South Australia

Planning, Development and Infrastructure (General) Regulations 2017

under the *Planning, Development and Infrastructure Act 2016*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) Regulations 2017*.

3—Interpretation

(1) In these regulations—

Act means the *Planning, Development and Infrastructure Act 2016*;

class 1, 2 or 3 activity means an activity specified as a class 1, 2 or 3 activity under the site contamination practice direction;

coastal land means land that is within the Coastal Areas Overlay under the Planning and Design Code;

co-located housing has the same meaning as in the Planning and Design Code;

designated airport building heights area means an area identified under the Planning and Design Code (whether by use of an overlay or otherwise) as a designated airport building heights area;

designated building means a building, or class of building, designated by the Minister in a notice under Schedule 8 clause 4(1)(j);

designated building product means a building product, or kind of building product, designated by the Minister in a notice under Schedule 8 clause 4(1)(j);

designated environmental zone, subzone or overlay means an environmental zone, subzone or overlay identified under the Planning and Design Code as a designated environmental zone, subzone or overlay;

designated flood zone, subzone or overlay means a flood zone, subzone or overlay identified under the Planning and Design Code as a designated flood zone, subzone or overlay;

designated regulated tree overlay means an overlay identified under the Planning and Design Code as a designated regulated tree overlay;

essential safety provisions means—

(a) in relation to a building erected or altered after 17 June 1991—any safety systems, equipment or other provisions defined as such, or required to be installed under the Building Rules or a Ministerial building standard, any former regulations under the *Development Act 1993* or the *Building Act 1971*, or any Minister's Specification under the *Development Act 1993*; or

(b) in relation to a building erected or altered after 1 January 1974 but before 17 June 1991—any safety systems, equipment or other provisions required under Part 59 of the revoked *Building Regulations 1973* to be inspected, tested or maintained in good working order or submitted to a council, and in the case of log books, to be maintained and kept;

fire authority means—

(a) in relation to any part of the State where the South Australian Metropolitan Fire Service has responsibility for the provision of fire-fighting services—the South Australian Metropolitan Fire Service;

(b) in relation to any other part of the State—the South Australian Country Fire Service;

groundwater prohibition area means an area where the Environment Protection Authority has prohibited the taking of groundwater under section 103S of the *Environment Protection Act 1993* (as shown on the South Australian Property and Planning Atlas);

home activity means a use of a site by a person resident on the site—

(a) that does not detrimentally affect the amenity of the locality or any part of the locality; and

(b) that does not require or involve any of the following:

(i) assistance by more than 1 person who is not a resident in the dwelling;

(ii) use (whether temporarily or permanently) of a floor area exceeding 30 m^2;

(iii) the imposition on the services provided by a public utility organisation of any demand or load greater than that which is ordinarily imposed by other users of the services in the locality;

(iv) the display of goods in a window or about the dwelling or its curtilage;

(v) the use of a vehicle exceeding 3 tonne tare in weight;

HomeBuilder development means development that complies with the requirements in regulation 3A(1a);

Metropolitan Adelaide means Metropolitan Adelaide as defined by GRO Plan 639/93;

more sensitive use means a change in the use of land that is determined to constitute a change to a more sensitive use of the land in accordance with the site contamination practice direction;

outbuilding does not include a private bushfire shelter;

prescribed fee means a fee prescribed for the purposes of the Act, these regulations or a related set of regulations;

private bushfire shelter means a building, associated with a Class 1a building under the Building Code, that may as a last resort provide shelter for occupants from the immediate life threatening effects of a bushfire event;

related set of regulations means—

(a) the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*; or

(b) the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*;

remediation has the same meaning as in the *Environment Protection Act 1993*;

sensitive use means a use described in item 1 or 2 of the land use sensitivity hierarchy table in the site contamination practice direction unless, in accordance with that practice direction, the use is not to be regarded as a sensitive use in the particular circumstances;

site contamination, ***site contamination audit***, ***site contamination auditor***, ***site contamination audit report***, ***site contamination consultant*** have the same respective meanings as in the *Environment Protection Act 1993*;

site contamination practice direction means a practice direction issued by the Commission relating to the assessment of development involving site contamination or potential site contamination on land;

writing in relation to an advertisement, means all modes of representing or reproducing in visible form (other than by means of any illuminating or self-illuminating devices) words, figures, emblems or other symbols or any combination of words, figures, emblems or other symbols.

(2) The Planning and Design Code may identify—

(a) different airport building heights areas as designated airport building heights areas; and

(b) different environmental zones, subzones or overlays as designated environmental zones, subzones or overlays; and

(c) different flood zones, subzones or overlays as designated flood zones, subzones or overlays,

in relation to different provisions of these regulations.

(4) For the purposes of these regulations, a reference to the natural surface of the ground, in relation to proposed development, is a reference to the existing ground level before the development is undertaken (disregarding any preparatory work or related work that has been (or is to be) undertaken for the purposes of the development).

(5) For the purposes of these regulations, a reference to a particular level or class of accredited professional is a reference to that level or class of accredited professional under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*.

(6) For the purposes of these regulations, a statement of site suitability provided to a relevant authority in connection with an application for development authorisation—

(a) must comply with any requirements specified by the Commission; and

(b) must be issued by a site contamination consultant or a site contamination auditor (and the relevant authority cannot require that the statement only be prepared by a site contamination auditor unless the Environment Protection Authority directs the relevant authority to do so in relation to a particular application); and

(c) must be in the form determined by the Commission for the purposes of this subregulation and published in the site contamination practice direction or another instrument published by the Commission on the SA planning portal.

3AA—Change of use of land (section 4)

(1) For the purposes of section 4(3)(b) of the Act, circumstances in which the period intervening between the relevant discontinuance of a designated existing use of the Crown and Anchor Hotel land and revival of the use exceeds 12 months but is less than 2 years are prescribed.

(2) In this regulation—

Crown and Anchor Hotel land has the same meaning as in section 135A of the Act;

designated existing use, of the Crown and Anchor Hotel land, means a use of the land as at the relevant day;

relevant day means the day on which this regulation comes into operation;

relevant discontinuance, of a designated existing use of the Crown and Anchor Hotel land, means the first discontinuance of the use after the relevant day.

3A—Application of Act (section 8)

(1) In accordance with section 8 of the Act, sections 151, 152 and 153 of the Act (relating to the classification and occupation of buildings) do not apply to any Class 1 or 10 building under the Building Code that is not within the area of a council.

(2) In accordance with section 8(2) of the Act, section 102(1)(d)(viii) of the Act does not apply in respect of development that does not involve the creation of a new boundary—

(a) that separates 2 or more sole occupancy units within an existing building; or

(b) that bounds a public corridor within an existing building; or

(c) that is within a prescribed separation distance from an existing building.

(3) In accordance with section 8(2) of the Act, section 102 subsection (9) of the Act applies, in respect of development to which subsection (1)(d)(viii) of that section applies (taking into account the operation of subregulation (2)), on the basis that a reference to the Building Rules is a reference to Section C of Volume 1, and P 2.3.1 of Volume 2, of the Building Code.

(3a) In accordance with section 8(2) of the Act, sections 213, 214 and 215 of the Act do not apply to circumstances in which there has been a contravention (whether before or after the commencement of this subregulation) consisting of a failure to comply with a condition relating to the provision of recycled water that is imposed under the Act in relation to a development authorisation issued for a development within a designated area.

(4) Pursuant to section 8(2)(b) of the Act, section 215 of the Act applies with the following prescribed variation:

Section 215—after subsection (4) insert:

(5) Subsection (4) does not apply to prevent a person who owns ancillary accommodation from entering into an agreement for the residential occupation of the ancillary accommodation (such as a residential tenancy agreement or rooming house agreement (both within the meaning of the *Residential Tenancies Act 1995*)) with a person who is not a resident, or associated with a resident, of the dwelling in respect of which the accommodation is ancillary, or with any other person.

(4a) Pursuant to section 8(2)(b) of the Act, section 74 of the Act applies with the following prescribed variation:

Section 74(6)—delete subsection (6) and substitute:

(6) Subject to subsection (7)—

(a) unless paragraph (b) applies, if the period of 28 days referred to in subsection (5) would, but for this subsection, expire in a particular case between 15 December in 1 year and 15 January in the next year (both days inclusive), the period applying for the purposes of subsection (5) will be extended on the basis that any days falling on or between those 2 dates will not be taken into account for the purposes of calculating the period that applies under subsection (5); or

(b) if the day on which a designated instrument was referred to the ERD Committee falls between 15 December in 1 year and 15 January in the next year (both days inclusive), the period of 28 days referred to in subsection (5) will be taken to commence on 16 January in that next year.

(5) In this regulation—

ancillary accommodation has the same meaning as in the Planning and Design Code;

designated area means a shaded area bounded by a bold black line in a map set out in Schedule 18;

prescribed separation distance, in relation to a building, means the separation distance that applies to the building under the Building Code for the purpose of determining requirements for fire-resistance of building elements under the Code;

sole occupancy unit has the same meaning as in the Building Code.

3B—Additions to definition of *development*

An act or activity in relation to land specified in Schedule 3 is declared to constitute development for the purposes of the Act.

3C—Exclusions from definition of *development*—general

(1) Subject to this regulation, an act or activity specified in Schedule 4 is declared not to constitute development for the purposes of the Act.

(2) An exclusion under Schedule 4 is subject to any condition or limitation prescribed by Schedule 4 for the relevant act or activity.

(3) An exclusion under Schedule 4 does not apply in respect of a State heritage place.

(4) An exclusion under Schedule 4 does not apply in respect of any work involving any repair to, or alteration or restoration of, a building that would cause the building not to comply with the Building Rules.

(4a) An exclusion under Schedule 4 does not apply in respect of—

(a) the construction of a new building exceeding 3 storeys in height; or

(b) an alteration or extension to an existing building which will result in the building exceeding 3 storeys in height; or

(c) the construction of a temporary or permanent structure exceeding 9 m in height,

within the Tunnel Protection Overlay under the Planning and Design Code.

(4b) An exclusion under Schedule 4 does not apply in respect of an activity referred to in Schedule 3 clause 10 within the Tunnel Protection Overlay under the Planning and Design Code (unless the activity is undertaken by or on behalf of the Commissioner of Highways or the Rail Commissioner).

(5) Nothing in this regulation or Schedule 4 affects the operation of Schedule 5.

3CA—Exclusions from definition of *development*—essential infrastructure

(1) Subject to this regulation, an act or activity specified in Schedule 4A is, when carried on by a prescribed person, declared not to constitute development for the purposes of the Act.

(2) If a prescribed person proposes to undertake any building work which is within the ambit of Schedule 4A, the person must, before commencing that building work—

(a) give notice of the proposed work to the council for the area in which the building work is to be undertaken; and

(b) furnish the council with—

(i) a description of the nature of the proposed work; and

(ii) so far as may be relevant, details of the location, siting, layout and appearance of the proposed work.

(3) Subregulation (2) does not apply if the building work is within the ambit of Schedule 4, Schedule 5 or Schedule 7.

(4) An exclusion under Schedule 4A is subject to any condition or limitation prescribed by Schedule 4A for the relevant act or activity.

(5) An exclusion under Schedule 4A does not apply in respect of a State heritage place.

(6) An exclusion under Schedule 4A does not apply in respect of any work involving any repair to, or alteration or restoration of, a building that would cause the building not to comply with the Building Rules.

