

South Australia

# **Planning, Development and Infrastructure (General) (Application of Act) Variation Regulations 2021**

under the *Planning, Development and Infrastructure Act 2016*

---

## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 3A—Application of Act (section 8)
  - 5 Insertion of regulation 53A  
53A Periods under regulation 53
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Application of Act) Variation Regulations 2021*.

### **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 (General) Regulations 2017*

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

- (1) Regulation 3A(3a)—delete subregulation (3a) and substitute:
- (3a) Pursuant to section 8(2)(b) of the Act, section 215 of the Act applies with the following prescribed variation during the period from the commencement of this subregulation until the designated day:
- Section 215—after subsection (4) insert:
- (5) Subsection (4) does not apply to prevent—
- (a) a person who operates a shop used primarily for the sale of foodstuffs by retail from—
    - (i) loading or unloading goods at the shop at any time; or
    - (ii) opening the shop to the public at any time; or
  - (b) a person who owns, controls or operates premises of a kind specified by the Chief Executive by notice published on the SA planning portal from loading or unloading goods at the premises at any time.
- (2) Regulation 3A(4), definition of *designated day*—delete the definition and substitute:
- designated day* means the earlier of the following days:
- (a) the day designated by the Minister by notice in the Gazette;
  - (b) 30 September 2021;

### 5—Insertion of regulation 53A

After regulation 53 insert:

#### 53A—Periods under regulation 53

- (1) This regulation applies if—
- (a) an application seeks planning consent; and
  - (b) the proposed development is to be assessed under section 107 or 110 of the Act; and
  - (c) notice of the application for planning consent must be given under section 107(3)(a) or 110(2)(a) of the Act; and

- (d) at the commencement of this regulation, a notice required under section 107(3)(a) or 110(2)(a) of the Act has not been given.
- (2) If the relevant day (within the meaning of regulation 53(2)) is before the commencement of this regulation and the relevant period has ended before that commencement, the days between the commencement of this regulation and the designated day (inclusive) do not count towards the period referred to in regulation 53(1)(g).
- (3) If the relevant day (within the meaning of regulation 53(2)) is before the commencement of this regulation and the relevant period has not ended before that commencement, the business days between the commencement of this regulation and the designated day (inclusive) do not count towards the relevant period (and the period referred to in regulation 53(1)(g) then follows).
- (4) If the relevant day (within the meaning of regulation 53(2)) is between the commencement of this regulation and the designated day, the relevant period commences on the designated day (and the period referred to in regulation 53(1)(g) then follows).
- (5) This regulation will expire on the designated day.
- (6) In this regulation—  
*designated day* has the same meaning as in regulation 3A(4);  
*relevant period* means the period referred to in regulation 53(1)(b) or (c) (as the case requires).

**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 22 July 2021

No 111 of 2021