

ADVISORY NOTICE LEGISLATION

01/17

Advisory Notices are issued to assist in the interpretation of the Development Act 1993

February 2017

The *Development (Miscellaneous) Variation Regulations 2017* (the Variation Regulations) have been made in order to amend the Development Regulations 2008 (the Regulations) under the *Development Act 1993*.

The effect of the Variation Regulations, which commenced operation from 27 January 2017, is detailed below.

Regulation 32

Regulation 32(1) to (3) has been replaced to clarify the public notice categories in relation to prescribed activities of environmental significance (as defined by the *Environmental Protection Act 1993*) as it relates to operation of section 38(2a) of the Act and Schedule 9 of the Regulations .

Schedule 3 amendments

Clause 3

The current requirement to seek development approval for long term leases or licences by the Crown on Aboriginal lands identified in this clause is removed.

A new Item 19 has also been inserted to put beyond any doubt that the construction, reconstruction, alteration, repair or maintenance of a recreational path undertaken by or on behalf of the Crown, a council or other public authority is not development for the purposes of the *Development Act 1993*.

Schedule 8 amendments

Clause 2 – table

The requirement has been removed to refer to the Government Architect classes of applications specified in items 24, 25 and 25A, that have previously been referred or been given development authorisation.

Schedule 10 amendments

Local councils have been made the relevant authority for specified classes of applications that were previously the responsibility of the Development Assessment Commission (DAC) in the Mount Lofty Ranges Water Protection Area, City of Charles Sturt – Bowden Village Zone, and also to certain developments over \$3m.

The DAC is no longer the relevant authority for the City of Salisbury – MFP (The Levels) Zone.

ADVISORY NOTICE *LEGISLATION*

Clause 2 – Council Development

Certain classes of development undertaken by councils have been assessed by the DAC to avoid potential conflict of interest issues by councils. These provisions predate the introduction of Council Development Assessment Panels which are now required to have a majority of independent members appointed. The removal of Clause 2 will generally now make councils the relevant authority for all developments undertaken by councils.

Schedule 14 amendments

A number of acts and activities have been excluded from the need to obtain planning approval by state agencies:

- Construction and building of alterations of prisons and youth detention facilities.
- Construction of dwellings on Aboriginal Land within existing townships, settlements or camps.
- Tree damaging activity:
 - on Department of Education and Child Development schools sites; and
 - for road building, road widening or road maintenance within a road reserve under the care and control of the Commissioner of Highways.

Useful Links

[Development Act](#)

[Development Regulations](#)

[Government gazette](#)

Further information

Department of Planning, Transport and Infrastructure
136 North Terrace
GPO Box 1815
ADELAIDE SA 5001
www.sa.gov.au

**Legislation / Commercial and Legal Directorate
People and Business Division**
Telephone: 1800 PLANNING

KNET: 11199306