Draft for comment

South Australia

Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2026

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2026*.

2—Commencement

(1) Subject to subregulation (2), these regulations come into operation on the day on which section 35 of the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025* comes into operation.

(2) Regulation 35 comes into operation on the day on which section 53 of the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025* comes into operation.

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

3—Amendment of regulation 3—Interpretation

(1) Regulation 3(1), definition of ***designated building***—delete "clause 4(1)(j)" and substitute:

clause 32(1)(c)

(2) Regulation 3(1), definition of ***designated building product***—delete "clause 4(1)(j)" and substitute:

clause 32(1)(c)

(3) Regulation 3(1), definition of ***HomeBuilder development***—delete the definition

(4) Regulation 3(1)—after the definition of ***site contamination practice direction*** insert:

specified water industry entity, in relation to development that involves the division of land, means—

(a) if the application for the division of land has been lodged but not yet determined—a water industry entity specified in the application (as lodged or as varied); or

(b) if development authorisation has been granted for the division of land—a water industry entity specified in the authorisation (as granted or as varied),

that will provide water supply or sewerage services (or both) in respect of the allotments the subject of the division;

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

Regulation 3A(3)—delete "Section C of Volume 1, and P 2.3.1 of Volume 2, of the Building Code" and substitute:

Section C or Performance Requirement H3P1 of the Building Code (as the case requires)

5—Amendment of regulation 13—Public access to meetings

Regulation 13(2)(a)(ii)(A)—delete "unreasonably" and substitute:

reasonably

6—Insertion of regulation 20A

After regulation 20 insert:

20A—Complying changes—Planning and Design Code

For the purposes of section 75(1)(a)(ii) and (2a)(a)(ii) of the Act, the insertion of a new concept plan, or a change to a concept plan, is a change of a prescribed kind.

7—Amendment of regulation 21—Minor or operational amendments (section 76)

Regulation 21(1)—delete subregulation (1)) and substitute:

(1) The following Acts are prescribed for the purposes of section 76(1)(c)(i) of the Act:

(a) the *Biodiversity Act 2025*;

(b) the *Environment Protection Act 1993*;

(c) the *National Parks and Wildlife Act 1972*;

(d) the *Native Vegetation Act 1991*;

(e) the *Wilderness Protection Act 1992*;

(f) the *Airports Act 1996* of the Commonwealth;

(g) the *Underwater Cultural Heritage Act 2018* of the Commonwealth.

8—Amendment of regulation 24—Assessment managers (section 96)

Regulation 24(2)—delete "or (f)"

9—Insertion of regulation 28A

After regulation 28 insert:

28A—Law governing proceedings under Act

(1) Pursuant to section 132(a1) of the Act—

(a) the law to be applied in deciding a relevant application in respect of a development; and

(b) the law to be applied in resolving any issues arising from the decision in any proceedings (whether brought under the Act or not),

is the law (including legislative instruments) in force as at the time the first relevant application made in respect of the development during the relevant period is made (whether before or after the commencement of this regulation).

(2) Pursuant to section 132(a1) of the Act, if an applicant is permitted, under section 128 of the Act, to vary a development authorisation (the ***original authorisation***) previously given under Part 7 of the Act in respect of development (other than development to which section 111 applies), including to vary a condition imposed with respect to the original authorisation, (whether that authorisation was given before or after the commencement of this regulation)—

(a) the law to be applied in deciding the new application for development authorisation (or, if regulation 65(1) applies, in making a decision in relation to the variation) (the ***variation application***); and

(b) the law to be applied in resolving any issues arising from the decision in any proceedings (whether brought under the Act or not),

is, if the variation application is made within 2 years after the day on which the application for the original authorisation was made, the law (including legislative instruments) that, in accordance with section 132 of the Act and this regulation, applied at the time the application for the original authorisation was made.

(3) For the purposes of this regulation, an application will be taken to have been made on the day on which it is verified in accordance with regulation 31.

(4) In this regulation—

relevant application means an application for development authorisation under Part 7 of the Act in respect of a development (other than development to which section 111 applies);

relevant period, in relation to a relevant application in respect of a development, means—

(a) the period beginning on the day on which the first relevant application made in respect of the development is made and ending on the day falling 2 years later (the ***first occurring relevant period***); or

(b) except in the case of the first occurring relevant period—the period beginning on the day on which the first relevant application made in respect of the development following the end of a previously occurring relevant period relating to the development is made and ending on the day falling 2 years later.

10—Amendment of regulation 30—Plans, fees and related provisions

(1) Regulation 30(2)—delete "However" and substitute:

In connection with subregulation (1)

(2) Regulation 30(2)(a)—delete paragraph (a) and substitute:

(a) a copy of plans, drawings, specifications or other documents or information is only required under Schedule 8 in respect of an application if they are directly relevant to the application and necessary to determine the application; and

(ab) regulation 31(2)(ac) and (ad) apply; and

11—Insertion of regulation 30A

After regulation 30 insert:

30A—Applications for co-located housing

An application for a consent under section 102(1)(a) of the Act must be lodged at the same time as an application for a consent under section 102(1)(d) of the Act where the applications are for the purposes of creating co-located housing.

12—Amendment of regulation 31—Verification of application

(1) Regulation 31(2)(a)—before "the relevant" insert:

subject to paragraph (ab),

(2) Regulation 31(2)—after paragraph (a) insert:

(ab) the relevant authority may, on 1 occasion, request that the applicant remedy any defects or deficiencies in the documents or information lodged with the application, in which case the 5 business days referred to in paragraph (a) does not include the days between that request and the applicant providing additional or updated documents or information in response; and

(ac) if there are minor defects or deficiencies in the documents or information lodged with the application (including following a request referred to in paragraph (ab)) but the relevant authority is still able to determine the matters set out in subregulation (1)(a), (b) and (c) and that the application can be assessed in accordance with the Act, the relevant authority must make those determinations; and

(ad) if—

(i) an application relates to more than 1 consent under section 102 of the Act; and

(ii) there are defects or deficiencies in the documents or information lodged with the application but there are no, or only minor, defects or deficiencies in the documents or information in relation to at least 1 of the consents; and

(iii) the relevant authority is able to determine that the application in relation to at least 1 of the consents has been correctly lodged and can be assessed in accordance with the Act,

the relevant authority must make that determination in relation to that consent; and

13—Insertion of regulation 31A

After regulation 31 insert:

31A—Time limits for reserved decisions or matters

(1) If, in relation to a decision or matter reserved under section 102(3) or (4) of the Act—

(a) the relevant authority in respect of the application seeks documents or information from the applicant in relation to the decision or matter; and

(b) the applicant provides those documents or that information,

then, if the relevant authority is satisfied that appropriate documents or information have been provided, the relevant authority must make the decision or determine the matter within—

(c) if the relevant authority must consult with or seek the concurrence of 1 or more prescribed bodies in relation to the decision or matter—20 business days following receipt of the documents or information; or

(d) in any other case—10 business days following receipt of the documents or information.

(2) In this regulation—

prescribed body means a prescribed body under section 122 of the Act.

14—Amendment of regulation 32A—Site contamination—detailed site investigation report

Regulation 32A(1)—delete "clause 2A" and substitute:

clause 15

15—Amendment of regulation 32B—Site contamination—statement of site suitability

Regulation 32B—delete "clause 2A" and substitute:

clause 15

16—Substitution of regulation 36

Regulation 36—delete the regulation and substitute:

36—Change of water industry entity

(1) If an applicant seeks to change a water industry entity that was specified in an application for the division of land in accordance with Schedule 8 clause 42 (the ***old entity***)—

(a) after the application for the division of land is lodged but before that application has been determined—the applicant must seek to vary the application to specify the new entity; or

(b) after development authorisation has been granted for the division of land but before the relevant certificate has been issued by the Commission under section 138 of the Act—the applicant must, in accordance with section 128 of the Act, seek to vary the authorisation to specify the new entity.

