Summary of the Draft Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2026

Amending: *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) under the *Planning, Development and Infrastructure Act 2016* (the Act)

FOR CONSULTATION

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Government of South Australia
Department for Housing and Urban Development

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Changes made as a consequence of the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025* (Omnibus Act)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
3.	Amendment of regulation 3 to define 'specified water industry entity' for the purpose of water and wastewater supply to allotments created as part of a land division.	Water and wastewater supply is provided by SA Water, some local councils, and other private water industry entities. This definition now requires that the water industry entity must be selected by the applicant as part of their application.	This will give agency to applicants/developers in selecting the water industry entity where more than one is available for the area, as well as certainty to the Commission as to which water industry entity they must consult with.
6.	Insertion of regulation 20A, which prescribes a concept plan as a complying change for the purpose of amending the Planning and Design Code, where: • The concept plan amendment is consistent with a recommendation made in a regional plan, complete with specific information and mapping; or • The concept plan amendment is consistent with an approved primary infrastructure scheme.	The Act now allows the prescribing of complying changes to the Planning and Design Code. Proposed concept plans or amendments to a concept plan within the Planning and Design Code may be raised within regional plans, and primary infrastructure scheme outlines, which are subject to consultation. Without this regulation, changes to a concept plan would require an additional round of consultation on the same matter, using the section 73 Code Amendment process.	This allows the streamlined introduction or implementation of changes to concept plans within the Planning and Design Code, where changes to the concept plan have already been subject to consultation either as part of a regional plan's consultation, or a relevant primary infrastructure scheme's consultation.
7.	Amendment of regulation 21 to prescribe additional Acts so that operational amendments to align the Planning and Design Code with amendments to these prescribed Acts can occur without a section 73 Code Amendment. (Additional Acts: *National Parks and Wildlife Act 1972, Wilderness Protection Act 1992, Native Vegetation Act 1991, Biodiversity Act 2025, Airports Act 1996* (Cth), *Underwater Cultural Heritage Act 2018* (Cth)).	Currently, a separate Code Amendment under section 73 of the Act is required for any boundary change to a national park, or new wilderness protection area created (for example) where these are implemented under the relevant Acts.	This will allow the South Australian Property & Planning Atlas and the Planning and Design Code to reflect changes implemented under these Acts without the need for a separate Code Amendment under section 73 of the Act.

Changes made as a consequence of the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025* (Omnibus Act)			
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8.	Amendment of regulation 24 to delete a reference to a section of the Act (previous section 102(1)(f)) that was deleted by the Omnibus Act.	The Omnibus Act deleted section 102(1)(f), which dealt with off-set contributions separately, but is now considered holistically as part of planning or land division consents.	Administrative change only.
9.	Insertion of regulation 28A to change the law that applies for each authorisation in relation to a development application. The law to be applied (including Planning Rules and Building Rules) will be set from the lodgement of the initial authorisation application and apply to subsequent authorisations in relation to the same development application for a period of 2 years. For more information, see flowcharts provided at the end of this document.	This will assist people with the transition to the National Construction Code 2025, operative from 1 May 2027. Currently, the law that applies for each authorisation is dependent on when each consent is lodged, meaning the same development application will be assessed based on the Building Rules as at a different date to the Planning Rules.	This will provide greater certainty for applicants through being able to 'lock-in' the versions of the Planning Rules and Building Rules as at the commencement of their development application, for a period of two years following lodgement of their first consent. Additionally, applicants will have the benefit of the law as at the date of lodgement of their first consent for all variations (minor and not minor) for a period of two years. After that two year period, a 'new' application made in relation to the initial development application, the law to be applied is at the lodgement of that new application, and similarly for any subsequent consents or applications for a period of two years following lodgement of that new application. This will also coincide with changes to the PlanSA Development Assessment Portal in relation to timeframes for variation applications (not minor). The change will ensure that variation applications to an existing consent will not automatically provide a two-year operative date from the time the varied consent is granted, instead, mirroring the timeframe left on the initial consent. This aligns with the existing legislation and regulations, and also ensures that where work has not commenced, consents are not valid for extended periods of time from the law applied as a part of

Changes made as a consequence of the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025* (Omnibus Act)			
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			assessment, without an extension of time application being considered. This will apply for application lodged after 27 November 2025, when section 132(a1), was introduced to the Act through the *Omnibus Act.*
11.	Insertion of regulation 30A to require that despite the ability to apply for consents separately for other application types, land division consent and planning consents must be applied for simultaneously for co-located housing applications.	Co-located housing developments involve the division of land to facilitate additional dwelling(s) while retaining the existing dwelling on an allotment. As how the land is divided, land management and building orientations need to be considered together, it is necessary for both consents to be submitted for simultaneous assessment.	This will make for a smoother application process, by requiring applicants to provide both land division and planning consent information upfront.
16.	Substitution of regulation 36 to allow applicants to change their nominated water industry entity/water industry entities for provision of water and sewerage services for a land division application. (Previous regulation 36 concerned building indemnity insurance which is now dealt with in a new Division created by regulation 20 of these Amendment Regulations).	As a consequence of the new requirement that applicants nominate the water industry entity for the supply of water and sewerage services, it is necessary to allow applicants to change entities.	Applicants will be able to lodge a variation to their application should they choose to change their nominated water industry entity/entities for their land division.
19.	Amendment to regulation 76 to specifically require the Commission to consult with the applicant's specified water industry entities in relation to the development's water and wastewater requirements.	Currently, regulation 76 leaves the discretion to the Commission to consult with any agencies it deems necessary, even though understanding the water industry entity requirements is a prerequisite for assessment.	This will provide clarity for applicants that consultation with their specified water industry entity is a required step in the assessment process.

Changes made as a consequence of the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025* (Omnibus Act)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
21.	Amendment to regulation 79 to require the water industry entity to set their requirements for water and sewerage supply, align the timeframe for which a water industry entity's assessment is valid with that of the land division consent, and require that any update to an assessment may only occur through the variation application process under the Act.	Currently, the regulations state that an assessment is only valid for 60 business days.	This will provide certainty to applicants that their water industry entity's requirements will remain the same for the life of the consent., unless the applicant makes a variation (in which case the water industry entity will be re-referred the variation application for assessment).
22.	Amendment to regulation 85 to change the reference to 'the Chief Executive of SA Water or any other water industry entity' to the specified water industry entity, to require the applicant's nominated water industry entity to confirm that all water supply and sewerage connections have been laid prior to the sealing of a road within the development site.	This is consequential to the proposed changes in these regulations to allow a person to select and specify the water industry entity or entities that will service their development.	This will make for a more efficient process, as it will mean that confirmation is not required of the Chief Executive of SA Water where SA Water is not the specified entity.
23.	Removal of subregulation 87(2) which refers to the Minister informing the Commission that a binding agreement supported by adequate security for water supply and sewerage services.	Rather than the Minister informing the Commission that a binding agreement has been entered into, this power is now being dealt with by SA Water under section 138(1a)(a)(ii) (yet to be commenced), or in the case of another water industry entity, under proposed r 89(5a)(ii) and (b)(ii).	Where SA Water is the relevant authority, there will be no noticeable change as this merely reflects current delegation process. In respect of private water industry entities, this provides a new power for water industry entities to respond directly to the Commission, rather than through the Minister, or in some cases, the relevant council.
24.	Amendment to regulation 89 to provide that the Commission must not issue a land division certificate, unless it is confirmed with either the council or the specified water industry entity other than SA Water, that certain circumstances apply. This mirrors similar provisions within section 138 in which the Commission must not issue a land division certificate unless matters are confirmed	Currently, where non-council, private water industry entities other than SA Water operate, councils (rather than the water industry entities), liaise with the Commission and the entity in respect of land division certification.	This will provide a more direct line of communication between water industry entities and the Commission.

