

# ADVISORY NOTICE LEGISLATION

04/15

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

*September 2015*

On 3 September 2015 the *Development (Renewal of Social Housing) Variation Regulations 2015* were made. These regulations vary the Development Regulations 2008 under the *Development Act 1993* to support the objectives of the Renewing our Streets and Suburbs (ROSAS) Program being undertaken by Renewal SA, and will use a similar State Coordinator-General planning approach as was employed in the Affordable Housing Stimulus Program (AHSP) and Nation Building Programs.

The ROSAS Program will involve assessment of an expected 900 dwellings per year across most metropolitan councils and covering over 30 different development plan zones.

Given the scale of the program, and to ensure the orderly and timely assessment of the large number of applications for new dwellings each year, the State Coordinator-General and the Development Assessment Commission (DAC) would together assess these developments. The State Coordinator-General will assess the applications for the dwellings, and the DAC will assess the land division applications and issue final development approvals (up until certificate of occupancy).

Traditional assessment pathways will also be available to Renewal SA, including assessment against the [residential code](#).

As with the AHSP, key amendments to the regulations include—

- Defining the ROSAS Program established by the State Government by reference to the notice published in the [South Australian Gazette on 3 September 2015](#) – Regulation 3(6)
- Redefining the definition of State Coordinator-General and clarify the powers and functions of the roles of the State Coordinator-General and the Assistant Coordinators-General. – Regulation 3(6),(8),(9).
- Including ROSAS Program developments in Schedule 1A - *developments that do not require development plan consent*, other than where the development is in relation to a site where a State heritage place is situated – Schedule 1A clause 13.
- Varying Schedule 10 to make the DAC the relevant authority for all ROSAS Program developments up until a certificate of occupancy has been issued in regards to the relevant development. This amendment does not apply where development is proposed to a site where a State heritage place is situated. – Schedule 10, clause 17.
- Varying Schedule 14 to exempt ROSAS developments approved by the State Coordinator-General from the provisions of section 49 relating to Crown developments – Schedule 14, clause 5.
- Excluding ROSAS developments from the statutory referral requirements contained in Schedule 8 – Regulation 24(5). (Major referrals will be managed during the pre-lodgement process for ROSAS developments)

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- Exempting trees located at ROSAS Program sites from the requirements under the regulated and significant tree legislation, other than where the development is in relation to a site where a State heritage place is situated – Regulation 6A(5)(f).
- Requiring development applications for land divisions to be lodged directly with the DAC – Regulation 15(3)(b)(iv).
- Removing the requirement for the DAC to provide the relevant council the opportunity to provide a report in relation to relevant matters contained in section 33(1) – Regulation 38(5).

Further information regarding the planning process (including pre-lodgement) for the ROSAS Program can be obtained from the Department of Planning, Transport and Infrastructure website at [http://www.dpti.sa.gov.au/coordinator\\_general](http://www.dpti.sa.gov.au/coordinator_general)

Further information about the ROSAS program is available from the Renewal SA website at [renewalsa.sa.gov.au/projects/future-opportunities/#renewing\\_our\\_streets\\_and\\_suburbs](http://renewalsa.sa.gov.au/projects/future-opportunities/#renewing_our_streets_and_suburbs)

### Useful Links

[Development Act](#)

[Development Regulations](#)

[Government gazette](#)

### Further information

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