

South Australia

# **Planning, Development and Infrastructure (General) (Horticultural Netting) Variation Regulations 2021**

under the *Planning, Development and Infrastructure Act 2016*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Insertion of section 26A  
26A Accepted development (section 104)
  - 5 Insertion of Schedule 6A  
Schedule 6A—Accepted development
    - 1 Horticultural netting
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Horticultural Netting) 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—Insertion of section 26A**

Before section 27 insert:

#### **26A—Accepted development (section 104)**

For the purposes of section 104(1) of the Act, development within the ambit of Schedule 6A is classified as accepted development.

### **5—Insertion of Schedule 6A**

After Schedule 6 insert:

#### **Schedule 6A—Accepted development**

##### **1—Horticultural netting**

- (1) The construction or alteration of, or addition to, a protective tree netting structure on a site if—
  - (a) no part of the protective tree netting structure will be more than 6 m above ground level (depending on where it is situated); and
  - (b) netting visible from the outside of the protective tree netting structure is of a low light-reflective nature, and, in the case of a structure that has side netting, the side netting is of a dark colour; and
  - (c) in the case of a development on a site that is within a Hazards (Bushfire—General Risk) Overlay, Hazards (Bushfire—High Risk) Overlay, Hazards (Bushfire—Medium Risk) Overlay, Hazards (Bushfire—Outback) Overlay, Hazards (Bushfire—Regional) Overlay or Hazards (Bushfire—Urban Interface) Overlay under the Planning and Design Code—the protective tree netting structure provides for access to the site in accordance with subclause (2); and
  - (d) no part of the netting canopy of the protective tree netting structure—
    - (i) will cover native vegetation; or
    - (ii) will be within 5 m of a road (including any road reserve); and
  - (e) the points of attachment of any cables will not be located—
    - (i) outside the boundaries of the site; or
    - (ii) within a watercourse (within the meaning of the *Landscape South Australia Act 2019*); and

- (f) the protective tree netting structure complies with the requirements set out in subclause (3).
- (2) In connection with subclause (1)(c), a protective tree netting structure complies with the requirement to provide access to the site if—
- (a) no part of the protective tree netting structure (including cables and points of attachment of cables (known as "auger" or "anchor" points)) will be within 5 m of any boundary of the site; and
  - (b) the protective tree netting structure does not prevent access or movement of vehicles of 4 m height and 3.5 m width (or less) on any access road or track (including fire tracks) on the site.
- (3) The netting canopy of a protective tree netting structure must comply with the following requirements in relation to a dwelling located on an allotment adjoining the site on which the structure is located:
- (a) if the netting canopy nearest the dwelling on the adjoining allotment is 4 m or less above ground level (depending on where it is situated), no part of the netting canopy may be within 10 m of the dwelling;
  - (b) in any other case—no part of the netting canopy may be within 15 m of the dwelling.
- (4) This clause does not apply if—
- (a) the development is in relation to a site where a State heritage place or a local heritage place is situated; or
  - (b) the development is in a Hazards (Flooding) Overlay or Historic Conservation Overlay under the Planning and Design Code; or
  - (c) the development will be built, or will encroach, on an area that is, or will be, required for a sewerage system or waste control system; or
  - (d) the development would be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.
- (5) In this clause—
- protective tree netting structure*** means netting and any associated structure—
- (a) that is designed to protect trees or plants grown for the purpose of commercial horticulture; and
  - (b) that consists of a netting canopy attached to a structure (such as poles and cables).

**Planning, Development and Infrastructure (General) (Horticultural Netting) Variation  
Regulations 2021**

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

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**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 4 March 2021

No 27 of 2021