

South Australia

Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2025

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

- 3 Amendment of regulation 3A—Application of Act (section 8)
- 4 Amendment of regulation 3F—Regulated and significant trees
- 5 Amendment of regulation 22—Prescribed scheme (section 93)
- 6 Amendment of regulation 25—Accredited professionals (section 97)
- 7 Insertion of regulation 26B
 - 26B Code assessed development—conditions and exceptions
- 8 Amendment of regulation 29—Application to relevant authority
- 9 Amendment of regulation 31—Verification of application
- 10 Amendment of regulation 33—Application and further information
- 11 Amendment of regulation 53—Time within which decision must be made (section 125(1))
- 12 Amendment of regulation 61—Certificate of independent technical expert in certain cases
- 13 Amendment of regulation 65—Variation of authorisation (section 128)
- 14 Amendment of regulation 80—Prescribed requirements
- 15 Insertion of regulations 85A and 85B
 - 85A Division of proposed allotments
 - 85B Open space
- 16 Amendment of regulation 93—Notifications during building work
- 17 Insertion of regulation 116A
 - 116A Access to documents
- 18 Amendment of Schedule 3—Additions to definition of development
 - 12 Division of proposed allotments
- 19 Amendment of Schedule 4—Exclusions from definition of development—general
- 20 Amendment of Schedule 8—Plans
- 21 Amendment of Schedule 9—Referrals
- 22 Amendment of Schedule 13—State agency development exempt from approval
- 23 Insertion of Schedule 18
 - Schedule 18—Map of designated area (regulation 3A)**
 - 1 Blakes Crossing
 - 2 Blakes Grove
 - 3 20 Acres at Andrews Farm
 - 4 Playford and Lakeside at Andrews Farm
 - 5 Eyre at Penfield
 - 6 Playford Alive

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on .

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

3—Amendment of regulation 3A—Application of Act (section 8)

(1) Regulation 3A—after subregulation (1) insert:

(1a) In accordance with section 8(2) of the Act, sections 102(1)(c)(iv) and 198(1)(c), (1)(e) and (3) of the Act do not apply in respect of development that constitutes a proposed division of land in circumstances in which a design standard prepared for the purposes of section 102(1)(c)(ii) of the Act applies.

(2) Regulation 3A—after subregulation (3) insert:

(3a) In accordance with section 8(2) of the Act, sections 213, 214 and 215 of the Act do not apply to circumstances in which there has been a contravention consisting of a failure to comply with a condition relating to the provision of recycled water that is imposed under the Act in relation to a development authorisation issued for a development within a designated area.

(3) Regulation 3A(5)—after the definition of *ancillary accommodation* insert:

designated area means a shaded area bounded by a bold black line in a map set out in Schedule 18;

4—Amendment of regulation 3F—Regulated and significant trees

Regulation 3F(6)(c)—delete subparagraph (c) and substitute:

(c) that is—

- (i) in the case of a tree on land owned by, or under the care, control and management of, a council—undertaken by or on behalf of the council at any time; or
- (ii) in any other case—undertaken at least 5 years after pruning of a kind referred to in this subregulation was last undertaken in relation to the tree,

5—Amendment of regulation 22—Prescribed scheme (section 93)

Regulation 22(1)(d)—after "consent" insert:

and consent under section 102(1)(c) or (d) of the Act

6—Amendment of regulation 25—Accredited professionals (section 97)

Regulation 25(2)—delete subregulation (2) and substitute:

- (2) For the purposes of section 97 of the Act, and subject to these regulations, an Accredited professional—building level 1 may act as a relevant authority for the purposes of giving building consent in relation to any class of development.

7—Insertion of regulation 26B

After regulation 26A insert:

26B—Code assessed development—conditions and exceptions

- (1) In accordance with section 106(4) of the Act, a planning consent under section 106 is subject to the exception that subsection (1) of that section does not apply to a development that is inconsistent with a design standard that is relevant to development of that kind.
- (2) In accordance with section 107(7) of the Act, a planning consent under section 107 is subject to a condition that the development that is the subject of the consent complies with any design standard that is relevant to development of that kind.

8—Amendment of regulation 29—Application to relevant authority

Regulation 29—after subregulation (4) insert:

- (5) The appropriate fee for the purposes of section 119(1)(d) of the Act is the fee identified as the base amount in respect of an application for consent under Part 7 of the Act in a fee notice made for the purposes of the Act.