Changes made as a consequence of the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025* (Omnibus Act)			
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	with SA Water, where SA Water is the water industry entity.		
31.	Insertion of regulation 109AA which pursuant to section 167A allows a basic infrastructure scheme (includes water, sewerage, communications infrastructure, roads, and bridges) to be varied to become a primary infrastructure scheme (includes parks, playgrounds, recreation facilities, libraries, as well as basic infrastructure).	This is to prevent primary infrastructure schemes needing to be prepared from scratch where a basic infrastructure scheme already exists for the same area. This avoids the need to re-make or re-sign agreements for basic infrastructure elements that will form part of the primary infrastructure scheme.	This will ensure faster provision of coordinated infrastructure for residential growth areas.
35.	Insertion of regulation 129 to prescribe that consultation for local area plans must be in accordance with the Community Engagement Charter published under the Act, and when councils' local area plans must be completed.	When the Omnibus Act was drafted, the engagement strategy for local area plans was deferred to the regulations to allow consideration as to whether this should be in line with the Community Engagement Charter under the Act or the engagement charter under the *Local Government Act 1999.*	This will provide certainty to the community as to how engagement will occur, and allow councils to budget and plan to ensure the first local area plans are completed within the prescribed timeframe.

Changes related to building indemnity insurance and building certificates			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
16.	Repeal of regulation 36 in relation to building indemnity insurance.	A new Division dedicated to building indemnity insurance is being created by regulation 25 of these Amendment Regulations.	See regulation 25.
25.	Insertion of new regulation 92A which clarifies that prior to domestic building work commencing, the builder must either lodge a building indemnity insurance certificate or evidence of an exemption with the relevant council. There will also be an increased maximum penalty for breaches from $2,500 to $10,000 as well as a default penalty of $1,000 and expiation of $750.	Harsher penalties are being put in place to prevent builders from trying to claim invalid exemptions from the requirement or delaying obtaining insurance until after building works are complete.	This will provide greater transparency for homeowners that building indemnity insurance has been obtained where required, and they are covered.

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26.	Amendment to regulation 93 to provide a second opportunity to provide evidence of building indemnity insurance, i.e. simultaneously with notification of the commencement of building works, and providing a new default penalty of $1,000 for failure to comply with notification requirements, which allow council to conduct building inspections once notified.	If, for whatever reason, building indemnity insurance has not been obtained before the notification of commencement of works, or there has been a change of circumstances to now require building indemnity insurance, a second opportunity to provide a certificate will be available simultaneous with commencement of works notification.	This will provide assurance to the community and homeowners that building works are completed with consumer protection measures in place.
28.	Amendment to regulation 101 to prescribe that building certifiers have the power to issue certification and classification of buildings for applications made under section 130 and 131 of the Act.	This allows building certifiers to certify and classify buildings that are assessed under the Crown and essential infrastructure assessment pathways.	This brings buildings approved through the Crown and essential infrastructure pathways into line with the Planning and Design Code assessment pathways.
30.	Amendment of regulation 104 to require that the landowner, rather than a person on the landowner's behalf, signs off on a statement of compliance.	Currently, where building certifiers provide a statement of compliance to confirm that the building has been built in accordance with the approved plans, joint sign off may be completed by a person acting on behalf of the landowner, meaning the landowner may not be aware that sign off has been provided.	This will allow greater transparency for landowners.

Changes related to verification and mandatory documentation for development applications (including for documentation for design standards)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
10.	Amendment to regulation 30 to clarify the relevant authority cannot request over and above the minimum requirements to verify the fundamental nature of the development application and that they are the correct relevant authority prior to assessment of the application.	The Expert Panel Review for the Planning System and Implementation Review and Government response that was handed down in 2024, recommended changes to clarify the mandatory documentation requirements for development applications.	This change makes clear to relevant authorities, that information over and above what is required to confirm they are the relevant authority, the nature of the development and its elements should not be sought for the purpose of verification.

Changes related to verification and mandatory documentation for development applications (including for documentation for design standards)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
			This will assist in preventing development applications being held up in verification due to information requirements that are not necessary for the verification process.
12.	Amendment of regulation 31 to clarify that a relevant authority may only request additional information from an applicant once during the verification process, and if there is enough information to determine the nature of the application, the relevant authority must verify the application.	Some relevant authorities have used the ability to request documentation during verification to do so multiple times, where such detailed information should be sought as part of an information request post-verification.	This will assist in preventing development applications being held up in verification due to multiple information requirements that are not necessary for the verification process.
17.	Amendment to regulation 38 to introduce the ability to lapse unverified applications where the applicant has not responded to a request after 6 months.	This mirrors the ability for relevant authorities to lapse applications in assessment that are at a standstill due to the applicant not responding to matters after one year.	This will improve the PlanSA portal interface for relevant authorities. It will also encourage applicants to be active in the management of their applications.
38.	Substitution of Schedule 8 – Plans, with Schedule 8 – Plans, drawings specifications and other documents and information. Schedule restructured so that: • Requirements are separated into Parts based on application type (planning, building, land division). • Each Part contains a Division that sets out the base requirements for an application. Key changes to information requirements: • Applicants now required as part of their land division application to nominate the water industry entity/water industry entities to provide water and sewerage services.	A review of the requirements under Schedule 8 was recommended in the Final Report and Recommendations by the Expert Panel for the Planning System Implementation Review.	The Schedule 8 requirements have largely been carried over from the *Development Regulation 2008,* and subsequently added to over time, without a logical structure. The restructure will assist applicants and relevant authorities to easily determine all of the information that is relevant to each application. The amendments to Schedule 8 also address gaps in what information requirements relevant authorities need to verify and assess applications, as well as remove other information requirements that are unnecessary.

Changes related to verification and mandatory documentation for development applications (including for documentation for design standards)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
	• Introduction of new ‘change in land use’ information requirements for planning applications. • Increased level of information required for land division applications now only required for 20 allotments or more, rather than 5 allotments or more, where not also involving a new road. This aligns with what is required for land divisions subject to Design Standard 1 – Engineering Requirements for Land Division.		