(6a) An exclusion under Schedule 4A does not apply in respect of—

(a) the construction of a new building exceeding 3 storeys in height; or

(b) an alteration or extension to an existing building which will result in the building exceeding 3 storeys in height; or

(c) the construction of a temporary or permanent structure exceeding 9 m in height,

within the Tunnel Protection Overlay under the Planning and Design Code.

(6b) An exclusion under Schedule 4A does not apply in respect of an activity referred to in Schedule 3 clause 10 within the Tunnel Protection Overlay under the Planning and Design Code.

(7) Nothing in this regulation or Schedule 4A affects the operation of Schedule 5.

(8) In this regulation—

prescribed person means—

(a) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the operation of a distribution network or some other licence under the *Electricity Act 1996* authorising the operation of all or part of that distribution network; or

(b) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the generation of electricity or some other licence under the *Electricity Act 1996* authorising the generation of electricity by means of an electricity generating plant previously operated pursuant to the licence issued in accordance with the order of the Minister; or

(c) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the operation of a transmission network or some other licence under the *Electricity Act 1996* authorising the operation of all or part of that transmission network,

but does not include a State agency within the meaning of section 131 of the Act.

3CB—Exclusions from definition of *development*—works etc preparatory to development relating to data centres

(1) Subject to this regulation, the following acts or activities are, when carried on by an authorised entity, declared not to constitute development for the purposes of the Act:

(a) siting, levelling, excavation or filling works, other than on coastal land or in a designated flood zone, subzone or overlay;

(b) works to construct a road or access point;

(c) installation of fencing.

(2) If an authorised entity proposes to undertake works of a kind referred to in subregulation (1), the entity must, before commencing those works—

(a) give notice of the proposed works to the council for the area in which the works are to be undertaken; and

(b) furnish the council with—

(i) a description of the nature of the proposed works; and

(ii) so far as may be relevant, details of the location, siting, layout and appearance of the proposed works.

(3) Subregulation (2) does not apply if the works are within the ambit of Schedule 4, Schedule 5 or Schedule 7.

(4) This regulation does not apply in respect of a State heritage place.

(5) Nothing in this regulation affects the operation of Schedule 4, Schedule 4A, Schedule 5, Schedule 7 or Schedule 13.

(6) A State agency (within the meaning of section 131 of the Act) may, by notice in writing—

(a) give an entity that intends to undertake development for the purposes of a data centre an authorisation for the purposes of this regulation; and

(b) impose conditions or limitations on the authorisation.

(7) In this regulation—

authorised entity—see subregulation (6).

3D—Exclusions from definition of *development*—State heritage areas

(1) Subject to this regulation, an act or activity specified in Schedule 5 that is to be undertaken within the State Heritage Area Overlay under the Planning and Design Code is declared not to constitute development for the purposes of the Act.

(2) An exclusion under Schedule 5 is subject to any condition or limitation prescribed by Schedule 5 for the relevant act or activity.

(3) An exclusion under Schedule 5 does not apply in respect of any work involving any repair to, or alteration or restoration of, a building that would cause the building not to comply with the Building Rules.

3DA—Definition of *essential infrastructure*

(1) The following are within the ambit of the definition of ***essential infrastructure*** in section 3(1) of the Act:

(a) data centres;

(b) aged care facilities.

(2) In this regulation—

aged care facility means a facility that provides supported accommodation for older people, and includes a retirement village that is co-located with an aged care facility;

retirement village has the same meaning as in the *Retirement Villages Act 2016*;

supported accommodation has the same meaning as in the Planning and Design Code.

3E—Change in classification of buildings

Any work or activity that results in a change to the classification of a building under the Building Code is prescribed as building work for the purposes of the Act.

3F—Regulated and significant trees

(1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of ***regulated tree*** in section 3(1) of the Act, namely trees within a designated regulated tree overlay that have a trunk with a circumference of 1 m or more or, in the case of trees that have multiple trunks, that have trunks with a total circumference of 1 m or more and an average circumference of 310 mm or more, measured at a point 1 m above natural ground level.

(2) Subject to this regulation—

(a) a prescribed criterion for the purposes of paragraph (b) of the definition of ***significant tree*** in section 3(1) of the Act is that a regulated tree under subregulation (1) has a trunk with a circumference of 2 m or more or, in the case of a tree with multiple trunks, has trunks with a total circumference of 2 m or more and an average circumference of 625 mm or more, measured at a point 1 m above natural ground level; and

(b) regulated trees under subregulation (1) that are within the prescribed criterion under paragraph (a) are to be taken to be significant trees for the purposes of the Act.

(3) For the purposes of subregulations (1) and (2), the measurement of the circumference of the trunks of a tree with multiple trunks is to be undertaken on the basis of the actual circumference of each trunk and without taking into account any space between the trunks.

(4) Subregulations (1) and (2) do not apply—

(a) to a tree located within 3 m of an existing dwelling or an existing in-ground swimming pool, provided that the tree is on the same allotment as the dwelling or pool, other than a tree within 1 of the following species (or genus) of trees:

Agonis flexuosa (Willow Myrtle)

Angophora (any tree of the genus)

Corymbia (any tree of the genus)

Eucalyptus (any tree of the genus); or

(b) to a tree of a species designated (from time to time) by the Minister by notice published on the SA planning portal; or

(c) to a tree belonging to a class of plants to which a declaration by the Minister under Part 9 Division 1 of the *Landscape South Australia Act 2019* applies; or

(d) to a tree that may not be cleared without the consent of the Native Vegetation Council under the *Native Vegetation Act 1991*; or

(e) to a tree planted as part of a woodlot, orchard or other form of plantation created for the purpose of growing and then harvesting trees or any produce.

(4a) A notice under subregulation (4)(b) designating a species of tree—

(a) may be of general or limited application; and

(b) without limiting paragraph (a), may make different provision in relation to a species of tree according to the location of the tree, the circumstances or any other specified factor.

(5) For the purposes of subregulation (4), the distance between a dwelling or swimming pool and a tree will be measured from the base of the trunk of the tree (or the nearest trunk of the tree to the dwelling or swimming pool) to the nearest part of the dwelling or swimming pool at natural ground level.

Note—

The scheme set out in subregulations (1) to (5) relates to the declaration of trees to be regulated trees or significant trees by regulations under the Act. A tree may also be declared to be a significant tree by the Planning and Design Code, and such a declaration has effect independently from those subregulations.

(6) For the purposes of the definition of ***tree damaging activity*** in section 3(1) of the Act, pruning—

(a) that does not remove more than 30% of the crown of the tree; and

(b) that is required to remove—

(i) dead or diseased wood; or

(ii) branches that pose a material risk to a building; or

(iii) branches to a tree that is located in an area frequently used by people and the branches pose a material risk to such people; and

(c) that is—

(i) in the case of a tree on land owned by, or under the care, control and management of, a council—undertaken by or on behalf of the council at any time; or

(ii) in any other case—undertaken at least 5 years after pruning of a kind referred to in this subregulation was last undertaken in relation to the tree,

is excluded from the ambit of that definition.

3G—Aboveground and inflatable pools

(1) Any work or activity involving the construction of an aboveground or inflatable swimming pool which is capable of being filled to a depth exceeding 300 mm is prescribed under paragraph (b) of the definition of ***building work*** in section 3(1) of the Act.

(2) However—

(a) subregulation (1) does not apply if—

(i) the swimming pool is being placed where, or approximately where, the pool, or another pool capable of being filled to a depth exceeding 300 mm, has been previously located within the last 2 years; and

(ii) the placing of the pool, or another pool, at that location (or approximately that location)—

(A) has been previously granted approval under this Act or the repealed Act, other than where any safety features required on account of that approval have been removed; or

(B) occurred before 1 January 2004, other than where the pool that was previously so located did not incorporate a filtration system; and

(b) subregulation (1) applies subject to any exclusions from the ambit of the definition of ***development*** under Schedule 4 or 5.

(3) In this regulation—

swimming pool includes—

(a) a paddling pool; and

(b) a spa pool (but not a spa bath).

3H—Public notice

(1) For the purposes of the definition of ***public notice*** under the Act, public notice is a notice that is—

(a) published in a newspaper circulating generally in the area of the State that is relevant to the matter in relation to which public notice is to be given; and

(b) published on the SA planning portal; and

(c) for the purposes of section 113(5)(b) and (10)(b) of the Act, published in a newspaper circulating generally throughout the State; and

(d) for the purposes of section 131(13) of the Act, placed on the relevant land in accordance with the requirements of regulation 107(6).

(2) Subregulation (1)(d) does not apply—

(a) in relation to any part of the State that is not within the area of a council; or

(b) in relation to development that is to be carried out wholly on land covered by water.

3I—Prescribed period (section 44(12)(b))

For the purposes of section 44(12)(b) of the Act, the period of 15 business days is prescribed.

Part 2—Administration and structural matters

5—Annual report—Commission

For the purposes of section 32(2) of the Act, an annual report of the Commission must also contain the following information:

(a) information about any strategic or other similar objective adopted by the Commission for the coming year or years;

(b) information about the extent to which the principles referred to in section 14 of the Act are being reflected in the planning system established under the Act;

(c) information about—

(i) any performance targets set under Schedule 4 of the Act during the relevant financial year; and

(ii) the work of the Commission under clause 1 of Schedule 4 of the Act during the relevant financial year;

(d) information about any review under clause 3 of Schedule 4 of the Act concluded during the relevant financial year.

6—Annual reports—joint planning boards

(1) For the purposes of section 36(2)(e) of the Act, a joint planning board must, on or before 30 September in every year, forward to the Minister, the Commission and each party to the relevant planning agreement a report on the joint planning board's operations for the preceding financial year.

(2) An annual report must also contain the following information:

(a) information about the membership of the joint planning board during the relevant financial year;

(b) the audited annual financial statements of the joint planning board for the relevant financial year;

(c) information about the activities of the joint planning board's committees during the relevant financial year;

(d) information about the implementation and operation of the joint planning board's regional plan under section 64 of the Act during the relevant financial year.

(3) The Minister must, within 6 sitting days after receiving a report under this regulation, cause copies of the report to be laid before both Houses of Parliament.

6A—Provision of documents and notices via the SA planning portal

(1) For the purposes of these regulations, any requirement to provide, furnish or lodge an application, document or other information to or with a person, body or other entity, or to provide or give a notification, may be satisfied by providing the application, document or other information, or by providing the notification, (as the case may be) via the SA planning portal, subject to complying with any relevant requirements applying under Part 4 Division 2 of the Act.

(2) However—

(a) subregulation (1) applies (and only applies) to the extent to which the SA planning portal has the facilities to allow the provision of an application, document or other information, or the provision of a notice, in the particular circumstances; and

(b) to the extent that the SA planning portal does not have the facilities envisaged by subregulation (1), or envisaged by any other provision of these regulations, an application, document or other information, or a notice, may be provided, furnished or lodged—

(i) by email, using the main or designated email address of the relevant person, body or other entity; or

(ii) by delivering the application, document, information or notice to the principal office or address of the relevant person, body or entity.

(3) For the purposes of subregulation (2), the designated email address of a person, body or other entity is an email address designated by the person, body or other entity as being an email address to be used under the Act or these regulations.