9—Amendment of regulation 31—Verification of application

- (1) Regulation 31(1)—after paragraph (a) insert:
 - (ab) determine the complexity of the application in accordance with any criteria published by the Chief Executive on the SA planning portal for the purposes of this paragraph that relates to development of a kind proposed in the application; and
- (2) Regulation 31(1)(d)(ii)—delete "the prescribed" and substitute:

any remaining prescribed
- (3) Regulation 31(2)(a)—delete "5" and substitute:

8
- (4) Regulation 31(2)(b)—after "to the application" insert:

within 8 business days after receiving the application

10—Amendment of regulation 33—Application and further information

Regulation 33(5)—delete subregulation (5) and substitute:

- (5) For the purposes of section 119(5)(d) of the Act, the period of—
- (a) in the case of an application that has been determined to be complex under regulation 31(1)(ab)—15 business days from the day on which notice has been provided under regulation 31(1); or
 - (b) in any other case—10 business days from the day on which notice has been provided under regulation 31(1),
- or, if a later day, the day on which the appropriate fees have been paid by the applicant, is prescribed.

11—Amendment of regulation 53—Time within which decision must be made (section 125(1))

(1) Regulation 53(1)—after paragraph (b) insert:

- (ba) if the application proposes to divide land under section 102(1)(c) or (d) of the Act and—
- (i) the proposed development involves the division of land into 10 allotments or less; and
 - (ii) does not involve the creation of a public road,

30 business days;

(2) Regulation 53(1)—before paragraph (f) insert:

- (ea) if paragraph (b) applies and the application has been determined to be complex by the relevant authority under regulation 31(1)(ab), **an additional period of 5 business days** must be added to the period that applies under paragraph (b); and

(3) Regulation 53(1)—after paragraph (ja) insert:

- (jb) if paragraph (ca) applies and the development that is the subject of the application for outline consent is being assessed against a proposed amendment to the Planning and Design Code, an additional period equal to the time taken for the proposed amendment to be adopted by the Minister must be added to the period that applies under paragraph (ca); and

(4) Regulation 53—after subregulation (4) insert:

- (4a) In addition, if an application was verified under regulation 31—
- (a) in less than the number of days prescribed for verification under regulation 31—an additional period equivalent to the remaining days prescribed for verification under that regulation must be added to the period prescribed in subregulation (1); or

- (b) in more than the number of days prescribed for verification under regulation 31—a period equivalent to the days by which the period prescribed for verification under that regulation was exceeded is subtracted from the period prescribed in subregulation (1).

12—Amendment of regulation 61—Certificate of independent technical expert in certain cases

- (1) Regulation 61(1)(a)—delete "of Volume 1, or Part 2.1 of Volume 2," and substitute:
or Part H1
- (2) Regulation 61(1)(b)—delete "of Volume 1"
- (3) Regulation 61(1)(c)—delete "of Volume 1, or Part 2.6 of Volume 2," and substitute:
or Part H6

13—Amendment of regulation 65—Variation of authorisation (section 128)

Regulation 65—after subregulation (3) insert:

- (3a) For the purposes of subregulation (1), if a person requests a minor variation to a planning consent previously given by an accredited professional in respect of a development within the area of a council, the relevant authority is an assessment manager appointed for an assessment panel appointed by the council.

14—Amendment of regulation 80—Prescribed requirements

Regulation 80—after its present contents (now to be designated as subregulation (1)) insert:

- (2) Except as otherwise provided, the requirements set out in this Division only apply in circumstances in which a design standard prepared for the purposes of section 102(1)(c)(ii) of the Act does not apply.

15—Insertion of regulations 85A and 85B

After regulation 85 insert:

85A—Division of proposed allotments

For the purposes of a division of land referred to in Schedule 3 clause 12, a certificate of title must have been issued in respect of the land that is proposed to be divided.

85B—Open space

- (1) The development of any land proposed to be held as open space within the relevant division must be approved by, and developed to the satisfaction of, the relevant authority.
- (2) The requirement in subregulation (1) applies regardless of whether a design standard prepared for the purposes of section 102(1)(c)(ii) of the Act applies.

16—Amendment of regulation 93—Notifications during building work

Regulation 93—after subregulation (4) insert:

- (4a) This regulation only applies to building work that constitutes development for the purposes of the Act.