Administrative / miscellaneous changes			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
3.	Removal of definitions related to the Commonwealth HomeBuilder development grant scheme.	The Commonwealth HomeBuilder development grant scheme ended on 30 June 2025, so the provisions are now obsolete.	To prevent any confusion regarding available grant schemes.
4.	Amendment of regulation 3A to update clause references related to site contamination due to Schedule 8 amendments.	To align with the current National Construction Code referencing conventions.	N/A.
5.	Amendment of regulation 13 to fix an error in which the word ‘unreasonably’ is replaced with ‘reasonably’	To fix a drafting error.	To clarify when an assessment panel may reasonably exclude public access to a meeting.
13.	Insertion of regulation 31A to introduce time limits for a relevant authority to respond following submission of documentation for a reserved matter.	To align with other steps of the development assessment process which imposes limits on the time relevant authorities must respond.	To ensure applicants receive timely responses to the final step for a full development approval where all the relevant information has been provided.
14.	Amendment of regulation 32A to update clause references related to site contamination due to Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A

Administrative / miscellaneous changes			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
15.	Amendment of regulation 32B to update clause references related to site contamination due to Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A.
18.	Amendment of regulation 67 to clarify that the lapsing of consents is subject to any extension of time granted under section 126 in relation to consents and approvals respectively	To align with the powers for extensions of time under section 126.	Provide clarity to both extensions of time and lapsing of consent processes.
20.	Amendment to regulation 77 to update the National Construction Code references to align with current referencing conventions.	To align with the current National Construction Code referencing conventions.	N/A.
27.	Amendment to regulation 98 to update the National Construction Code references to align with current referencing conventions.	To align with the current National Construction Code referencing conventions.	N/A.
29.	Amendment of regulation 103C to update clause references related to site contamination due to Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A.
32.	Insertion of regulations 109E and 109F to stipulate that councils must establish charges that are to be paid by ratepayers to recoup councils' contributions made towards infrastructure schemes. In addition to the imposition of charges, councils may recoup the establishment and ongoing costs associated with the requirements to impose a charge. Establishment and ongoing charges are similar to those provided in the *Landscape South Australia (General) Regulations 2020.*	As the first infrastructure schemes under the Act commence, the scheme coordinator is required to set the contributions to which council must pay, in accordance with section 177. Section 180 of the Act further provides that councils must recoup their contributions through the imposition of charges.	This will set a transparent framework for the way in which council may formulate its charges to rateable land.
33.	Insertion of regulation 111A to clarify that land management agreements cannot be used for development matters that should be assessed in	This is to prevent councils for using land management agreements to create additional onerous requirements on landowners beyond the	This will provide assurance to applicants that their development application will be assessed on its merits against the matters set out in the Act and Planning and Design Code.

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	accordance with the provisions of the Planning and Design Code.	relevant planning considerations for a development application.	
34.	Amendment of regulation 120 to ensure that certain information can be omitted from public records of applications where there are safety concerns.	Currently, all development applications must be published on the portal with the name of the applicant.	This will ensure the safety of applicants with special circumstances, while maintaining transparency generally.
36.	Amendment to Schedule 4 clause 14(2)(c)(iii) to allow tram and light rail bridges to be built with adjoining pedestrian bridges without the need for a development application.	The current regulations allow for tram and light rail bridges to be built without a development application, however pedestrian bridges are excluded. This clarifies that when the two elements are combined, a development application will not be required.	This change will ensure that where rail bridges are proposed, active travel elements are not omitted due to additional development application requirements.
37.	Deletion of Schedule 6B, which dealt with the Commonwealth HomeBuilder development grant scheme	This grant scheme ended on 30 June 2025, so the provisions are now obsolete.	To remove any confusion about the available grant schemes.
39.	Amendment of Schedule 9 clause 3 to update the reference in the table to the site contamination clause in Schedule 8, due to the Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A.
40.	Amendment to Schedule 13 clause 2(1) to allow State agencies to build and construct pedestrian bridges without the need for a development application.	The current regulations require State agencies to submit a development application for pedestrian bridge, which is inconsistent with the other exemptions afforded to State agencies.	This will allow the Government through its State agencies to build active travel into infrastructure design, in line with the South Australia's Active Travel Design Guide.

TABLE CONTAINING ALL CHANGES (NUMERICAL ORDER)

All proposed changes under the *Planning, Development and Infrastructure (Genera) (Miscellaneous) Amendment Regulations 2026* (Numerical Order)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
3.	Amendment of regulation 3 to define 'specified water industry entity' for the purpose of water and wastewater supply to allotments created as part of a land division.	Water and wastewater supply is provided by SA Water, some local councils, and other private water industry entities. This definition now requires that the water industry entity must be selected by the applicant as part of their application.	This will give agency to applicants/developers in selecting the water industry entity where more than one is available for the area, as well as certainty to the Commission as to which water industry entity they must consult with.
3.	Removal of definitions related to the Commonwealth HomeBuilder development grant scheme.	The Commonwealth HomeBuilder development grant scheme ended on 30 June 2025, so the provisions are now obsolete.	To prevent any confusion regarding available grant schemes.
4.	Amendment of regulation 3A to update clause references related to site contamination due to Schedule 8 amendments.	To align with the current National Construction Code referencing conventions.	N/A.
5.	Amendment of regulation 13 to fix an error in which the word 'unreasonably' is replaced with 'reasonably'	To fix a drafting error.	To clarify when an assessment panel may reasonably exclude public access to a meeting.
6.	Insertion of regulation 20A, which prescribes a concept plan as a complying change for the purpose of amending the Planning and Design Code, where: • The concept plan amendment is consistent with a recommendation made in a regional plan, complete with specific information and mapping; or • The concept plan amendment is consistent with an approved primary infrastructure scheme.	The Act now allows the prescribing of complying changes to the Planning and Design Code. Proposed concept plans or amendments to a concept plan within the Planning and Design Code may be raised within regional plans, and primary infrastructure scheme outlines, which are subject to consultation. Without this regulation, changes to a concept plan would require an additional round of consultation on the same matter, using the section 73 Code Amendment process.	This allows the streamlined introduction or implementation of changes to concept plans within the Planning and Design Code, where changes to the concept plan have already been subject to consultation either as part of a regional plan's consultation, or a relevant primary infrastructure scheme's consultation.