7—SA planning portal—certification and verification of information

For the purposes of section 52(1) of the Act, a prescribed requirement is—

(a) that the instrument is published on a part of the SA planning portal that states that instruments published on that part are certified by the Chief Executive under section 52(1) of the Act; or

(b) that the instrument has a statement appearing as a heading to the instrument, or at the foot of each page of the instrument, to the effect that it is certified by the Chief Executive under section 52(1) of the Act.

8—Disclosure of financial interests

(1) In this regulation—

financial benefit, in relation to a person, means—

(a) any remuneration, fee or other pecuniary sum exceeding $1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and

(b) any remuneration, fee or other pecuniary sum received by the person in respect of a trade, vocation, business or profession engaged in by the person where the total exceeds $1 000,

but does not include an allowance, fee or other sum payable to the person under the Act;

income source, in relation to a person, means—

(a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

(b) any trade, vocation, business or profession engaged in by the person;

ordinary return means a return under clause 2(1)(b) of Schedule 1 of the Act;

primary return means a return under clause 2(1)(a) of Schedule 1 of the Act;

return period, in relation to the ordinary return of a prescribed member, means—

(a) in the case of a prescribed member whose last return was a primary return—the period between the date of the primary return and 30 June next following;

(b) in any other case—the period of 12 months expiring on 30 June on or within 60 days after which the ordinary return is required to be submitted.

(2) A word or expression used in this regulation that is referred to in clause 1 of Schedule 1 of the Act has the same meaning in this regulation as in that clause.

(3) For the purposes of this regulation, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of insurance issued by the body.

(4) For the purposes of clause 2(1)(a) of Schedule 1 of the Act, a primary return must be in the form set out in Schedule 1 of these regulations and contain the following information:

(a) a statement of any income source that the prescribed member required to submit the return or a person related to the prescribed member has or expects to have in the period of 12 months after the date of the primary return;

(b) the name of any company, or other body, corporate or unincorporate, in which the prescribed member or a member of the prescribed member's family holds office whether as a director or otherwise, for the purposes of obtaining financial gain (including at sometime in the future);

(c) the information required by subregulation (7).

(5) For the purposes of clause 2(1)(b) of Schedule 1 of the Act, an ordinary return must be submitted within 60 days after 30 June in each year.

(6) For the purposes of clause 2(1)(b) of Schedule 1 of the Act, an ordinary return must be in the form set out in Schedule 2 and contain the following information:

(a) if the prescribed member required to submit the return or a person related to the prescribed member received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit;

(b) if the prescribed member or a member of the prescribed member's family held an office whether as a director or otherwise in any company or other body, corporate or unincorporate, during the return period for the purposes of obtaining financial gain (including at some time in the future)—the name of the company or other body;

(c) the information required by subregulation (7).

(7) For the purposes of this regulation, a return (whether primary or ordinary) must contain the following information:

(a) the name or description of any company, partnership, association or other body in which the prescribed member required to submit the return or a person related to the prescribed member is an investor;

(b) a concise description of any trust (other than a testamentary trust) of which the prescribed member or a person related to the prescribed member is a beneficiary or trustee (including the name and address of each trustee);

(c) the address or description of any land in which the prescribed member or a person related to the prescribed member has a beneficial interest other than by way of security for any debt;

(d) any fund in which the prescribed member or a person related to the prescribed member has an actual or prospective interest to which contributions are made by a person other than the prescribed member or a person related to the prescribed member;

(e) if the prescribed member or a person related to the prescribed member is indebted to another person (not being related to the prescribed member or to a member of the prescribed member's family by blood or marriage) in an amount equal to or exceeding $10 000—the name and address of that person;

(f) if the prescribed member or a person related to the prescribed member is owed money by a natural person (not being related to the prescribed member or to a member of the prescribed member's family by blood or marriage) in an amount equal to or exceeding $10 000—the name and address of that person;

(g) any other substantial interest of a pecuniary nature of the prescribed member or of a person related to the prescribed member of which the prescribed member is aware and which the prescribed member considers might appear to raise a material conflict between the prescribed member's private interest and the duty that the prescribed member has or may subsequently have as a member of a designated entity.

(8) A prescribed member is required by this regulation only to disclose information that is known to the prescribed member or ascertainable by the prescribed member by the exercise of reasonable diligence.

(9) Nothing in this regulation requires a prescribed member to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the prescribed member.

(10) A prescribed member may include in a return such additional information as the prescribed member thinks fit.

(11) Nothing in this regulation will be taken to prevent a prescribed member from disclosing information required by this regulation in such a way that no distinction is made between information relating to the prescribed member personally and information relating to a person related to the prescribed member.

(12) Nothing in this regulation requires disclosure of the actual amount or extent of a financial benefit or interest.

(13) For the purposes of paragraph (b) of the definition of ***relevant official*** in clause 1(1) of Schedule 1 of the Act in relation to an assessment panel appointed by a council, the chief executive officer of the council is prescribed as the relevant official.

9—Compliance with code of conduct—Commission

(1) In this regulation—

code of conduct means the code of conduct to be observed by members of the Commission adopted by the Minister under clause 1(1)(a) of Schedule 3 of the Act.

(2) A person may make a complaint to the Minister if the person believes that a member of the Commission has acted in contravention of the code of conduct.

(3) A complaint must—

(a) be in writing; and

(b) contain particulars of the allegations on which the complaint is based; and

(c) be verified by statutory declaration.

(4) Except with the approval of the Minister, a complaint must not be lodged with the Minister more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.

(5) The Minister may require the complainant to give further particulars of the complaint (verified, if the Minister so requires, by statutory declaration).

(6) The Minister may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to continue to entertain a complaint, if it appears to the Minister—

(a) that the complainant does not have a sufficient interest in the matter to which the complaint relates; or

(b) that the matter raised in the complaint is trivial; or

(c) that the complaint is frivolous or vexatious or is not made in good faith; or

(d) that there is some other good reason not to proceed (or to proceed further) with the matter under this regulation.

(7) The Minister may, as the Minister's first step in dealing with a complaint—

(a) refer the matter to the member of the Commission to whom the complaint relates for a response; or

(b) refer the matter to the presiding member of the Commission for consideration and report; or

(c) if the complaint relates to the member of the Commission who holds office under section 18(1)(b) of the Act—refer the matter to the Chief Executive.

(8) The Minister may take such other action as the Minister thinks fit (including by deciding not to proceed further with the matter).

(9) The Minister may, whether or not the Minister has acted under subregulation (7), appoint a person to investigate the complaint.

(10) If the Minister appoints an investigator—

(a) the Minister must inform the member of the Commission to whom the complaint relates of the appointment of the investigator and furnish formal notification about the nature of the complaint; and

(b) the investigator must conduct an investigation into the complaint as soon as practicable after the appointment has been made; and

(c) the investigator must give the member of the Commission to whom the complaint relates a reasonable opportunity to make representations to the investigator about the complaint; and

(d) the investigator may require—

(i) the complainant; and

(ii) the member of the Commission to whom the complaint relates; and

(iii) the presiding member of the Commission; and

(iv) if the complaint relates to the member of the Commission who holds office under section 18(1)(b) of the Act—the Chief Executive,

to provide to the investigator any document or other information relevant to the investigation of the complaint (verified, if the investigator so requires, by statutory declaration); and

(e) the investigator—

(i) must otherwise comply with the rules of natural justice; and

(ii) subject to subparagraph (i), may conduct the investigation in such manner as the investigator thinks fit (including by undertaking such other consultations and undertaking such other inquiries as the investigator thinks fit).

(11) If during an investigation the investigator is satisfied that there is a matter about which another complaint could have been made against the member of the Commission, the investigator may, after consultation with the Minister, deal with the matter as part of the investigation as if a complaint had been made about the matter.

(12) The investigator—

(a) may report to the Minister at any stage of an investigation; and

(b) must present a written report to the Minister at the conclusion of the investigation.

(13) The Minister must provide the person to whom the complaint relates with a copy of a report presented under subregulation (12)(b) (and the Minister may, if the Minister thinks fit, invite a response from the person).

(14) The Minister may, on the receipt of a report under subregulation (12)(b), or at the conclusion of any other process that the Minister has adopted in the alternative—

(a) decide to take no further action on the complaint; or

(b) refer the matter to the presiding member of the Commission for further consideration and, if appropriate, further action or response; or

(c) undertake any consultation or further inquiry as the Minister thinks fit; or

(d) if the complaint relates to an appointed member of the Commission—decide to make a recommendation to the Governor that the member be removed from office; or

(e) if the complaint relates to the member of the Commission who holds office under section 18(1)(b) of the Act—replace the person under that section of the Act; or

(f) take any other action as the Minister thinks fit.

(15) The Minister must inform the complainant of the outcome of the complaint under subregulation (14).

10—Compliance with code of conduct—joint planning boards

(1) In this regulation—

code of conduct means the code of conduct to be observed by members of a joint planning board adopted by the Minister under clause 1(1)(b) of Schedule 3 of the Act.

(2) A person may make a complaint to the Minister if the person believes that a member of a joint planning board has acted in contravention of the code of conduct.

(3) A complaint must—

(a) be in writing; and

(b) contain particulars of the allegation on which the complaint is based; and

(c) be verified by statutory declaration.

(4) Except with the approval of the Minister, a complaint must not be lodged with the Minister more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.

(5) The Minister may require the complainant to give further particulars of the complaint (verified, if the Minister so requires, by statutory declaration).

(6) The Minister may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to continue to entertain a complaint, if it appears to the Minister—

(a) that the complainant does not have a sufficient interest in the matter to which the complaint relates; or

(b) that the matter raised by the complaint is trivial; or

(c) that the complaint is frivolous or vexatious or is not made in good faith; or

(d) that there is some other good reason not to proceed (or further proceed) with the matter under this regulation.

(7) The Minister may, as the Minister's first step in dealing with a complaint, refer the matter to the member of the joint planning board to whom the complaint relates for a response.

(8) The Minister may take such other action as the Minister thinks fit (including deciding not to proceed further with the matter).

(9) The Minister may, whether or not the Minister has acted under subregulation (7), appoint a person to investigate a complaint.

(10) If the Minister appoints an investigator—

(a) the Minister must inform the member of the joint planning board to whom the complaint relates of the appointment of an investigator and furnish formal notification about the nature of the complaint; and

(b) the investigator must conduct an investigation into the complaint as soon as practicable after the appointment has been made; and

(c) the investigator must give the member of the joint planning board to whom the complaint relates a reasonable opportunity to make representations to the investigator about the complaint; and

(d) the investigator may require—

(i) the complainant; and

(ii) the member of the joint planning board to whom the complaint relates,

to provide to the investigator any document or other information relevant to the investigation of the complaint (verified, if the investigator so requires, by statutory declaration); and

(e) the investigator—

(i) must otherwise comply with the rules of natural justice; and

(ii) subject to subparagraph (i), may conduct the investigation in such manner as the investigator thinks fit (including by undertaking such other consultations and undertaking such other inquiries as the investigator thinks fit).

(11) If during an investigation the investigator is satisfied that there is a matter about which another complaint could have been made against the member of the joint planning board, the investigator may, after consultation with the Minister, deal with the matter as if a complaint had been made about the matter.

(12) The investigator—

(a) may report to the Minister at any stage of the investigation; and

(b) must present a report to the Minister at the conclusion of the investigation.

