation Building Program.

(2) This clause expires on 31 December 2012.

Schedule 14A—Development involving electricity infrastructure exempt from approval

1 The following forms of development, other than in relation to a State heritage place or within the Adelaide Park Lands, are excluded from the provisions of section 49A of the Act:

(a) if the work is certified by a private certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 70 for the purposes of section 49A of the Act)—

(i) *complying* development in respect of the relevant Development Plan; or

(ii) the construction, reconstruction or alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(iii) the development of land dedicated under the *National Parks and Wildlife Act 1972* where such development is carried out in accordance with an adopted plan of management for the park; or

(iv) the construction, reconstruction or alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or

(v) the construction, reconstruction or alteration of or addition to, a building which is to be located wholly underground, other than on or under land which is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future, or on land within the City of Adelaide; or

(b) the construction, reconstruction, alteration, repair or maintenance of any underground cable, other than under land which is subject to coastal processes or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future;

(c) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act; or

(d) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above; or

(e) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it; or

(f) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more.

2 The following forms of development within the Adelaide Park Lands, other than in relation to a State heritage place, are excluded from the provisions of section 49A of the Act:

(a) if the work is certified by a private certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 70 for the purposes of section 49A of the Act)—

(i) the alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(ii) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or

(iii) the alteration of, or addition to, a building—

(A) which is to be located wholly underground; and

(B) which will not result in a material change to the existing landform at the site of the development; or

(iv) without limiting subparagraph (iii), the construction or reconstruction of a building—

(A) which is to be located wholly underground; and

(B) which is intended only to house electricity infrastructure (within the meaning of the *Electricity Act 1996*); and

(C) which has a total floor area not exceeding 15 square metres and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 metres; and

(D) which will not result in a material change to the existing landform at the site of the development;

(b) the construction, reconstruction, alteration, repair or maintenance of any underground cable;

(c) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act;

(d) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;

(e) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;

(f) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more.

Schedule 15—Work that affects stability of other land or premises

FIGURE 1

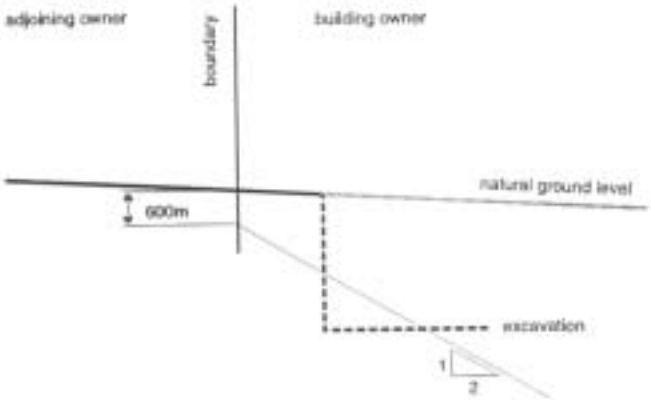
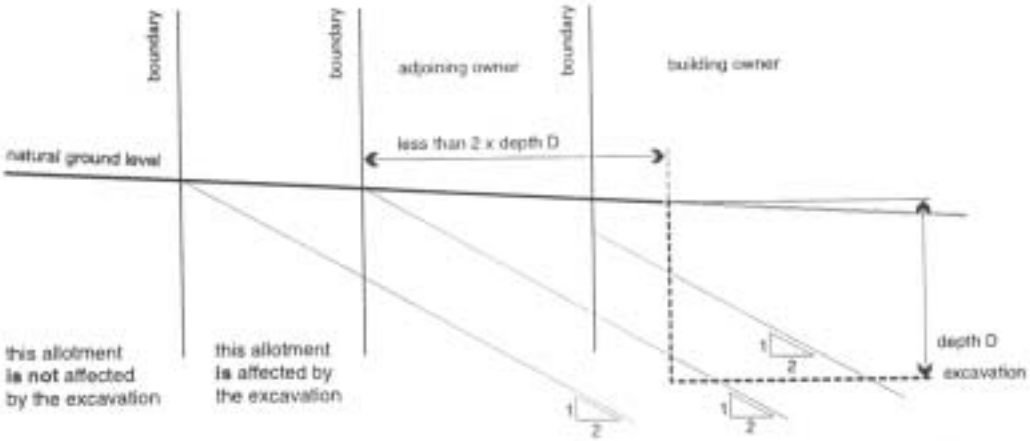


FIGURE 2



Schedule 16—Essential safety provisions

Form 1—Schedule of essential safety provisions

Development Act 1993

Development Regulations 2008—regulation 76

To the Municipal or District Council of: *(or relevant authority)*

Project name: *(if applicable)*

Reference: Address of building:

Portion of building applicable:

Name of owner:

Development number:

This is to specify the essential safety provisions required for the above building and the standards/codes/conditions of approval for maintenance and testing in respect of each of those provisions:

Essential safety provisions	Standards/codes/conditions of approval

Date:

.....

Duly authorised officer

Form 2—Certificate of compliance with essential safety provisions

Development Act 1993

Development Regulations 2008—regulation 76

To the Municipal or District Council of:

Project name: *(if applicable)*

Reference: Address of building:

Portion of building applicable:

Name of owner*/applicant*:

*(*Delete where appropriate)*

Development number:

This is to certify that the following essential safety provisions for the above building have been installed and tested in accordance with the following standards/codes/conditions of approval:

Essential safety provisions	Standards/codes/conditions of approval

Date:

.....

Position held:

Name of installer or manager:

Form 3—Certificate of compliance with maintenance procedures for essential safety provisions

Development Act 1993

Development Regulations 2008—regulation 76

To the Municipal or District Council of:

Project name: *(if applicable)*

Reference: Address of building:

Name of owner:

This is to certify that maintenance and testing have been carried out in respect of each of the following essential safety provisions for the above building in accordance with the standards/codes/conditions of approval as specified in the schedule of essential safety provisions issued in respect of the building on *(date)*.

Essential safety provisions	Standards/codes/conditions of approval

Date:

.....

Owner or manager of building

Schedule 17—Essential safety provisions—annual returns under regulation 76(7)

Building classification	Conditions for regulation 76(7) to apply
Class 1a and 1b	Never
Class 2	Either (or both) of the following: (a) 4 or more storeys; (b) a building floor area exceeding 2 000 square metres
Class 3, 4, 5, 6, 7, 8 and 9b	Either (or both) of the following: (a) 3 or more storeys; (b) a building floor area exceeding 500 square metres
Class 9a	Always
Class 10	Never

Note—

Despite the above, a council may under regulation 76(10) require compliance with regulation 76(7) in any case where—

(a) the essential safety provisions have been installed under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the *Building Code*; or

(b) the building has been the subject of a notice under section 71 of the Act (Fire Safety).

Schedule 18—Bushfire Protection Areas

Mount Lofty Ranges Bushfire Protection Area

1 The whole of any Bushfire Protection Area identified as ***Medium Bushfire Risk*** or ***High Bushfire Risk*** in any of the following Development Plans:

(a) Adelaide Hills Council

(b) Alexandrina Council

(c) The Barossa Council

(d) Burnside (City)

(e) Campbelltown (City)

(f) Mid Murray Council

(g) Mitcham (City)

(h) Mount Barker (DC)

(i) Onkaparinga (City)

(j) Playford (City)

(k) Tea Tree Gully (City)

(l) Victor Harbor (DC)

(m) Yankalilla (DC).

South East, Kangaroo Island, Yorke Peninsula and Eyre Peninsula Bushfire Protection Areas

2 The whole of any Bushfire Protection Area identified as ***Medium Bushfire Risk*** or ***High Bushfire Risk*** in any of the following Development Plans:

Elliston (DC)

Grant (DC)

Kangaroo Island Council

Kingston (DC)

Lower Eyre Peninsula (DC)

Mount Gambier (City)

Naracoorte Lucindale (DC)

Port Lincoln (City)

Robe (DC)

Streaky Bay (DC)

Tatiara (DC)

Tumby Bay (DC)

Wattle Range Council

Yorke Peninsula (DC).

Metropolitan, Outer Metropolitan, Mid North and Riverland Bushfire Protection Areas

3 The whole of any Bushfire Protection Area identified as ***Medium Bushfire Risk*** or ***High Bushfire Risk*** in any of the following Development Plans:

Clare and Gilbert Valleys Council

Mt Remarkable (DC)

Northern Areas Council

Port Pirie Regional Council

Wakefield Regional Council

Light Regional Council

Mallala (DC)

Murray Bridge (RC)

Berri Barmera Council

Renmark Paringa (DC)

Gawler (CT)

Salisbury (City).

Schedule 19—Certificates of occupancy

Certificate of occupancy

Development Act 1993

Development Regulations 2008—regulation 83

This certificate relates to the building located at the following address or location:

Description of building:

Date of approval of building work:

Development number:

Date of previous certificate of occupancy issued:

Date revoked:

The maximum number of occupants, and the building classification of class/classes: under the Building Code were notified on:

This is to certify that the building as located and described above is suitable for occupation.

In considering the application for issue of this certificate the (*insert name of council or relevant authority*) has received a *Statement of Compliance*. Part A of that certificate has been signed by (*insert name*) of (*insert address*), who is a *licensed building work contractor/registered building work supervisor/private certifier.

The following conditions/limitations are relevant in respect of the use or occupation of the building:

***Variance/alternative solution**	***Condition applicable**

*[*Performance based alternative solutions under the Building Code and building work at variance with the Building Rules under section 36 of the Act must be recorded]*

This certificate does not constitute a certificate of compliance with the Building Rules.

This certificate is provided by for, and acting on the written authority of, (*insert name of relevant authority*).

Date:

**Delete as appropriate*

Schedule 19A—Statement of compliance

Development Act 1993

Development Regulations 2008—regulation 83AB

Note—

Pursuant to section 45(1) of the *Development Act 1993*, a person must not perform building work, or cause it to be performed, except in accordance with technical details, particulars, plans, drawings and specifications approved under the Act.

1 This statement relates to the building located at the following address or location:

2 Description of building work to which this statement relates:

3 Date of approval of building work to which the statement relates:

4 Development number:

This statement must be accompanied by any certificates, reports or other documents specified by the relevant authority for the purposes of regulation 83AB of the *Development Regulations 2008*.

Part A—Builder's statement

This part of the statement must be signed by the building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a private certifier.