All proposed changes under the *Planning, Development and Infrastructure (Genera) (Miscellaneous) Amendment Regulations 2026* (Numerical Order)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
7.	Amendment of regulation 21 to prescribe additional Acts so that operational amendments to align the Planning and Design Code with amendments to these prescribed Acts can occur without a section 73 Code Amendment. (Additional Acts: *National Parks and Wildlife Act 1972, Wilderness Protection Act 1992, Native Vegetation Act 1991, Biodiversity Act 2025, Airports Act 1996* (Cth), *Underwater Cultural Heritage Act 2018* (Cth)).	Currently, a separate Code Amendment under section 73 of the Act is required for any boundary change to a national park, or new wilderness protection area created (for example) where these are implemented under the relevant Acts.	This will allow the South Australian Property & Planning Atlas and the Planning and Design Code to reflect changes implemented under these Acts without the need for a separate Code Amendment under section 73 of the Act.
8.	Amendment of regulation 24 to delete a reference to a section of the Act (previous section 102(1)(f)) that was deleted by the Omnibus Act.	The Omnibus Act deleted section 102(1)(f), which dealt with off-set contributions separately, but is now considered holistically as part of planning or land division consents.	Administrative change only.
9.	Insertion of regulation 28A to change the law that applies for each authorisation in relation to a development application. The law to be applied (including Planning Rules and Building Rules) will be set from the lodgement of the initial authorisation application and apply to subsequent authorisations in relation to the same development application for a period of 2 years. For more information, see flowcharts provided at the end of this document.	This will assist people with the transition to the National Construction Code 2025, operative from 1 May 2027. Currently, the law that applies for each authorisation is dependent on when each consent is lodged, meaning the same development application will be assessed based on the Building Rules as at a different date to the Planning Rules.	This will provide greater certainty for applicants through being able to 'lock-in' the versions of the Planning Rules and Building Rules as at the commencement of their development application, for a period of two years following lodgement of their first consent. Additionally, applicants will have the benefit of the law as at the date of lodgement of their first consent for all variations (minor and not minor) for a period of two years. After that two year period, a 'new' application made in relation to the initial development application, the law to be applied is at the lodgement of that new application, and similarly for any subsequent consents or applications for a period of two years following lodgement of that new application.

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			This will also coincide with changes to the PlanSA Development Assessment Portal in relation to timeframes for variation applications (not minor). The change will ensure that variation applications to an existing consent will not automatically provide a two-year operative date from the time the varied consent is granted, instead, mirroring the timeframe left on the initial consent. This aligns with the existing legislation and regulations, and also ensures that where work has not commenced, consents are not valid for extended periods of time from the law applied as a part of assessment, without an extension of time application being considered. This will apply for application lodged after 27 November 2025, when section 132(a1), was introduced to the Act through the *Omnibus Act*
10.	Amendment to regulation 30 to clarify the relevant authority cannot request over and above the minimum requirements to verify the fundamental nature of the development application and that they are the correct relevant authority prior to assessment of the application.	The Expert Panel Review for the Planning System and Implementation Review and Government response that was handed down in 2024, recommended changes to clarify the mandatory documentation requirements for development applications.	This change makes clear to relevant authorities, that information over and above what is required to confirm they are the relevant authority, the nature of the development and its elements should not be sought for the purpose of verification. This will assist in preventing development applications being held up in verification due to information requirements that are not necessary for the verification process.
11.	Insertion of regulation 30A to require that despite the ability to apply for consents separately for other application types, land division consent and planning consents must be applied for simultaneously for co-located housing applications.	Co-located housing developments involve the division of land to facilitate additional dwelling(s) while retaining the existing dwelling on an allotment. As how the land is divided, land management and building orientations need to be	This will make for a smoother application process, by requiring applicants to provide both land division and planning consent information upfront.

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		considered together, it is necessary for both consents to be submitted for simultaneous assessment.	
12.	Amendment of regulation 31 to clarify that a relevant authority may only request additional information from an applicant once during the verification process, and if there is enough information to determine the nature of the application, the relevant authority must verify the application.	Some relevant authorities have used the ability to request documentation during verification to do so multiple times, where such detailed information should be sought as part of an information request post-verification.	This will assist in preventing development applications being held up in verification due to multiple information requirements that are not necessary for the verification process.
13.	Insertion of regulation 31A to introduce time limits for a relevant authority to respond following submission of documentation for a reserved matter.	To align with other steps of the development assessment process which imposes limits on the time relevant authorities must respond.	To ensure applicants receive timely responses to the final step for a full development approval where all the relevant information has been provided.
14.	Amendment of regulation 32A to update clause references related to site contamination due to Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A
15.	Amendment of regulation 32B to update clause references related to site contamination due to Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A.
16.	Repeal of regulation 36 in relation to building indemnity insurance.	A new Division dedicated to building indemnity insurance is being created by regulation 25 of these Amendment Regulations.	See regulation 25.
17.	Amendment to regulation 38 to introduce the ability to lapse unverified applications where the applicant has not responded to a request after 6 months.	This mirrors the ability for relevant authorities to lapse applications in assessment that are at a standstill due to the applicant not responding to matters after one year.	This will improve the PlanSA portal interface for relevant authorities. It will also encourage applicants to be active in the management of their applications.

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Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
18.	Amendment of regulation 67 to clarify that the lapsing of consents is subject to any extension of time granted under section 126 in relation to consents and approvals respectively	To align with the powers for extensions of time under section 126.	Provide clarity to both extensions of time and lapsing of consent processes.
19.	Amendment to regulation 76 to specifically require the Commission to consult with the applicant's specified water industry entities in relation to the development's water and wastewater requirements.	Currently, regulation 76 leaves the discretion to the Commission to consult with any agencies it deems necessary, even though understanding the water industry entity requirements is a prerequisite for assessment.	This will provide clarity for applicants that consultation with their specified water industry entity is a required step in the assessment process.
20.	Amendment to regulation 77 to update the National Construction Code references to align with current referencing conventions.	To align with the current National Construction Code referencing conventions.	N/A.
21.	Amendment to regulation 79 to require the water industry entity to set their requirements for water and sewerage supply, align the timeframe for which a water industry entity's assessment is valid with that of the land division consent, and require that any update to an assessment may only occur through the variation application process under the Act.	Currently, the regulations state that an assessment is only valid for 60 business days.	This will provide certainty to applicants that their water industry entity's requirements will remain the same for the life of the consent., unless the applicant makes a variation (in which case the water industry entity will be re-referred the variation application for assessment).
22.	Amendment to regulation 85 to change the reference to 'the Chief Executive of SA Water or any other water industry entity' to the specified water industry entity, to require the applicant's nominated water industry entity to confirm that all water supply and sewerage connections have been laid prior to the sealing of a road within the development site.	This is consequential to the proposed changes in these regulations to allow a person to select and specify the water industry entity or entities that will service their development.	This will make for a more efficient process, as it will mean that confirmation is not required of the Chief Executive of SA Water where SA Water is not the specified entity.

