

South Australia

Planning, Development and Infrastructure (General) (Urgent Temporary Accommodation) Amendment Regulations 2022

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

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

- 3 Insertion of regulation 62A
 - 62A Urgent building work—temporary accommodation
 - 4 Amendment of Schedule 4—Exclusions from definition of development—general
 - 5 Amendment of Schedule 6A—Accepted development
 - 2 Temporary accommodation for persons affected by flooding
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Urgent Temporary Accommodation) Amendment Regulations 2022*.

2—Commencement

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

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

3—Insertion of regulation 62A

After regulation 62 insert:

62A—Urgent building work—temporary accommodation

For the purposes of section 135(1)(b) of the Act, to provide temporary accommodation of a kind referred to in Schedule 6A clause 2 are circumstances of a prescribed kind.

4—Amendment of Schedule 4—Exclusions from definition of development—general

- (1) Schedule 4, clause 4(1)(ab)—after "a bushfire" insert:

or a flood

- (2) Schedule 4, clause 4(1)(ab)(i)—after "the bushfire" insert:

or flood (as the case may be)

- (3) Schedule 4, clause 5(2)(fa)—after "bushfire" insert:

or a flood

5—Amendment of Schedule 6A—Accepted development

Schedule 6A—after clause 1 insert:

2—Temporary accommodation for persons affected by flooding

- (1) The construction or placement of a building or structure on land within the prescribed area on which a dwelling, or part of a dwelling, has been destroyed or significantly damaged by a flood if the building or structure is to be used as accommodation by the owner of the land—

(a) for a period not exceeding 2 years; or

(b) until a Class 1a building on the land is able to be occupied in accordance with Part 11 Division 3,

whichever occurs first.

- (2) The construction or placement of a building or structure on land within the prescribed area if the building or structure is constructed or placed on the land by, or on behalf of, a State agency or a prescribed council and the building or structure is to be used as accommodation by persons affected by flooding within the prescribed area—

(a) for a period not exceeding 2 years; or

(b) until a Class 1a building on the land is able to be occupied in accordance with Part 11 Division 3,

whichever occurs first.

- (3) In this clause—

prescribed area means the area comprising the areas of the prescribed councils;

prescribed council means any of the following councils:

(a) Alexandrina Council;

(b) The Berri Barmera Council;

(c) The Coorong District Council;

(d) The District Council of Karoonda East Murray;

**Planning, Development and Infrastructure (General) (Urgent Temporary Accommodation)
Amendment Regulations 2022**
Amendment of Planning, Development and Infrastructure (General) Regulations 2017—Part 2

- (e) District Council of Loxton Waikerie;
- (f) Mid Murray Council;
- (g) Rural City of Murray Bridge;
- (h) Renmark Paringa Council;

State agency has the same meaning as in section 191 of the Act.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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's Deputy

with the advice and consent of the Executive Council
on 15 December 2022

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