I certify the following:

1 The building work described above (disregarding any variation of a minor nature that has no adverse effect on the structural soundness or safety of the building, or on the health of the occupants of the building, or any variation undertaken with the consent of the relevant authority) has been performed in accordance with the documents referred to in Part B.

2 All service connections have been made in accordance with the requirements of the relevant supply authority.*

3 All requirements under regulation 76 of the *Development Regulations 2008* relating to essential safety provisions have been satisfied.*

4 All notifications required under section 59 of the *Development Act 1993* have been given in accordance with that Act and the requirements of the *Development Regulations 2008*.*

**Strike out any item that is not relevant*

Date:

Signed:

Name:

Status: Licence Number:

Address and contact telephone number:

Part B—Owner's statement

This part of the statement must be signed by the owner of the relevant land, or by someone acting on his or her behalf.

I certify the following:

1 The documents (including all contract documents, amendments, attachments, instructions, annotations, variations and clarifying correspondence) issued for the purposes of the building work described above (disregarding any variation of a minor nature that has no adverse effect on the structural soundness or safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the relevant authority) are consistent with the relevant development approval issued on (*date to be inserted*).

2 Any conditions of approval relating to the building work have been satisfied.

Date:

Signed:

Name:

Address and contact telephone number:

Schedule 20—Mining production tenements

1—Adelaide and Environs

The areas of the Adelaide Hills Council, the Alexandrina Council, The Barossa Council, the City of Burnside, The Corporation of the City of Campbelltown, the City of Charles Sturt, the Town of Gawler, the City of Holdfast Bay, the District Council of Kapunda and Light, The District Council of Mallala, The Corporation of the City of Marion, the City of Mitcham, The District Council of Mount Barker, The Corporation of the City of Norwood, Payneham and St. Peters, the City of Onkaparinga, the City of Playford, the City of Port Adelaide Enfield, the City of Prospect, the City of Salisbury, the City of Tea Tree Gully, The Corporation of the City of Unley, the City of Victor Harbor, The Corporation of the Town of Walkerville and the City of West Torrens.

2—The Coast

(1) Those parts of the State situated within 800 metres of the coast measured from mean high water mark on the seashore at spring tide.

(2) The coast as defined in the *Coast Protection Act 1972*.

(3) The parts of the State proclaimed by the Governor to be a coast protection district under the *Coast Protection Act 1972*.

3—Other Areas

The areas of the State of South Australia depicted on the series of maps deposited in the General Registry Office and numbered 156 of 1982 each map bearing the stamp *Planning Act 1982*, *Mining Production Tenement Regulations*, and titled as follows:

(a) Index Map (Map 1);

(b) Eyre Plan: Those proposed open space areas generally depicted on Map 2, which are more particularly described as follows:

(i) County Dufferin—Sections 2 and 86, out of hundreds, and surrounding areas. Aboriginal tribal grounds. Flora and fauna. Approximately 39 000 hectares. (No 2)

(ii) The Gawler Ranges and adjacent small ranges. Scenic interest; Spring Hill and Mount Nott worthy of special consideration. (No 3)

(iii) Pilepudla Water Reserve—Various species of birds, small fauna and flora. Approximately 750 hectares. (No 5)

(iv) Cortlinye Water Conservation Reserve—flora and fauna. Approximately 490 hectares. (No 6)

(v) Pinkawillinie Area—Parts of the hundreds of Panitya, Pinkawillinie, Koogawa, Peella, Hill and Corrobinnie. Adjacent to Pinkawillinie Conservation Park. A potential wilderness reserve, approximately 92 000 hectares. (No 8)

(vi) Yalanda Tanks—Water Conservation Reserve, hundred of Yalanda. Native flora, including acacia, cassia and orchids. Approximately 240 hectares. (No 9)

(vii) Darke Peake Range—Area of geological interest and scenic beauty. Approximately 2 100 hectares. (No 13)

(viii) Minbrie Range—Varying mallee, salt bush, blue bush associations and scenic views. Approximately 2 200 hectares. (No 15)

(ix) Cleve Water Reserve—Sections 327, 328, 329, hundred of Mann. A catchment area with variety of fauna. Approximately 3 300 hectares. (No 17)

(x) Moody Tanks—Railway Reserve—Section 48, hundred of Moody. A heavily timbered area. Approximately 77 hectares. (No 25)

(xi) Sections 415, 416, 417, hundred of Louth—Sugar gum heath with abundance of orchid species. Approximately 535 hectares. (No 33)

(xii) Section 99, hundred of Wanilla—Uncleared sand dune vegetation. Includes mallee, acacias and banksia. Approximately 430 hectares. (No 34)

(xiii) Caraleu Bluff—Native pines, picnic area. Approximately 90 hectares. (No 43)

(xiv) Tcharkulda Hill—Granite outcrop. Mallee, native pine, cassia. Picnic area. Approximately 195 hectares. (No 44)

(xv) Pillawarta Creek—Sugar and blue gums, wildflowers. Approximately 80 hectares. (No 46)

(xvi) Corunna—in the Baxter Ranges. Scenic hills, considerable native flora and fauna of scientific interest. (No 47)

(xvii) Polda Rock and Little Wudinna Rock—Sections 48 & 52, hundred of Wudinna. Suitable for recreation and picnic area. Approximately 115 hectares. (No 48)

(xviii) Corrobinnie Hill—Rock outcrop with unusual erosion. Mallee broom and acacias. Approximately 40 hectares. (No 49)

(xix) Minnipa Hill—Suitable for recreation and picnic area. Approximately 75 hectares. (No 50)

(xx) Talia Caves—Approximately 220 hectares. (No 53)

(xxi) Waddikee Rocks—Monument to explorer Darke. Approximately 85 hectares. (No 54)

(c) Far North Plan: All boundary referral areas as depicted on Maps 3a to 3w inclusive;

(d) Kangaroo Island Plan: Those proposed open space areas generally depicted on Map 4 which are more particularly described as follows:

(i) Sections 399, 420, 421, 422 and 434, hundred of Dudley. Eastern end of island, frontage to Antechamber Bay and Chapman River. Suitable for general recreation and picnic area. Approximately 59 hectares. (No 1).

(ii) Land adjacent to American River and Pelican Lagoon between the township of American River and Picnic Point, with a link to the south coast. Scenic area suitable for general recreation. (No 2).

(iii) Land north of Sections 7 & 8, hundred of Borda, adjacent to Cape Torrens Conservation Park. Includes high and spectacular cliffs. Natural vegetation largely in original state. Approximately 150 hectares. (No 3).

(iv) Part Section 14, hundred of McDonald. South coast, at mouth of South West River. Suitable for general recreation. Approximately 12 hectares. (No 4).

(e) Flinders Plan: Those areas depicted on Maps 5a to 5h inclusive, all of which define areas of environmental significance in the Flinders Ranges;

(f) Murray Mallee Plan: Those areas depicted on Maps 6a to 6f inclusive, all of which define areas of conservation significance;

(g) River Murray Valley Plan: Those areas depicted on Maps 7a to 7b, both of which define areas known as Conservation Zones;

(h) River Murray Valley Plan: Those areas depicted on Maps 8a and 8p inclusive, all of which define areas known as Flood Zones and Fringe Zones;

(i) Riverland Plan: Those areas depicted on Maps 9a to 9c inclusive, all of which define possible conservation park areas;

(j) Wetlands of the South-East: Those areas depicted on Maps 10a to 10q inclusive;

(k) Whyalla Town Plan: Approximately 1 400 hectares of existing open space depicted on Map 11, and lying approximately 10 kilometres north of the city of Whyalla;

(l) Yorke Peninsula Plan: Those areas depicted on Maps 12a to 12g inclusive, all of which define a boundary referral area.

Schedule 21—Activities of environmental significance

1—Petroleum and Chemical

(1) **Chemical Storage and Warehousing Facilities:** the storage or warehousing of chemicals or chemical products that are, or are to be, stored or kept in bulk or in containers having a capacity exceeding 200 litres at facilities with a total storage capacity—

(a) in the case of facilitates within a River Murray Protection Area under the *River Murray Act 2003*—exceeding 1 but not exceeding 1 000 cubic metres;

(b) in any other case—exceeding 100 but not exceeding 1 000 cubic metres.

(2) **Chemical Works:** the conduct of—

(a) works with—

(i) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—a total processing capacity not exceeding 100 tonnes per year;

(ii) in any other case—a total processing capacity exceeding 10 but not exceeding 100 tonnes per year,

involving either or both of the following operations:

(iii) manufacture (through chemical reaction) of any inorganic chemical, including sulphuric acid, inorganic fertilisers, soap, sodium silicate, lime or other calcium compound;

(iv) manufacture (through chemical reaction) or processing of any organic chemical or chemical product or petrochemical, including the separation of such materials into different products by distillation or other means; or

(b) works with—

(i) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—a total processing capacity not exceeding 5 000 tonnes per year involving operations for salt production;

(ii) in any other case—a total processing capacity exceeding 500 but not exceeding 5 000 tonnes per year involving operations for salt production.

(3) **Petroleum Production, Storage or Processing Works or Facilities (including retail petroleum facilities):** the conduct of works or facilities—

(a) at which petroleum products are stored in tanks with a total storage capacity—

(i) in the case of tanks within a River Murray Protection Area under the *River Murray Act 2003*—exceeding 10 but not exceeding 2 000 cubic metres;

(ii) in any other case—exceeding 100 but not exceeding 2 000 cubic metres; or

(b) where petroleum products are produced, other than where the works or facilities are not within a River Murray Protection Area under the *River Murray Act 2003* and the production rate does not exceed 20 tonnes per hour.

2—Manufacturing and Mineral Processing

(1) **Ceramic Works:** the conduct of works for the production of any products such as bricks, tiles, pipes, pottery goods, refractories, or glass that are manufactured or are capable of being manufactured in furnaces or kilns fired by any fuel, being works with a total capacity for the production of such products exceeding 10 but not exceeding 100 tonnes per year.

(2) **Ferrous and Non-ferrous Metal Melting:** the melting of ferrous or non-ferrous metal in a furnace or furnaces that alone or in aggregate have the capacity to melt in excess of 50 but not in excess of 500 kilograms of metal during the normal cycle of operation.

(3) **Pulp or Paper Works:** the conduct of works at which paper pulp or paper is manufactured or is capable of being manufactured, being works—

(a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a total capacity for production of such products not exceeding 100 tonnes per year; or

(b) that are outside such an area and have a total capacity for production of such products exceeding 10 but not exceeding 100 tonnes per year.