17—Insertion of regulation 116A

Before regulation 117 insert:

116A—Access to documents

- (1) Subject to subregulation (2), an owner of land may inspect at the office of the council for the area in which the land is situated, or obtain from the council a copy of, any plans, drawings, specifications or other documents or information retained on the SA planning portal in relation to an application for a development authorisation under section 102 of the Act in respect of development on the land.
- (2) The council is not required to make available any plans, drawings, specifications or other documents or information referred to in subregulation (1) for inspection or copying under subregulation (1) if to do so would—
- (a) in the opinion of the council, unreasonably jeopardise the present or future security of a building; or
 - (b) involve an infringement of copyright in matter contained in a document; or
 - (c) constitute a breach of any other law.
- (3) The council is not permitted to charge a fee for the inspection of documents or information under this regulation, but may charge a reasonable fee for providing copies of documents or information, unless the Minister sets a fee for that purpose by fee notice made for the purposes of this Act.

18—Amendment of Schedule 3—Additions to definition of development

Schedule 3—after clause 11 insert:

12—Division of proposed allotments

The division of land that is subject to a development application that proposes to create an allotment comprising the land where—

- (a) that application has not been finally determined; or
- (b) —
 - (i) a development authorisation has been issued in respect of that application; and
 - (ii) the development authorisation is operative; and
 - (iii) a certificate of title has not been issued in respect of the land.

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19—Amendment of Schedule 4—Exclusions from definition of development—general

- (1) Schedule 4, clause 18(1)—after paragraph (d) insert:
 - (da) the tree is on land on which a school, within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*, is located or is proposed to be built; or
- (2) Schedule 4—after clause 21 insert:

22—Electric vehicle charging stations

The construction, alteration, repair or maintenance of an electric vehicle charging station, other than—

- (a) in respect of a local heritage place; or
- (b) on adjacent land to a State heritage place or local heritage place; or
- (c) in an area that is underground or covered.

20—Amendment of Schedule 8—Plans

Schedule 8, clause 7(3)(a)(iii)—delete subparagraph (iii)

21—Amendment of Schedule 9—Referrals

- (1) Schedule 9, clause 3, table, Part A, item 8, column relating to "Period"—delete "30" and substitute:

20
- (2) Schedule 9, clause 3, table, Part A, item 11, column relating to "Period"—delete "20" and substitute:

30

22—Amendment of Schedule 13—State agency development exempt from approval

- (1) Schedule 13, clause 2(1)(w)(i)—delete subparagraph (i)
- (2) Schedule 13, clause 5(b)(viii)(A)—delete subsubparagraph (A)

23—Insertion of Schedule 18

After Schedule 17 insert:

**Schedule 18—Map of designated area
(regulation 3A)**

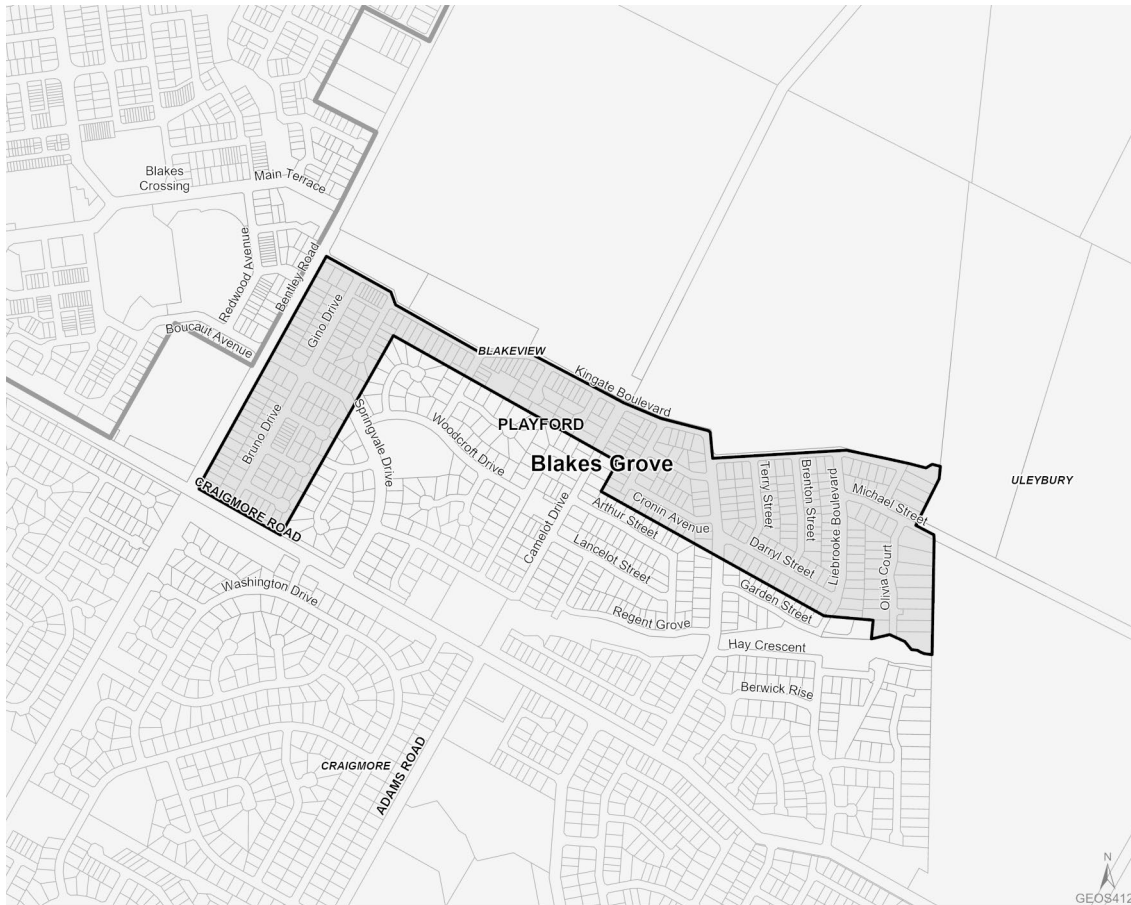
1—Blakes Crossing



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Blakes Crossing".

2—Blakes Grove



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Blakes Grove".

3—20 Acres at Andrews Farm



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "20 Acres at Andrews Farm".