All proposed changes under the *Planning, Development and Infrastructure (Genera) (Miscellaneous) Amendment Regulations 2026* (Numerical Order)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
23.	Removal of subregulation 87(2) which refers to the Minister informing the Commission that a binding agreement supported by adequate security for water supply and sewerage services.	Rather than the Minister informing the Commission that a binding agreement has been entered into, this power is now being dealt with by SA Water under section 138(1a)(a)(ii) (yet to be commenced), or in the case of another water industry entity, under proposed r 89(5a)(ii) and (b)(ii).	Where SA Water is the relevant authority, there will be no noticeable change as this merely reflects current delegation process. In respect of private water industry entities, this provides a new power for water industry entities to respond directly to the Commission, rather than through the Minister, or in some cases, the relevant council.
24.	Amendment to regulation 89 to provide that the Commission must not issue a land division certificate, unless it is confirmed with either the council or the specified water industry entity other than SA Water, that certain circumstances apply. This mirrors similar provisions within section 138 in which the Commission must not issue a land division certificate unless matters are confirmed with SA Water, where SA Water is the water industry entity.	Currently, where non-council, private water industry entities other than SA Water operate, councils (rather than the water industry entities), liaise with the Commission and the entity in respect of land division certification.	This will provide a more direct line of communication between water industry entities and the Commission.
25	Insertion of new regulation 92A which clarifies that prior to domestic building work commencing, the builder must either lodge a building indemnity insurance certificate or evidence of an exemption with the relevant council. There will also be an increased maximum penalty for breaches from $2,500 to $10,000 as well as a default penalty of $1,000 and expiation of $750.	Harsher penalties are being put in place to prevent builders from trying to claim invalid exemptions from the requirement or delaying obtaining insurance until after building works are complete.	This will provide greater transparency for homeowners that building indemnity insurance has been obtained where required, and they are covered.
26.	Amendment to regulation 93 to provide a second opportunity to provide evidence of building indemnity insurance, i.e. simultaneously with notification of the commencement of building works, and providing a new default penalty of $1,000 for failure to comply with notification requirements,	If, for whatever reason, building indemnity insurance has not been obtained before the notification of commencement of works, or there has been a change of circumstances to now require building indemnity insurance, a second opportunity to provide a certificate will be	This will provide assurance to the community and homeowners that building works are completed with consumer protection measures in place.

All proposed changes under the *Planning, Development and Infrastructure (Genera) (Miscellaneous) Amendment Regulations 2026* (Numerical Order)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
	which allow council to conduct building inspections once notified.	available simultaneous with commencement of works notification.	
27.	Amendment to regulation 98 to update the National Construction Code references to align with current referencing conventions.	To align with the current National Construction Code referencing conventions.	N/A.
28.	Amendment to regulation 101 to prescribe that building certifiers have the power to issue certification and classification of buildings for applications made under section 130 and 131 of the Act.	This allows building certifiers to certify and classify buildings that are assessed under the Crown and essential infrastructure assessment pathways.	This brings buildings approved through the Crown and essential infrastructure pathways into line with the Planning and Design Code assessment pathways.
29.	Amendment of regulation 103C to update clause references related to site contamination due to Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A.
30.	Amendment of regulation 104 to require that the landowner, rather than a person on the landowner's behalf, signs off on a statement of compliance.	Currently, where building certifiers provide a statement of compliance to confirm that the building has been built in accordance with the approved plans, joint sign off may be completed by a person acting on behalf of the landowner, meaning the landowner may not be aware that sign off has been provided.	This will allow greater transparency for landowners.
31.	Insertion of regulation 109AA which pursuant to section 167A allows a basic infrastructure scheme (includes water, sewerage, communications infrastructure, roads, and bridges) to be varied to become a primary infrastructure scheme (includes parks, playgrounds, recreation facilities, libraries, as well as basic infrastructure).	This is to prevent primary infrastructure schemes needing to be prepared from scratch where a basic infrastructure scheme already exists for the same area. This avoids the need to re-make or re-sign agreements for basic infrastructure elements that will form part of the primary infrastructure scheme.	This will ensure faster provision of coordinated infrastructure for residential growth areas.

All proposed changes under the *Planning, Development and Infrastructure (Genera) (Miscellaneous) Amendment Regulations 2026* (Numerical Order)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
32.	Insertion of regulations 109E and 109F to stipulate that councils must establish charges that are to be paid by ratepayers to recoup councils' contributions made towards infrastructure schemes. In addition to the imposition of charges, councils may recoup the establishment and ongoing costs associated with the requirements to impose a charge. Establishment and ongoing charges are similar to those provided in the *Landscape South Australia (General) Regulations 2020.*	As the first infrastructure schemes under the Act commence, the scheme coordinator is required to set the contributions to which council must pay, in accordance with section 177. Section 180 of the Act further provides that councils must recoup their contributions through the imposition of charges.	This will set a transparent framework for the way in which council may formulate its charges to rateable land.
33.	Insertion of regulation 111A to clarify that land management agreements cannot be used for development matters that should be assessed in accordance with the provisions of the Planning and Design Code.	This is to prevent councils for using land management agreements to create additional onerous requirements on landowners beyond the relevant planning considerations for a development application.	This will provide assurance to applicants that their development application will be assessed on its merits against the matters set out in the Act and Planning and Design Code.
34.	Amendment of regulation 120 to ensure that certain information can be omitted from public records of applications where there are safety concerns.	Currently, all development applications must be published on the portal with the name of the applicant.	This will ensure the safety of applicants with special circumstances, while maintaining transparency generally.
35.	Insertion of regulation 129 to prescribe that consultation for local area plans must be in accordance with the Community Engagement Charter published under the Act, and when councils' local area plans must be completed.	When the Omnibus Act was drafted, the engagement strategy for local area plans was deferred to the regulations to allow consideration as to whether this should be in line with the Community Engagement Charter under the Act or the engagement charter under the *Local Government Act 1999.*	This will provide certainty to the community as to how engagement will occur, and allow councils to budget and plan to ensure the first local area plans are completed within the prescribed timeframe.
36.	Amendment to Schedule 4 clause 14(2)(c)(iii) to allow tram and light rail bridges to be built with adjoining pedestrian bridges without the need for a development application.	The current regulations allow for tram and light rail bridges to be built without a development application, however pedestrian bridges are excluded. This clarifies that when the two elements are combined, a development application will not be required.	This change will ensure that where rail bridges are proposed, active travel elements are not omitted due to additional development application requirements.

All proposed changes under the *Planning, Development and Infrastructure (Genera) (Miscellaneous) Amendment Regulations 2026* (Numerical Order)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
37.	Deletion of Schedule 6B, which dealt with the Commonwealth HomeBuilder development grant scheme	This grant scheme ended on 30 June 2025, so the provisions are now obsolete.	To remove any confusion about the available grant schemes.
38.	Substitution of Schedule 8 – Plans, with Schedule 8 – Plans, drawings specifications and other documents and information. Schedule restructured so that: • Requirements are separated into Parts based on application type (planning, building, land division). • Each Part contains a Division that sets out the base requirements for an application. Key changes to information requirements: • Applicants now required as part of their land division application to nominate the water industry entity/water industry entities to provide water and sewerage services. • Introduction of new 'change in land use' information requirements for planning applications. • Increased level of information required for land division applications now only required for 20 allotments or more, rather than 5 allotments or more, where not also involving a new road. This aligns with what is required for land divisions subject to Design Standard 1 – Engineering Requirements for Land Division.	A review of the requirements under Schedule 8 was recommended in the Final Report and Recommendations by the Expert Panel for the Planning System Implementation Review.	The Schedule 8 requirements have largely been carried over from the *Development Regulation 2008,* and subsequently added to over time, without a logical structure. The restructure will assist applicants and relevant authorities to easily determine all of the information that is relevant to each application. The amendments to Schedule 8 also address gaps in what information requirements relevant authorities need to verify and assess applications, as well as remove other information requirements that are unnecessary.
39.	Amendment of Schedule 9 clause 3 to update the reference in the table to the site contamination clause in Schedule 8, due to the Schedule 8 amendments.	Consequential change to Schedule 8 restructure.	N/A.