(4) **Surface Coating:** the conduct of works for metal finishing, in which metal surfaces are prepared or finished by means of electroplating, electrolyse plating, anodising (chromating, phosphating and colouring), chemical etching or milling, or printed circuit board manufacture, other than where the works—

(a) are not within a River Murray Protection Area under the *River Murray Act 2003*; and

(b) do not produce more than 5 kilolitres per day of effluent.

(5) **Vehicle Production:** the conduct of works for the production of motor vehicles, being works with a production capacity exceeding 20 but not exceeding 2 000 motor vehicles per year.

3—Waste Treatment

(1) **Incineration:** the conduct of works for incineration by way of thermal oxidation using fuel burning equipment, being works for the disposal of solid trade waste with a processing capacity not exceeding 100 kilograms per hour.

(2) **Sewage Treatment Works or Septic Tank Effluent Disposal Schemes:** the conduct of—

(a) works that involve the discharge of treated or untreated sewage or septic tank effluent to land or waters in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*), being works with a peak loading capacity designed for more than 50 but not more than 100 persons per day; or

(b) works that involved the discharge of treated or untreated sewage or septic tank effluent to land or waters (other than land or waters referred to in paragraph (a)), being works with a peak loading capacity designed for more than 250 but not more than 1 000 persons per day.

4—Animal Husbandry, Aquaculture and Other Activities

(1) **Piggeries:** the keeping or husbandry in confined or roofed structures of—

(a) more than 1 000 but less than 5 000 pigs at any 1 time; or

(b) where the structures are situated in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*) more than 100 but less than 500 pigs at any 1 time.

(2) **Dairies:** carrying on a dairy involving more than 100 milking cows at any 1 time in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*).

(3) **Poultry:** the keeping of poultry involving an enclosed shed area exceeding 1 000 square metres.

5—Food Production and Animal and Plant Product Processing

(1) **Abattoirs, Slaughterhouses or Poultry Processing Works:** the conduct of slaughtering works for commercial purposes for the production of meat or meat products for human or animal consumption, being—

(a) in the case of poultry or poultry meat products—

(i) works that are within a River Murray Protection Area under the *River Murray Act 2003* and have a rate of production not exceeding 200 tonnes per year; or

(ii) works that are outside such an area and have a rate of production exceeding 100 but not exceeding 200 tonnes per year; or

(b) in the case of any other animal meat or animal meat products—

(i) works that are within a River Murray Protection Area under the *River Murray Act 2003* and have a rate of production not exceeding 100 tonnes per year; or

(ii) works that are outside such an area and have a rate of production exceeding 50 but not exceeding 100 tonnes per year.

(2) **Beverage Production Works:** the conduct of works for the production of beer by infusion, boiling or fermentation, being works—

(a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a production capacity not exceeding 5 000 litres per day; or

(b) that are outside such an area and have a production capacity exceeding 500 but not exceeding 5 000 litres per day.

(3) **Milk Processing Works:** the conduct of works at which milk is separated, evaporated or otherwise processed for the manufacture of evaporated or condensed milk, cheese, butter, ice cream or other similar dairy products, being works—

(a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a processing capacity not exceeding 5 000 000 litres per year; or

(b) that are outside such an area and have a processing capacity exceeding 1 000 000 but not exceeding 5 000 000 litres per year.

(4) **Produce Processing Works:** the conduct of works for processing any agricultural crop material being—

(a) works for the processing of agricultural crop material by deep fat frying, roasting or drying through the application of heat with a processing capacity—

(i) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—not exceeding 30 kilograms per hour;

(ii) in any other case—exceeding 10 but not exceeding 30 kilograms per hour; or

(b) works—

(i) that are within a River Murray Protection Area under the *River Murray Act 2003* and that generate not more than 10 000 000 litres of waste water per year, other than where the waste water is disposed to a sewer or septic tank effluent disposal system; or

(ii) that are outside such an area and that generate more than 2 000 000 but not more than 10 000 000 litres of waste water per year, other than where the waste water is disposed of to a sewer or septic tank effluent disposal system.

(5) **Rendering or Fat Extraction Works:** the conduct of works at which animal, fish or grease trap wastes or other matter is processed or is capable of being processed by rendering or extraction or by some other means to produce tallow or fat or their derivatives or proteinaceous matter, being works—

(a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a total processing capacity not exceeding 250 kilograms per hour; or

(b) that are outside such an area and have a total processing capacity exceeding 25 but not exceeding 250 kilograms per hour.

(6) **Curing or Drying Works:** the conduct of works at which meat, fish or other edible products are smoked, dried or cured by the application of heat or smoke with a total processing capacity exceeding 25 but not exceeding 250 kilograms per hour.

(7) **Wineries or Distilleries:** the conduct of works for the processing of grapes or other produce to make wine or spirits, being works that are outside the Mount Lofty Ranges Water Protection Area, as declared under Part 8 of the *Environment Protection Act 1993*, and at which—

(a) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—not more than 500 tonnes of grapes or other produce are processed per year;

(b) in any other case—more than 50 but not more than 500 tonnes of grapes or other produce are processed per year.

6—Materials Handling and Transportation

(1) **Bulk Storage and Shipping Facilities:** the conduct of facilities for bulk handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from—

(a) any commercial storage facility at a rate—

(i) in the case of a facility within a River Murray Protection Area under the *River Murray Act 2003*—exceeding 10 tonnes per day;

(ii) in any other case—exceeding 100 tonnes per day; or

(b) any wharf or wharf side facility (including sea-port grain terminals), being facilities handling or capable of handling these materials at a rate—

(i) in the case of a facility within a River Murray Protection Area under the *River Murray Act 2003*—not exceeding 100 tonnes per day;

(ii) in any other case—exceeding 10 but not exceeding 100 tonnes per day.

(2) **Crushing, Grinding or Milling:** processing (by crushing, grinding, milling separating into different sizes by sieving, air elutriation or in any other manner) of—

(a) chemicals or rubber at a rate in excess of 1 but not in excess of 100 tonnes per year; or

(b) agricultural crop products at a rate in excess of 50 but not in excess of 500 tonnes per year, but excluding non-commercial processing for on farm use; or

(c) rock ores or minerals involving—

(i) processing at a rate in excess of the prescribed amount per year on a mining lease area, or processing of material from a mining lease area on adjacent land subject to a miscellaneous purposes licence, under the *Mining Act 1971*; or

(ii) processing at a rate in excess of the prescribed amount per year on the area of a private mine (within the meaning of section 19 of the *Mining Act 1971*), or processing of material from a private mine on adjacent land subject to a miscellaneous purposes licence under the *Mining Act 1971*; or

(iii) processing of sand, gravel, stone, shell, shale, clay or soil at a rate in excess of the prescribed amount per year as authorised under any statute other than the *Mining Act 1971*; or

(iv) processing under any other circumstances at a rate in excess of 100 but not in excess of 1 000 tonnes per year.

(3) For the purposes of subclause (2)(c), the prescribed amount is—

(a) in the case of any processing within a River Murray Protection Area under the *River Murray Act 2003*—100 tonnes;

(b) in any other case—1 000 tonnes.

(4) **Coal Handling and Storage:** the handling of coal or carbonaceous material by any means or the storage of coal, coke or carbonaceous reject material at facilities with a total handling capacity exceeding 1 but not exceeding 100 tonnes per day or a storage capacity exceeding 50 but not exceeding 5 000 tonnes.

7—Other

(1) **Fuel Burning:** the conduct of works or facilities involving the use of fuel burning equipment, including flaring (other than flaring at petroleum production, storage or processing works or facilities that do not have a total storage capacity or total production rate exceeding the levels respectively specified in clause 1(5) of Schedule 22) or incineration, where the equipment alone or in aggregate is capable of burning combustible matter—

(a) at a rate of heat release exceeding 0.5 but not exceeding 5 megawatts; or

(b) at a rate of heat release exceeding 50 but not exceeding 500 kilowatts and the products of combustion are used—

(i) to stove enamel; or

(ii) to bake or dry any substance that on heating releases dust or air impurities.

(2) **Marinas and Boating Facilities:** the conduct of facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for—

(a) in the case of a facility within a River Murray Protection Area under the *River Murray Act 2003*—more than 1 but not more than 50 vessels at any 1 time;

(b) in any other case—more than 5 but not more than 50 vessels at any 1 time.

(3) **Manufacturing:** any process involving—

(a) retreading types; or

(b) manufacturing fibre-reinforced plastic products.

(4) **Land division:** development involving—

(a) land division creating 1 or more additional allotments for residential purposes—

(i) within 400 metres of an "Extractive Industry" zone in a Development Plan; or

(ii) within 500 metres of land used as a landfill waste depot; or

(iii) within 500 metres of land used for a sewerage treatment works or septic tank effluent disposal scheme, being works with a peak-loading capacity designed for more than 100 persons per day; or

(iv) within 500 metres of land used for a piggery involving the keeping or husbandry in confined or roofed structures of more than 100 pigs at any 1 time; or

(v) within 500 metres of land used for the keeping of poultry involving an enclosed shed area exceeding 1 000 square metres; or

(b) land division creating 50 or more allotments for residential purposes.

(5) **Development in the vicinity of certain airports:** development involving—

(a) land division creating 1 or more additional allotments for residential purposes; or

(b) the construction of a dwelling, educational establishment, hospital or nursing home,

where the development is within a prescribed area that relates to 1 of the following airports, namely Mt. Gambier, Edinburgh, Whyalla, Port Lincoln, Kingscote and Port Augusta Airports, where the ***prescribed area*** is—

(c) in relation to the Mt. Gambier Airport—the area within the "25 Noise Exposure Forecast Contour" depicted in Map 5 of the relevant Development Plan;

(d) in relation to the Edinburgh Airport—the area within the "25 ANEF Contour" depicted on the relevant Australian Noise Exposure Forecast Map held by the City of Salisbury;

(e) in relation to the Whyalla Airport—the area within the "25 ANEF Contour" depicted on the relevant Australian Noise Exposure Forecast Map held by the City of Whyalla;

(f) in relation to the Port Lincoln, Kingscote and Port Augusta Airports—an area within a 3 kilometre radius of the airport runway.

(6) **Saline water discharge:** an activity involving discharge of water containing more than 1 500 milligrams of total dissolved solids per litre—

(a) to land, surface water or underground water within the River Murray Flood Zone (as delineated in the relevant Development Plan); or

(b) to land, surface water or underground water elsewhere where the maximum discharge is estimated to exceed 0.5 megalitres on any 1 day.