(2) As soon as practicable after the application or development authorisation has been varied to specify the new water industry entity, the Commission must—

(a) advise the old entity of the variation; and

(b) consult with the new entity in relation to the requirements of the entity for the purposes of section 102(1)(c)(iii) or (1)(d)(vii) of the Act.

17—Amendment of regulation 38—Withdrawing/lapsing applications

Regulation 38(2)—delete subregulation (2) and substitute:

(2) A relevant authority may lapse an application for a development authorisation under Part 7 of the Act if—

(a) in relation to an application that has not yet been verified under regulation 31—at least 6 months have passed since the date on which the relevant authority last requested, in accordance with regulation 31(2)(ab), that the applicant remedy any defects or deficiencies in the documents or information lodged with the application and the relevant authority does not consider that an adequate response has been received in that time; or

(b) in any other case—at least 1 year has passed since the date on which the relevant authority, or a body set out in Schedule 9 to which the application has been referred, last requested additional documents, assessments or information to assess the application and the relevant authority or body (as the case requires) does not consider that an adequate response has been received in that time.

18—Amendment of regulation 67—Lapse of consents or approvals (section 126(2))

Regulation 67(1)(a)(iii)—delete subparagraph (iii) and substitute:

(iii) in any other case—

(A) 2 years from the operative date of the consent or approval; or

(B) if an extension is granted under section 126(3) of the Act in respect of the consent or approval—the extended period in respect of that consent or approval;

19—Amendment of regulation 76—Advice from Commission

Regulation 76(4)—delete subregulation (4) and substitute:

(4) In relation to an application which relates to a proposed development that involves the division of land, the Commission—

(a) must consult with each specified water industry entity for the proposed development in relation to the requirements of the entity for the purposes of section 102(1)(c)(iii) or (1)(d)(vii) of the Act; and

(b) may consult with any other agency; and

(c) may impose a time limit of 20 business days for a response from the entity or agency.

20—Amendment of regulation 77—Presumption in respect of division of certain buildings

Regulation 77—delete "Section C of Volume 1 and P 2.3.1 of Volume 2, of the Building Code" and substitute:

Section C or Performance Requirement H3P1 of the Building Code (as the case requires)

21—Amendment of regulation 79—Assessment requirements—water and sewerage

(1) Regulation 79(1)—delete subregulation (1) and substitute:

(1) For the purposes of section 102(1)(c)(iii) and (1)(d)(vii) of the Act, a specified water industry entity for a proposed development that involves the division of land is identified.

(2) Regulation 79(2)—delete "may" and substitute:

must

(3) Regulation 79(4)—delete subregulation (4)

(4) Regulation 79(6)—delete "the original assessment" and substitute:

an assessment, or the update of an assessment,

(5) Regulation 79(6)—after "the assessment" insert:

, or update of the assessment,

22—Amendment of regulation 85—Supplementary provisions

Regulation 85(4)—delete "the Chief Executive of the South Australian Water Corporation and any other water industry entity" and substitute:

a specified water industry entity

23—Amendment of regulation 87—General land division

(1) Regulation 87(2)—delete subregulation (2)

(2) Regulation 87(3)—delete "or (2)"

24—Amendment of regulation 89—General provisions

(1) Regulation 89(2)(c)—delete "clause 2A" and substitute:

clause 15

(2) Regulation 89—after subregulation (5) insert:

(5a) Pursuant to section 138(1a) of the Act, the following applies in respect of section 138(1a)(b):

(a) the Commission need not be satisfied that SA Water has notified the Commission that SA Water is not responsible for the provision of water supply in relation to the land the subject of the division if there is a specified water industry entity in respect of the provision of that supply and that entity is not SA Water;

(b) the Commission need not be satisfied that SA Water has notified the Commission that SA Water is not responsible for the provision of sewerage services in relation to the land the subject of the division if there is a specified water industry entity in respect of the provision of those services and that entity is not SA Water.

(5b) For the purposes of section 138(1a)(b) of the Act, the following requirements are prescribed:

(a) in relation to the specified water industry entity for the provision of water supply for a development that involves the division of land (where that entity is not SA Water)—

(i) the entity has notified the Commission that connections for the purposes of the provision of water supply in respect of each allotment the subject of the division exist; or

(ii) the entity has notified the Commission that the applicant has entered into a binding agreement with the entity, supported by adequate security required under the agreement, for the provision of such connections; or

(iii) the council for the area in which the development is located has notified the Commission that such connections are not required;

(b) in relation to the specified water industry entity for the provision of sewerage services for a development that involves the division of land (where that entity is not SA Water)—

(i) the entity has notified the Commission that connections for the purposes of the provision of sewerage services in respect of each allotment the subject of the division exist; or

(ii) the entity has notified the Commission that the applicant has entered into a binding agreement with the entity, supported by adequate security required under the agreement, for the provision of such connections; or

(iii) the council for the area in which the development is located has notified the Commission that such connections are not required.

(5c) A document approved by the Minister for the purposes of this regulation by notice published on the SA planning portal (and any alterations or amendments to any such document approved by the Minister from time to time by notice published on the SA planning portal) is recognised as a model for binding arrangements under subregulation (5b), and an agreement that conforms with any such model will, to the extent that the agreement provides for the matters referred to in section 102(1)(c) of the Act, be taken to be a sufficient agreement, and to provide adequate security, for the purposes of section 138(1) of the Act in its applications to the division of the land.

25—Insertion of Part 10 Division 1A

Part 10—after Division 1 insert:

Division 1A—Building indemnity insurance

92A—Certification of building indemnity insurance

(1) The builder, or a person on behalf of the builder, in respect of domestic building work the subject of a development authorisation to be performed must ensure that 1 of the following is lodged with the council for the area in which the building is situated (or, if the building is outside the area of a council, the Commission) on or before the giving of notice of the intended commencement of the building work under Division 2 of this Part:

(a) a certificate of insurance in relation to the building work;

(b) evidence that the builder has an exemption in relation to the building work under the *Building Work Contractors Act 1995*;

(c) a declaration that building indemnity insurance is not required in relation to the building work in accordance with the *Building Work Contractors Act 1995*.

(2) A builder must not commence domestic building work referred to in subregulation (1) unless and until the required documentation has been lodged in accordance with that subregulation.

Maximum penalty: $10 000.

Default penalty: $1 000.

Expiation fee: $750.

(3) In this regulation—

certificate of insurance, in relation to domestic building work, means the certificate required under Part 5 Division 3 of the *Building Work Contractors Act 1995* evidencing the taking out of a policy of insurance in accordance with that Division in relation to that work;

domestic building work has the same meaning as in the *Building Work Contractors Act 1995*.

26—Amendment of regulation 93—Notifications during building work

(1) Regulation 93(2)—after paragraph (b) insert:

and

(c) if the documentation required to be provided under regulation 92A(1) has not been provided in relation to the relevant building work—that documentation.

(2) Regulation 93(5)—delete subregulation (5) and substitute:

(5) A person who fails to comply with a requirement imposed under subregulation (1), (2) or (4) is guilty of an offence.

Maximum penalty: $10 000.

Default penalty: $1 000.

Expiation fee: $750.

27—Amendment of regulation 98—Building Rules: bushfire prone areas

Regulation 98—delete "Performance Requirement GP5.1 of Volume 1, and P2.7.5 of Volume 2," and substitute:

Performance Requirements G5P1, G5P2 and H7P5

28—Amendment of regulation 101—Preliminary

Regulation 101—after its present contents (now to be designated as subregulation (1)) insert:

(2) For the purposes of section 154(1)(c) of the Act, circumstances in which the building has been assessed under section 130 or 131 of the Act are prescribed.