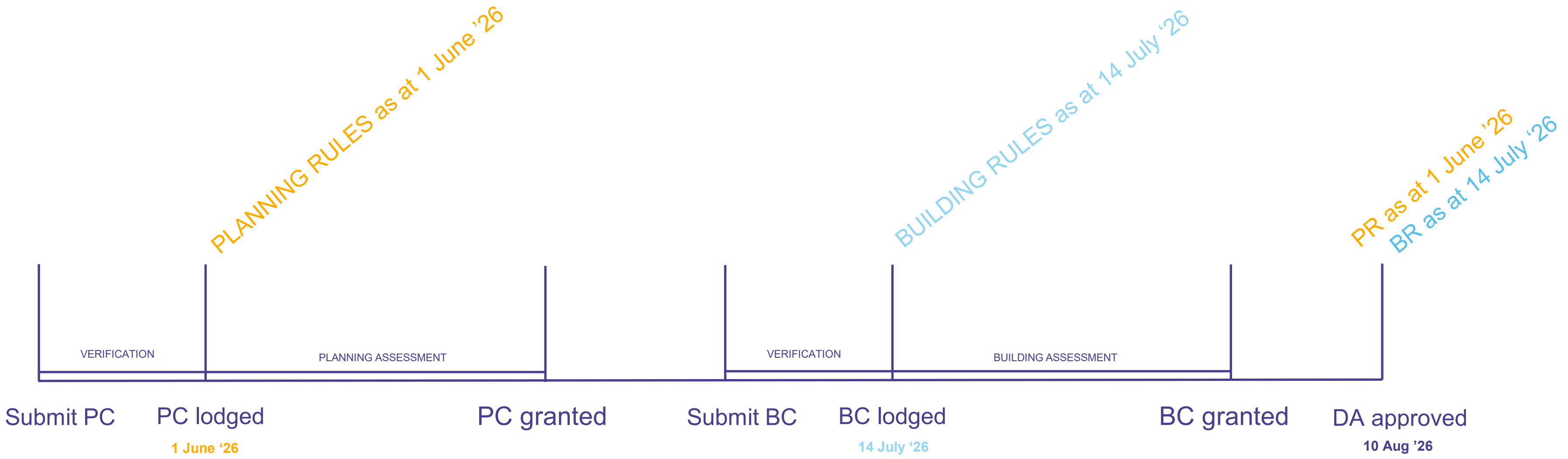
All proposed changes under the *Planning, Development and Infrastructure (Genera) (Miscellaneous) Amendment Regulations 2026* (Numerical Order)			
Reg no.	**What is the change?**	**Why is it happening?**	**How will it benefit people?**
40.	Amendment to Schedule 13 clause 2(1) to allow State agencies to build and construct pedestrian bridges without the need for a development application.	The current regulations require State agencies to submit a development application for pedestrian bridge, which is inconsistent with the other exemptions afforded to State agencies.	This will allow the Government through its State agencies to build active travel into infrastructure design, in line with the South Australia's Active Travel Design Guide.

Changes to the law that applies to DTS and performance assessed developments

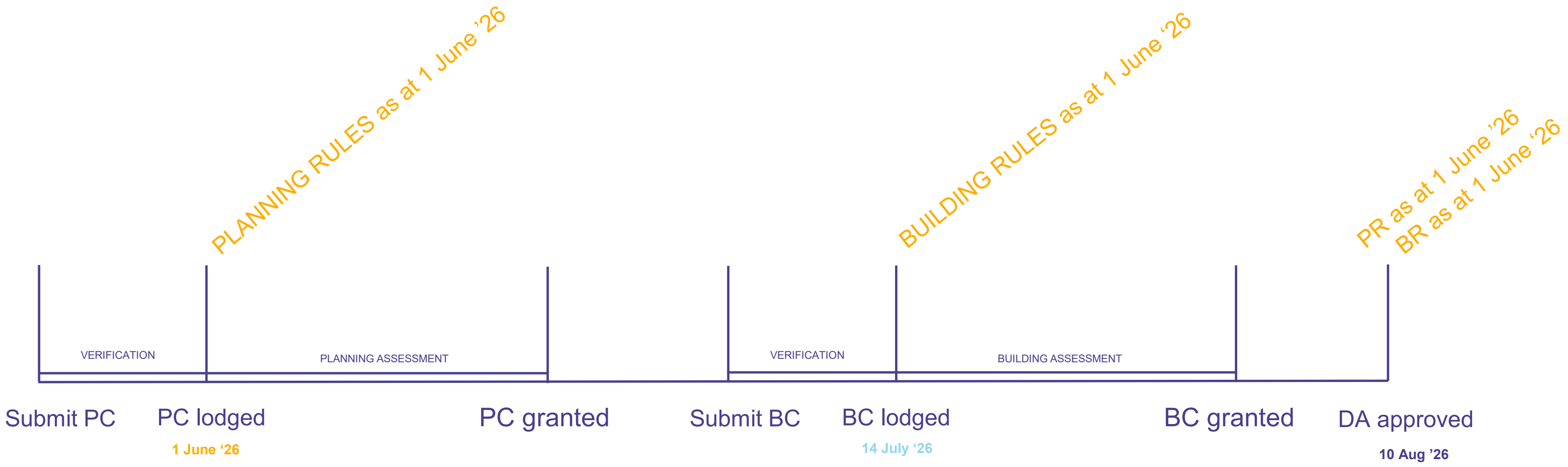
Purpose:

- Certainty for applicants from the point in time when the development application is first lodged.
- Support transition to new version of the NCC (1 May 2027).
- Encourage applicants to progress applications within a 2-year window.

Current operation of law that applies

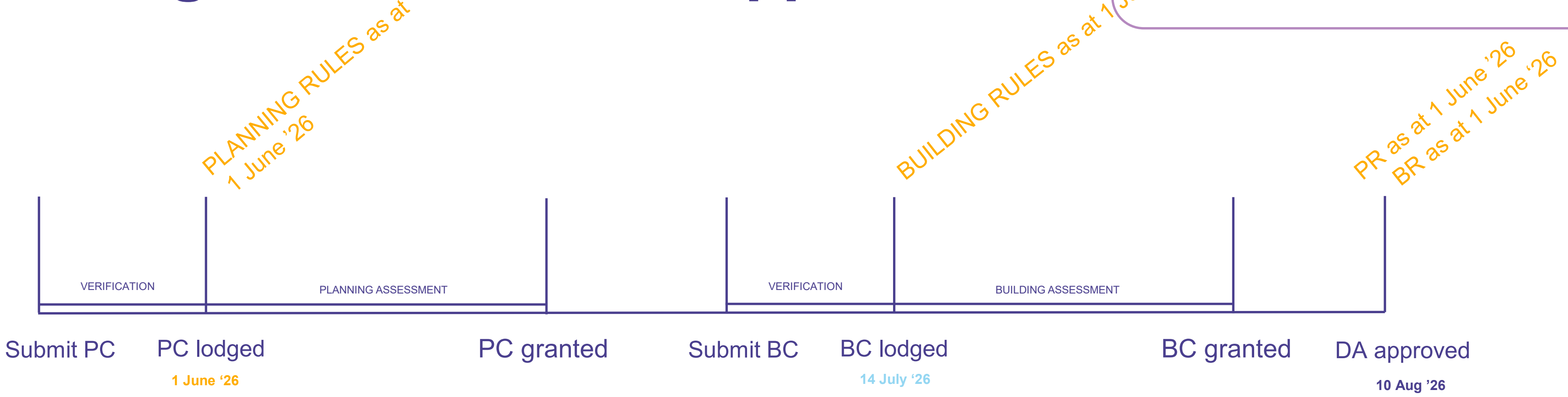


Changes to the law that applies



Policy:
All law from the date of the first application for consent made, <u>for two years</u> from first consent granted. (Not the operation of consent).