Schedule 22—Activities of major environmental significance

Part A—Activities

1—Petroleum and Chemical

(1) **Chemical Storage and Warehousing Facilities:** the storage or warehousing of chemicals or chemical products that are, or are to be, stored or kept in bulk or in containers having a capacity exceeding 200 litres at facilities with a total storage capacity exceeding 1 000 cubic metres.

(2) **Chemical Works:** the conduct of—

(a) works with a total processing capacity exceeding 100 tonnes per year involving either or both of the following operations:

(i) manufacture (through chemical reaction) of any inorganic chemical, including sulphuric acid, inorganic fertilisers, soap, sodium silicate, lime or other calcium compound;

(ii) manufacture (through chemical reaction) or processing of any organic chemical or chemical product or petrochemical, including the separation of such materials into different products by distillation or other means; or

(b) works with a total processing capacity exceeding 5 000 tonnes per year involving operations for salt production.

(3) **Coke Works:** the production, quenching, cutting, crushing and grading of coke.

(4) **Oil Refineries:** the conduct of works at which crude petroleum oil or shale oil is refined, or where lubricating oil is produced.

(5) **Petroleum Production, Storage or Processing Works or Facilities:** the conduct of works or facilities—

(a) at which petroleum products are stored in tanks with a total storage capacity exceeding 2 000 cubic metres; or

(b) with a total petroleum production rate exceeding 20 tonnes per hour.

(6) **Wood Preservation Works:** the conduct of works for the treatment or preservation of timber by chemicals (including chemicals containing copper, chromium, arsenic or creosote), but excluding the treatment or preservation of timber by primary producers for their own primary production purposes and not for supply to others.

2—Manufacturing and Mineral Processing

(1) **Abrasive Blasting:** the cleaning of materials by the abrasive action of any metal shot or mineral particulate propelled in a gaseous or liquid medium (otherwise than solely by using blast cleaning cabinets less than 5 cubic metres in volume or totally enclosed automatic blast cleaning units).

(2) **Hot Mix Asphalt Preparation:** the conduct of works at which crushed or ground rock aggregates are mixed with bituminous or asphaltic materials for the purposes of producing road building mixtures.

(3) **Cement Works:** the conduct of works for the use of argillaceous and calcareous materials in the production of cement clinker or the grinding of cement clinker.

(4) **Ceramic Works:** the conduct of works for the production of any products such as bricks, tiles, pipes, pottery goods, refractories, or glass that are manufactured or are capable of being manufactured in furnaces or kilns fired by any fuel, being works with a total capacity for the production of such products exceeding 100 tonnes per year.

(5) **Concrete Batching Works:** the conduct of works for the production of concrete or concrete products that are manufactured or are capable of being manufactured by the mixing of cement, sand, rock, aggregate or other similar materials, being works with a total capacity for production of such products exceeding 0.5 cubic metres per production cycle.

(6) **Drum Reconditioning:** the conduct of drum reconditioning works, including associated storage facilities.

(7) **Ferrous and Non-ferrous Metal Melting:** the melting of ferrous or non-ferrous metal in a furnace or furnaces that alone or in aggregate have the capacity to melt in excess of 500 kilograms of metal during the normal cycle of operation.

(8) **Metallurgical Works:** the conduct of works at which ores are smelted or reduced to produce metal.

(9) **Mineral Works:** the conduct of works for processing mineral ores, sands or earths to produce mineral concentrates.

(10) **Pulp or Paper Works:** the conduct of works at which paper pulp or paper is manufactured or is capable of being manufactured, being works with a total capacity for production of such products exceeding 100 tonnes per year.

(11) **Scrap Metal Recovery:** the conduct of works at which scrap metals are treated in any type of fuel burning equipment or electrically heated furnaces or are disintegrated by mechanical means for recovery of metal, but excluding commercial printing establishments at which type metal is melted or re-melted in thermostatically controlled pots for the purpose of type casting.

(12) **Surface Coating:** the conduct of—

(a) works for metal finishing, in which metal surfaces are prepared or finished by means of electroplating, electrolyse plating, anodising (chromating, phosphating and colouring), chemical etching or milling, or printed circuit board manufacture, being works producing more than 5 kilolitres per day of effluent; or

(b) works for hot dip galvanising; or

(c) works for spray painting and powder coating with a capacity to use more than 100 litres per day of paint or 10 kilograms per day of dry powder.

(13) **Wood Processing Works:** the conduct of works (other than works at a builders supply yard or a home improvement centre) at which timber is sawn, cut, chipped, compressed, milled or machined, being works with a total processing capacity exceeding 4 000 cubic metres per year.

(14) **Maritime Construction Works:** the conduct of works for the construction or repair of ships, vessels or floating platforms or structures, being works with the capacity to construct or repair ships, vessels or floating platforms or structures of a mass exceeding 80 tonnes.

(15) **Vehicle Production:** the conduct of works for the production of motor vehicles, being works with a production capacity exceeding 2 000 motor vehicles per year.

3—Waste Treatment and Disposal

(1) **Incineration:** the conduct of works for incineration by way of thermal oxidation using fuel burning equipment, being—

(a) works for the destruction of chemical wastes (including halogenated organic compounds); or

(b) works for the destruction of medical wastes produced by hospitals, or by pathology, medical, dental or veterinary practices or laboratories, or of cytotoxic wastes, or for the destruction of quarantine wastes; or

(c) works for the cremation of bodies; or

(d) works for the destruction of solid municipal waste; or

(e) works for the disposal of solid trade waste with a processing capacity exceeding 100 kilograms per hour.

(2) **Sewage Treatment Works or Septic Tank Effluent Disposal Schemes:** the conduct of—

(a) works that involve the discharge of treated or untreated sewage or septic tank effluent to marine waters; or

(b) works that involve the discharge of treated or untreated sewage or septic tank effluent to land or waters in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*), being works with a peak loading capacity designed for more than 100 persons per day; or

(c) works that involve the discharge of treated or untreated sewage or septic tank effluent to land or waters (other than land or waters referred to in paragraph (a) or (b)), being works with a peak loading capacity designed for more than 1 000 persons per day.

(3) **Waste or Recycling Depots:** the conduct of a depot for the reception, storage, treatment or disposal of waste other than—

(a) temporary storage at the place at which the waste (not being tyres or tyre pieces) is produced while awaiting transport to another place; or

(b) storage, treatment or disposal of domestic waste at residential premises; or

(c) a depot that the Environment Protection Authority is satisfied will be conducted for such limited purposes that a referral is not necessary and has provided written confirmation of this to the relevant authority.

(4) **Activities Producing Listed Wastes:** an activity in which any of the substances or things listed in Part B of this Schedule are produced as or become waste other than any of the following activities:

(a) a domestic activity;

(b) an activity in which the waste produced is lawfully disposed of to a sewer;

(c) an activity consisting only of storing or distributing goods;

(d) building work;

(e) carpentry or joinery;

(f) retail pharmacy;

(g) film processing;

(h) dental practice;

(i) plumbing or gas fitting;

(j) dry cleaning;

(k) primary or secondary school education;

(l) agriculture or horticulture;

(m) french polishing;

(n) manufacturing jewellery;

(o) medical practice, not being the practice of pathology;

(p) painting or decorating;

(q) panel beating and associated spray painting;

(r) operation of a nursing home;

(s) veterinary practice;

(t) operation of an immunisation clinic;

(u) operation of a hospital with a capacity of less than 40 beds;

(v) an activity producing waste oil at a rate of less than 50 000 litres per year;

(w) an activity authorised by a lease or licence under the *Mining Act 1971*, the *Petroleum Act 2000* or the *Roxby Downs (Indenture Ratification) Act 1982* where the waste is disposed of to land and contained within the area of the lease or licence;

(x) an activity authorised by a lease under the *Mining Act 1971* where the waste is disposed of to land and contained within the area of a miscellaneous purposes licence under that Act adjacent to the area of the lease;

(y) an activity that the Environment Protection Authority is satisfied will involve the production of waste in such quantities or circumstances that a referral is not necessary and has provided written confirmation of this to the relevant authority.

(5) **Waste transport business (category A):** the collection or transport for fee or reward of—

(a) waste substances or things listed in Part B of this Schedule; or

(b) liquid waste (not being such waste lawfully disposed of to a sewer) arising from any commercial or industrial premises or from any teaching or research institution.

(6) **Waste transport business (category B):** the collection or transport for fee or reward of—

(a) waste from domestic premises where the waste is collected or transported for or on behalf of a council; or

(b) solid waste from any commercial or industrial premises or from any teaching or research institution (other than building or demolition waste); or

(c) septic tank effluent; or

(d) waste soil containing substances or things listed in Part B of this Schedule in a concentration above that naturally occurring in soil in the area.

4—Activities in Specified Areas

(1) **Brukunga Mine Site:** the management of the abandoned Brukunga mine site and associated acid neutralisation plant situated adjacent to Dawesley Creek in the Mount Lofty Ranges.

(2) **Discharge of Stormwater to Underground Aquifers:** discharge of stormwater from a catchment area exceeding 1 hectare to an underground aquifer by way of a well or other direct means where the stormwater drains to the aquifer from—

(a) land or premises situated in the area of the City of Mount Gambier or the Western Industrial Zone of the area of the District Council of Mount Gambier (as defined in the relevant Development Plan), being land or premises on which a business is carried on; or

(b) a stormwater drainage system in the area of the City of Mount Gambier or the Western Industrial Zone in the area of District Council of Mount Gambier (as defined in the relevant Development Plan); or

(c) a stormwater drainage system in Metropolitan Adelaide.

5—Animal Husbandry, Aquaculture and Other Activities

(1) **Cattle Feedlots:** carrying on an operation for holding in a confined yard or area and feeding principally by mechanical means or by hand—

(a) not less than an average of 500 cattle per day over any period of 12 months; or

(b) where the yard or area is situated in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*)—not less than an average of 200 cattle per day over any period of 12 months,

but not including any such operation carried on at an abattoir, slaughterhouse or saleyard or for the purpose only of drought or other emergency feeding.

(2) **Aquaculture or Fish Farming:** the propagation or rearing of marine, estuarine or fresh water fish or other marine or freshwater organisms, but not including—

(a) the propagation or rearing of molluscs or finfish in marine waters; or

(b) the propagation or rearing of other marine or freshwater organisms in an operation resulting in the harvesting of less than 1 tonne of live fish or organisms per year.

