

Interest in Land

Private Proponent – Code Amendments

With the approval of the Minister for Planning (the Minister), a person or company who has an interest in land may seek to initiate an amendment to the Planning and Design Code (the Code), which is often a proposal to rezone that land.

A person or company who has an interest in land (such as a landowner) and who is seeking to alter the way in which the Code affects that land, must provide a declaration and evidence of their legal or equitable interest in that land. Additional testimonial evidence may be sought in complex situations to provide further context.

An interest in land can be defined as having either:

- a legally enforceable right to possess or use the land (i.e. the person or company is listed on the Certificate of Title, thereby making them the registered proprietor); or
- an equitable interest in the land, which gives the Proponent the right to acquire formal legal title (i.e. a purchaser of land has an equitable interest during the settlement period).

Proposal to Initiate

Where a person or company who has an interest in land seeks to initiate an amendment to the Code, they must lodge documentation as outlined in [Practice Direction 2 – Preparation and Amendment of Designated Instruments](#).

The Proposal to Initiate must be completed, signed and dated by the person who has an interest in the land (the Proponent).

In its simplest form, this will be the name of the registered proprietor (the person who has a legal interest in the land), as listed on the Certificate of Title (the evidence).

Where there are multiple owners and / or Certificates of Title, the Proposal to Initiate cover page must include:

- all registered proprietors' signatures
- all registered proprietors' names written in full
- the date of signing written against each signature.

If the Proponent includes a company, requirements above apply, with the addition of the following for each signatory:

- company name
- company position (e.g. Director, Secretary).

Examples of evidence and signatories

Proponent	Evidence	Proposal to Initiate cover page signatories
Single landowner	Certificate(s) of Title	The registered proprietor as listed on the Certificate(s) of Title.
Multiple landowners	Certificate(s) of Title	All registered proprietors as listed on the Certificate(s) of Title.
Purchaser	Contract of sale or option to purchase*. The Proponent should identify any relevant conditions (i.e. expiry date).	Proposed registered proprietor(s) as detailed within the contract of sale.
Developer or similar via a Joint Venture Agreement (JVA)	Full copy of the JVA*. The Proponent should identify any relevant conditions (i.e. expiry date).	All names that are identified within the JVA.
Company	An ASIC Current Company Extract and if required, a description detailing the company signatory agreement pursuant to s 127(1) and (2) of the <i>Corporations Act 2001</i> .	Names and identification may reflect s. 127(1) and (2) of the <i>Corporations Act 2001</i> .

*To be made available to the Department for information and review (does not need to form part of the Proposal to Initiate public document).

The Proponent / Designated Entity must advise the Department of any changes to the interest in land throughout the code amendment process.

Further information and resources

Further information is available on the PlanSA website: plan.sa.gov.au/en/code-amendment-toolkit.

Interest In Land Table Template

This template is designed to assist in demonstrating the interest in land as part of a Proposal to Initiate. It applies for code amendments under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (Privately led Code Amendments).

The completed table may be submitted separate to the Proposal to Initiate but as part of the supporting documentation, along with copies of accompanying Certificate(s) of Title and any related property ownership documentation. A reference map of the Affected Area detailing the land parcels (Property ID) is encouraged, cross referencing to the relevant Certificate(s) of Title. See table below.

A Proponent name must be listed for every parcel of land within the Affected Area and evidence of interest in the land must be provided to the Department.

Property address <i>Street / allotment number.</i>	Property ID <i>As per reference map, where provided.</i>	Certificate of Title reference <i>Must be current.</i>	Description <i>And if applicable, Strata Plan reference(s).</i>	Registered proprietor <i>As shown on Certificate of Title. Where applicable, include details of any related property interests (e.g. current 'Call Options' to purchase).</i>	Proponent(s) <i>List who has signed the Proposal to Initiate cover page. The name(s) should match exactly with the registered proprietor(s).</i>	Proponent(s) who are companies <i>List who has signed for the company as per s.127(1) or (2) of the Corporations Act 2001.</i>
<i>1 First Street Adelaide</i>	<i>A</i>	<i>CT 5555/55</i>	<i>Fee Simple</i>	<i>John Citizen</i>	<i>John Citizen</i>	<i>N/A</i>
<i>40 Bell Avenue Adelaide</i>	<i>B</i>	<i>CT 5555/56</i>	<i>No. 2 Strata Unit</i>	<i>XXXXX Company Pty Ltd</i>	<i>N/A</i>	<i>Director(s), Secretary, etc. Provide an ASIC Current Company Extract.</i>

An editable version of the [Interest in Land Table Template](#) is available on the PlanSA website.