

South Australia

Planning, Development and Infrastructure (General) (Community Title Land Division) Amendment Regulations 2024

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

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

- 3 Insertion of Part 9 Division 6A
Division 6A—Prescribed conditions—community title land division
 - 85A Prescribed condition—driveways and private roads
 - 4 Amendment of regulation 88—Division of land by strata title
 - 5 Amendment of Schedule 8—Plans
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Community Title Land Division) Amendment Regulations 2024*.

2—Commencement

These regulations come into operation on the day on which they are made.

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017***3—Insertion of Part 9 Division 6A**

Part 9—after Division 6 insert:

Division 6A—Prescribed conditions—community title land division**85A—Prescribed condition—driveways and private roads**

- (1) The condition set out in subregulation (2) is prescribed for the purposes of section 138(1) of the Act in relation to a division of land under the *Community Titles Act 1996* in respect of which a scheme description is required to be lodged with the Registrar-General under that Act.

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.
- (2) The construction of common property comprising a driveway or private road on the land which is proposed to be divided, including any access points to or from the driveway or road, must be completed.
- (3) In this regulation—

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

4—Amendment of regulation 88—Division of land by strata title

- (1) Regulation 88, heading—before "strata" insert:

community title or

- (2) Regulation 88(1)—delete subregulation (1) and substitute:

- (1) In accordance with section 138(1) of the Act, the Commission may issue a certificate under that section in relation to—
- (a) the division of land by community plan (including a strata plan) under the *Community Titles Act 1996* notwithstanding that—

Draft

Planning, Development and Infrastructure (General) (Community Title Land Division) Amendment Regulations 2024

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

- (i) the condition prescribed by regulation 85A has not been satisfied; or
 - (ii) the requirements of section 102(1)(d) of the Act have not been fully satisfied; or
- (b) the division of land by strata plan under the *Strata Titles Act 1988* notwithstanding that the requirements of section 102(1)(d) of the Act have not been fully satisfied, if the council advises the Commission that the applicant has entered into a binding arrangement with the council for the satisfaction of that condition or those requirements (as the case requires) and that the arrangement is supported by adequate security.
- (3) Regulation 88(2)—after "particular kind of" insert:
 - community plan or
- (4) Regulation 88(2)—delete "section 102(1)(d) of the Act" and substitute:
 - regulation 85A or section 102(1)(d) of the Act (as the case requires)
- (5) Regulation 88(2)—delete "strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*" and substitute:
 - community plan or strata plan under the under the *Community Titles Act 1996* or the *Strata Titles Act 1988* (as the case requires)

5—Amendment of Schedule 8—Plans

- (1) Schedule 8, clause 8(1)—delete "the proposed scheme description of the relevant community scheme (unless a scheme description is not required to be lodged with the Registrar-General under section 15 of that Act)." and substitute:
 -
 - (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—
 - (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) Schedule 8, clause 8—after subclause (2) insert:
 - (3) In this clause—
 - common property* has the same meaning as in the *Community Titles Act 1996*.

Planning, Development and Infrastructure (General) (Community Title Land Division) Amendment Regulations 2024

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

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council

on

No of 2024