(3) **Saleyards:** the commercial conduct of yards at which cattle, sheep or other animals are gathered or confined for the purpose of their sale, auction or exchange, including associated transport loading facilities, being yards with a throughput exceeding 50 000 sheep equivalent units per year [sheep equivalent units: 1 sheep or goat = 1 unit, 1 pig (< 40kg) = 1 unit, 1 pig (> 40kg) = 4 units, 1 cattle (< 40kg) = 3 units, 1 cattle (40—400kg) = 6 units, 1 cattle (> 400kg) = 8 units].

(4) **Piggeries:** the keeping or husbandry in confined or roofed structures of—

(a) 5 000 or more pigs at any 1 time; or

(b) where the structures are situated in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*)—500 or more pigs at any 1 time.

6—Food Production and Animal and Plant Product Processing

(1) **Abattoirs, Slaughterhouses or Poultry Processing Works:** the conduct of slaughtering works for commercial purposes for the production of meat or meat products for human or animal consumption, being—

(a) in the case of poultry or poultry meat products—works with a rate of production exceeding 200 tonnes per year; or

(b) in the case of any other animal meat or animal meat products—works with a rate of production exceeding 100 tonnes per year.

(2) **Breweries:** the conduct of works for the production of beer by infusion, boiling or fermentation, being works with a beer production capacity exceeding 5 000 litres per day.

(3) **Composting Works:** the conduct of works at which mushroom or other compost is produced or is capable of being produced at a rate exceeding 200 tonnes per year.

(4) **Fish Processing:** the conduct of works for scaling, gilling, gutting, filleting, freezing, chilling, packing or otherwise processing fish (as defined in the *Fisheries Management Act 2007*) for sale, but excluding—

(a) works with a processing output of less than 100 tonnes per year where waste water is disposed of to a sewer or septic tank effluent disposal system; or

(b) works with a processing output of less than 2 tonnes per year where waste water is disposed of otherwise than to a sewer or septic tank effluent disposal system; or

(c) processing of fish only in the course of a business of selling fish by retail.

(5) **Milk Processing Works:** the conduct of works at which milk is separated, evaporated or otherwise processed for the manufacture of evaporated or condensed milk, cheese, butter, ice cream or other similar dairy products, being works at which milk is processed at a rate exceeding 5 000 000 litres per year.

(6) **Produce Processing Works:** the conduct of works for processing any agricultural crop material being—

(a) works for the processing of agricultural crop material by deep fat frying, roasting or drying through the application of heat with a processing capacity exceeding 30 kilograms per hour; or

(b) works at which more than 10 000 000 litres of waste water is generated per year and disposed of otherwise than to a sewer or septic tank effluent disposal system.

(7) **Rendering or Fat Extraction Works:** the conduct of works at which animal, fish or grease trap wastes or other matter is processed or is capable of being processed by rendering or extraction or by some other means to produce tallow or fat or their derivatives or proteinaceous matter, being works with a total processing capacity exceeding 250 kilograms per hour.

(8) **Curing or Drying Works:** the conduct of works at which meat, fish or other edible products are smoked, dried or cured by the application of heat or smoke with a total processing capacity exceeding 250 kilograms per hour.

(9) **Tanneries or Fellmongeries:** the conduct of works for the commercial preservation or treatment of animal skins or hides being works processing more than 5 tonnes of skins or hides per year, but excluding—

(a) the processing of skins or hides by primary producers in the course of primary production activities outside township areas; or

(b) the processing of skins or hides in the course of taxidermy.

(10) **Woolscouring or Wool Carbonising Works:** the conduct of works for the commercial cleaning or carbonising of wool, but excluding cleaning or carbonising of wool in the course of handicraft activities where the wool is further processed for sale by retail.

(11) **Wineries or Distilleries:** the conduct of works for the processing of grapes or other produce to make wine or spirits, but excluding—

(a) works that are outside the Mount Lofty Ranges Water Protection Area, as declared under Part 8 of the *Environment Protection Act 1993*, at which 500 tonnes or less of grapes or other produce are processed per year; or

(b) works that are inside the Mount Lofty Ranges Water Protection Area, as declared under Part 8 of the *Environment Protection Act 1993*, at which 50 tonnes or less of grapes or other produce are processed per year; or

(c) works for bottling only.

7—Materials Handling and Transportation

(1) **Bulk Shipping Facilities:** the conduct of facilities for bulk handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from any wharf or wharf side facility (including sea-port grain terminals), being facilities handling or capable of handling these materials into or from vessels at a rate exceeding 100 tonnes per day.

(2) **Railway Operations:** the conduct of any of the following activities associated with a railway:

(a) the construction or operation of rail infrastructure; and

(b) the operation of rolling stock on a railway; and

(c) other activities conducted on railway land,

but excluding—

(d) any activities associated with—

(i) a railway with a track gauge that is less than 600mm; or

(ii) a railway in a mine which is underground or predominantly underground and used in connection with the performance of mining operations; or

(iii) a slipway; or

(iv) a crane-type runway; or

(v) a railway used solely for the purposes of horse-drawn trams; or

(vi) a railway used solely for the purposes of static displays; or

(vii) a railway at an amusement park used solely for the purposes of an amusement structure under Schedule 2 of the *Occupational Health, Safety and Welfare Act 1986*; or

(e) an activity that the Environment Protection Authority is satisfied will be conducted for such limited purposes or which such limited impact that requirement of an environmental authorisation under Part 6 of the *Environment Protection Act 1993* would not be justified.

In this subclause—

rail infrastructure means infrastructure associated with the operation of a railway and includes (but is not limited to) railway track, associated track structures, over or under track structures, supports, tunnels, bridges, stations, platforms, train control systems, signalling systems, communication systems, electric traction infrastructure and buildings, but does not include any workshop or repair facility;

railway means a guided system designed for the movement of rolling stock which has the capability of transporting passengers, freight or both on a railway track, together with its infrastructure and associated sidings or crossing, or passing loops, and includes a railway in a marshalling yard or a passenger or freight terminal;

railway land means—

(a) land within a rail corridor or rail reserve, including any associated sidings; and

(b) railway yards; and

(c) other land over which a railway track passes;

rolling stock means a vehicle (whether or not self-propelled) that operates on or uses a railway track, but does not include a vehicle designed to operate both on and off a railway track when the vehicle is not operating on a railway track.

Examples—

A locomotive, carriage, rail car, rail motor, light rail vehicle, train, tram, light inspection vehicle, road/rail vehicle, trolley, wagon.

Note—

Certain activities do not constitute development under the Act—see especially clause 13 of Schedule 3—and therefore will not come within the operation of Schedule 8 and this subclause.

(3) **Crushing, Grinding or Milling:** processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner) of—

(a) chemicals or rubber at a rate in excess of 100 tonnes per year; or

(b) agricultural crop products at a rate in excess of 500 tonnes per year, but excluding non-commercial processing for on farm use; or

(c) rock, ores or minerals at a rate in excess of 1 000 tonnes per year, but excluding—

(i) processing on a mining lease area, or processing of material from a mining lease area on adjacent land subject to a miscellaneous purposes licence, under the *Mining Act 1971*; and

(ii) processing on the area of a private mine (within the meaning of section 19 of the *Mining Act 1971*), or processing of material from a private mine on adjacent land subject to a miscellaneous purposes licence under the *Mining Act 1971*; and

(iii) processing of sand, gravel, stone, shell, shale, clay or soil as authorised under any statute other than this Act or the *Mining Act 1971*; and

(iv) processing of wet sand.

(4) **Dredging:** removing solid matter from the bed of any marine waters or inland waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

(5) **Coal Handling and Storage:** the handling of coal or carbonaceous material by any means or the storage of coal, coke or carbonaceous reject material at facilities with a total handling capacity exceeding 100 tonnes per day or a storage capacity exceeding 5 000 tonnes.

(6) **Earthworks Drainage:** the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.

(7) **Extractive Industries:** the conduct of operations involving extraction, or extraction and processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner), of sand, gravel, stone, shell, shale, clay or soil, being operations with an extraction production rate exceeding 100 000 tonnes per year.

8—Other

(1) **Aerodromes:** the conduct of facilities for commercial or charter aircraft take-off and landing, being facilities estimated to be used for—

(a) more than 200 flight movements per year but excluding facilities more than 3 kilometres from residential premises not associated with the facilities; or

(b) more than 2 000 flight movements per year in any case.

(2) **Fuel Burning:** the conduct of works or facilities involving the use of fuel burning equipment, including flaring (other than flaring at petroleum production, storage or processing works or facilities that do not have a total storage capacity or total production rate exceeding the levels respectively specified in clause 1(5)) or incineration, where the equipment alone or in aggregate is capable of burning combustible matter—

(a) at a rate of heat release exceeding 5 megawatts; or

(b) at a rate of heat release exceeding 500 kilowatts and the products of combustion are used—

(i) to stove enamel; or

(ii) to bake or dry any substance that on heating releases dust or air impurities.

(3) **Helicopter Landing Facilities:** the conduct of facilities designed for the arrival and departure of helicopters, but excluding—

(a) facilities that are situated more than 3 kilometres from residential premises not associated with the facilities; or

(b) facilities at the site of an activity authorised under the *Mining Act 1971*, the *Petroleum Act 2000*, the *Petroleum (Submerged Lands) Act 1982* or the *Roxby Downs (Indenture Ratification) Act 1982*.

(4) **Marinas and Boating Facilities:** the conduct of—

(a) facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any 1 time; or

(b) works for the repair or maintenance of vessels with the capacity to handle 5 or more vessels at any 1 time or vessels 12 metres or more in length.

(5) **Motor Racing or Testing Venues:** the conduct of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials, but excluding facilities that are situated more than 3 kilometres from residential premises not associated with the facilities.

(6) **Shooting Ranges:** the conduct of facilities for shooting competitions, practice or instruction (being shooting involving the propulsion of projectiles by means of explosion), but excluding facilities that are situated more than 3 kilometres from residential premises not associated with the facilities.

(7) **Discharges to Marine or Inland Waters:** the conduct of operations involving discharges into marine waters or inland waters where—

(a) the discharges—

(i) raise the temperature of the receiving waters by more than 2 degrees Celsius at any time at a distance of 10 metres or more from the point of discharge; or

(ii) contain antibiotic or chemical water treatments; and

(b) the total volume of the discharges exceeds 50 kilolitres per day.