29—Amendment of regulation 103C—Statement of site suitability

Regulation 103C(1)(a) and (2)(a)—delete "clause 2A" wherever occurring and substitute in each case:

clause 15

30—Amendment of regulation 104—Statement of Compliance

(1) Regulation 104(3)—delete "and the person referred to in subregulation (6)(b)"

(2) Regulation 104(3)—after "via the SA planning portal" insert:

, and the owner of the relevant land,

(3) Regulation 104(6)(b)—delete ", or by someone acting on his or her behalf"

(4) Regulation 104(9)—delete "(10) or"

31—Insertion of regulation 109AA

Before regulation 109A insert:

109AA—Variation of basic infrastructure scheme to include primary infrastructure (section 167A)

(1) For the purposes of section 167A(2)(a) of the Act, circumstances in which the scheme substantially reflects the terms of an agreement or deed that relate to the provision of the primary infrastructure that is proposed to be provided for under the scheme are prescribed.

(2) For the purposes of subregulation (1), a scheme will not be taken to substantially reflect the terms of an agreement or deed if the scheme requires greater contributions from, or imposes greater obligations on, a party to the agreement or deed (other than a party that is an agent or instrumentality of the Crown).

(3) Pursuant to section 167A(4) of the Act, section 166(1)(c) of the Act does not apply in relation to a variation of a scheme under section 167A of the Act.

32—Insertion of regulations 109E and 109F

After regulation 109D insert:

109E—Imposition of charge by councils (section 180)

(1) For the purposes of section 180(4)(d) of the Act, the purposes for which land is used that may be the basis for a charge are the categories of land use declared as permissible differentiating factors under regulation 14(1) of the *Local Government (General) Regulations 2013*.

(2) For the purposes of section 180(4)(i) of the Act, the operation of section 159(9) of the *Local Government Act 1999* is modified—

(a) so as to not require a council that grants to a person or body a rebate of general rates under section 166 of the *Local Government Act 1999* to grant a comparable rebate of a charge under Part 13 Division 1 Subdivision 8 of the Act; and

(b) so as to allow a council to grant to a person or body a rebate of a charge under Part 13 Division 1 Subdivision 8 of the Act under section 166 of the *Local Government Act 1999* that is different to a rebate of general rates granted to the person or body.

(3) Nothing in this regulation affects a rebate or adjustment that must be made under the terms or provisions of a funding arrangement under section 169 of the Act.

109F—Costs of councils (section 181)

(1) This regulation makes provision with respect to the operation of section 181 of the Act.

(2) For the purposes of this regulation—

(a) ***establishment costs*** are fair costs directly associated with—

(i) a council being required to impose a charge under section 180 of the Act on ratable land within its area (or part of its area) in a particular financial year after not being required to impose such a charge in the immediately preceding financial year; or

(ii) a council being required to impose a charge under section 180 of the Act on ratable land within its area (or part of its area) in a particular financial year on a basis under section 180(4)(a) of the Act that is different to the basis that applied with respect to the immediately preceding financial year, other than where any additional costs incurred by the council on account of the change to the basis of the charge are not significant; and

(b) ***ongoing costs*** are fair annual costs directly associated with a council imposing and collecting a charge under section 180 of the Act, other than costs that a council would incur in any event on account of the imposition and collection of rates under the *Local Government Act 1999*; and

(c) amounts in dollars or in cents represented by letters are as follows:

(i) "A" is the indexed amount in dollars in regulation 14(5)(b) of the *Landscape South Australia (General) Regulations 2020*;

(ii) "bb" is the indexed amount in cents in regulation 14(5)(b) of the *Landscape South Australia (General) Regulations 2020*;

(iii) "C" is the indexed amount in dollars in regulation 14(7)(b) of the *Landscape South Australia (General) Regulations 2020*;

(iv) "dd" is the indexed amount in cents in regulation 14(7)(b) of the *Landscape South Australia (General) Regulations 2020*.

(3) Subject to this regulation, the costs that a council may recover with respect to a particular financial year will be determined according to whether the council is claiming—

(a) establishment costs; or

(b) ongoing costs; or

(c) both establishment costs and ongoing costs.

(4) The amount that a council may recover as establishment costs will be—

(a) fair costs incurred by the council with respect to—

(i) consulting with the Minister in relation to the basis for the charge under section 180 of the Act; and

(ii) establishing the ability of the council's rating system to deal with the charge; and

(iii) making amendments to the council's rating system on account of the imposition of the charge; and

(iv) conducting tests involving the council's rating system on account of the imposition of the charge; and

(v) setting up and assigning codes within the council's rating system on account of the imposition of the charge; and

(vi) obtaining any new assessment or valuation information on account of the imposition of the charge; and

(vii) confirming the imposition of the appropriate charge with respect to rateable land in the area of the council; or

(b) $A, plus bb cents for each assessment of charge against a piece of rateable land, adjusted, if necessary, under subregulation (5),

(on the basis that the council will decide whether it recovers costs under paragraph (a) or (b)).

(5) If a council is claiming establishment costs under subregulation (4)(b) in relation to 2 or more charges with respect to a particular financial year, the component under that paragraph represented by $A will be reduced, with respect to the payment in relation to each charge, to 60% of the amount that would otherwise apply.

(6) The amount that a council may recover as ongoing costs will be—

(a) fair costs as described in subregulation (2)(b); or

(b) $C, plus dd cents for each assessment of charge against a piece of rateable land.

(7) A council must, after declaring the relevant charge, furnish to the entity identified in the relevant funding arrangement as the entity to which contributions are to be paid an invoice that sets out the amount or amounts that the council is claiming for establishment costs (if relevant) and ongoing costs, and the calculations used by the council to determine any such amount or amounts.

(8) A council should, except in a case involving extraordinary administrative difficulty, furnish an invoice under subregulation (7) by 31 March in the financial year with respect to which the relevant charge is imposed.

(9) The entity to which the invoice is furnished must, within 30 days after receiving an invoice from a council (treating any amount claimed as establishment costs and any amount claimed as ongoing costs separately)—

(a) pay the amount claimed by the council; or

(b) if the amount claimed by the council is based on the council's determination of fair costs and the entity considers that the amount that has been claimed is excessive—refer the matter to the Minister so that the Minister may determine what is a reasonable claim taking into account the scheme set out in this regulation.

(10) The Minister must make a determination within 60 days after a matter is referred under subregulation (9) (and a determination of the Minister will have effect as a determination of the fair costs of the relevant council).

(11) An assessment of a charge under subregulation (4)(b) or (6)(b) will be determined according to assessments as they exist at the time that the council declares its charge with respect to the relevant financial year.

33—Insertion of regulation 111A

After regulation 111 insert:

111A—Matters excluded from land management agreements

Pursuant to section 193(17) of the Act, the following matters are excluded from the ambit of section 193 of the Act:

(a) the appearance of a building;

(b) the dimensions of a building;

(c) the siting of a building, other than where that siting is relevant to conservation of land;

(d) the use of land or the intensity of the use of land, other than where that use or intensity of use is relevant to conservation of land;

(e) controls on land division;

(f) requirements relating to landscaping or site interface;

(g) the environmental performance of a building;

(h) matters relating to waste and water sensitive design;

(i) tree protection zones.

34—Amendment of regulation 120—Record of applications

(1) Regulation 120(4)—after "requires a document" insert:

or information

(2) Regulation 120(4)(a)—after "building" insert:

or safety of a person

35—Insertion of regulation 129

After regulation 128 insert:

129—Local Area Plans

(1) For the purposes of section 245A(3)(a) of the Act, consultation with a council's community must be in accordance with the Community Engagement Charter.