(13) The Minister must provide the person to whom the complaint relates with a copy of a report presented under subregulation (12)(b) (and the Minister may, if the Minister thinks fit, invite a response from the person).

(14) The Minister may, on the receipt of a report under subregulation (12)(b), or at the conclusion of any other process that the Minister has adopted in the alternative—

(a) decide to take no further action on the complaint; or

(b) undertake any consultation or further inquiry as the Minister thinks fit; or

(c) take action to have the member of the joint planning board to whom the complaint relates removed from office; or

(d) take any other action as the Minister thinks fit.

(15) The Minister must inform the complainant of the outcome of a complaint under subregulation (14).

11—Compliance with code of conduct—assessment panels

(1) In this regulation—

code of conduct means the code of conduct to be observed by members of an assessment panel adopted by the Minister under clause 1(1)(c) of Schedule 3 of the Act.

(2) A person may make a complaint to the Commission if the person believes that a member of an assessment panel has acted in contravention of the code of conduct.

(3) A complaint must—

(a) be in writing; and

(b) contain particulars of the allegation on which the complaint is based; and

(c) be verified by statutory declaration.

(4) Except with the approval of the Commission, a complaint must not be lodged with the Commission more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.

(5) The Commission may require the complainant to give further particulars of the complaint (verified, if the Commission so requires, by statutory declaration).

(6) The Commission may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to continue to entertain a complaint, if it appears to the Commission—

(a) that the complainant does not have a sufficient interest in the matter to which the complaint relates; or

(b) that the matter raised by the complaint is trivial; or

(c) that the complaint is frivolous or vexatious or is not made in good faith; or

(d) that there is some other good reason not to proceed (or further proceed) with the matter under this regulation.

(7) The Commission may, as the Commission's first step in dealing with a complaint, refer the matter to the member of the assessment panel to whom the complaint relates for a response.

(8) The Commission may take such further action as the Commission thinks fit (including deciding not to proceed further with the matter).

(9) The Commission may, whether or not the Commission has acted under subregulation (7), appoint a person to investigate a complaint.

(10) If the Commission appoints an investigator—

(a) the Commission must inform the member of the assessment panel to whom the complaint relates of the appointment of an investigator and furnish formal notification of the nature of the complaint; and

(b) the investigator must conduct an investigation into the complaint as soon as practicable after the appointment has been made; and

(c) the investigator must give the member of the assessment panel to whom the complaint relates a reasonable opportunity to make representations to the investigator about the complaint; and

(d) the investigator may require—

(i) the complainant; and

(ii) the member of the assessment panel to whom the complaint relates,

to provide to the investigator any document or other information relevant to the investigation of the complaint (verified, if the investigator so requires, by statutory declaration); and

(e) the investigator—

(i) must otherwise comply with the rules of natural justice; and

(ii) subject to subparagraph (i), may conduct the investigation in such a manner as the investigator thinks fit (including by undertaking such other consultations and undertaking such other inquiries as the investigator thinks fit).

(11) If during an investigation the investigator is satisfied that there is a matter about which another complaint could have been made against the member of the assessment panel, the investigator may, after consultation with the Commission, deal with the matter as if a complaint had been made about the matter.

(12) The investigator—

(a) may report to the Commission at any stage of the investigation; and

(b) must present a report to the Commission at the conclusion of the investigation.

(13) The Commission must provide the person to whom the complaint relates with a copy of a report presented under subregulation (12)(b) (and the Commission may, if the Commission thinks fit, invite a response from the person).

(14) The Commission may, on the receipt of a report under subregulation (12)(b), or at the conclusion of any process that the Commission has adopted in the alternative—

(a) decide to take no further action on the complaint; or

(b) undertake any consultation or further inquiry as the Commission thinks fit; or

(c) take action to have the member of the assessment panel to whom the complaint relates removed from office; or

(d) take such other action as the Commission thinks fit.

(15) The Commission must inform the complainant of the outcome of a complaint under subregulation (14).

(16) Without limiting a preceding subregulation, the Commission may, at any time, consult with or provide a report to—

(a) the Minister; and

(b) in the case of a complaint that relates to a member of an assessment panel appointed by a joint planning board or a council, the joint planning board or the council (as the case requires),

about a complaint that has been made under this regulation.

(17) Nothing in this regulation limits or restricts any action or proceedings that may be taken against or in relation to a member of an assessment panel on account of the member being an accredited professional under the Act.

11A—Mutual liability scheme—notices of appointment of assessment panel members

(1) A designated authority appointing or reappointing a person as a member of an assessment panel under section 83 of the Act must complete a notice of appointment relating to the member.

(2) A person appointed or reappointed as a member of an assessment panel under section 83 of the Act must, before commencing a term as a member of the panel, sign a notice of appointment provided to the person by the designated authority and return it to the designated authority.

(3) An entity appointing or reappointing a person as a member of a regional assessment panel under section 84 of the Act (a ***relevant entity***) must complete a notice of appointment relating to the member.

(4) A person appointed or reappointed as a member of a regional assessment panel under section 84 of the Act must, before commencing a term as a member of the panel, sign a notice of appointment provided to the person by the relevant entity and return it to the relevant entity.

(5) A notice of appointment will be in a form determined by the Chief Executive and published on the SA planning portal.

11B—Mutual liability scheme—rights of indemnity

(1) —

(a) a designated authority, in being responsible under section 83(1)(h)(ii) of the Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the designated authority; and

(b) a council, in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under section 84(1)(a) and (i) of the Act,

must have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the Act in their role as a member of the panel.

(2) Membership of the mutual liability scheme constitutes compliance with the requirement under subregulation (1).

(3) A member of an assessment panel of a kind referred to in subregulation (1) has a right of indemnity against a council or joint planning board (as the case may be) in respect of any claim against the member arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the Act in their role as a member of the panel.

(4) The right of indemnity under subregulation (3) in respect of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of functions, powers or duties by a member of a regional assessment panel relating to a proposed development lies against the council for the area in which the proposed development is to be undertaken.

(5) —

(a) a designated authority, in being responsible under section 87(f) of the Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the designated authority; and

(b) a council, in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under section 84(1)(a) and (i) of the Act,

must have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the Act in their role as an assessment manager.

(6) Membership of the mutual liability scheme constitutes compliance with the requirement under subregulation (5).

(7) An assessment manager referred to in subregulation (5) has a right of indemnity against a council or joint planning board (as the case may be) in respect of any claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the Act in their role as the assessment manager.

(8) The right of indemnity under subregulation (7) in respect of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of functions, powers or duties by an assessment manager for a regional assessment panel relating to a proposed development lies against the council for the area in which the proposed development is to be undertaken.

(9) In this regulation—

mutual liability scheme means the Local Government Association Mutual Liability Scheme conducted and managed by the LGA under Schedule 1 of the *Local Government Act 1999*.

Part 3—Assessment panels—procedures

12—Application

This Part applies to and in relation to the procedures of an assessment panel established under section 83 of the Act or clause 12 or 13 of Schedule 8 of the Act.

13—Public access to meetings

(1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in subregulation (2).

(2) An assessment panel may exclude the public from attendance at a meeting—

(a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:

(i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

(ii) information the disclosure of which—

(A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and

(B) would, on balance, be contrary to the public interest;

(iii) information the disclosure of which would reveal a trade secret;

(iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

(A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(B) would, on balance, be contrary to the public interest;

(v) matters affecting the safety or security of any person or property;

(vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

(vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

(viii) legal advice;

(ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;

(x) information the disclosure of which—

(A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and

(B) would, on balance, be contrary to the public interest; and

(b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

14—Minutes and other documents

(1) An assessment panel must ensure that accurate minutes are kept of its proceedings.

(2) A disclosure by a member of an assessment panel of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the assessment panel.

(3) Members of the public are entitled to reasonable access to—

(a) the agendas for meetings of an assessment panel; and

(b) the minutes of meetings of an assessment panel.

(4) However, an assessment panel may, before it releases a copy of any minutes under subregulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by the assessment panel.

(5) Minutes must be available under subregulation (3) within 5 business days after their adoption by the members of the assessment panel.

15—Quorum

A quorum at a meeting of an assessment panel is a number obtained by dividing the total number of members of the assessment panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

16—Voting

(1) Each member of an assessment panel present at a meeting of the assessment panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.

(2) Subregulation (1) does not apply to a person who is taken to be a member of an assessment panel under section 85 of the Act.

17—Validity of proceedings

A proceeding of an assessment panel (and any decision made by an assessment panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

18—Other matters

Except insofar as a procedure is prescribed by the Act or these regulations, the procedures of an assessment panel in relation to the conduct of its business will be as determined by the assessment panel (and an assessment panel is accordingly a specified body for the purposes of section 246(6)(d) of the Act).

Part 4—Statutory instruments

18A—Planning and Design Code—significant trees

For the purposes of section 68(1)(a)(iv) and (b)(iv) of the Act, a prescribed criterion is that the significant tree or stand of trees (as the case requires) makes a significant contribution to the urban tree canopy of the local area.

19—Incorporation of material (section 71(b))

For the purposes of section 71(b) of the Act, the following bodies are prescribed:

(a) the Minister, in relation to Ministerial building standards;

(ab) the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Heritage Places Act 1993*;

(ac) the Chief Executive;

(b) Standards Australia;

(c) the Commonwealth Scientific and Industrial Research Organisation;

(ca) Austroads;

(d) any body prescribed by these regulations for the purposes of section 122 of the Act.

19A—Building envelope plans

(1) A designated authority may, on application, approve a building envelope plan if the building envelope plan is prepared in accordance with, and is consistent with the criteria set out in, a practice direction issued for the purposes of this regulation by the Commission.

(2) A designated authority may, on application by a person or body that prepared a building envelope plan approved under this regulation, vary the building envelope plan (and an application for a variation of a building envelope plan will be treated as an application for approval of the building envelope plan under subregulation (1)).

(3) A building envelope plan, or a variation to a building envelope plan, does not have effect for the purposes of the Planning and Design Code until the building envelope plan, or the varied building envelope plan—

(a) is submitted to the Chief Executive; and

(b) is published by the Chief Executive on the SA planning portal.

Note—

Under section 71(b) of the Act, the Planning and Design Code may refer to or incorporate wholly or partially and with or without modification, a policy or other document published by a prescribed body.

(4) The Chief Executive is not required to publish a building envelope plan, or a varied building envelope plan, on the SA planning portal if the Chief Executive considers that the building envelope plan, or the varied building envelope plan, is inconsistent with the practice direction referred to in subregulation (1).

(5) In this regulation—

building envelope plan means a plan that is prepared for the purposes of a division of land (whether the land has been or is to be divided) within a master planned zone and that provides for matters relating to buildings to be constructed on allotments created by the division of land, including—

(a) building setbacks and envelopes, building heights and floor levels; and

(b) other criteria relevant to determining whether such buildings fall within a particular class of development;

designated authority, in relation to a building envelope plan, means—

(b) if the 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***) relating to the building envelope plan is an assessment panel appointed by a joint planning board—the assessment manager appointed by the joint planning board; or

(c) if the division of land authority relating to the building envelope plan is a regional assessment panel appointed by the Minister—the assessment manager appointed by the Chief Executive for the panel; or

(d) in any other case—the assessment manager appointed by the chief executive of the council in whose area the building envelope plan is to apply;

master planned zone means—

(a) the Master Planned Neighbourhood Zone, Master Planned Township Zone or Master Planned Renewal Zone under the Planning and Design Code; or

(b) any other zone identified by the Commission in a practice direction issued for the purposes of this regulation and published on the SA planning portal.