Part B—Listed wastes

Acids and acidic solutions

Adhesives (excluding solid inert polymeric materials)

Alkali metals and alkaline earth metals

Alkalis and alkaline solutions

Antimony and antimony compounds and solutions

Arsenic and arsenic compounds and solutions

Asbestos

Barium compounds and solutions

Beryllium and beryllium compounds

Boron and boron compounds

Cadmium and cadmium compounds and solutions

Calcium carbide

Carbon disulphide

Carcinogens teratogens and mutagens

Chlorates

Chromium compounds and solutions

Copper compounds and solutions

Cyanides or cyanide solutions and cyanide complexes

Cytotoxic wastes

Dangerous substances within the meaning of the *Dangerous Substances Act 1979*

Distillation residues

Fluoride compounds

Halogens

Heterocyclic organic compounds containing oxygen, nitrogen or sulphur

Hydrocarbons and their oxygen, nitrogen and sulphur compounds (including oils)

Isocyanate compounds (excluding solid inert polymeric materials)

Laboratory chemicals

Lead compounds and solutions

Lime sludges or slurries

Manganese compounds

Medical waste consisting of—

(a) a needle, syringe with needle, surgical instrument or other article that is discarded in the course of medical*, dental or veterinary practice or research and has a sharp edge or point capable of inflicting a penetrating injury on a person who comes into contact with it; or

(b) human tissue, bone, organ, body part or foetus; or

(c) a vessel, bag or tube containing a liquid body substance; or

(d) an animal carcass discarded in the course of veterinary or medical* practice or research; or

(e) a specimen or culture discarded in the course of medical*, dental or veterinary practice or research and any material that has come into contact with such a specimen or culture; or

(f) any other article or matter that is discarded in the course of medical*, dental or veterinary practice or research and that poses a significant risk to the health of a person who comes into contact with it.

* ***medical practice*** includes the practice of pathology and the operation of an immunisation clinic.

Mercaptans

Mercury compounds and equipment containing mercury

Nickel compounds and solutions

Nitrates

Organic halogen compounds (excluding solid inert polymeric materials)

Organic phosphates

Organic solvents

Organometallic residues

Oxidising agents

Paint sludges and residues

Perchlorates

Peroxides

Pesticides (including herbicides and fungicides)

Pharmaceutical wastes and residues

Phenolic compounds (excluding solid inert polymeric materials)

Phosphorus and its compounds

Polychlorinated biphenyls

Poisons within the meaning of the *Drugs Act 1908*

Reactive chemicals

Reducing agents

Selenium and selenium compounds and solutions

Silver compounds and solutions

Solvent recovery residues

Sulphides and sulphide solutions

Surfactants

Thallium and thallium compounds and solutions

Vanadium compounds

Zinc compounds and solutions

Schedule 22A—Certificate of consistency

Certificate of consistency

I verify that I have examined carefully a copy of the development plan consent (including any conditions and notes) described below, together with a copy of the plans approved and endorsed pursuant to regulation 42(4) of the *Development Regulations 2008* for that consent.

The plans and supporting documentation submitted for building rules consent have been assessed for compliance with the Building Rules, while the development plan consent plans have been reviewed to ensure that all buildings and structures included in the building rules assessment are consistent with the development plan consent.

I hereby certify in accordance with regulation 92(2)(e) of the *Development Regulations 2008* that the building rules consent issued on *(date)* for *(description of project as described in the development plan consent)* at *(location of proposed development)* is consistent with the following development authorisation (including any conditions and notes) giving development plan consent *(application number)* issued on *(date)* by *(relevant authority)* subject only to the variations specified below in the Table of Variations to meet Regulatory Requirements, attached for the purposes of section 93(2) of the *Development Act 1993*, which are necessary for compliance with the Building Rules or any other legislation specified therein.

Registered private certifier:

Registration number:

Date:

Table of variations to meet regulatory requirements—pursuant to section 93(2) of the *Development Act 1993*

Item	Legislation/Regulation/Code	Reason for variation

Registered private certifier:

Registration number:

Date:

Schedule 23—Private certifiers—professional indemnity insurance

The following requirements are prescribed as minimum requirements for professional indemnity insurance for private certifiers for the purposes of regulation 93:

(a) a minimum limit of indemnity of—

(i) $1 000 000 for any 1 claim; and

(ii) $2 000 000 in aggregate during any 1 period of insurance;

(b) in addition to the limit of indemnity, indemnity for costs and expenses incurred with the consent of the insurer in defending or settling a claim;

(c) subject to paragraph (d), indemnity for breach of professional duty arising from an act, error or omission committed by the insured after the retroactive date (as specified by the policy);

(d) a retroactive date no later than the date on which the private certifier first commenced work as a private certifier;

(e) indemnity in respect of claims under the *Trade Practices Act 1974* (Commonwealth) or the *Fair Trading Act 1987* for acts or omissions, other than dishonest, fraudulent, malicious or illegal acts or omissions and excluding any portion of a claim made pursuant to the penal or criminal provisions of either Act;

(f) a right to at least 1 automatic reinstatement of the limit of indemnity;

(g) indemnity for claims for damages arising from inadvertent defamation;

(h) indemnity for any liability to third parties arising from the loss or destruction of documents;

(i) indemnity for claims for negligence on account of the dishonesty of employees;

(j) cover for partners, principals or directors who join the business, firm or company for professional liability arising from previous work as a private certifier and for claims against partners, principals or directors who retire or resign from the business, firm or company.

Schedule 24—Commercial competitive interest

Notice of disclosure

To: The Registrar[1]

and to[2]:

Pursuant to section 88B of the *Development Act 1993* I disclose [that I have a commercial competitive interest in the proceedings described below] *or* [that I am receiving, in connection with the proceedings described below, direct or indirect financial assistance from a person who has a commercial competitive interest in the proceedings][3].

The relevant proceedings for the purposes of this notice are as follows[4]:

The name and contact details of a person providing direct or indirect financial assistance is as follows[5]:

Name and contact details[6]:

Dated this day of

.....

Signature of person making disclosure, or of a
legal practitioner acting on behalf of that person

Notes—

1 Insert name of relevant court.

2 Insert names of other parties to the proceedings.

3 Strike out material that is inapplicable.

4 Insert details of proceedings.

5 In a case where the person giving the notice is receiving direct or indirect financial assistance from a person who has a commercial competitive interest in the proceedings, it is necessary to insert the full name and address of the person who is providing that financial assistance. *(This item need not be completed in any other case.)*

6 Insert full name and address of person making disclosure. *(The address may be the address of a legal practitioner acting on behalf of the person.)*

This form must be given to the person required to make the relevant disclosure—

(a) to the Registrar of the relevant court—

(i) in the case of a person who has commenced the proceedings—at the time of lodging the application or other documentation that commences the proceedings;

(ii) in the case of a person who becomes a party to the proceedings—within 10 business days after becoming a party to the proceedings;

(iii) in the case of a person who provides financial assistance to another person who commences or becomes a party to any relevant proceedings—within 10 business days after the commencement of the proceedings or the date on which the other person becomes a party to the proceedings (as the case may be); and

(b) to each of the other parties to the proceedings—

(i) in the case of a person who has commenced the proceedings—within 10 business days after commencing the proceedings;

(ii) in the case of a person who becomes a party to the proceedings—within 10 business days after becoming a party to the proceedings;

(iii) in the case of a person who provides financial assistance to another person who commences or becomes a party to any relevant proceedings—within 10 business days after the commencement of the proceedings or the date on which the other person becomes a party to the proceedings (as the case may be).

If the business of a person, or the business of an associate of a person (other than the proponent of the development), might be adversely affected by a particular development on account of competition in the same market, then the person will be taken to have a commercial competitive interest in any relevant proceedings that are related to that development. The circumstances in which proceedings are related to a development include a situation where proceedings constitute a challenge to a Development Plan, or to the amendment of a Development Plan, that affects a development.

Relevant proceedings are any proceedings before a court arising under or in connection with the operation of the *Development Act 1993* including proceedings for judicial review, but not including criminal proceedings.

Schedule 25—System indicators

Body required to keep information		Information to be kept and collated on a quarterly basis (and then provided to the Minister)
1—Strategic planning		
Planning SA	(1)	The release of a proposal to alter the Planning Strategy under section 22(4) of the Act.
Planning SA	(2)	The adoption of a proposal to alter the Planning Strategy, as notified under section 22(5)(c) of the Act.
Each council	(3)	The initiation of a review under section 30(2) of the Act.
Each council	(4)	The completion of a review under section 30(5) of the Act.
2—Development Plan policies		
Planning SA	(5)	The number of agreements reached between councils and the Minister on Statements of Intent under section 25(1) of the Act, recorded according to council area.
Relevant Department or agency	(6)	The following information in relation to referrals under section 25(7)(a), (8)(b)(ii) or (9)(a) of the Act, recorded according to council area: (a) the number of referrals; (b) the percentage of referrals for which a formal response was provided within the statutory timeframe; (c) the median time taken to provide a formal response to a referral.
Planning SA	(7)	The number of times that the Governor has brought an amendment to a Development Plan proposed by a council into operation on an interim basis under section 28(1) of the Act, recorded according to council area.
Planning SA	(8)	The following information in relation to amendments to Development Plans approved by the Minister under section 25(17) of the Act, recorded according to council area: (a) the number of approvals given; (b) in relation to each set of amendments approved by the Minister—the time taken from agreement on the relevant Statement of Intent to the giving of the approval.
Relevant Department or agency	(9)	In relation to the preparation of draft DPAs under section 26(1): (a) the number of referrals by the Minister in relation to the preparation of a draft; (b) the percentage of referrals for which a formal response was provided within the required timeframe.
Planning SA	(10)	In relation to referrals under section 26(5)(a), (5a)(a) or (5b)(a) of the Act: (a) the number of referrals; (b) the percentage of referrals for which a formal response was provided within the required timeframe.
Planning SA	(11)	The number of times that the Governor has brought an amendment to a Development Plan proposed by the Minister into operation on an interim basis under section 28(1) of the Act.

Planning SA	(12)	In relation to amendments to Development Plans approved by the Minister under section 26(9) of the Act: (a) the number of approvals given; (b) in relation to each set of amendments approved by the Minister—the time taken from the initiation of the DPA under section 26(1) of the Act (as signified by the signing of a formal minute by the Minister) to the giving of the approval.
Planning SA	(13)	The number of amendments to Development Plans under section 29(2) of the Act, recorded according to council area.