(2) A council's first Local Area Plan need not be furnished to the Minister for approval until—

(a) in the case of a council within Greater Adelaide—30 June 2028; or

(b) in any other case—30 June 2031.

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

Schedule 4, clause 14(2)(c)(iii)—delete "other than a pedestrian bridge" and substitute:

including a bridge for both a tramway or light railway and pedestrians but excluding a bridge solely for pedestrians

37—Repeal of Schedule 6B

Schedule 6B—delete the Schedule

38—Substitution of Schedule 8

Schedule 8—delete the Schedule and substitute:

Schedule 8—Plans, drawings, specifications and other documents and information

Part 1—Applications for planning consent

Division 1—Base plans and requirements

1—Planning consent—general building work

An application for planning consent that proposes building work (other than building work involving a swimming pool) must be accompanied by—

(a) a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the boundaries and dimensions of the site; and

(ii) any relevant easements and rights of way; and

(iii) the position and dimensions of any existing or proposed building on the site; and

(iv) the minimum distance between any proposed building or structure and the front, side and rear boundaries of the site; and

(v) the location of car parking spaces on the site; and

(vi) the north point; and

(vii) existing ground and floor levels (if relevant), and proposed finished floor levels and proposed site (or "bench") levels, including in relation to the top of any kerb level, showing the height and location of any earthworks or retaining walls (if relevant); and

(viii) the location and capacity of any proposed water tank, the connection type, the total roof area to be connected to the tank and the proportion of the tank to be used for retention or detention; and

(ix) the method to manage stormwater on-site or direct stormwater off-site; and

(x) if a new or modified driveway or access point is proposed, the width of the vehicle crossover, the driveway width at the front boundary, the minimum and maximum driveway widths and the location of any street furniture, infrastructure or tree within the road reserve abutting the property; and

(xi) the location and species of any tree to be planted; and

(xii) details of soft landscaping and the percentage of the site that is pervious to water; and

(b) a floor plan drawn to scale, showing—

(i) the location and purpose of rooms and other areas at the completion of the development; and

(ii) the roof area of any relevant or proposed building, including any eaves and verandahs; and

(c) elevation drawings, drawn to scale (including appropriate bar and ratio scales), in relation to any relevant or proposed building, showing—

(i) the elevation of each side of each proposed building; and

(ii) existing and proposed ground levels; and

(iii) proposed internal floor levels (relative to adjacent ground levels); and

(iv) ceiling heights; and

(v) in relation to the roof—

(A) the height (relative to the adjacent ground level) of the eaves and the ridge; and

(B) the pitch; and

(vi) the dimensions of proposed eave overhangs; and

(vii) the dimensions of proposed windows.

2—Planning consent—swimming pools

An application for planning consent that involves a swimming pool must be accompanied by a plan of the proposed swimming pool, drawn to scale (including appropriate bar and ratio scales), showing—

(a) proposed setbacks from the boundaries of the site; and

(b) the location of the pump and other equipment and details of any enclosure in which the pump or other equipment is to be located, including a description of the material comprising the enclosure; and

(c) the location of any existing or proposed tanks for an on-site sewerage or waste disposal system installed or to be installed (as the case may be) in compliance with the *South Australian Public Health Act 2011*.

3—Planning consent—change in use of land

An application for planning consent that proposes a change in, or new, use of land must be accompanied by—

(a) a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the boundaries and dimensions of the site; and

(ii) any relevant easements and rights of way; and

(iii) the position and dimensions of any existing or proposed building on the site; and

(iv) the minimum distance between any buildings or structures and the front, side and rear boundaries of the site; and

(v) the location of any existing car parking spaces on the site; and

(vi) the location of an existing vehicle access point and manoeuvring areas; and

(vii) the north point; and

(b) a floor or site layout plan, drawn to scale, showing the location and purpose of existing and proposed buildings, rooms and other internal and external areas of the site relevant to the proposal; and

(c) plans and details, drawn to scale, of any proposed advertising related to the proposal; and

(d) a written summary which outlines—

(i) whether the relevant land and any building on the land is currently vacant or the existing use; and

(ii) if vacant, the last known use of the relevant land and any building on the land and when, if known, that use ceased operation; and

(iii) details of the proposed new use of the relevant land and any building on the land; and

(iv) if the proposed new use of the relevant land is a more sensitive use than prior known uses of the land, the prior known uses; and

(v) the proposed hours of operation; and

(vi) details of any goods to be manufactured or sold on the site; and

(vii) intended staff and occupant numbers; and

(viii) the number and type of expected vehicle movements associated with staff, customers and deliveries.

4—Planning consent—proposal plans for division of land

An application for planning consent that relates to development to which clause 40 applies must be accompanied by the plan and statement referred to in that clause.

Division 2—Additional requirements based on type of development

5—Residential development

An application for planning consent for residential development must be accompanied by—

(a) a site plan, drawn to scale, including appropriate bar and ratio scales, showing the amount and location of private open space that will exist on the site after completion of the development, including details of any fencing around areas of private open space; and

(b) elevation drawings, drawn to scale (including appropriate bar and ratio scales), in relation to any relevant or proposed building, showing a description of proposed measures to be applied to any windows (other than ground level windows) or balconies designed to provide for privacy; and

(c) if the application proposes 20 or more dwellings or occupancies in a single building, details of the proposed methods for the management, collection and disposal of solid waste; and

(d) if the application provides for an area of common or community land, the boundaries of such land.

6—Development ancillary to dwellings

An application for planning consent that relates to an outbuilding, verandah, deck, fence, retaining wall or pergola (or any other development ancillary to a dwelling that is not a swimming pool, garage or carport) must be accompanied by—

(a) a plan drawn to scale, showing—

(i) in the case of an outbuilding—the floor plan of the outbuilding, its dimensions and the location of any windows or doors; or

(ii) in any other case—the dimensions of the structure and its attachment or relationship to the existing dwelling; and

(b) a schedule of colours for any cladding.

7—Garages or carports

An application for planning consent that proposes a building that is, or is to include, a garage or carport must be accompanied by—

(a) details of the location and finished ground level at each end of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; and

(b) a plan drawn to scale, showing—

(i) in the case of a garage—the location of any windows or doors; and

(ii) in any case—the internal dimensions of the proposed garage or carport and its attachment or relationship to any other buildings or structures on the site; and

(c) a schedule of colours for any cladding.

8—On-site wastewater management

(1) An application for planning consent that proposes development involving on-site wastewater must be accompanied by—

(a) in the case of an application proposing a deemed-to-satisfy development for a new dwelling that is serviced by an on-site wastewater treatment system, including where a connection to a community wastewater management system is required—evidence that the wastewater treatment or management system has been granted a wastewater works approval under the *South Australian Public Health (Wastewater) Regulations 2013*; or

(b) in any other case—relevant plans and information outlining how wastewater will be managed and disposed of in accordance with the *South Australian Public Health Act 2011*.

(2) An application for planning consent that proposes development on a site with an existing wastewater treatment or management system must be accompanied by a site plan, drawn to scale, including appropriate bar and ratio scales, showing the location of any existing or proposed tanks and areas where the disposal of sewage may soak into the ground for an on-site sewerage or waste disposal system installed or to be installed in compliance with the *South Australian Public Health Act 2011*.

