

South Australia

Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2024

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 (General) (Miscellaneous) Amendment Regulations 2024*.

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—Amendment of regulation 19A—Building envelope plans

- (1) Regulation 19A(5), definition of *designated authority*, (a)—delete paragraph (a)
- (2) Regulation 19A(5), definition of *designated authority*, (b)—delete "division of land authority" and substitute:

relevant authority for the application for development authorisation for the division of land under section 102(1)(c) or (d) of the Act (the *division of land authority*)

4—Amendment of regulation 21—Minor or operational amendments (section 76)

Regulation 21—after paragraph (h) insert:

- (i) the Adelaide Dolphin Sanctuary Management Plan (or part of that plan) adopted under the *Adelaide Dolphin Sanctuary Act 2005*;
- (j) the Register of Historic Shipwrecks kept under the *Historic Shipwrecks Act 1981*.

5—Amendment of regulation 53—Time within which decision must be made (section 125(1))

- (1) Regulation 53(1)(ja)—before "if a" insert:

subject to subregulation (10),
- (2) Regulation 53(8)—after "portal" insert:

, or part of the portal,
- (3) Regulation 53(9)—after paragraph (b) insert:

and

 - (c) if the prescribed outage is in relation to part of the SA planning portal and a particular class of applications is affected by the outage—the class of applications affected.
- (4) Regulation 53—after subregulation (9) insert:
 - (10) If a prescribed outage is in relation to part of the SA planning portal and a particular class of applications is specified to be affected by the outage in a notice under subregulation (9), subregulation (1)(ja) only applies in respect of applications of that class.

6—Amendment of regulation 67—Lapse of consents or approvals (section 126(2))

- (1) Regulation 67(1)(a)—delete "—2 years from the operative date of the consent or approval;" and substitute:
 -
 - (i) subject to subparagraph (ii), if development approval for the development to which the consent or approval relates is subsequently granted—2 years from the operative date of the development approval; or
 - (ii) if development approval for the development to which the consent or approval relates is subsequently granted and an extension is granted under section 126(3) of the Act in respect of the development approval—the extended period in respect of that approval; or
 - (iii) in any other case—2 years from the operative date of the consent or approval;
- (2) Regulation 67(1)(b)(i)—after "operative date of the" wherever occurring insert:
development
- (3) Regulation 67(1)(b)(ii)—delete "relevant consent" and substitute:
development approval
- (4) Regulation 67(1)(b)(ii)—delete "the consent" and substitute:
the development approval
- (5) Regulation 67(2)—delete subregulation (2)
- (6) Regulation 67(3), definition of *operative consent*—after "of a consent or approval" insert:
(including a development approval)

7—Amendment of regulation 93—Notifications during building work

Regulation 93(1)(c)—delete paragraph (c) and substitute:

- (c) in relation to the intended completion of any stage of the building work specified by the council by notice in writing to the building owner on the granting of development approval in respect of the work—
 - (i) in the case of development being undertaken in an area that is not within the area of a council—5 business day's notice; and
 - (ii) in any other case—1 business day's notice;

8—Amendment of regulation 104—Statement of Compliance

Regulation 104(8)(d)—delete paragraph (d) and substitute:

- (d) a communications facility required under the *Telecommunications Act 1997* of the Commonwealth;

9—Amendment of regulation 112—Authorised officers and inspections

Regulation 112(3)—delete subregulation (3) and substitute:

- (3) For the purposes of section 155(2) of the Act, the prescribed qualifications are accreditation as an Accredited professional—building level 1 or an Accredited professional—building level 2.

10—Amendment of regulation 113—Fire safety

Regulation 113(a)—delete paragraph (a) and substitute:

- (a) accreditation as an Accredited professional—building level 1 or an Accredited professional—building level 2; or

11—Insertion of regulation 113A

Before regulation 114 insert:

113A—Designated authority—accreditation authority

The accreditation authority under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019* is brought within the definition of *designated authority* under section 212(1) of the Act.

12—Amendment of Schedule 3—Additions to definition of development

Schedule 3—after clause 10 insert:

11—Transshipment points

The establishment of a transshipment point associated with a proposed or existing port facility for the transfer of bulk commodities within coastal waters.

13—Amendment of Schedule 6—Relevant authority—Commission

- (1) Schedule 6, clause 4, heading—delete "Inner"
- (2) Schedule 6, clause 8(2)(a)—delete "by the Commission" and substitute:
and the Commission is the relevant authority in respect of the authorisation
- (3) Schedule 6, clause 8(2)(b)—delete "by the Commission" and substitute:
if the Commission is the relevant authority in respect of the authorisation
- (4) Schedule 6, clause 17, heading—after "authorisations" insert:
and ancillary or associated development
- (5) Schedule 6, clause 17(a) and (b)—delete "given by the Commission under this Schedule" wherever occurring and substitute in each case:
in respect of which the Commission is the relevant authority

14—Amendment of Schedule 6A—Accepted development

Schedule 6A, clause 3(3)—after paragraph (a) insert:

- (ab) where paragraph (a) does not apply and the allotment is in the Master Planned Neighbourhood Zone under the Planning and Design Code—3 m; or

15—Amendment of Schedule 13—State agency development exempt from approval

(1) Schedule 13, clause 2(1)(b)(ii)—delete subparagraph (ii) and substitute:

- (ii) the construction, reconstruction or alteration of a building or equipment, if only of a local nature, used for or associated with the supply, disposal or treatment of water or waste water (other than a desalination plant, wastewater treatment plant or wastewater lagoon);
or

(2) Schedule 13, clause 2(1)—after paragraph (s) insert:

- (sa) the construction, reconstruction or alteration of, or addition to, an amenities facility with a floor area of 50 m² or less associated with the construction of a road on land which is—
 - (i) adjacent to the road; and
 - (ii) associated with the construction of the road;

(3) Schedule 13, clause 2(1)(u)—after "*Electricity Act 1996*" insert:

, or of existing water/sewerage infrastructure within the meaning of the *Water Industry Act 2012*,

(4) Schedule 13, clause 2(1)—after paragraph (x) insert:

- (y) the installation of flood hazard or water monitoring equipment alongside a prescribed watercourse, lake or well under section 101 of the *Landscape South Australia Act 2019*;
- (z) the construction, reconstruction or alteration of, or addition to, an air quality monitoring station, provided that—
 - (i) any building or structure associated with the station (other than a mast) does not exceed 1 storey in height; and
 - (ii) the relevant work will not result in a mast associated with the station exceeding 11 m in height, measured at natural ground level; and
 - (iii) no part of any building or structure being constructed, added to or altered in connection with the station is situated within the setback distance of the allotment prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 mm of a boundary of the allotment); and
 - (iv) the relevant work will not affect a local heritage place; and

- (v) the building work will not result in the total floor area of a building or structure associated with the station exceeding 50 m².

Schedule 1—Transitional provisions

1—Transitional provisions

- (1) The amendments to regulation 19A of the principal regulations effected by regulation 3 do not apply to or in relation to an application for approval of a building envelope plan made before the commencement of regulation 3.
- (2) The amendments to regulation 67 of the principal regulations effected by regulation 6 apply to or in relation to a consent or approval under Part 7 of the Act granted or approved, but not yet lapsed, before the commencement of regulation 6.
- (3) In this clause—

principal regulations means the *Planning, Development and Infrastructure (General) Regulations 2017*.

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

with the advice and consent of the Executive Council
on 14 March 2024

No 13 of 2024