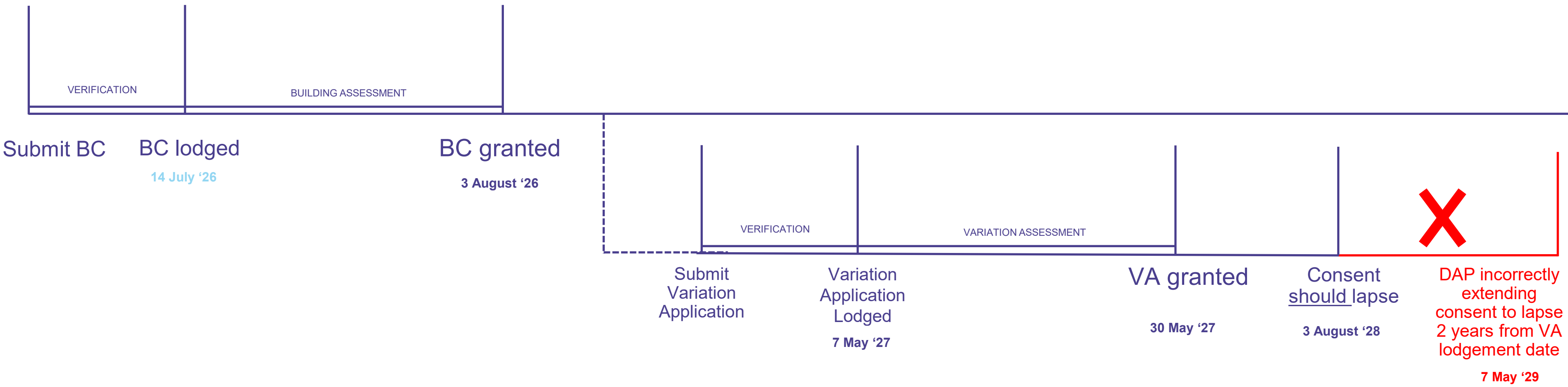
Changes to the law that applies



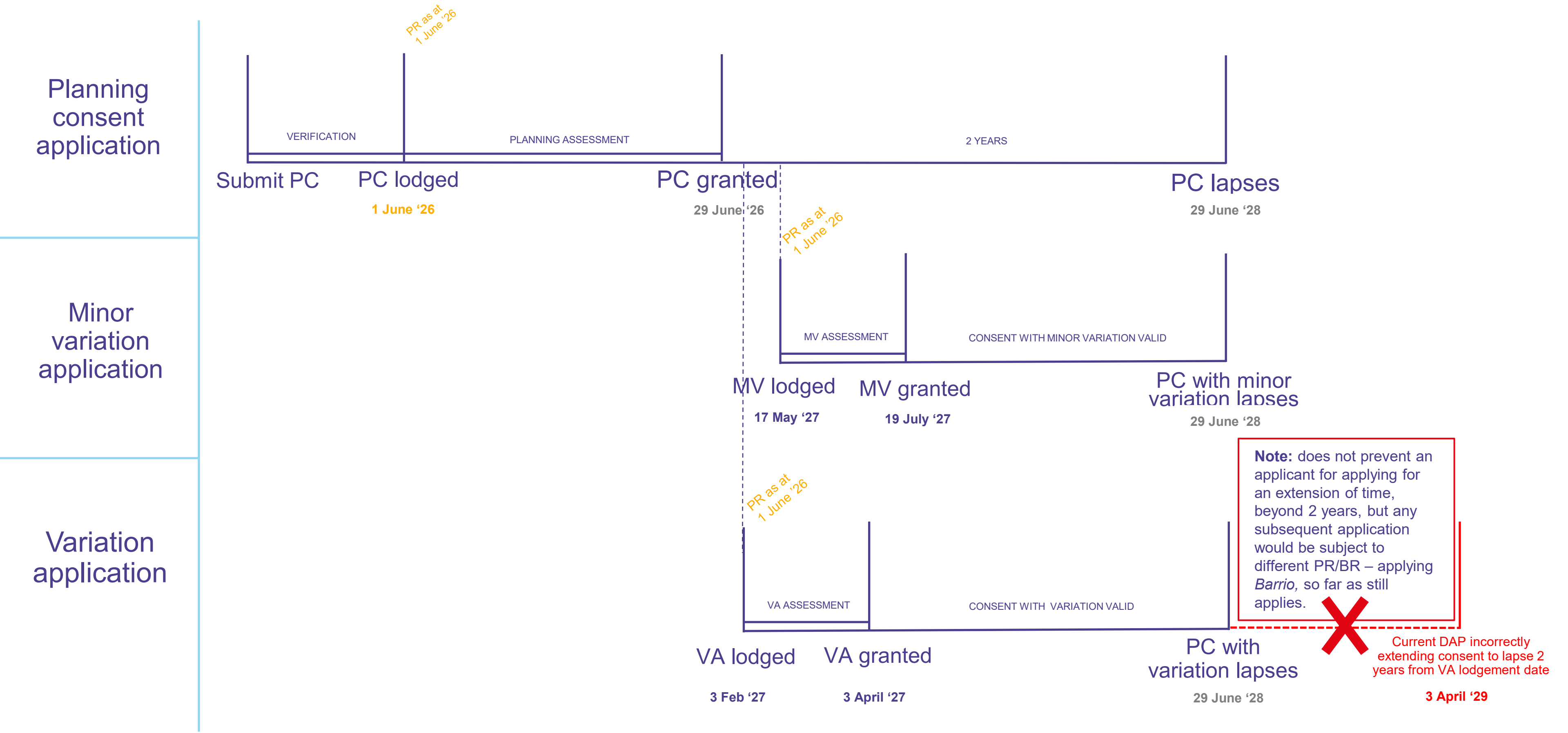
Variations:

- For 2 years (between 1 June '26 – 1 June '28) minor variations AND variation applications will be assessed against the PR/BR as at 1 June '26.
- For variation applications lodged after 1 June '28, the PR/BR apply as at the date that variation application is lodged (extension of time may be required).