9—Co-located housing

(1) An application for planning consent for a co-located housing development must be accompanied by—

(a) a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the footprints of the dwellings on the site and those of any dwellings on immediately adjoining land that is not part of the co-located housing; and

(ii) the location of any common outdoor areas, private outdoor areas, shared car parking spaces, rubbish bin storage, washing lines or other shared facilities; and

(iii) if any existing buildings or structures are to be removed or demolished to accommodate the proposed development—the current location of those buildings or structures; and

(b) a community scheme description in relation to the proposed co-located housing contemplated by the co-located housing development, which must include the following information:

(i) the name of the co-located housing;

(ii) an identification of the proposed community parcel and the lots and common property into which the parcel is to be divided under the *Community Titles Act 1996*;

(iii) a description of the purpose or purposes for which the lots and common property may be used;

(iv) the standard of buildings and other improvements (if any) to be, or which may be, erected on or made to the lots or common property, and the time expected for their completion;

(v) a description of the nature and scope of any improvements to be made to the community lots and common property;

(vi) any other important features of the scheme; and

(c) a floor plan drawn to scale of all dwellings that form part of the co-located housing contemplated by the co-located housing development, showing the location or proposed location of fixed and loose furniture.

(2) In this clause—

co-located housing development means a change in use of land, division of land, or any building work to alter or construct dwellings on that land, for the purposes of creating co-located housing;

community scheme description means a description of the co-located housing and the proposed division of land in a form approved by the Minister and published on the SA planning portal.

10—Development in bushfire prone areas

An application for planning consent that relates to development within a Hazards (Bushfire—General Risk) Overlay, Hazards (Bushfire—High Risk) Overlay, Hazards (Bushfire—Medium Risk) Overlay, Hazards (Bushfire—Outback) Overlay, Hazards (Bushfire—Regional) Overlay or Hazards (Bushfire—Urban Interface) Overlay under the Planning and Design Code must be accompanied by, or incorporate, the plans, drawings, specifications and other documents or drawings detailing any additional requirements required under any relevant Ministerial building standard or the Planning and Design Code, insofar as they are relevant in the circumstances of the particular case.

11—Access points from key transport routes

An application for planning consent that proposes development which uses an existing or proposed access point from a road affected by the Key Outback and Rural Routes Overlay, Major Urban Transport Routes Overlay or Urban Transport Routes Overlay under the Planning and Design Code, or within 25 m of such a road, must be accompanied by a traffic plan, drawn to scale, including appropriate bar and ratio scales, showing—

(a) the location and dimensions of all access points (noting whether an access point is located on a section of road affected by double barrier lines between edges of the access points); and

(b) the expected number of vehicle movements per day; and

(c) the expected maximum vehicle length for vehicles expected to access the site; and

(d) in respect of the largest vehicle expected to access the site—

  (i) vehicle turning profiles demonstrating entry and exit movements and on-site circulation (if required); and

  (ii) the angle of vehicle access crossing the property boundary; and

(e) the distance of unobstructed line of sight to and from any new access point for vehicles entering and exiting the access point; and

(f) the distance between each access point and the nearest—

  (i) public road junction or terminating or merging lane on a public road; and

  (ii) access point to or from a private road; and

  (iii) internal (on-site) driveway, intersection, car parking space, gate or other internal obstruction to vehicle movement; and

  (iv) roadside infrastructure or tree.

12—Development in areas subject to regulated tree controls

An application for planning consent that proposes development within the Regulated and Significant Tree Overlay under the Planning and Design Code, must be accompanied by—

(a) the location of any regulated tree within 15 m of the proposed development whether on the site or on adjoining land and, if on the site, the details of the species of the tree and the trunk circumference; and

(b) if the application proposes a tree-damaging activity—

(i) details of the proposed tree-damaging activity, for example, whether the tree is to be removed, have a limb severed or be otherwise affected; and

(ii) a photograph of the subject tree; and

(iii) a written summary outlining the reason for the proposed tree-damaging activity.

13—Development in areas subject to native vegetation controls

An application for planning consent that proposes development located in the Native Vegetation Overlay or State Significant Native Vegetation Overlay under the Planning and Design Code must be accompanied by—

(a) if native vegetation is proposed to be cleared—a report prepared in accordance with regulation 18(2)(a) of the *Native Vegetation Regulations 2017* that establishes that the clearance is categorised as Level 1, 2, 3 or 4 clearance in accordance with guidelines established by the Native Vegetation Council for the purposes of applications to clear native vegetation under the *Native Vegetation Act 1991*; or

(b) in any other case—a declaration stating that the proposal will not involve clearance of native vegetation under the *Native Vegetation Act 1991*.

14—Development near coast

If a development is to be undertaken on a site any part of which is in the Coastal Areas Overlay under the Planning and Design Code, the following particulars must accompany the application for planning consent:

(a) the distance from high water mark to the nearest point or points where buildings suitable for human occupation are likely to be constructed; and

(b) the surface profile of the natural surface between high water mark and the points where buildings suitable for human occupation are likely to be constructed, at intervals of 30 m, together with a written description of the nature of the exposed surface along that profile.

15—Development where site contamination report is required

(1) This clause applies to an application for planning consent if—

(a) unless paragraph (b) applies, the application proposes a change in the use of land to a more sensitive use; or

(b) in the case of land division—the application proposes a sensitive use.

(2) Subject to this clause, an application to which this clause applies must be accompanied by—

(a) a site contamination declaration form; and

(b) a preliminary site investigation report; and

(c) a copy of the certificate of title in relation to the land; and

(d) any site contamination audit report that has been prepared in relation to the land.

(3) A preliminary site investigation report is not required to accompany an application to which this clause applies if—

(a) a site contamination audit report has been prepared in relation to the land within the previous 5 years which states that—

(i) site contamination does not exist (or no longer exists) at the land; or

(ii) the land is suitable for the proposed use or uses (without the need for any further remediation); or

(iii) where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been undertaken or will be undertaken, and the applicant has provided a written undertaking that the remediation works will be undertaken in association with the development; and

(b) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as declared in the site contamination declaration form); and

(c) the application is accompanied by a copy of the site contamination audit report.

(4) A site contamination declaration form and preliminary site investigation report—

(a) must comply with any requirements specified by the Commission; and

(b) must be prepared by a site contamination consultant or a site contamination auditor (and the relevant authority cannot require that the form or report only be prepared by a site contamination auditor); and

(c) in the case of a site contamination declaration form—must be in the form determined by the Commission for the purposes of this clause.

(5) Any requirements specified by the Commission under subclause (4)(a) and the form determined under subclause (4)(c) must be published in the site contamination practice direction or another instrument published by the Commission on the SA planning portal.

16—Development in areas subject to design controls

An application for planning consent that proposes development located in the Character Area Overlay, Design Overlay, Heritage Adjacency Overlay, Scenic Quality Overlay or Significant Landscape Protection Area Overlay under the Planning and Design Code must be accompanied by a schedule of materials and colours.

17—Development in areas subject to heritage or historic area controls

An application for planning consent that proposes development located in the Historic Area Overlay, Local Heritage Place Overlay, State Heritage Place Overlay or State Heritage Area Overlay under the Planning and Design Code must be accompanied by—

(a) a plan, drawn to scale, that identifies any elements proposed to be demolished, including—

(i) if the proposed development is located in the State Heritage Place Overlay—internal finishes, fixtures, fittings and building fabric; and

(ii) in any case—external building fabric or structure; and

(b) a roof plan, drawn to scale, that shows—

(i) the roof sheeting profile and colour; and

(ii) the location, profile and colour of gutters and downpipes; and

(iii) the location and extent of any solar panels; and

(c) fencing details, drawn to scale, that specify—

(i) the fence profile; and

(ii) the fence height; and

(iii) the fence colours, for any fencing located forward of the front facade of the building; and

(d) a schedule of selected exterior material and colours for all external works; and

(e) if the proposed development is located in the State Heritage Place Overlay—a schedule of selected interior materials, fittings, fixtures, colours and services reticulation.

18—Land division creating more than 20 new allotments or new road

An application for planning consent that relates to development to which clause 43 applies must be accompanied by the plans referred to in that clause.