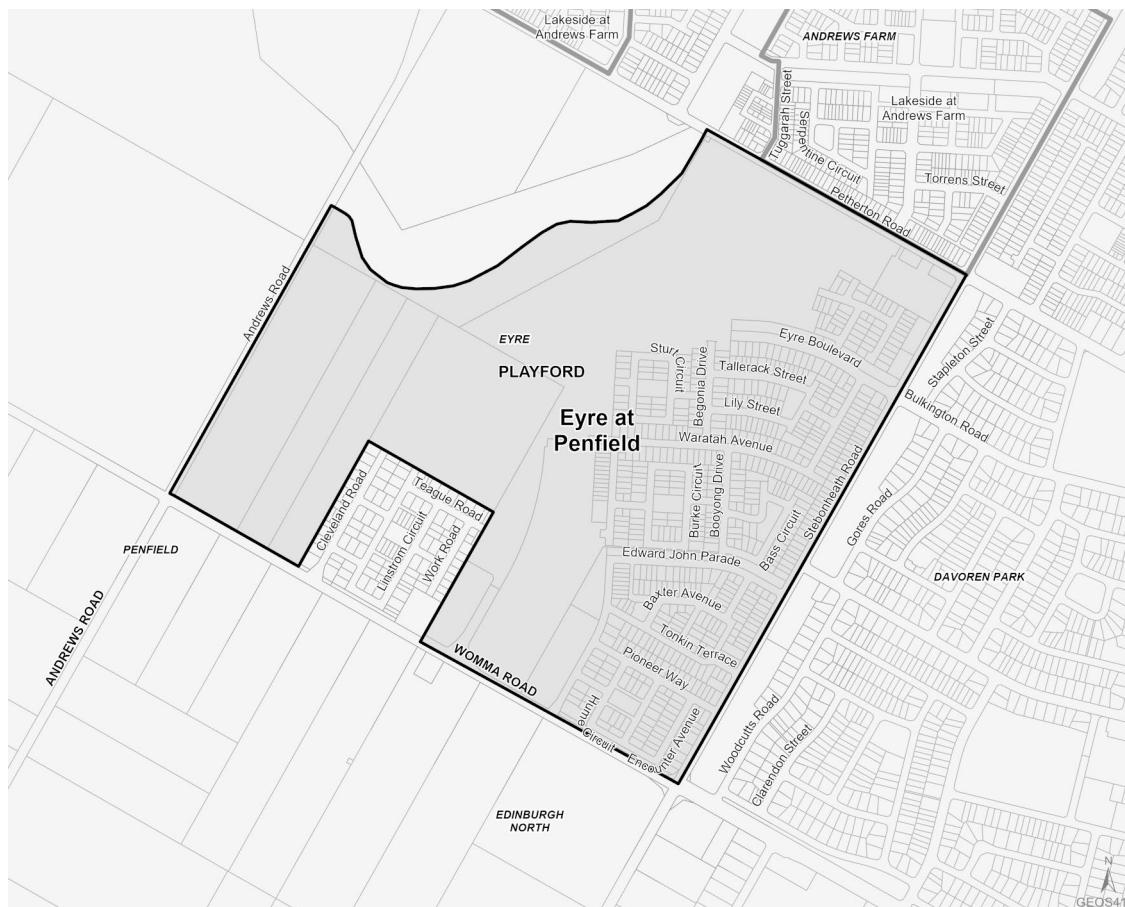
4—Playford and Lakeside at Andrews Farm



Note—

The shaded areas bounded by the bold black lines in this map show the designated areas referred to as "Playford" and "Lakeside at Andrews Farm".

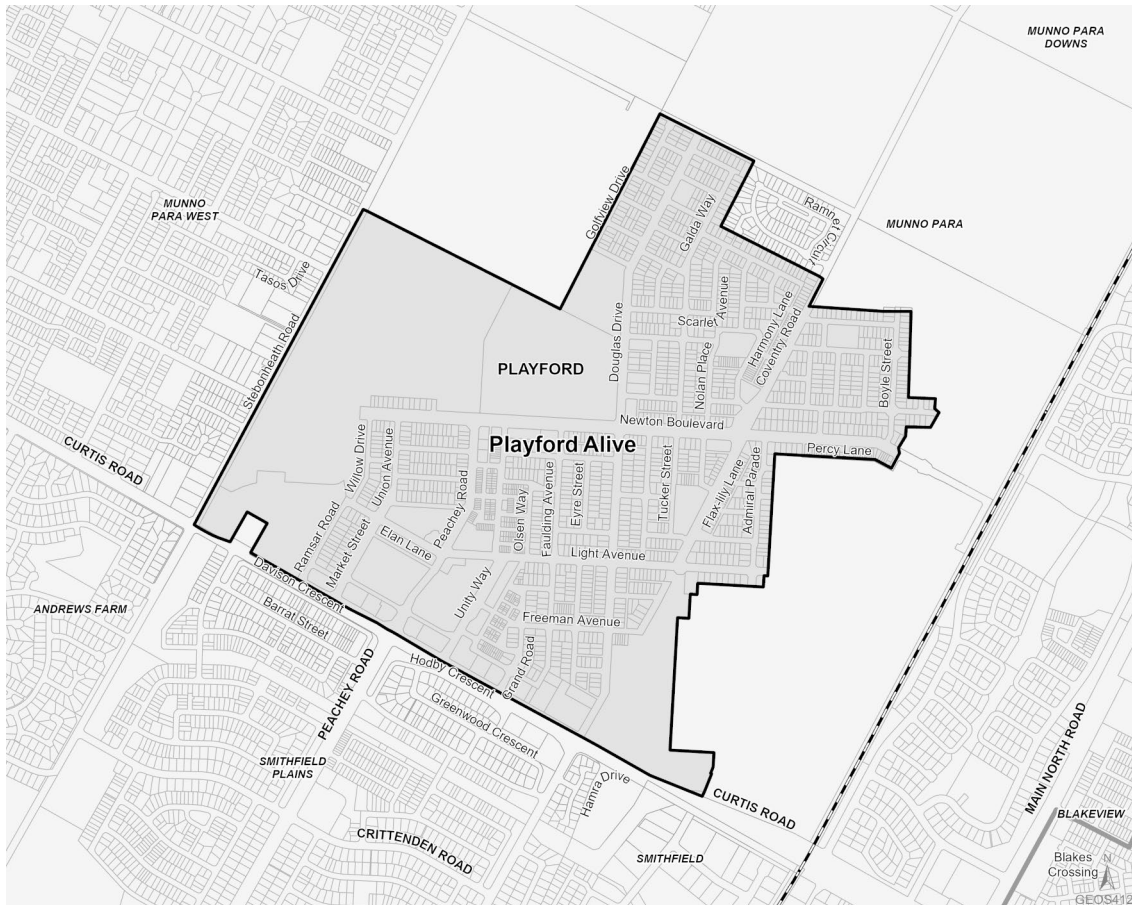
5—Eyre at Penfield



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Eyre at Penfield".

6—Playford Alive



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Playford Alive".

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council

on

No of 2025