

South Australia

Planning, Development and Infrastructure (Transitional Provisions) (Major Development) 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 (Transitional Provisions) Regulations 2017*

- 4 Insertion of regulation 11A
 - 11A Special provision relating to existing authorisations of major developments
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (Transitional Provisions) (Major Development) 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 (Transitional Provisions) Regulations 2017*

4—Insertion of regulation 11A

After regulation 11 insert:

11A—Special provision relating to existing authorisations of major developments

- (1) For the avoidance of doubt, the following provisions apply in relation to an existing major development authorisation:
 - (a) section 115 of the Act applies to the existing major development authorisation (and the authorisation may be varied or cancelled in accordance with that section);
 - (b) a declaration under section 46 of the repealed Act (or, in the case of a declaration made before 2 January 1997, section 48 of the repealed Act) on the basis of which the decision to grant the existing major development authorisation was made will be taken to be a declaration made by the Minister under section 108(1)(c) of the Act (and may be varied or revoked in accordance with section 108(6));
 - (c) the EIS, PER or DR prepared under the repealed Act in connection with the development approved by the existing major development authorisation will be taken to be an EIS for the purposes of the Act (and may be amended in accordance with section 114);
 - (d) the Assessment Report prepared under the repealed Act in connection with the development approved by the existing major development authorisation will be taken to be an Assessment Report for the purposes of the Act (and may be amended in accordance with section 114).
- (2) In this regulation—

existing major development authorisation means—

 - (a) a development authorisation granted under section 48 of the repealed Act that is taken to be a development authorisation under the Act pursuant to Schedule 8 clause 3 of the Act; or
 - (b) a development authorisation granted under section 48 of the repealed Act in accordance with regulation 11(3).

Editorial 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.

**Planning, Development and Infrastructure (Transitional Provisions) (Major Development) Variation
Regulations 2021**

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

Made by the Governor

with the advice and consent of the Executive Council
on 16 December 2021

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