3—Development applications

Each relevant authority	(14)	The number of applications lodged with the relevant authority under section 39 of the Act for decision by that authority.
	(15)	The number of— (a) initial formal requests under section 39(2)(a) of the Act; (b) second or subsequent formal requests under section 39(2)(a) of the Act.

4—Referrals

Each body to which applications under section 39 of the Act are referred by a relevant authority, being a body referred to in Schedule 8	(16)	The number of referrals received under Schedule 8.
	(17)	In relation to referrals under Schedule 8— (a) the number of initial formal requests for further information under section 37(2) of the Act; (b) the number of second or subsequent formal requests for further information under section 37(2) of the Act.
	(18)	In relation to referrals under Schedule 8— (a) the number of decisions made by the body itself; (b) the number of decisions made by a person or other body under a delegation; (c) the percentage of referrals for which a formal response was provided within the relevant period prescribed under the Schedule; (d) in relation to each relevant category of referral under the Schedule—the median time taken to provide a formal response to a referral (excluding any period required for the purposes of section 37(2) of the Act).
	(19)	The number of referrals received for consideration or comment by the body, even though the referrals are not required under Schedule 8.

(20) In relation to referrals under item (19)—

(a) the number of responses provided by the body;

(b) the percentage of responses for which a formal response was provided within the required timeframe.

5—Referrals—land division

Planning SA

(21) In relation to the referral of applications involving the division of land under regulation 29—

(a) the number of referrals;

(b) the percentage of referrals for which a formal report was provided within the timeframe applying under the regulation;

(c) the median time taken to provide a formal report (excluding any extension of time required under regulation 29(2)).

6—Development assessment bodies—councils

Each council

(22) The number of council members.

(23) The following information in relation to its development assessment panel under section 56A of the Act:

(a) the number of members of the panel;

(b) whether the presiding member is a member of the council, a member of the staff of the council, or an independent member;

(c) the number of members of the council who are members of the panel;

(d) the number of members of the staff of the council who are members of the panel;

(e) the number of other persons who are members of the panel.

7—Development authorisations

Each relevant authority

(24) In relation to development plan consents issued for *complying* development—

(a) the number of consents issued by the relevant authority;

(b) in relation to consents where the relevant applications have not included application for building rules consent or land division consent—

(i) the percentage of consents given within the time prescribed under section 41(1) of the Act (excluding any period under section 39(3)(a) of the Act);

(ii) the median time taken from the lodgment of an application to the issuing of consent.

(25) In relation to development plan consents issued for *merit* development—

(a) the number of consents—

(i) issued by the relevant authority;

(ii) refused by the relevant authority;

(b) in relation to consents where the relevant applications have not included application for building rules consent or land division consent—

(i) the percentage of consents for Category 1 development given within the time prescribed under section 41(1) of the Act;

(ii) the percentage of consents for Category 2 development given within the time prescribed under section 41(1) of the Act;

(iii) the percentage of consents for Category 3 development given within the time prescribed under section 41(1) of the Act,

(excluding any period under section 39(3)(a) of the Act).

(26) The number of development plan consents for *non-complying* development—

(a) approved by the relevant authority;

(b) refused by the relevant authority under section 39(4)(d) or section 35(2) of the Act;

(c) refused due to non-concurrence (see section 35(3) of the Act).

(27) In relation to land division consents—

(a) the number of consents—

(i) issued by the relevant authority;

(ii) refused by the relevant authority;

(b) the percentage of consents given within the time prescribed under section 41(1) of the Act (excluding any period under section 39(3)(a) of the Act).

(28) The number of development plan and land division decisions made by the relevant authority on an application for a development authorisation (being decisions made under the Act rather than administrative decisions made in connection with an application), recorded according to 1 of the following:

(a) a decision made by the relevant authority itself;

(b) a decision made by a development assessment panel under a delegation;

(c) a decision made by an officer of the relevant authority under a delegation;

(d) a decision made by a regional development assessment panel under a delegation;

(e) a decision made by some other body under a delegation.

(29) In relation to building rules consents—

(a) the number of consents—

(i) issued by the relevant authority;

(ii) refused by the relevant authority;

(b) in relation to consents where the relevant applications have not included application for development plan consent—the percentage of consents given within the time prescribed under section 41(1) of the Act (excluding any period under section 39(3)(a) of the Act).

(30) The number of times a relevant authority sought clarification from an applicant or other relevant authority due to inconsistency of consents or the provision of inadequate information.

(31) In relation to development approvals—

(a) the number of approvals issued by the relevant authority;

(b) other than where the relevant applications have included both application for development plan consent and application for building rules consent—the percentage of approvals given within the time prescribed under section 41(1) of the Act (excluding any period under section 39(3)(a) of the Act).

(32) In relation to development authorisations where the relevant applications have included both application for development plan consent and application for building rules consent:

(a) in relation to *complying* development—the percentage of joint consents given within the time prescribed under section 41(1) of the Act;

(b) in relation to *merit* development—the percentage of joint consents given within the time prescribed under section 41(1) of the Act—

(i) with respect to Category 1 development;

(ii) with respect to Category 2 development;

(iii) with respect to Category 3 development,

(excluding any period under section 39(3)(a) of the Act).

8—Appeal processes

The Environment, Resources and Development Court

(33) The number of applications made to the Court—

(a) under section 86(1)(a) of the Act;

(b) under section 86(1)(b) of the Act,

in respect of applications that relate to development plan consent or the division of land, recorded according to council area.

(34) The number of applications that relate to development plan consent or the division of land settled before or at a conference under section 16 of the *Environment, Resources and Development Court Act 1993*, recorded according to council area.

	(35)	The number of applications that relate to development plan consent or the division of land— (a) settled after a conference under section 16 of the *Environment, Resources and Development Court Act 1993* (but before a hearing of the Environment, Resources and Development Court); (b) not settled at a conference under section 16 of the *Environment, Resources and Development Court Act 1993*, recorded according to council area.
	(36)	The number of applications that relate to development plan consent or the division of land that result in the confirmation of the decision to which the proceedings relate, recorded according to council area.
	(37)	The number of applications that relate to development plan consent or the division of land that result in the variation of the decision to which the proceedings relate, recorded according to council area.
	(38)	The number of applications that relate to development plan consent or the division of land that result in the reversing of the decision to which the proceedings relate, recorded according to council area.
	(39)	In relation to applications made to the Court that relate to development plan consent or the division of land— (a) in respect of applications settled at a conference under section 16 of the *Environment, Resources and Development Court Act 1993*—the median time from the lodgment of an application to resolution at the conference stage; (b) in respect of applications that are resolved by determination of the Court—the median time from the lodgment of an application to resolution.
Each relevant council	(40)	The total cost of all charges (including GST) incurred by virtue of engaging legal counsel, consultants or expert witnesses with respect to any proceedings under section 86 of the Act.

9—Compliance

Each council	(41)	The number of sites inspected with respect to building rules consents, recorded according to— (a) Class 1 or 2 buildings under the *Building Code*; (b) other buildings; (c) swimming pools.
Each council	(42)	The number of sites inspected under section 71 of the Act, recorded according to— (a) Class 1 or 2 buildings under the *Building Code*; (b) other buildings.

Schedule 26—Register of interest—Primary return

Please read instructions and notes below before completing this return.

SURNAME OTHER NAMES

OFFICE HELD

	Registrable interests	Details
1	Provide a statement of any income source[2] that you have or a person related to you[3] has or expects to have in the period of 12 months after the date of the primary return.	
2	State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family[4] holds, any office whether as director or otherwise, for the purpose of obtaining financial gain (including at some time in the future).	
3	State the name or description of any company, partnership, association or other body in which you or a person related to you[3] is an investor[5].	
4	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you[3] is a beneficiary or trustee, and the name and address of each trustee.	
5	Provide the address or description of any land in which you have or a person related to you[3] has any beneficial interest[6] other than by way of security for any debt.	
6	Provide details of any fund in which you or a person related to you[3] has an actual or prospective interest to which contributions are made by a person other than you or a person related to you[3].	
7	If you are or a person related to you[3] is indebted to another person (not being related by blood or marriage) in an amount of or exceeding $7 500—state the name and address of that other person.	
8	If you are or a person related to you[3] is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding $10 000—state the name and address of that person.	
9	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as a member of an assessment panel.	
10	Provide any other additional information which you think fit.	

Signature

Date

Instructions/notes

1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

2 Under the regulations—

income source, in relation to a person, means—

(a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

(b) any trade, vocation, business or profession engaged in by the person.

3.1 A ***person related to a member*** means—

(a) a member of the member's family;

(b) a family company of the member;

(c) a trustee of a family trust of the member.

3.2 A ***family company*** of a member means a proprietary company—

(a) in which the member or a member of the member's family is a shareholder; and

(b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A ***family trust*** of a member means a trust (other than a testamentary trust)—

(a) of which the member or a member of the member's family is a beneficiary; and

(b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.

4 Under the Act—

family, in relation to a member, means—

(a) a spouse or domestic partner of the member; and

(b) a child of the member who is under the age of 18 years and normally resides with the member.

5 For the purpose of this return, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

6 A ***beneficial interest*** in property includes a right to re-acquire the property.

Note—

1 A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.

2 A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.

3 A member may include in a return such additional information as the member thinks fit.

4 Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.

5 A member is not required to disclose the actual amount or extent of a financial benefit or interest.

Schedule 27—Register of interest—Ordinary return

Please read instructions and notes below before completing this return.

SURNAME OTHER NAMES

OFFICE HELD

	Registrable interests	Details
1	Provide a statement of any income source of a financial benefit[2] that you have or a person related to you[3] has received, or was entitled to receive, during the return period.	
2	State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family[4] held, any office during the return period whether as director or otherwise, for the purpose of obtaining financial gain (including at some time in the future).	
3	State the name or description of any company, partnership, association or other body in which you or a person related to you[3] is an investor[5].	
4	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you[3] is a beneficiary or trustee, and the name and address of each trustee.	
5	Provide the address or description of any land in which you have or a person related to you[3] has any beneficial interest[6] other than by way of security for any debt.	
6	Provide details of any fund in which you or a person related to you[3] has an actual or prospective interest to which contributions are made by a person other than you or a person related to you[3].	
7	If you are or a person related to you[3] is indebted to another person (not being related by blood or marriage) in an amount of or exceeding $7 500—state the name and address of that other person.	
8	If you are or a person related to you[3] is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding $10 000—state the name and address of that person.	
9	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as a member of an assessment panel.	
10	Provide any other additional information which you think fit.	

