

South Australia

Planning, Development and Infrastructure (Transitional Provisions) (Miscellaneous) Variation Regulations 2020

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) (Miscellaneous) Variation Regulations 2020*.

2—Commencement

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

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 DPAs

Regulation 8(5)(a)—delete "31 December 2020" and substitute:

1 July 2021

5—Variation of regulation 11—Related provisions

- (1) Regulation 11(3)—delete "section 48 of the repealed Act will, on or after the relevant day, apply in relation to the development or project as if a reference to the Governor were a reference to the Minister (and a decision of the Minister in relation to the development or project will have effect as if it were a decision of the Minister under section 115 of the PDI Act)." and substitute:
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- (a) section 48 of the repealed Act will, on or after the relevant day, apply in relation to the development or project as if a reference to the Governor were a reference to the Minister (and a decision of the Minister in relation to the development or project will have effect as if it were a decision of the Minister under section 115 of the PDI Act); and
- (b) sections 46B(9) to (12), 46C(9) to (12), 46D(8) to (10) and 47(3) of the repealed Act will, on or after the relevant day, apply in relation to the development or project as if a reference to the Minister were a reference to the Commission (and the Commission may adopt any findings or determinations of the Minister under those subsections made before the relevant day to give effect to this subregulation).
- (2) Regulation 11—after subregulation (3) insert:
- (3a) To avoid doubt, if a development or project of a kind referred to in subregulation (3) is proposed to be undertaken partly within an area of the State in relation to which regulation 10(1)(a) applies and partly within an area of the State in relation to which regulation 10(1)(b) applies, subregulation (3) applies in respect of the assessment of the development or project (even though it is proposed to be undertaken partly within an area of the State in relation to which regulation 10(1)(b) applies).
- (3) Regulation 11(4)—delete subregulation (4) and substitute:
- (4) An application—
- (a) lodged under section 49 or 49A of the repealed Act with respect to a proposed development within an area of the State that is subject to the revocation of the relevant Development Plan; and
- (b) that has not been finally determined before the relevant day in relation to that area,
- may be continued and completed under the provisions of the repealed Act, except that a decision on the application will, once given, be taken to be a decision given under the PDI Act (and the PDI Act will apply in relation to the relevant development authorisation).

**Planning, Development and Infrastructure (Transitional Provisions) (Miscellaneous) Variation
Regulations 2020**

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

- (4) Regulation 11—after subregulation (4) insert:
- (4a) To avoid doubt, if development of a kind referred to in subregulation (4) is proposed to be undertaken partly within an area of the State in relation to which regulation 10(1)(a) applies and partly within an area of the State in relation to which regulation 10(1)(b) applies, subregulation (4) applies to the assessment of the development (even though it is proposed to be undertaken partly within an area of the State in relation to which regulation 10(1)(b) applies).
- (5) Regulation 11(5)(b)—delete paragraph (b) and substitute:
- (b) —
 - (i) in the case of an application to which section 111 of the PDI Act applies or an application lodged under section 131 of the PDI Act—the Minister will be the relevant authority; or
 - (ii) in any other case—the Commission will be the relevant authority.
- (6) Regulation 11(6)(d)—delete paragraph (d) and substitute:
- (d) —
 - (i) in the case of an application to which section 111 of the PDI Act applies or an application lodged under section 131 of the PDI Act—the Minister will be the relevant authority; or
 - (ii) in any other case—the Commission will be the relevant authority.

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 18 June 2020

No 217 of 2020