20—Notice of Code amendment (section 73(6)(d))

For the purposes of section 73(6)(d) of the Act, a notice must—

(a) identify the piece or pieces of land in relation to which the specific impact will apply; and

(b) describe the impact; and

(c) indicate where and when the relevant amendment to the Planning and Design Code may be inspected; and

(d) provide information about the consultation that is to occur under the Community Engagement Charter.

21—Minor or operational amendments (section 76)

(1) The *Environment Protection Act 1993* is prescribed for the purposes of section 76(1)(c)(i) of the Act.

(2) The following documents are prescribed for the purposes of section 76(1)(d)(ii) of the Act:

(a) a coastal management plan (or part of a coastal management plan) approved by the Governor under the *Coast Protection Act 1972*;

(b) an environment protection policy (or part of an environment protection policy) under the *Environment Protection Act 1993*;

(ba) a management plan (or part of a management plan) for a marine park under the *Marine Parks Act 2007*;

(c) a management plan (or part of a management plan) for a park or reserve adopted under the *National Parks and Wildlife Act 1972*;

(d) the list or amendment to the list of places entered, either on a provisional or permanent basis, in the State Heritage Register under the *Heritage Places Act 1993*;

(e) any regulation relating to the development of land under the *Electricity Act 1996*;

(ea) the Metropolitan Adelaide Road Widening Plan under the *Metropolitan Adelaide Road Widening Plan Act 1972*;

(eb) a lease, licence or native title mining agreement under the *Mining Act 1971*;

(f) a management plan (or part of a management plan) under the *Fisheries Management Act 2007*;

(g) an aquaculture policy under the *Aquaculture Act 2001*;

(h) a regional landscape plan, water allocation plan or landscapes or water affecting activities control policy (or a part of any such plan or policy) under the *Landscape South Australia Act 2019*;

(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*.

Part 5—Relevant authorities and accredited professionals

22—Prescribed scheme (section 93)

(1) For the purposes of section 93 of the Act—

(a) an assessment manager may act as a relevant authority for the purposes of giving planning consent in relation to—

(i) development that is classified as deemed-to-satisfy development under section 106 of the Act (including where there may be 1 or more minor variations under section 106(2) of the Act); and

(ii) development that is to be assessed under section 107 of the Act, other than where notice of the application must be given under section 107(3) of the Act; and

(b) an Accredited professional—planning level 3 may act as a relevant authority for the purposes of giving planning consent in relation to development that may be assessed as deemed-to-satisfy development under section 106 of the Act (including where there may be 1 or more minor variations under section 106(2) of the Act); and

(c) an Accredited professional—planning level 4 may act as a relevant authority for the purposes of giving planning consent in relation to development that may be assessed as deemed-to-satisfy development under section 106 of the Act, other than where there are 1 or more minor variations under section 106(2) of the Act; and

(d) an Accredited professional—surveyor may act as a relevant authority for the purposes of giving planning consent and consent under section 102(1)(c) or (d) of the Act in relation to development that is constituted solely by the division of 1 or more allotments and that may be assessed as deemed-to-satisfy development under section 106 of the Act, other than where there are 1 or more minor variations under section 106(2) of the Act or where it is necessary in connection with the division for land to be vested in another entity or a public road to be created; and

(e) an assessment manager may act as a relevant authority for the purposes of giving consent under section 102(1)(c) or (d) of the Act.

(2) In connection with subregulation (1)(a)(ii), an assessment manager may act as a relevant authority for the purposes of—

(a) making a decision in accordance with a practice direction under section 107(3)(a) of the Act; and

(b) determining whether a proposed development the subject of an application falls within a specified class of development excluded from the operation of section 107(3) and (4) of the Act by the Planning and Design Code.

23—State Planning Commission (section 94)

(1) For the purposes of section 94(1)(a)(ii) of the Act, the Commission is the relevant authority in relation to development of a class specified in Schedule 6.

(2) If the Commission is the relevant authority under section 94(1) of the Act—

(a) in a case where the Minister has acted under section 94(1)(h) of the Act—

(i) the entity that would otherwise be the relevant authority must provide to the Commission any application received by the relevant authority under the Act and these regulations in relation to the matter, together with any accompanying documentation or information and fees (other than where the Commission has indicated that the entity may retain some or all of the fees), within 5 business days after receipt of a copy of the Minister's notice under that section; and

(ii) the Commission may, as it thinks fit—

(A) adopt any act or decision in relation to the assessment of the application that has already been made by a relevant authority (including an act or decision under Part 7 of these regulations);

(B) disregard or reject any act or decision of a relevant authority that has already been made in relation to the assessment of the application; and

(b) in any case relating to development within the area of a council—the Commission must give the chief executive officer of the council for the area in which the development is to be undertaken a reasonable opportunity to provide the Commission with a report (on behalf of the council) on any matter specified under subregulation (3) that is relevant to the particular case (but if a report is not received by the Commission within 15 business days after the request is made to the chief executive officer, or within such longer period as the Commission may allow, the Commission may presume that the chief executive officer does not desire to provide a report).

(3) The following matters are specified for the purposes of a report under subregulation (2)(b):

(a) the impact of the proposed development on the following at the local level:

(i) essential infrastructure;

(ii) traffic;

(iii) waste management;

(iv) stormwater;

(v) public open space;

(vi) other public assets and infrastructure;

(b) the impact of the proposed development on any local heritage place;

(c) any other matter determined by the Commission and specified by the Commission for the purposes of subregulation (2)(b).

24—Assessment managers (section 96)

(1) This regulation applies in addition to the cases prescribed under regulation 22.

(2) For the purposes of section 96 of the Act, and subject to these regulations, an assessment manager may act as a relevant authority for the purposes of giving consent under section 102(1)(e) or (f) of the Act.

25—Accredited professionals (section 97)

(1) This regulation applies in addition to the cases prescribed under regulation 22.

(2) For the purposes of section 97 of the Act, and subject to these regulations, an Accredited professional—building level 1 may act as a relevant authority for the purposes of giving building consent in relation to any class of development.

(3) For the purposes of section 97 of the Act, and subject to these regulations, if the requirement of subregulation (5) is satisfied, an Accredited professional—building level 2 may act as a relevant authority for the purposes of giving building consent in relation to building work that relates to a building that does not have, or will not have when the development is completed—

(a) a rise in storeys exceeding 3; or

(b) a floor area exceeding 2 000 m^2.

(4) For the purposes of section 97 of the Act, and subject to these regulations, if the requirement of subregulation (5) is satisfied, an Accredited professional—building level 3 may act as a relevant authority for the purposes of giving building consent in relation to building work that relates to a Class 1 or 10 building under the Building Code that does not have, or will not have when the development is completed—

(a) a rise in storeys exceeding 2; or

(b) a floor area exceeding 500 m^2.

(5) This subregulation requires that the calculations used for the purposes of the relevant building work referred to in subregulation (3) or (4) have been certified by an independent technical expert.

(6) In addition, for the purposes of section 97 of the Act, and subject to these regulations, an Accredited professional—building level 1, 2 or 3 may act as a relevant authority (in respect of development for which they are authorised to give building consent under a preceding subregulation) in relation to the following:

(a) the issue of a schedule of essential safety provisions;

(b) the assignment of a classification to a building under these regulations;

(c) the provision of a Statement of Compliance.

(7) In this regulation—

independent technical expert means a person who, in relation to building work—

(a) is not the building owner or an employee of the building owner; and

(b) has not—

(i) been involved in any aspect of the relevant development (other than through the provision of preliminary advice of a general nature); or

(ii) had a direct or indirect pecuniary interest in any aspect of the relevant development or any body associated with any aspect of the relevant development; and

(c) has engineering or other qualifications that the relevant authority is satisfied, on the basis of advice received from the accreditation authority under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*, a relevant professional association, or another relevant registration or accreditation authority, qualify the person to act as a technical expert under this regulation.

26—Requirement to obtain advice of accredited professional

(1) For the purposes of section 235(2) of the Act, if the Commission or an assessment panel does not act under section 99(1) of the Act in relation to development that involves the performance of building work, the Commission or assessment panel (as the case may be) must, in assessing the development in respect of the Building Rules, seek and consider the advice of an accredited professional who would be qualified to give building consent in relation to the building work if the accredited professional were acting as a relevant authority in the particular case.

(2) For the purposes of section 235(2) of the Act, a council acting under section 99(2)(a)(i) of the Act must, in assessing the development in respect of the Building Rules, seek and consider the advice of an accredited professional who would be qualified to give building consent in relation to the building work if the accredited professional were acting as a relevant authority in the particular case.

Part 6—Development assessment—related principles

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.

27—Impact assessed development—categorisation

(a1) For the purposes of section 108(1)(b) of the Act, development that involves the establishment of—

(a) a wind farm located in marine waters; or

(b) a marina of more than 100 berths,

is classified as impact assessed development.

(1) For the purposes of section 108(7) of the Act, the following sections of Part 7 Division 2 will apply in relation to a project that is the subject of a declaration under section 108(1)(c) of the Act:

(a) section 109(1)(b) and (2)(b);

(b) section 111(2)(d) and (3);

(c) sections 113 and 114;

(d) section 116(a);

(e) section 117.

(2) For the purposes of section 108(9) of the Act, the following principles are prescribed:

(a) the character of the receiving environment;

(b) the potential social, economic and environmental impacts of the development or project;

(c) the resilience of the environment to cope with change;

(d) the degree of confidence in the prediction of impacts resulting from the development or project;

(e) the extent to which undesirable impacts which may occur are likely to be irreversible;

(f) the extent to which impacts, and requirements for monitoring and assessing impacts, will be ongoing;

(g) the presence of other statutory assessment or policy frameworks which provide other procedures or processes to address any issues of concern.

(3) For the purposes of taking into account the principles prescribed by subregulation (2), consideration must be given to—

(a) the extent of impacts by an analysis of their—

(i) type; and

(ii) size; and

(iii) scope; and

(iv) intensity; and

(v) duration; and

(b) the nature of impacts by an analysis of—

(i) the degree to which the impacts are predictable; and

(ii) the resilience of the environment to cope with change; and

(iii) the degree to which the impacts can be reversed; and

(iv) the degree to which the impacts can be managed or mitigated; and

(v) the degree to which performance criteria can be applied in the circumstances of the case; and

(c) the significance of impacts by an analysis of—

(i) the degree to which the impacts adversely affect environmentally sensitive areas; and

(ii) the degree to which the impacts are acceptable considering the nature of the impacts; and

(d) other factors determined to be relevant by the Minister.

28—Complying building work

(1) For the purposes of section 118(1) of the Act, building work assessed by a relevant authority as being in a form specified in Schedule 7 must be granted building consent.

(2) Subregulation (1) does not apply in relation to—

(a) building work that affects a State heritage place; or

(b) building work to the extent excluded under a provision of Schedule 7.

