

## Summary Table – for Consultation:

Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025  
amending: *Planning, Development and Infrastructure (General) Regulations 2017*

<b>Cl.#</b>	<b>What the change is?</b>	<b>Why is it happening?</b>	<b>How will it benefit people?</b>
3	<p>Amendment of regulation 3A. Clause 3(1) Removes the requirement that Council must consent to the vesting of relevant property arising from a division of land, where an applicable design standard applies.</p> <p>Clause 3(2) and 3(3) ensures that properties within the designated area (Playford Alive) are excluded from offence provisions for failing to comply with a condition on that land requiring recycled water to be connected.</p>	<p>3(1) ensures that where a design standard applies:</p> <ul style="list-style-type: none"> <li>land for public infrastructure automatically vests with Council;</li> <li>a prescribed contribution for the Open Space Contribution Scheme is required (rather than vesting of open space).</li> </ul> <p>3(2) and 3(3) address a situation where condition on certain land in Playford alive required connection to recycled water, but connection program was discontinued. This change removes the inadvertent potential of home-owners breaching the condition and committing an offence.</p>	<p>3(1) will ensure that the land division process is not delayed through negotiations over the vesting of land that is in accord with a design standard.</p> <p>3(2) and 3(3) ensures that homeowners in Playford Alive designated areas are not inadvertently in breach of a condition of development approval.</p>
4	<p>Amendment of regulation 3F—Regulated and significant trees. Allow local councils to undertake ‘tree damaging activity’ for regulated and significant trees more frequently than only once every 5 years, providing remaining criteria met.</p>	<p>It is recognised that local council is required to perform tree damaging activity more frequently than once per 5 years, to properly maintain the trees on council land.</p>	<p>Removing the 5 year limit will allow councils to undertake work as required to maintain all trees in public locations – particularly where they pose a risk to pedestrians, traffic or structures.</p>
5	<p>Amendment of regulation 22—Prescribed scheme (section 93) Allow private accredited professional surveyors to issue planning and land division consent for deemed-to-satisfy land divisions.</p>	<p>Accredited professional surveyors can already issue planning consent for deemed-to-satisfy land division. This extends current power, will be able to issue both consents.</p>	<p>Provide further flexibility for deemed-to-satisfy land division.</p>

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6	Amendment of regulation 25—Accredited professionals (section 97). Removes ability for building professionals to issue planning consent.	Change reflects recommendation of Expert Panel, to align the issuing of consents by Accredited Professionals with their associated professions, consistent with their professional skills and qualifications.	Ensures planning decisions can only be made by accredited planning professionals.
7	Insertion of regulation 26B. For development assessed under ss 106 & 107, relevant authority must consider any relevant design standard under s 69 (complies with/not inconsistent with design standard)	Consequential change related to clause 3(1) - requiring land division applications to be assessed against any relevant design standard.	Ensures that a relevant design standard must be taken into account in the assessment of land division applications.
8	Amendment of regulation 29—Application to relevant authority. Sets the 'appropriate fee' for the purposes of s 119(1)(d), locking the Code in at the time of payment of lodgement fee. Change also ensures applications cannot be lodged in the system without payment of lodgement fee.	Required for the proper operation of the SA Planning Portal, and to give certainty to users as to the relevant version of the Code that applies to an application.	Creates more certainty for applicants and removes potential for disputes over the version of the Code applying to applications.
9	Amendment of regulation 31—verification of application. Sets the following revised requirements for verifying an application: <ul style="list-style-type: none"> <li>• 9(1) – verify the 'complexity' of an application by considering it against the criteria published by the Chief Executive on the SA Planning Portal.</li> <li>• 9(2) – confirm any remaining prescribed fees required to be paid at that point.</li> <li>• 9(3) – increases timeframe for verification to 8 business days.</li> </ul>	Increases time for complex applications before Deemed Consent may be issued.  Note – 9(2) is a technical change related to the amendment of reg 29.	Will provide councils with additional time for the assessment of complex applications.

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<ul style="list-style-type: none"> <li>9(4) – timeframe restarts where application is moved from one relevant authority to another – (... repeat the steps) ‘within 8 business days after receiving the application’.</li> </ul>		
<p>10 Amendment of regulation 33—Application and further information</p> <p>For application determined as being ‘complex’, increase period in which a request for information may be made to 15 business days (from 10 business days).</p>	<p>Related to amendment of reg 31 for complex applications. Where an application is determined to be complex it provides the relevant authority with further time to request further information.</p>	<p>Facilitates better decision making in complex assessments.</p>
<p>11 Amendment of regulation 53—Time within which decision must be made (section 125(1))</p> <ul style="list-style-type: none"> <li>11(1) – time frame reduced from 60 to 30 business days for issuing of planning consent for a land division proposing creation of 10 or less allotments, without creation of public road.</li> <li>11(2) – provide additional 5 business days for application determined to be ‘complex’.</li> <li>11(3) – technical change to ensure applications for outline consent being assessed against a proposed Code amendment have time added to the assessment clock to reflect the time taken for a decision to be made on the amendment.</li> <li>11(4) – For application verified under r 31 in less or more days than prescribed, equivalent is added or subtracted to the period prescribed in r 53(1) (being the</li> </ul>	<p>11(1) and (2) - more accurately reflects the time required to assess land division applications based on their complexity.</p> <p>11(3) – technical change.</p> <p>11(4) – ensures that if the prescribed verification time is exceeded, or alternatively the verification is achieved in less time than that prescribed, then the time for the relevant authority to assess an application is reduced or increased to achieve the equivalent total time.</p>	<p>Will ensure basic land divisions are assessed more quickly.</p> <p>Taking account of the time taken to verify an application treats the verification and assessment as a total time frame giving more certainty to applicants.</p>