Division 3—Additional requirements where referral is required

19—Activities of environmental significance

(1) This clause applies with respect to an application that involves a development that must be referred to the Environment Protection Authority under item 9 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of the proposed development and, as relevant, any place on the site where an activity specified by the Planning and Design Code as an activity of environmental significance is to be carried out; and

(iii) the positions, dimensions and uses of any proposed or existing structures (including fences and retaining walls), and the location and nature of any proposed or existing easements; and

(iv) any significant topographical features (including any creek or flood plain); and

(v) the levels and slope of the site; and

(vi) the method of drainage, and the direction of any stormwater, and any works or services that are proposed to be installed or used in connection with the management of water; and

(vii) the location and size of any proposed or existing dams or bores; and

(viii) the location and nature of any proposed or existing effluent disposal facilities that are not to be connected to disposal or treatment services; and

(ix) the internal layout of any proposed or existing building to be used in connection with an activity specified by the Planning and Design Code as an activity of environmental significance, and where each such activity is to be carried out; and

(x) the location of any proposed or existing wastewater management system to be used in connection with an activity specified by the Planning and Design Code as an activity of environmental significance; and

(xi) the location of any proposed or existing waste storage, processing or disposal areas; and

(xii) the location of any proposed or existing access points for vehicles, and any areas of the site on which vehicles may be driven; and

(xiii) the approximate north point; and

(b) a plan or description of the surrounding area that identifies or describes—

(i) the location of the site in relation to adjacent land; and

(ii) the distance to the nearest building (if any) on each piece of adjacent land; and

(iii) the use of each piece of adjacent land; and

(iv) the location of any lake, creek, dam or other form of surface water within 500 m of a boundary of the site; and

(c) a detailed description of the activities to be undertaken in the site (including the proposed nature and operational capacity of the activities), and information on each of the following (insofar as may be relevant):

(i) methods to be used to minimise potential impacts (including noise, odours, fumes, dust and other airborne emissions);

(ii) methods to be used during any works and construction for the purposes of the development to prevent soil that is eroded;

(iii) the type and volume of waste to be generated on the site;

(iv) arrangements for the storage and disposal of waste, stormwater and sewage;

(v) the predicted human health and environmental impacts of the activities;

(vi) the type and number of vehicles using the site, traffic movements into, out of and around the site, and the kind of surfaces on which vehicles will be moving;

(vii) the hours and days of operation or trading;

(viii) the excavations, earthworks or embankments to be undertaken or created for the purposes of the development;

(ix) how soil erosion will be prevented, and how sediment or pollutant that is generated by such works will be minimised and managed, and how it will be prevented from affecting adjoining land.

20—Activities that may give rise to water allocation issues that involve the taking of water

(1) This clause applies with respect to an application that involves a development that must be referred to the Chief Executive of the Department of the Minister responsible for the administration of the *Landscape South Australia Act 2019* under item 13 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by a document which specifies—

(a) the estimated water allocation requirements for the relevant development; and

(b) the source or sources from which it is proposed that the water required for the purposes of the relevant development will be obtained.

21—Development in River Murray Protection Areas

(1) This clause applies with respect to an application that involves a development that must be referred to the Minister responsible for the administration of the *River Murray Act 2003* under item 15 or 16 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of the proposed development and, as relevant, any place on the site where an activity specified in the relevant item of the table in Schedule 9 clause 3 is to be carried out; and

(iii) any significant topographical features (including the contours of the land and any creek or flood plain); and

(iv) the approximate location of any native vegetation; and

(v) the method of drainage, including drainage management, and the direction of flow of any stormwater, and the location and nature of any works or services that are proposed to be installed or used in connection with the management of water (including stormwater); and

(vi) the location and nature of any proposed or existing effluent disposal facilities that are to be used in connection with the development and are not to be connected to disposal or treatment services; and

(vii) the location and method of construction of any proposed access track or road which is to give access to any waterfront (if any); and

(viii) the approximate north point; and

(b) a plan or description of the surrounding area that identifies or describes—

(i) the land uses of adjacent land; and

(ii) the location of any watercourse, wetland, dam or other form of surface water within 500 m of a boundary of the site; and

(c) a detailed description of the activities to be undertaken on the site, and information on each of the following (insofar as may be relevant):

(i) methods to be used to minimise potential impacts on the River Murray;

(ii) arrangements for the storage, treatment, disposal or re-use of waste, stormwater or sewage;

(iii) the excavations, earthworks or embankments to be undertaken or created for the purposes of the development, and how soil erosion will be prevented.

(3) In this clause—

native vegetation has the same meaning as in the *Native Vegetation Act 1991*;

River Murray has the same meaning as in the *River Murray Act 2003*.

22—Certain activities in Murray-Darling Basin Area

(1) This clause applies in respect of an application that involves a development that must be referred to the Minister for the time being administering the *River Murray Act 2003* under item 10 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of any proposed or existing pumpsheds, pipes or other infrastructure for irrigation or drainage; and

(iii) the location and size of any proposed or existing dams or bores; and

(iv) the location on the site where the water is proposed to be used or applied; and

(v) the approximate north point; and

(b) detailed information on each of the following:

(i) the estimated water allocation requirements for the relevant development;

(ii) the source or sources from which it is proposed that the water required for the purposes of the relevant development will be obtained;

(iii) the capability of the soil on the site to sustain the proposed development;

(iv) the location of any place (whether or not on the site) from where water is proposed to be extracted.

Division 4—Declarations and certificates etc

23—Electricity infrastructure

(1) An application for planning consent relating to development that would involve the construction of a building may be accompanied by a declaration by or on behalf of the applicant to the effect that the erection of the building would not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.

(2) Subclause (1) does not apply to a development that is intended only to house, or that constitutes, electricity infrastructure (within the meaning of the *Electricity Act 1996*) (so that an application relating to such a development is not required to be accompanied by the declaration referred to in that subclause).

(3) The declaration must be in a form determined by the Chief Executive and published on the SA planning portal.

24—Certain electricity generators

(1) An application for planning consent in respect of a proposed development for which the Commission is the relevant authority in accordance with Schedule 6 clause 9 must be accompanied by a certificate from the Technical Regulator certifying that the proposed development complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system.

(2) In this clause—

power system has the same meaning as in the *Electricity Act 1996*.

25—Data centres

An application for planning consent in respect of a proposed development for which the Commission is the relevant authority in accordance with Schedule 6 clause 9A must be accompanied by—

(a) advice from the South Australian Water Corporation that there is sufficient water supply to meet the requirements of the proposed data centre; and

(b) a certificate from the Technical Regulator certifying that the proposed data centre complies with the requirements of the Technical Regulator in relation to the reliability, security and stability of the State's power system.

26—Unit or lot under *Strata Titles Act 1988* or *Community Titles Act 1996*

An application for planning consent for development relating to a unit within a strata scheme under the *Strata Titles Act 1988* or a strata lot within a strata scheme under the *Community Titles Act 1996* must be accompanied by—

(a) in all cases—evidence that the applicant has given written notice of the application to the strata corporation or community corporation (as the case requires); and

(b) in the case of an application that involves prescribed work required to be authorised under section 29 of the *Strata Titles Act 1988* (other than where all of the units comprised in the strata scheme consist of non-residential premises)—evidence that the strata corporation has authorised the carrying out of the prescribed work; and

(c) in the case of an application that involves prescribed work required to be authorised under section 102 of the *Community Titles Act 1996* (other than where each of the lots comprised in the strata scheme is used, or is intended to be used, solely or predominantly for non-residential purposes)—evidence that the community corporation has authorised the carrying out of the prescribed work.