Part 7—Assessment—processes and assessment facilitation

Division 1—Applications

29—Application to relevant authority

(1) Subject to these regulations, an application for a development authorisation under section 101 or 102(1) of the Act in relation to a proposed development may—

(a) be lodged electronically via the SA planning portal (and in accordance with any relevant requirements applying under Part 4 Division 2 of the Act); or

(b) be lodged with the relevant authority at the principal office of the relevant authority in accordance with the requirements of these regulations.

(2) An application to be lodged with an accredited professional (other than an assessment manager) will be lodged with the accredited professional in such manner as the accredited professional may require.

(3) A person who is lodging an application must comply with any other relevant requirement specified by a practice direction.

(4) A relevant authority who receives an application under subregulation (1)(b) or (2) must lodge the application on the SA planning portal within 5 business days after receipt of the application.

(5) The appropriate fee for the purposes of section 119(1)(d) of the Act is the fee identified as the base amount in respect of an application for consent under Part 7 of the Act in a fee notice made for the purposes of the Act.

30—Plans, fees and related provisions

(1) An application to a relevant authority under section 119(1) of the Act must be accompanied by a copy of the plans, drawings, specifications and other documents and information relating to the proposed development required under Schedule 8 (prepared in accordance with the requirements of that Schedule).

(2) However—

(a) an applicant must not be required to comply with a requirement under Schedule 8 unless the requirement is directly relevant to the application; and

(b) if the application seeks consent for some, but not all, of the relevant matters referred to in section 102(1) of the Act, the plans, drawings, specifications and other documents and information must accord with Schedule 8 to such extent as may be appropriate to the matters to which the consent is sought.

31—Verification of application

(1) Subject to subregulation (2), on the receipt of an application under section 119 of the Act, and in addition to any other requirement under these regulations, a relevant authority that has received the application must, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the Act—

(a) determine the nature of the development; and

(b) if the application is for planning consent—determine—

(i) whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and

(ii) the category or categories of development that apply for the purposes of development assessment; and

(c) determine whether the relevant authority is the correct entity to assess the application under the Act; and

(d) if the relevant authority is the correct entity to assess the application (or any part of the application)—

(i) check that the appropriate documents and information have been lodged with the application; and

(ii) confirm the prescribed fees required to be paid at that point; and

(iii) —

(A) in the case of an application for outline consent—provide notice of the determination under paragraph (c) in writing to the applicant; or

(B) in any other case—provide an appropriate notice via the SA planning portal; and

(e) if the relevant authority is not the correct entity to assess the application (or any part of the application)—

(i) provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that it considers to be the correct relevant authority in accordance with any practice direction; and

(ii) —

(A) in the case of an application for outline consent—provide notice of the determination under paragraph (c) in writing to the applicant and the entity that it considers to be the correct relevant authority; or

(B) in any other case—provide an appropriate notice via the SA planning portal.

(2) The following provisions apply in connection with subregulation (1):

(a) the relevant authority must comply with subregulation (1) within 5 business days after receiving the application; and

(b) an entity that receives an application or notice under subregulation (1)(e) must repeat the steps envisaged by subregulation (1) in relation to the application.

(3) If an accredited professional has determined that it is the correct entity to assess the application (or any part of the application) and has provided an appropriate notice in accordance with subregulation (1), the accredited professional is taken to be engaged as the relevant authority in respect of that application (or that part of the application) for the purposes of the Act.

32—Application for accepted development

If a relevant authority for the purposes of providing planning consent under the Act determines that the development falls within the category of accepted development, the relevant authority must (within 5 business days after receiving the application) advise the applicant accordingly.

32A—Site contamination—detailed site investigation report

(1) For the purposes of section 119(3)(d) of the Act, a relevant authority may, in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if—

(a) the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and

(b) the relevant authority considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to—

(i) site contamination; and

(ii) if remediation is required, the extent of that remediation; and

(c) the application is not required to be referred to the Environment Protection Authority under item 9A or 9AB of the table in Schedule 9 clause 3.

(2) A detailed site investigation report must be prepared by a site contamination consultant or site contamination auditor (and the relevant authority cannot request that the report be prepared only by a site contamination auditor unless the Environment Protection Authority directs the relevant authority to do so in relation to a particular application).

(3) A detailed site investigation report must, in relation to the relevant land, relate to an investigation, conducted in accordance with the National Environment Protection (Assessment of Site Contamination) Measure and any relevant guidelines issued from time to time by the Environment Protection Authority, into—

(a) the nature and extent of any site contamination present or remaining on or below the surface of the land; and

(b) the suitability of the land for the proposed use; and

(c) what remediation (if any) is necessary for the proposed use.

(4) A detailed site investigation report must comply with requirements specified by the Commission in the site contamination practice direction or another instrument published by the Commission on the SA planning portal.

(5) In this regulation—

National Environment Protection (Assessment of Site Contamination) Measure means the *National Environment Protection (Assessment of Site Contamination) Measure 1999* prepared under the *National Environment Protection Council Act 1994* of the Commonwealth (as in force from time to time).

32B—Site contamination—statement of site suitability

For the purposes of section 119(3)(d) of the Act, a relevant authority may, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.

33—Application and further information

(1) For the purposes of section 119(4) of the Act (but subject to this regulation), deemed-to-satisfy development that only comprises 1 or more of the following elements is prescribed:

(a) the construction of 1 or more dwellings;

(b) an alteration or addition to an existing dwelling;

(c) the construction of an outbuilding, garage, verandah, pergola or swimming pool associated with residential development.

(2) For the purposes of section 119(5) of the Act (but subject to this regulation), the following classes are prescribed:

(a) deemed-to-satisfy development that does not fall within the ambit of subregulation (1);

(b) development that will be assessed under section 107 of the Act.

(2a) Development the subject of an application for outline consent does not constitute development of a class prescribed by subregulation (1) or (2).

(3) Subregulations (1) and (2) do not apply to the extent that the relevant authority, acting under section 119(9)(a) of the Act, permits an applicant—

(a) to vary an application; or

(b) to vary any plans, drawings, specifications or other documents that accompanied the application.

(4) Subregulations (1) and (2) do not apply in relation to seeking clarification about any document or information that has been provided by the applicant.

(5) For the purposes of section 119(5)(d), the period of 10 business days from the day on which notice has been provided under regulation 31(1) or, if a later day, the day on which the appropriate fees have been paid by the applicant, is prescribed.

(6) This regulation does not apply in relation to any documents or information that the applicant determines or agrees to provide in any event.

34—Period for additional information and other matters

(1) In accordance with section 119(6)(b) of the Act, if a request is made by a relevant authority under section 119(3) of the Act, the request must be complied with by the applicant within the period of 60 business days from the date of the request, or within such longer period (which must not exceed 1 year from the date of the request) as the relevant authority may allow.

(2) For the purposes of section 119(11) of the Act, any period of time in excess of 1 year required by the applicant to act as contemplated by that subsection is to be included in the time within which the relevant authority is required to decide the application.

35—Amended applications

(1) If a relevant authority permits an applicant to vary an application under section 119(9) of the Act, the date of receipt of the application as so varied (together with any amended plans, drawings, specifications or other documents or information, and appropriate fee) will, for the purposes of the time limits prescribed in Division 4, be taken to be the relevant day (and, if an action under Division 2 or 3 is required to be repeated in respect of the application as varied, a time period applying under regulation 53 in relation to the action is to be included in the time within which the relevant authority is required to decide the application under these regulations).

(2) However, subregulation (1) does not apply if the variations to the application are not substantial.

(3) If an application is varied following referral under Division 2 or giving of notice under Division 3, the relevant authority may, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.

(4) If a variation would change the essential nature of a proposed development (as referred to in section 119(9)(a) of the Act), the relevant authority and the applicant may, by agreement, proceed with the variation on the basis that the application (as so varied) will be treated as a new application under these regulations.

36—Certification of building indemnity insurance

(1) In this regulation—

certificate of insurance, in relation to domestic building work, means the certificate required under Part 5 Division 3 of the *Building Work Contractors Act 1995* evidencing the taking out of a policy of insurance in accordance with that Division in relation to that work;

domestic building work means building work—

(a) that constitutes domestic building work performed by a building work contractor under a domestic building work contract or on the building work contractor's own behalf under the *Building Work Contractors Act 1995*; and

(b) in relation to which a policy of insurance is required to be taken out in accordance with Part 5 Division 3 of that Act.

(2) The applicant for building consent in respect of domestic building work to be performed must ensure that a copy of a certificate of insurance in relation to that work is lodged with the relevant authority—

(a) —

(i) if a domestic building work contract for that building work has been entered into before the lodgment of an application for building consent under section 102(1)(b) of the Act; or

(ii) if the domestic building work is to be performed by a builder on the builder's own behalf,

at the same time as the application for building consent is lodged under these regulations; or

(b) in any other case—on or before the giving of notice of the intended commencement of the building work under Part 10 Division 2 of these regulations.

(3) A person must not commence domestic building work unless or until a copy of a certificate of insurance in relation to that work has been lodged in accordance with subregulation (2).

Maximum penalty: $2 500.

Expiation fee: $500.

37—Regulated and significant trees

For the purposes of subsections (7) and (8) of section 119 of the Act, the qualifications of a person providing an expert or technical report within the contemplation of either subsection is a Diploma in Arboriculture recognised in the Australian tertiary training system, or a comparable or higher qualification.

38—Withdrawing/lapsing applications

(1) If an application is withdrawn by the applicant under section 119(14) of the Act, the relevant authority must notify—

(a) any agency to which the application has been referred under Division 2; and

(b) any person who has made a representation in relation to the application under Division 3,

of the withdrawal.

(2) A relevant authority may lapse an application for a development authorisation under Part 7 of the Act if at least 1 year has passed since the date on which the application was lodged with the relevant authority under the Act.

(3) A relevant authority must, before it takes action to lapse an application under subregulation (2)—

(a) take reasonable steps to notify the applicant of the action under consideration; and

(b) allow the applicant a reasonable opportunity to make submissions to the relevant authority (in a manner and form determined by the relevant authority) about the proposed course of action.

(4) An applicant is not entitled to a refund of any fees if an application is lapsed under this regulation.

(5) If—

(a) an application relates to development that is to be assessed under section 107 of the Act, or to development classified as restricted development; and

(b) at least 1 year has passed since the date on which notice of the application was given under section 107(3)(a) or 110 of the Act (as the case may be),

the relevant authority must not give a planning consent under section 102(1) of the Act unless a new notice of the application has been given under section 107(3) or 110 of the Act.

39—Contravening development

An application for consent or approval may be made under these regulations notwithstanding that the development has been commenced or undertaken, or is continuing, in contravention of the Act.

40—Court proceedings

Subject to section 214(14) of the Act, a relevant authority which has received an application under these regulations may, by notice in writing to the applicant, decline to deal with the application until any proceedings under the Act have been concluded.

Division 2—Referrals

41—Referrals

(1) For the purposes of section 122 of the Act—

(a) the classes of development set out in Schedule 9 are prescribed; and

(b) the bodies set out in Schedule 9 are prescribed in relation to the respective classes of development; and

(c) the relevant periods set out in Schedule 9 are prescribed in relation to the respective bodies.

(1a) A referral under section 122(1) of the Act will only relate to whether planning consent or outline consent should be granted in relation to the proposed development and, if an application for planning consent or outline consent is referred to a prescribed body in accordance with the requirements of Schedule 9, the relevant authority is not required, subject to subregulation (1b), to refer to that body a further application for any other consent required for the approval of the same proposed development (and no further response is required from that body).

