

South Australia

Planning, Development and Infrastructure (Transitional Provisions) (Staged Commencement) Variation Regulations 2019

under the *Planning, Development and Infrastructure Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (Transitional Provisions) (Staged Commencement) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on 1 July 2019 immediately after the *Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019* come into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*

4—Variation of regulation 8—Adoption of DPA's

- (1) Regulation 8—after subregulation (1) insert:
- (1a) In addition to clause 9 of Schedule 8 of the PDI Act, if—
- (a) a DPA has been prepared by the Minister under section 26 of the repealed Act; and
- (b) the requirements of section 26(5)(d)(ii), (5a)(b) or (5b)(b) of the repealed Act relating to public consultation have been completed (whether before or after the commencement of this subregulation),
- the Minister may, after consultation with the Commission—
- (c) approve the relevant amendment; or
- (d) alter the relevant amendment and approve the amendment as altered.
- (2) Regulation 8—after subregulation (2) insert:
- (2a) If the Minister approves an amendment (or an amendment as altered) under subregulation (1a), the Minister may, by notice in the Gazette, amend the Planning and Design Code to give effect to the amendment, subject to such modifications as may, in the opinion of the Minister, be necessary on account of the amendment being approved as an amendment to the Planning and Design Code rather than as an amendment to a Development Plan.
- (3) Regulation 8(3)—after "subregulation (2)" insert:
- or subregulation (2a)
- (4) Regulation 8(5)—delete subregulation (5) and substitute:
- (5) A council may not make an application under this regulation —
- (a) in the case of an application that relates to an amendment designating 1 or more places as places of local heritage value under section 23(4) of the repealed Act (and not relating to any other matter)—after 31 December 2020; and
- (b) in any other case—3 months after the date on which the Development Plan to which the DPA relates has been revoked by the Minister.

5—Variation of regulation 11—Related provisions

Regulation 11—after subregulation (6) insert:

- (7) In relation to the operation of Schedule 8 clause 4 of the PDI Act—
 - (a) the clause will not apply in relation to development within an area of the State to which a Development Plan relates until development in that area is to be assessed under the PDI Act; and
 - (b) the designated day under that clause in relation to development within that area will be taken to be the relevant day applying under regulation 10(1)(a) in relation to that area.
- (8) In addition to Schedule 8 clause 16 of the PDI Act:
 - (a) a member of an assessment panel does not need to be an accredited professional under the PDI Act (or under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*) until the relevant day under regulation 10(1)(a) applies in relation to the area of the State in relation to which the assessment panel is constituted; and
 - (b) an assessment manager for an assessment panel does not need to be an accredited professional under the PDI Act (or under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*) until the relevant day under regulation 10(1)(a) applies in relation to the area of the State in relation to which the assessment panel is constituted.

6—Insertion of regulation 15

After regulation 14—insert:

15—References to provisions and instruments

- (1) A reference in any Act, statutory instrument or other document or instrument to a provision of the *Development Act 1993*, or a regulation made under the *Development Act 1993*, will, before the *Development Act 1993* is repealed, unless the context otherwise requires, be taken to include a reference to a corresponding provision in the PDI Act, or a corresponding regulation made under the PDI Act (as the case may be).
- (2) A reference in any Act, statutory instrument or other document or instrument to the Planning Strategy or a Development Plan will, unless the context otherwise requires, be taken to include a reference to a state planning policy or the Planning and Design Code (as the case may be)

**Planning, Development and Infrastructure (Transitional Provisions) (Staged Commencement)
Variation Regulations 2019**

Part 2—Variation of *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*

Note—

As required by section 10AA(2) of the *Subordinate Legislation 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 27 June 2019

No 174 of 2019

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