Part 2—Applications for building consent

Division 1—Base plans and requirements

27—Building consent—general

An application for building consent (other than in respect of development referred to in a subsequent clause of this Division) must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) any relevant easements and rights of way; and

(iii) the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(iv) the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and

(v) the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and

(vi) the method of drainage and services proposed to be used; and

(vii) if the building work falls within the category of accepted development and involves a garage or carport—the location and finished ground level at each end of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*; and

(viii) the location of any regulated tree on the site or on adjoining land within 15 m of the site; and

(ix) the approximate north point; and

(x) the location of any existing or proposed tanks for an on-site sewerage or waste disposal system installed or to be installed (as the case may be) in compliance with the *South Australian Public Health Act 2011*; and

(b) specifications describing materials and standards of work and such other information as may be necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the Act and these regulations and provide satisfactory levels of safety on or about the site; and

(c) calculations or reports to show that the building work will, if performed in accordance with the calculations and reports, comply with the Act and these regulations; and

(d) details in writing of any foundation investigations that have been carried out.

28—Building consent—swimming pools and spa pools etc

An application for building consent where the building work involves the construction or alteration of, or addition to—

(i) a swimming pool or spa pool; or

(ii) a safety fence or barrier for a swimming pool or spa pool,

must be accompanied by details relating to the proposed swimming pool, spa pool, fence or barrier (as the case requires), including, in the case of the construction of a swimming pool, a plan of the proposed swimming pool, drawn to a scale of not less than 1:200 (including appropriate ratio scales), showing—

(a) the dimensions of the swimming pool and swimming pool safety features; and

(b) proposed setbacks from the boundaries of the site; and

(c) the location of the pump and other equipment.

29—Building consent—demolition and partial demolition

An application for building consent for development consisting of or involving the demolition or removal of a building (or part of a building) must be accompanied by—

(a) a description in writing of the construction of the building (or relevant part) to be demolished or removed; and

(b) a site plan showing the location of the building in relation to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(c) if only part of a building is to be demolished or removed, calculations or other information in writing to show that the remainder of the building will comply with the Act and these regulations, either as the building remains after the proposed demolition or removal takes place, or after other building work is performed; and

(d) a description in writing of the demolition procedure, including details of the measures to be taken to provide satisfactory levels of safety on or about the site.

Division 2—Additional requirements based on type of development

30—Elevations

An application for building consent in relation to a building or structure must be accompanied by drawings showing—

(a) in the case of a building—a dimensioned plan of each floor level, drawn to a scale of not less than 1:200; and

(b) in any case—

(i) dimensioned elevations and sections of any proposed building, drawn to a scale of not less than 1:200; and

(ii) the sizes and locations of footings and other structural components, drawn to a scale of not less than 1:200; and

(iii) such other details as may be necessary, drawn to a scale of not less than 1:200.

31—Accepted development

An application for building consent where the building work falls within the category of accepted development must be accompanied by—

(a) if a vehicle access point is to be established—if relevant, documentary evidence that it has been authorised under section 221 of the *Local Government Act 1999*; and

(b) information about the material and colour of any cladding that is to be used.

32—Retaining walls and roof trusses etc

(1) If a development involves the construction or alteration of, or addition to, a retaining wall, the application for building consent in respect of the development must be accompanied by a plan of the proposed retaining wall, drawn to a scale of not less than 1:200, including appropriate ratio scales—

(a) showing the location and dimensions of the proposed retaining wall, specifying the minimum and maximum height of the wall of relevant points; and

(b) showing elevation drawings, drawn to scale, being a scale of not less than 1:200 (including appropriate ratio scales), showing a side view of the wall, existing ground level and minimum and maximum wall heights; and

(c) describing the material comprising the retaining wall.

(2) If a development involves the installation, alteration, relocation or removal and reinstatement of a roof truss within the ambit of the Minister's Schedule 8 list of roof truss information, the application for building consent in respect of the development must be accompanied by the details relating to the truss required by the Minister's Schedule 8 list of roof truss information.

(3) If a development involves building that—

(a) relates to a building, or class of building, designated by the Minister by notice published in the Gazette; and

(b) involves the use of a building product, or kind of building product, designated by the Minister in the notice in circumstances specified in that notice,

the application for building consent in respect of the development must be accompanied by the details relating to the building product required by the Minister in that same notice.

(4) In this clause—

Minister's Schedule 8 list of roof truss information means a list of roof truss information published by the Minister in the Gazette for the purposes of subclause (2).

33—Change in use and alterations to existing buildings

An application for building consent for development consisting of or involving an alteration to a building must, if—

(a) the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or

(b) the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,

be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the relevant authority may reasonably require to show that the entire building will, on completion of the building work, comply with the requirements of the Act and these regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.

34—Fencing material

(1) If a development involves—

(a) the construction of a fence closer than 3 m to an existing or proposed Class 1 or 2 building under the Building Code; or

(b) the construction of a Class 1 or 2 building under the Building Code closer than 3 m to an existing or proposed fence,

at least 1 plan or other document provided for the purposes of this Part must describe or indicate the material that makes up, or is proposed to make up, the fence (as the case requires).

(2) For the purposes of subclause (1), the distance of 3 m will be measured from any part of an existing or proposed fence and from any part of an existing or proposed external wall of the relevant building (being an external wall within the meaning of the Building Code).

(3) In subclause (1)—

construction—

(a) in relation to a fence—includes an alteration of, or addition to, a fence but does not include the repair of an existing fence that does not enlarge or extend the fence; and

(b) in relation to a Class 1 or 2 building—means building or re-building, erecting or re-erecting, or extending or altering, the building.

35—On-site wastewater management

(1) An application for building consent that proposes development involving on-site wastewater must be accompanied by the evidence, plans and information referred to in clause 8(1).

(2) An application for building consent that proposes development on a site with an existing wastewater treatment or management system must be accompanied by the plan referred to in clause 8(2).

36—Development in bushfire prone areas

An application for building consent that relates to development within an overlay under the Planning and Design Code referred to in clause 10 must be accompanied by, or incorporate, the plans, drawings, specifications and other documents or drawings referred to in that clause.

Division 3—Declarations and certificates etc

37—Electricity infrastructure

An application for building consent relating to development that would involve the construction of a building (other than development referred to in clause 23(2)) may be accompanied by a declaration referred to in clause 23.

38—Unit or lot under *Strata Titles Act 1988* or *Community Titles Act 1996*

An application for building consent for development relating to a unit within a strata scheme under the *Strata Titles Act 1988* or a strata lot within a strata scheme under the *Community Titles Act 1996* must be accompanied by the relevant evidence referred to in clause 26.

Division 4—Staging

39—Staging

An application for the assessment of proposed building work in stages—

(a) must, in relation to the stage to which the application relates, be accompanied by all documents and information required by this Part that is related to that stage; and

(b) if the application relates to the first stage of building work—may be accompanied by—

(i) an outline of the work that will occur in each stage; or

(ii) notice that there will be 1 or more additional stages.

Part 3—Applications for land division

Division 1—Base plans and requirements

40—Land division—proposal plans

(1) This clause does not apply with respect to a division of land which is deemed-to-satisfy development under the Planning and Design Code.