(1b) Subregulation (1a) does not—

(a) extend to an application which is relevant to a matter that has been reserved for further consideration by the prescribed body; or

(b) limit any further notification and consultation required in accordance with section 120(4)(c) of the Act.

(2) A prescribed body must, immediately after making a request under section 122(3) of the Act—

(a) in the case of an application for outline consent—notify the relevant authority of the request in writing; or

(b) in any other case—notify the relevant authority of the request via the SA planning portal,

(and, in doing so, provide reasonable information about what is requested).

(3) A request under section 122(3) of the Act must be made within 10 business days after the prescribed body receives the application.

(4) Two or more prescribed bodies may provide a joint response for the purposes of section 122 of the Act.

41A—Delegation by prescribed bodies

(1) A prescribed body (being a body prescribed for the purposes of section 122 of the Act) may delegate to a person (including a person for the time being holding or acting in a specified office or position) a function of the prescribed body under the Act or these regulations.

(2) A delegation under this regulation—

(a) must be by instrument in writing; and

(b) may be absolute or conditional; and

(c) does not derogate from the ability of the prescribed body to act in any matter; and

(d) is revocable at will.

(3) A function delegated under this regulation may, if the instrument of delegation so provides, be further delegated.

42—Additional information or amended plans

(1) If a relevant authority has referred an application to a prescribed body under this Division and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, it may repeat the referral process, and must do so if it appears that the additional information or amendment is significant.

(2) Any action taken by a prescribed body as a result of additional information, or a plan, drawing or specification, received under subregulation (1) will, to the extent of any inconsistency with any previous action taken by the prescribed body, override that previous action.

43—River Murray

(1) In this regulation—

related operational Act means a related operational Act under the *River Murray Act 2003*.

(2) If an application for the consent or approval of a proposed development must be referred under Schedule 9 to the Minister responsible for the administration of the *River Murray Act 2003* (the ***River Murray Minister***), the following provisions apply:

(a) subject to subregulation (3), the River Murray Minister must, in considering the application, take into account any matter that is raised by another Minister or other authority responsible for, or involved in, the administration of a related operational Act that is provided to the River Murray Minister in response to the referral of the application by the River Murray Minister to the other Minister or authority for comment;

(b) the River Murray Minister may, in providing a response to the relevant authority under section 122 of the Act, make that response on the basis of a matter referred to in paragraph (a).

(3) A matter raised by another Minister or authority in response to the referral of an application by the River Murray Minister under subregulation (2)(a) is not required to be taken into account by the River Murray Minister unless it is provided to the River Murray Minister within a period specified by the River Murray Minister.

44—Appeals

In accordance with section 122(6) of the Act, no appeal lies against—

(a) a refusal of an application if the relevant authority is acting at the direction of the Technical Regulator under item 18 of the table in Schedule 9 clause 3; or

(b) a condition imposed by a relevant authority in accordance with a direction by the Technical Regulator under item 18 of the table in Schedule 9 clause 3.

45—Building matters

(1) If a relevant authority, in assessing an application for building consent, considers that—

(a) a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or

(b) the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or

(c) special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,

then the relevant authority must refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.

(2) If a report is not received from the fire authority on a referral under subregulation (1) within 20 business days, the relevant authority may presume that the fire authority does not desire to make a report.

(3) The relevant authority must have regard to any report received from a fire authority under this regulation.

(4) If, in respect of an application referred to a fire authority under this regulation, the fire authority—

(a) recommends against the granting of building consent; or

(b) concurs in the granting of consent on conditions specified in its report,

but the relevant authority—

(c) proposes to grant building consent despite a recommendation referred to in paragraph (a); or

(d) does not propose to impose the conditions referred to in paragraph (b), or proposes to impose the conditions in varied form, on the grant of consent,

the relevant authority—

(e) must refer the application to the Commission; and

(f) must not grant consent unless the Commission concurs in the granting of the consent.

(5) A relevant authority must provide to the Commission a copy of any report received from a fire authority under subregulation (1) that relates to an application that is referred to the Commission under the Act.

(6) For the purposes of section 118(5) of the Act, building work comprising or including the construction or installation of a private bushfire shelter must not be granted a building consent unless the Commission concurs in the granting of the consent.

46—Preliminary advice and agreement (section 123)

(1) In this regulation—

prescribed body means a prescribed body under section 122 of the Act.

(2) An application to a prescribed body for the purposes of section 123 of the Act—

(a) must be made in a form determined by the Minister for the purposes of this regulation (being a form published by the Minister in the Gazette); and

(b) must be accompanied by such plans, drawings, specifications or other documents as may be determined by the Minister in publishing a form under paragraph (a).

(3) For the purposes of section 123(2)(c) of the Act, an agreement of a prescribed body—

(a) must be endorsed or certified by the prescribed body; and

(b) must be accompanied by such plans, drawings, specifications or other documents submitted under subregulation (2)(b) that are relevant to the agreement, being documents endorsed or certified by the prescribed body.

(4) For the purposes of section 123(3)(a) of the Act, the prescribed fee is equal to the prescribed fee for a referral to a prescribed body had the application been for planning consent rather than under section 123 of the Act.

(5) If an applicant for planning consent proposes to rely on an agreement under section 123 of the Act, the applicant must ensure that the application lodged under regulation 29 is accompanied by a copy of the agreement and other documents endorsed or certified under subregulation (3).

(6) If—

(a) a relevant authority permits an applicant to vary an application under section 119(9) of the Act; and

(b) the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body,

then the application must (unless withdrawn) be referred to the prescribed body—

(c) to obtain a variation to the agreement under section 123 of the Act; or

(d) to obtain a response from the prescribed body for the purposes of section 122 of the Act (and the requirements of that section, and these regulations in relation to such a referral, other than for the payment of a prescribed fee, will then apply).

(7) If—

(a) an application is withdrawn by the applicant; and

(b) the applicant sought to rely on an agreement under section 123 of the Act in connection with the application,

the relevant authority must notify the relevant prescribed body of the withdrawal.

(8) If—

(a) an application is lapsed by a relevant authority under regulation 38; and

(b) the applicant sought to rely on an agreement under section 123 of the Act in connection with the application,

the relevant authority must notify the relevant prescribed body of the lapsing.

(9) If—

(a) an applicant seeks to rely on an agreement under section 123 of the Act in connection with the application; and

(b) a notice of a decision on the application is issued by the relevant authority under regulation 57,

the relevant authority must provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under regulation 57.

(10) For the purposes of section 123(2)(d) of the Act, the period of 1 year is prescribed.

Division 3—Notice requirements and consultation

47—Performance assessed development and restricted development

(1) For the purposes of sections 107(3)(a)(i) and 110(2)(a)(i) or (ii) of the Act, a notice to the owner or occupier of each piece of relevant land (being adjacent land and, if relevant, directly affected land) must—

(a) be in writing sent to the address of the land (or to another address used by the owner or occupier known to the relevant authority); and

(b) identify the land on which the development is proposed; and

(c) describe the nature of the proposed development; and

(d) indicate where and when the relevant application may be inspected; and

(e) explain how a representation may be made under the Act.

(2) For the purposes of sections 107(3)(a)(ii) and 110(2)(a)(iv) of the Act, a notice placed on the relevant land must—

(a) be in a form determined by the Commission for the purposes of this regulation; and

(b) be placed in a prominent position as close as is reasonably practicable to a public road and in accordance with any other requirement specified by a relevant practice direction (if any); and

(c) comply with any requirements specified by a relevant practice direction (if any) relating to how any such notice is to be displayed and protected from the weather (if it is to be placed in the open).

(3) Subject to subregulation (4), the applicant is responsible for ensuring compliance with the requirements of subregulation (2).

(4) If—

(a) the applicant, in accordance with a procedure specified by a practice direction, requests the relevant authority to place a notice on land under subregulation (2); and

(b) the proposed development is to be undertaken within the area of a council; and

(c) the relevant authority is an assessment panel appointed or constituted under section 83 or 84 of the Act; and

(d) the applicant pays the fee determined by the council for the area in which the proposed development is to be undertaken as being appropriate to cover the reasonable costs of placing the notice on the land,

the relevant authority will be responsible for placing the notice on the land.

(5) Subregulation (4) does not apply if the relevant authority is the Minister or the Commission.

(6) The requirement to place a notice on the relevant land under section 107(3)(a)(ii) or 110(2)(a)(iv) of the Act does not apply—

(a) in any part of the State that is not within the area of a council; or

(b) in relation to development that is to be carried out wholly on land covered with water; or

(ba) in relation to development that falls within a class of development in respect of which the Planning and Design Code provides that such a notice need not be given; or

(c) in relation to any place where the provisions of a zone, subzone or overlay under the Planning and Design Code applying to that place provide that such a notice need not be given.

(7) A person must not damage, destroy, obscure or remove a notice placed on land under section 107(3)(a)(ii) or 110(2)(a)(iv) of the Act during the period that applies under section 107(3)(b) or 110(2)(b) (as the case may be).

Maximum penalty: $2 500.

Expiation fee: $500.

(8) For the purposes of section 110(2)(a)(iv), a notice to the public generally must also be given by publishing a notice on the SA planning portal.

(9) This regulation applies subject to the operation of section 107(6) of the Act.

48—Notification of application of tree-damaging activity to owner of land

If an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the relevant authority must—

(a) give the owner notice of the application within 5 business days after the application is made; and

(b) give due consideration in its assessment of the application to any submission made by the owner within 10 business days after the giving of notice under paragraph (a).

49—Public inspection of applications

(1) For the purposes of sections 107(3) and 110(2) of the Act, the relevant authority must ensure that copies of—

(a) the application; and

(b) any supporting plans, drawings, specifications and other documents or information provided to the relevant authority under section 119 of the Act,

are reasonably available for inspection (without charge) by the public at the principal office of the relevant authority for the period commencing on the day on which notice of the application is first given under this Division and ending on the day on which representations must be lodged with the relevant authority under these regulations.

(2) The relevant authority must, pursuant to a request made within the period that applies under subregulation (1), on payment of a fee fixed by the relevant authority, provide to a member of the public a copy of any document or information available under that subregulation.

(3) A person who makes a request under subregulation (2) must, at the time of making the request, provide to the relevant authority the following information, namely the person's name, address and contact details, and must, at the request of the relevant authority, verify this information in such manner as the relevant authority thinks fit.

(4) In addition, the relevant authority must ensure that any document or information required to be available under subregulation (1) is also available on the SA planning portal.

(5) The preceding subregulations apply subject to the following qualifications:

(a) the relevant authority is not required to make available any plans, drawings, specifications and other documents or information which relate to the assessment of the proposed development against the Building Rules and which are not reasonably necessary for determining whether planning consent should be granted;

(b) the relevant authority is not required to make available any plans, drawings, specifications and other documents or information if to do so would, in the opinion of the relevant authority, unreasonably jeopardise the present or future security of a building.