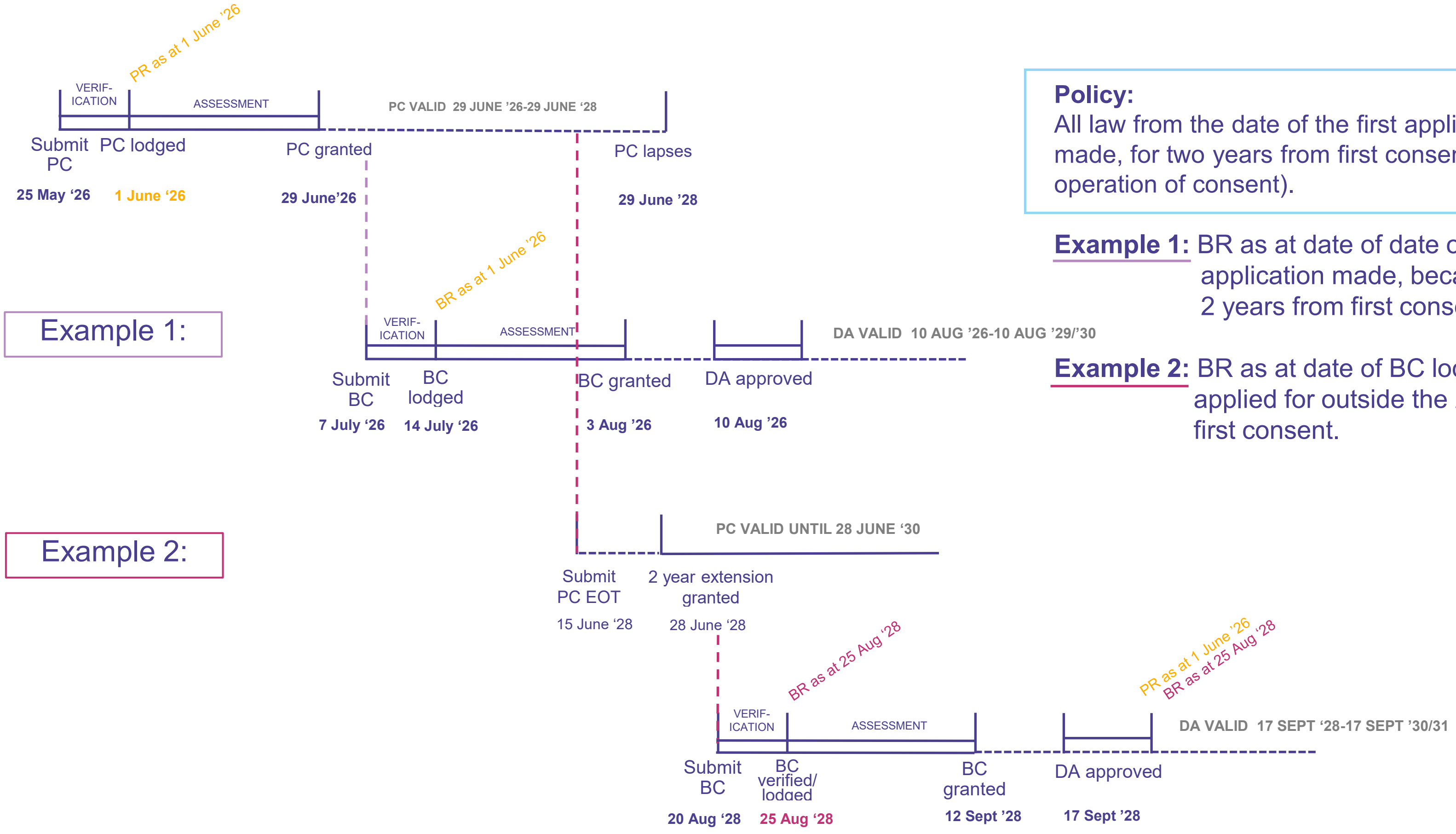
Current operation of the law that applies under section 132



Proposed amendments to the law that applies under section 132



Proposed amendments to the law that applies under section 132

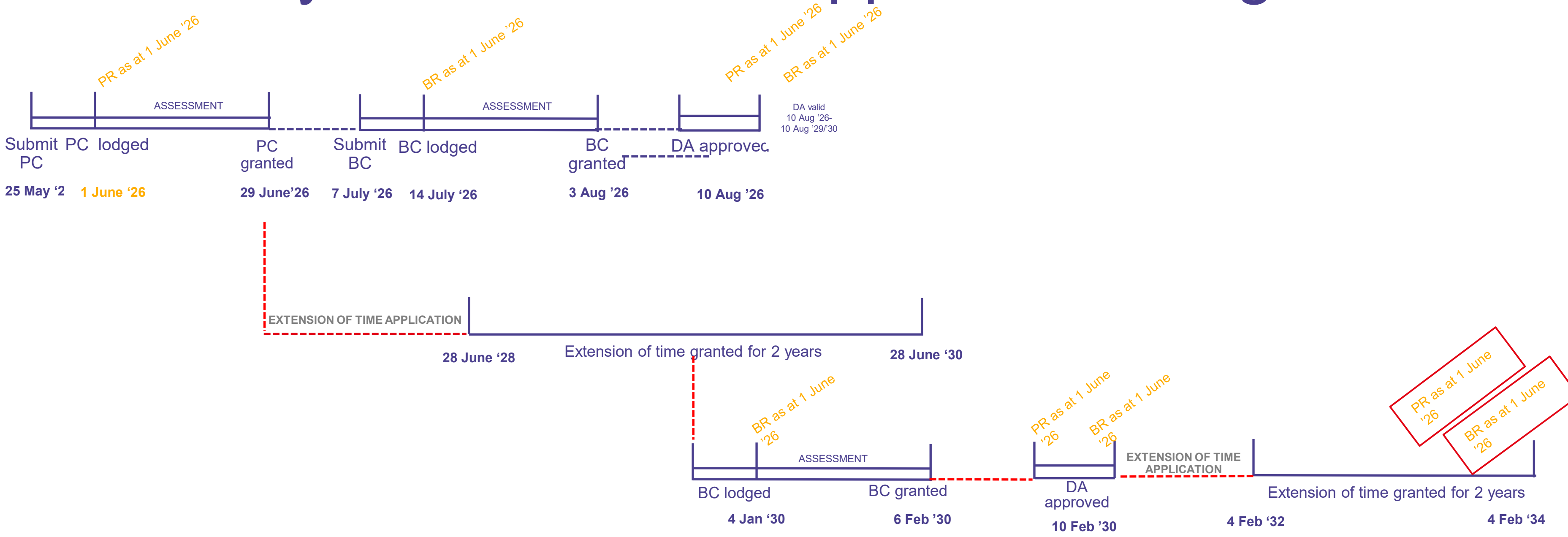


Policy:
All law from the date of the first application for consent made, for two years from first consent granted. (Not the operation of consent).

Example 1: BR as at date of date of first consent application made, because applied for within 2 years from first consent.

Example 2: BR as at date of BC lodgement, because applied for outside the 2 year timeframe from first consent.

If 2 year window not applied to changes



What we want to avoid: All law from the date of the first lodgement.

Example shown: 2x extensions of time, with the same law from first lodgement.

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Combination extension of time and variations

Policy:
All law from the date of the first application for consent made, for two years from first consent granted. (Not the operation of consent).