(2) An application for a division of land to which this clause applies must be accompanied by—

(a) a plan that—

(i) shows the following particulars:

(A) all allotments into which the land is proposed to be divided, marked with distinctive numbers, names or symbols, the measurements and areas of the proposed allotments, and the total area (bounded by a firm, clear line) of the land proposed to be divided;

(B) the names, widths and alignments of existing abutting roads, streets and thoroughfares and of any existing roads, streets or thoroughfares intersecting or forming a junction therewith;

(C) the former subdivisional and section boundaries and the number of those subdivisions and sections all shown by broken lines;

(D) the north point, the scale of the plan and references to the volumes and folios of all certificates of title relating to the land proposed to be divided;

(E) a heading which contains a description of the land being divided by reference to any relevant Lands Titles Registration Office or General Registry Office plan showing the block or allotment number, the section number and the name of the hundred, and, in addition—

- if the division is lodged within the boundaries of a named area assigned pursuant to the *Geographical Names Act 1991* the words "In the area named ......"; or
- if the division is lodged for residential allotments and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* the words "Laid out as the Township of ......"; or
- if the division is lodged for residential purposes and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* but is adjoining to an existing named division, the words "Laid out as Portion of the Township of ......", the name being the name of the existing named division; or
- if the division is lodged for other than residential purposes and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* no name is required but, if a name is used, the words "In the area named ......";

(F) the position of any buildings intended to be retained on the land and the approximate position of any buildings which are to be demolished or removed;

(G) all existing and proposed registered easements and rights of way;

(H) topographic features, including, but not limited to—

- the gradient of the site (where the site exceeds, or would likely exceed, an average gradient greater than 1 in 10); and
- bodies of water, such as rivers, creeks or dams;

(I) the location and gradient of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*;

(J) the location of any regulated tree on the site or on adjoining land within 15 m of the site and, if on the site, the details of the species of the tree and the trunk circumference; and

(ii) is drawn in accordance with the following rule of scale:

(A) if the area of the smallest allotment is one-fifth of 1 ha or under, a scale of not less than 1:1 000;

(B) if the area of the smallest allotment is over one-fifth of a hectare and under 1 ha, a scale of not less than 1:2 500;

(C) if the area of the smallest allotment is 1 ha or over, a scale so that such allotment or block will be delineated by no less than 3 cm^2 on the plan; and

(b) a brief statement describing the intended use of the proposed allotments.

(3) The land comprised in a plan for the division of land must consist of a single allotment or an aggregation of contiguous allotments.

(4) For the purposes of subclause (3), allotments separated only by a road or a road reserve will be regarded as contiguous.

41—Land division certificates or deemed-to-satisfy land division

A land division plan lodged for—

(a) a certificate under section 138 of the Act; and

(b) a division of land which is deemed-to-satisfy development under the Planning and Design Code,

must comply with—

(c) in the case of the division of land under Part 19AB of the *Real Property Act 1886*—the requirements for plans under that Act; or

(d) in the case of the division of land by a plan of community division under the *Community Titles Act 1996*—the requirements for plans under that Act; or

(e) in the case of the division of land by strata plan under the *Strata Titles Act 1988*—the requirements for plans under that Act.

42—Land division—water industry entities

An application for the division of land must specify the water industry entity or entities under the *Water Industry Act 2012* that will provide water supply and sewerage services in respect of the allotments the subject of the division.

Division 2—Additional requirements based on type of land division

43—Land division creating more than 20 new allotments or new road

(1) An application for the division of land that would create more than 20 new allotments must be accompanied by—

(a) a landscape plan that includes—

(i) details of site levels, including any grading and drainage for the purposes of landscaping; and

(ii) the location of any street trees proposed to be planted and a schedule of botanical names of such trees; and

(iii) details and the location of any open space, reserves and road reserves; and

(iv) details of any vegetation other than street trees to be planted, including a schedule of the botanical name, the container size and the quality and density of the vegetation to be planted; and

(v) a vegetation survey of any regulated trees present on the site, the species of such trees, and details of any critical and structural root zones; and

(b) a stormwater management plan that includes—

(i) a site plan drawn to a scale of not less than 1:1000 showing the extent of works, including—

(A) proposed areas that are pervious and impervious to water; and

(B) site levels; and

(C) contours; and

(ii) a stormwater catchment plan drawn to scale showing sub-catchment boundaries and all relevant topographic features; and

(iii) plans that show—

(A) overland flow paths; and

(B) the location and size of existing drains, easements and reserves within and adjacent to the project site; and

(C) a hydraulic design of the stormwater infrastructure including detail of treatment, detention and retention required to service the project site; and

(c) a bulk earthworks plan that includes a site plan drawn to a scale of not less than 1:500 showing cut and fill volumes between existing and finished ground level; and

(d) a pedestrian and traffic movement plan that includes—

(i) a site plan drawn to a scale of not less than 1:500 showing—

(A) footpath alignment and widths; and

(B) pedestrian crossings (at-grade or grade-separated); and

(C) access paths and ramps; and

(D) connections to existing networks, including abutting thoroughfares and public transport nodes; and

(E) lighting and safety features; and

(F) conflict mitigation strategies, including separation from vehicular traffic; and

(G) accessibility features, including tactile indicators and gradients; and

(ii) in relation to road and pavement design, detailed specifications of materials and treatments.

(2) An application for the division of land that would create a new road must be accompanied by a plan that—

(a) shows the following particulars in addition to those referred to in clause 40(2)(a):

(i) the numbers of the sections, allotments or plans, and references to the volumes and folios of all certificates of title, of adjoining land, and of the land on the opposite side of any abutting road;

(ii) the existing contours above known datum level of the following:

(A) the land on which the new road is proposed;

(B) any land that abuts or connects with the land referred to in subsubparagraph (A), whether a road or land of any other type (whether part of the development associated with the division of land or not);

(iii) the proposed levels, contours and gradients to a known datum level of the following once the development associated with the division of land is completed:

(A) the new road;

(B) any land that abuts or connects with the new road, whether a road or land of any other type (whether part of the development associated with the division of land or not); and

(b) is vouched for by a licensed surveyor as to its reasonable accuracy.

44—Community plans

(1) An application for the division of land by a plan of community division under the *Community Titles Act 1996* must be accompanied by—

(a) the proposed scheme description of the relevant community scheme; and

(b) if the plan of community division proposes the construction of common property comprising a driveway or private road and the applicant intends to enter into a binding arrangement with the council for the satisfaction of the condition prescribed by regulation 85A—

(i) details of the design of the driveway or road, including the width and construction material; and

(ii) the costs associated with the construction of the driveway or road,

unless a scheme description is not required to be lodged with the Registrar-General under section 15 of that Act.

(2) A plan which provides for the division of land by a plan of community division under the *Community Titles Act 1996* must state whether the plan is a primary plan, a secondary plan or a tertiary plan under that Act and—

(a) in the case of a secondary plan—must define the primary lot; or

(b) in the case of a tertiary plan—must define the secondary lot.

(3) In this clause—

common property has the same meaning as in the *Community Titles Act 1996*.

Note—

Section 15 of the *Community Titles Act 1996* provides that there is no need to lodge a scheme description with the Registrar-General if—

(a) the plan of community division under that Act—

(i) does not create more than 6 community lots (or such other number as is prescribed by regulation under that Act); and

(ii) does not create a development lot; and

(b) each of the community lots is intended to be used solely or predominantly for residential purposes.

45—Development in bushfire prone areas

An application for consent under section 102(1)(c) or (d) of the Act that relates to development within an overlay under the Planning and Design Code referred to in clause 10 must be accompanied by, or incorporate, the plans, drawings, specifications and other documents or drawings referred to in that clause.

39—Amendment of Schedule 9—Referrals

Schedule 9, clause 3, table, Part A, item 9AB(a)—delete "clause 2A(1)(b)" and substitute:

clause 15(1)(b)

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

(1) Schedule 13, clause 2(1)—after paragraph (z) insert:

(za) the construction, reconstruction or alteration of, or addition to, a pedestrian bridge.

(2) Schedule 13, clause 2(2)—delete "and (x)" and substitute:

, (x) and (za)

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

after compliance with sections 180(8) and 181(4) of the Act and with the advice and consent of the Executive Council
on

No of 2026