Signature

Date

Instructions/notes

1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

1.2 The ***return period*** for the purposes of this return is as follows:

(a) if your last return was a ***primary return*** under the Act—the period between the date of the primary return and 30 June next following;

(b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.

2.1 Under the regulations—

income source, in relation to a person, means—

(a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

(b) any trade, vocation, business or profession engaged in by the person.

2.2 Under the regulations—

financial benefit, in relation to a person, means—

(a) any remuneration, fee or other pecuniary sum exceeding $1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and

(b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where the total exceeds $1 000,

but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.

3.1 A ***person related to a member*** means—

(a) a member of the member's family;

(b) a family company of the member;

(c) a trustee of a family trust of the member.

3.2 A ***family company*** of a member means a proprietary company—

(a) in which the member or a member of the member's family is a shareholder; and

(b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A ***family trust*** of a member means a trust (other than a testamentary trust)—

(a) of which the member or a member of the member's family is a beneficiary; and

(b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.

4 Under the Act—

family, in relation to a member, means—

(a) a spouse or domestic partner of the member; and

(b) a child of the member who is under the age of 18 years and normally resides with the member.

5 For the purpose of this return, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

6 A ***beneficial interest*** in property includes a right to re-acquire the property.

Note—

1 A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.

2 A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.

3 A member may include in a return such additional information as the member thinks fit.

4 Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.

5 A member is not required to disclose the actual amount or extent of a financial benefit or interest.

Legislative history

Notes

- This version is comprised of the following:

Part 1	9.4.2009
Part 2	9.4.2009
Part 3	16.10.2008
Part 4	1.3.2009
Part 5	9.4.2009
Part 6	1.3.2009
Part 7	1.3.2009
Part 8	1.3.2009
Part 9	16.10.2008
Part 10	16.10.2008
Part 11	16.10.2008
Part 12	16.10.2008
Part 13	16.10.2008
Part 14	16.10.2008
Part 15	9.4.2009
Part 16	1.3.2009
Schedule 1	16.10.2008
Schedule 1A	9.4.2009
Schedule 2	16.10.2008
Schedule 3	1.1.2009
Schedule 3A	16.10.2008
Schedule 4	1.3.2009
Schedule 4A	16.10.2008
Schedule 4B	16.10.2008
Schedule 5	1.3.2009
Schedule 6	1.3.2009
Schedule 7	1.3.2009
Schedule 8	9.4.2009
Schedule 9	1.3.2009
Schedule 10	1.3.2009
Schedule 11	16.10.2008
Schedule 12	16.10.2008
Schedule 12A	16.10.2008
Schedule 13	16.10.2008
Schedule 14	1.3.2009
Schedule 14A	16.10.2008
Schedule 15	16.10.2008
Schedule 16	16.10.2008

Schedule 17	16.10.2008
Schedule 18	16.10.2008
Schedule 19	16.10.2008
Schedule 19A	16.10.2008
Schedule 20	16.10.2008
Schedule 21	16.10.2008
Schedule 22	16.10.2008
Schedule 22A	1.3.2009
Schedule 23	16.10.2008
Schedule 24	16.10.2008
Schedule 25	16.10.2008
Schedule 26	16.10.2008
Schedule 27	16.10.2008

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Development Regulations 2008* revoked the following:

Development Regulations 1993

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2008	233	*Gazette 28.8.2008 p3898*	31.8.2008: r 2 except r 76D—1.10.2008: r 76D(6)
2008	275	*Gazette 16.10.2008 p4868*	16.10.2008: r 2
2008	287	*Gazette 27.11.2008 p5278*	27.11.2008: r 2
2008	307	*Gazette 11.12.2008 p5575*	1.1.2009: r 2
2009	18	*Gazette 26.2.2009 p782*	1.3.2009 immediately after 20/2009: r 2
2009	20	*Gazette 26.2.2009 p789*	1.3.2009: r 2
2009	21	*Gazette 26.2.2009 p818*	26.2.2009: r 2
2009	**31**	***Gazette 9.4.2009 p1355***	**9.4.2009: r 2**
2009	**34**	***Gazette 9.4.2009 p1367***	**9.4.2009: r 2**

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*16.10.2008*
r 3		
r 3(4) and (5)	inserted by 20/2009 r 4	1.3.2009
r 3(6)	inserted by 20/2009 r 4	1.3.2009
Commonwealth Nation Building Program	inserted by 18/2009 r 4(1)	1.3.2009
	varied by 34/2009 r 4(1)	**9.4.2009**
Local Government Infrastructure Program	**inserted by 34/2009 r 4(2)**	**9.4.2009**
State Coordinator-General	inserted by 18/2009 r 4(2)	1.3.2009
r 5		
r 5(2)	*deleted by 20/2009 r 5*	*1.3.2009*
r 5AA	inserted by 20/2009 r 6	1.3.2009
Pt 2		
r 6A		
r 6A(4)	varied by 18/2009 r 5(1)	1.3.2009
	(d) will expire: r 6A(5)	(31.12.2012)
	varied by 34/2009 r 5	**9.4.2009**
r 6A(5)	inserted by 18/2009 r 5(2)	1.3.2009
Pt 4		
r 15		
r 15(3)	varied by 18/2009 r 6	1.3.2009
r 18A	inserted by 20/2009 r 7	1.3.2009
r 19	substituted by 20/2009 r 8	1.3.2009
Pt 5		
r 24		
r 24(5)	inserted by 18/2009 r 7	1.3.2009
	varied by 34/2009 r 6	**9.4.2009**
Pt 6		
r 32		
r 32(6)	inserted by 20/2009 r 9	1.3.2009
Pt 7		
r 38		
r 38(5) and (6)	inserted by 18/2009 r 8	1.3.2009

Pt 8		
r 41		
r 41(4)	inserted by 20/2009 r 10	1.3.2009
r 46		
r 46(4) and (5)	inserted by 18/2009 r 9	1.3.2009
Pt 12		
r 80B	will expire: r 80B(3)	(1.5.2009)
Pt 15		
r 89		
r 89(2)	varied by 20/2009 r 11	1.3.2009
r 92		
r 92(2a)	inserted by 20/2009 r 12	1.3.2009
r 92(2b)	inserted by 18/2009 r 10(1)	1.3.2009
	varied by 34/2009 r 7(1)	**9.4.2009**
r 92(7)	inserted by 18/2009 r 10(2)	1.3.2009
LGIP development	**inserted by 34/2009 r 7(2)**	**9.4.2009**
Pt 16		
r 106A	inserted by 21/2009 r 4	26.2.2009
Sch 1A		
cl 1		
cl 1(1)	cl 1 varied and redesignated as cl 1(1) by 20/2009 r 13(1), (2)	1.3.2009
cl 1(2)—(4)	inserted by 20/2009 r 13(2)	1.3.2009
cll 3—12	inserted by 20/2009 r 13(3)	1.3.2009
cl 13	inserted by 18/2009 r 11	1.3.2009
	will expire: cl 13(3)	(31.12.2012)
cl 14	**inserted by 34/2009 r 8**	**9.4.2009**
	will expire: cl 14(3)	**(31.12.2012)**
Sch 3		
cl 4		
cl 4(1)	varied by 287/2008 r 4	27.11.2008
	varied by 307/2008 r 4(1)—(5)	1.1.2009
cl 4(1a) and (1b)	inserted by 307/2008 r 4(6)	1.1.2009
cl 4(3)	varied by 307/2008 r 4(7), (8)	1.1.2009
cl 4(4)	varied by 307/2008 r 4(9)	1.1.2009
cl 4(7a)	inserted by 307/2008 r 4(10)	1.1.2009
cl 4(8)		
road	inserted by 307/2008 r 4(11)	1.1.2009
cl 12		
cl 12(1)	varied by 307/2008 r 4(12)	1.1.2009
cl 13		
cl 13(1)	varied by 275/2008 r 4(1)	16.10.2008

cl 13(1a)	inserted by 275/2008 r 4(2)	16.10.2008
cl 13(4)	varied by 275/2008 r 4(3)	16.10.2008
cl 13(5)		
infrastructure	inserted by 275/2008 r 4(4)	16.10.2008
rail infrastructure	*deleted by 275/2008 r 4(4)*	*16.10.2008*
railway land	varied by 275/2008 r 4(5)	16.10.2008
cl 15	inserted by 307/2008 r 4(13)	1.1.2009
Sch 4		
cl 1		
cl 1(1)	varied by 307/2008 r 5(1)	1.1.2009
	varied by 20/2009 r 14(1), (3), (4)	1.3.2009
	(b) and (c) deleted by 20/2009 r 14(2)	1.3.2009
cl 1(2) and (3)	substituted by 20/2009 r 14(5)	1.3.2009
cl 1(4)—(9)	*deleted by 20/2009 r 14(5)*	*1.3.2009*
cl 1(10a)	inserted by 20/2009 r 14(6)	1.3.2009
cl 1(11)		
attributable walls or structures	inserted by 20/2009 r 14(7)	1.3.2009
road	inserted by 20/2009 r 14(7)	1.3.2009
cll 2A and 2B	inserted by 20/2009 r 14(8)	1.3.2009
cl 14		
cl 14(1)	varied by 307/2008 r 5(2)—(4)	1.1.2009
Sch 5		
cll A1 and A2	inserted by 20/2009 r 15(1)	1.3.2009
cl 1		
cl 1(1)	varied by 20/2009 r 15(2), (3)	1.3.2009
cl 2B	inserted by 287/2008 r 5	27.11.2008
cl 11	inserted by 21/2009 r 5	26.2.2009
Sch 6		
item 1	varied by 20/2009 r 16(1), (2)	1.3.2009
Sch 7		
cl 2	varied by 20/2009 r 17	1.3.2009
Sch 8		
cl 2		
item 23	**inserted by 31/2009 r 4**	**9.4.2009**
Sch 9		
Pt 3	*deleted by 20/2009 r 18*	*1.3.2009*
Sch 10		
cl 17	inserted by 18/2009 r 12	1.3.2009
	will expire: cl 17(2)	(31.12.2012)
Sch 14		
cl 5	inserted by 18/2009 r 13	1.3.2009
	will expire: cl 5(2)	(31.12.2012)

Sch 22A	inserted by 20/2009 r 19	1.3.2009
Sch 28	*omitted under Legislation Revision and Publication Act 2002*	*16.10.2008*

Historical versions

16.10.2008

27.11.2008

1.1.2009

26.2.2009 (electronic only)

1.3.2009