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	time period within which the relevant authority should deal with application under Part 7 of the Act).		
12	Amendment of regulation 61—Certificate of independent technical expert in certain cases. Updating references to the Building Code.	Updates identified as being required.	Technical change.
13	Amendment of regulation 65—Variation of authorisation (section 128) Excluding development approval granted by Commission, council to be relevant authority for assessing minor variation (regardless of who the relevant authority was originally).	Minor variations to a planning consent once Development Approval has been issued should only be assessed by the relevant council.	Ensures that all minor variations are reviewed / assessed by the relevant council assessment manager.
14	Amendment of regulation 80 – Prescribed requirements. Ensures that where a design standard applies, that it prevails over existing land division requirements in regulations 80-85.	Amendment required to facilitate the use of design standards envisaged in clause 3(1) above.	Uniform design standards intended to create certainty for developers and council, and negate delays currently experienced in the development of new land.
15	Insertion of regulation 85A and 85B. 85A – clarifies that the Commission cannot issue its land division certificate until the land being divided has a certificate of title.	For broadacre land divisions there are often 'super lots' created that are then sought to be further divided into saleable residential allotments. To allow this to occur the regulation change ensures that planning and land division consent is able to be issued over an allotment not yet created (subject to the condition that the Commission cannot issue a certificate under s138 of the Act for the subsequent divisions into residential lots until a certificate has been issued / title issued for the parent / super lot.	Allows current industry practices to continue and ensures new residential lots cannot have titles issued until titles are issued for the parent lot.

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	85B – where land in a division is proposed to be held as open space, it must be approved by, and developed to the satisfaction of, the relevant authority.	Notwithstanding the changes above regarding the Open Space Contribution Scheme, or any design standard applying to the division of land, it is still necessary that any development of open space meets the requirements of the relevant authority.	This enables the relevant authority to continue ensuring that the proper provisions of open space are provided for.
16	Amendment of regulation 93—Notifications during building work. Clarifies that requirements regarding inspections of building work only applies to building work that constitutes ‘development’ for the purposes of the Act.	Technical change for clarity.	Provide clarity and certainty for the development industry.
17	Insertion of regulation 116A Allows councils to provide plans to landowners, even when the landowner was not the one who lodged the development application.	Addresses current concern as to whether Council can provide landowner with copy of documents previously lodged with them, by someone other than the current landowner.	Allows landowners to have access to relevant documentation regarding their property.
18	Amendment of Schedule 3—Additions to definition of development. Allow applications for the division of land into further allotments to be made and assessed prior to the title being issued for the parent allotment.	Technical change related to new regulation 85A ensuring that division of land over an allotment not yet created is development.	Increased efficiency in the progression of broadacre land division leading to faster delivery of new residential land supply.
19	Amendment of Schedule 4—Exclusions from definition of development—general. <ul style="list-style-type: none"> <li>• 19(1) – Tree damaging exemption now for both public and private schools.</li> <li>• 19(2) – Electric Vehicle charging stations excluded from definition, other than – State heritage place or local</li> </ul>	<ul style="list-style-type: none"> <li>• 19(1) includes private schools into exemption currently only applying to state schools, to allow the same ability to manage regulated and significant trees.</li> <li>• 19(2) provides certainty as to when development approval is required for the installation of Electric Vehicle charging stations.</li> </ul>	<p>All schools now provided the same ability to effectively manage, particularly for life safety reasons, regulated and significant trees on their land.</p> <p>Added certainty for landowners wishing to install Electric Vehicle charging stations impacting heritage sites.</p>

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	heritage place, or adjacent land; or in an area that is underground or covered.		
20	Amendment of Schedule 8—Plans. Remove the need for applications for the division of land to be accompanied by advice as to where new permanent survey marks are to be located, as this is not known at time of application (occurring instead as part of the land division assessment process)	Technical change, to better reflect the actual land division process.	Increased ease of use of the planning system.
21	Amendment of Schedule 9—Referrals. <ul style="list-style-type: none"> <li>• 21(1) – Change time frame for referral of development applications within the Tunnel Protection Overlay from 30 days to 20 days.</li> <li>• 21(2) – amend referral timeframe for Native Vegetation Council to 30 business days, so referral response can be coordinated with SA Country Fire Service.</li> </ul>	<ul style="list-style-type: none"> <li>• Technical change to better reflect the time required for these referrals made.</li> </ul>	Improving efficiency where time was in excess of actual requirements, whilst providing additional time where needed (facilitate correct decision making, with all required information).
22	Amendment of Schedule 13— removes specific exemption of tree damaging activity to regulated and significant trees that existed only for public schools (as State agency).	Administrative change linked to clause 19 – no longer required, as now not development for either private or state school.	Removes a regulation no longer required as it is now addressed through the amendment to Schedule 4
23	Insertion of Schedule 18. Insertion of Map, referred to in CI 3(3) for definition of ' <i>designated area</i> '.	Required for geographic limitation of the amendments in clause 3(2), as provided for in clause 3(3).	Ensures that exemption is geographically limited to protect against unintended application.