50—Representations

(1) For the purposes of sections 107(3)(b) and 110(2)(b) of the Act—

(a) a representation to a relevant authority must be provided to the relevant authority—

(i) in relation to section 107(3)(b) of the Act—within 15 business days after the day on which the notice under section 107(3)(a)(i) would be expected to be received by the owner or occupier of land in the ordinary course of postage under subregulation (2); and

(ii) in relation to section 110(2)(b) of the Act—within 20 business days after the day on which the notice under section 110(2)(a)(i) would be expected to be received by the owner or occupier of land in the ordinary course of postage under subregulation (2); and

(b) a representation must include the name and address of the person (or persons) who are making the representation; and

(c) a representation must set out, with reasonable particularity, the reasons for the representation; and

(d) if a representation is made by 2 or more persons under section 110(2)(b)—the representation should nominate a person who will be taken to be making the representation for the purposes of any subsequent step or proceedings under section 110 of the Act.

(2) For the purposes of subregulation (1), the ordinary course of postage will be taken to be 4 business days from the day on which the notice is sent.

(3) If subregulation (1)(d) applies but a nomination is not made as envisaged by that subregulation, it will be taken that the first person named in, or otherwise indicated by, the representation as being a party to the representation is nominated as the person who will be taken to be making the representation for the purposes of any subsequent step or proceedings under section 110 of the Act.

(4) A representation under subregulation (1) must be in writing.

(5) A relevant authority may also, if it considers that it would assist the relevant authority in making a decision on the application, allow a person—

(a) who has made a representation under subregulation (1) in relation to development being assessed under section 107 of the Act; and

(b) who has indicated an interest in appearing before the relevant authority,

an opportunity (at a time determined by the relevant authority) to appear personally or by representative before it to be heard in support of the representation that has been made under subregulation (1).

(6) If a relevant authority decides to allow a person to appear under subregulation (5), the relevant authority must also give the applicant notice of the place and time where the person has been invited to appear under that subregulation and, if the applicant appears personally or by representative, allow the applicant a reasonable opportunity, on request, to respond to any relevant matter.

(7) This regulation applies subject to the operation of section 107(6) of the Act.

51—Response by applicant

(1) In accordance with sections 107(3)(c) and 110(2)(c) of the Act, a response to a representation must be made by the applicant within 15 business days after the relevant material is forwarded to the applicant, or within such longer period as the relevant authority may allow.

(2) An extension of time allowed by the relevant authority under subregulation (1) is not to be included in the time within which the relevant authority is required to decide the relevant application under these regulations.

52—Notice of hearing of submissions

If in accordance with section 110(2)(c)(ii) of the Act a person is to be allowed to appear personally or by representative before the Commission to be heard in support of a representation, or to respond to any matter, the Commission must, unless the person otherwise agrees, give the person at least 5 business days notice of the place and time at which the person should appear.

Division 4—Determination of application

53—Time within which decision must be made (section 125(1))

(1) In accordance with section 125 of the Act, and subject to these regulations, a relevant authority should deal with an application under Part 7 of the Act (other than where the Minister is the relevant authority under Division 2 Subdivision 4 of that Part) within the following periods, calculated from the relevant day under subregulation (2):

(a) if—

(i) the application seeks planning consent; and

(ii) the proposed development is of a kind prescribed as deemed-to-satisfy development under the Planning and Design Code,

5 business days;

(b) if—

(i) the application seeks planning consent; and

(ii) the proposed development is to be assessed under section 107 of the Act,

20 business days;

(ba) if the application proposes to divide land under section 102(1)(c) or (d) of the Act and—

(i) the proposed development involves the division of land into 10 allotments or less; and

(ii) does not involve the creation of a public road,

30 business days;

(c) if—

(i) the application seeks planning consent; and

(ii) the proposed development is to be assessed under section 110 of the Act,

60 business days;

(ca) if the application seeks outline consent—**20 business days**;

(d) if—

(i) the application seeks building consent; and

(ii) the building falls within the Class 1 or 10 classification under the Building Code,

20 business days;

(e) in any other case—**60 business days**,

subject to the qualifications that—

(f) if paragraph (b) or (ca) applies and the relevant authority is an assessment panel or the Commission, **an additional period of 20 business days** must be added to the period that applies under paragraph (b) or (ca); and

(g) if paragraph (b), (c) or (ca) applies and notice of the application for planning consent must be given under section 107(3) or 110(2) of the Act, **an additional period** equal to the period for representations under regulation 50, and for the receipt of any response from the applicant under regulation 51, must be added to the relevant period that applies under paragraph (b), (c) or (ca) (and, if relevant, paragraph (f)); and

(h) if paragraph (b), (c) or (ca) applies and the application must be referred to a prescribed body under section 122(1) of the Act, **an additional period equal to the relevant period applying under Schedule 9 plus** any period applying under section 122(4) of the Act (or, if more than 1 period, the longest period), must be added to the relevant period that applies under paragraph (b), (c) or (ca) (and, if relevant, paragraph (f)); and

(i) if the application must be referred to the Commission under section 118 of the Act—**an additional period of 10 business days** must be added to the period that applies under paragraph (d) or (e) (as the case may be); and

(j) if the application must otherwise be referred to another body for a report or concurrence under the Act or these regulations, or another body is entitled to report on the application under these regulations—an additional period equal to the time within which a report must be made by the body under these regulations in order to be taken into account for the purposes of any assessment must be added to the period that applies under paragraph (a), (b), (c), (ca), (d) or (e) (as the case may be) (and, if relevant, paragraph (f)); and

(ja) subject to subregulation (10), if a prescribed outage occurs in the SA planning portal during a period applying to an application under this subregulation, an additional period equal to the duration of the prescribed outage (as published in a notice under subregulation (9)) must be added to the period that applies under paragraph (a), (b), (c), (ca), (d) or (e) (as the case may be) (and, if relevant, paragraph (f)); and

(jb) if paragraph (ca) applies and the development that is the subject of the application for outline consent is being assessed against a proposed amendment to the Planning and Design Code, an additional period equal to the time taken for the proposed amendment to be adopted by the Minister must be added to the period that applies under paragraph (ca); and

(k) if the application is the subject of proceedings before the Court before it is decided by the relevant authority—an additional period equal to the time taken by the Court to determine the matter plus an additional period of 10 business days or such longer period as the Court may direct in the particular case.

(2) For the purposes of subregulation (1), the relevant day is the day on which the relevant authority provides a relevant notice under regulation 31(1) or, if a later day, the day on which the appropriate fees have been paid by the applicant.

(3) If 2 or more periods apply by virtue of the operation of subregulation (1)(g), (h) or (j) in a particular case, they will run concurrently.

(4) In addition, if an application seeks more than 1 consent under the Act from the same relevant authority at the same time, the time within which the relevant authority should deal with the application under subregulation (1) will be—

(a) unless paragraph (b) applies—the total of the relevant time periods that apply under that subregulation in relation to each consent; or

(b) if the application is for planning consent and 1 or more consents required under section 102(1)(c), (d), (e) or (f) of the Act—the longest time period that applies under that subregulation in relation to any 1 consent.

(4a) In addition, if an application was verified under regulation 31—

(a) in less than the number of days prescribed for verification under regulation 31—an additional period equivalent to the remaining days prescribed for verification under that regulation must be added to the period prescribed in subregulation (1); or

(b) in more than the number of days prescribed for verification under regulation 31—a period equivalent to the days by which the period prescribed for verification under that regulation was exceeded is subtracted from the period prescribed in subregulation (1).

(5) Despite a preceding subregulation, where a council is acting as the relevant authority for the purpose of granting the final development approval under the Act and the council has received notice, via a scheme applying under the SA planning portal, that all relevant consents have been granted under Part 7 of the Act (and that none of those consents have lapsed), the council must, within 5 business days—

(a) if the consents are consistent—grant the final development approval; or

(b) if 2 or more consents are inconsistent—take reasonable steps to inform the applicant of the inconsistency.

(6) If or when the council is satisfied that the consents are consistent with each other after taking steps under subregulation (5)(b), the council must grant the final development approval within 5 business days.

(7) In addition, if the Commission is the relevant authority for the purposes of giving final development approval, the Commission should give that development approval within 5 business days from when all relevant consents have been granted under Part 7 of the Act (and none of those consents have lapsed) and the Commission is satisfied that those consents are consistent with each other.

(8) The Chief Executive may, if satisfied that the SA planning portal, or part of the portal, is (or was) not operating or accessible to users for a period of time considered substantial by the Chief Executive, determine that an outage has occurred for the purposes of this regulation (a ***prescribed outage***).

(9) The Chief Executive must, as soon as is reasonably practicable after the conclusion of a prescribed outage, publish a notice on the SA planning portal that specifies—

(a) the date of commencement of the prescribed outage; and

(b) the duration of the prescribed outage (expressed in a number of whole business days, excluding any fraction); 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.

(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.

54—Deemed consent notice (section 125(2))

(1) For the purposes of section 125(2) of the Act, a deemed consent notice will be in a form determined by the Commission for the purposes of this regulation (being in a form published by the Commission on the SA planning portal).

(2) A deemed consent notice may be given to the relevant authority—

(a) by notice lodged on the SA planning portal (and in accordance with any relevant requirements applying under Part 4 Division 2 of the Act); or

(b) by registered post.

55—Notification of decision—accredited professionals (section 89)

(1) For the purposes of section 89 of the Act, the following decisions are prescribed:

(a) a decision to grant a planning consent or a building consent;

(b) a decision to approve a variation to a planning consent or a building consent under regulation 65.

(2) For the purposes of section 89(a) of the Act—

(a) in relation to a proposed development that is to be undertaken in a part of the State that is not (wholly or in part) within the area of a council—the Commission is prescribed; and

(b) in any other case—the council for the area in which the proposed development is to be undertaken is prescribed.

(3) For the purposes of section 89(b) of the Act, the following information or documentation must be provided to the prescribed body in a case where subregulation (1)(a) applies:

(a) a copy of the plans, drawings, specifications and other documents and information lodged by the applicant, endorsed with the accredited professional's consent;

(b) a copy of any certificate, opinion or other document submitted to the accredited professional in connection with the application;

(c) in relation to building consent—if the accredited professional has determined under section 118(2) of the Act that it is appropriate to grant the consent despite the fact that the development is at variance with the Building Rules—

(i) notice specifying the variance and the grounds on which the determination is made; and

(ii) if relevant, evidence of any concurrence of the Commission;

(d) if relevant, a schedule of essential safety provisions in the appropriate form which sets out the matters to be specified under these regulations.

(4) If an accredited professional assigns a classification to a building, or assigns a new classification to a building, the accredited professional must—

(a) if the assignment is made in conjunction with the assessment of a development against the Building Rules and the granting of a building consent—at the time that the accredited professional notifies the council of the decision to grant the building consent; or

(b) in any other case—within 5 business days after making the assignment,

provide to the council notification of the classification assigned by the accredited professional, including information on—

(c) the address or location of the building; and

(d) if relevant—

(i) the maximum number of persons who may occupy the building; and

(ii) if the building has more than 1 classification—the part of the building to which the classification relates and the classifications currently assigned to other parts of the building.

56—Issue of building consent by other bodies

If the Minister, the Commission or an assessment panel issues a building consent, it must provide to the council for the area in which the development is to be undertaken (if any)—

(a) a copy of the plans, drawings, specifications and other documents and information lodged by the applicant, endorsed with the relevant consent; and

(b) if relevant, a schedule of essential safety provisions in the appropriate form which sets out the matters to be specified under these regulations.

57—Notice of decision (section 126(1))

(1) In accordance with section 126 of the Act, notice of a decision on an application under Part 7 of the Act (other than Division 2 Subdivision 4 of that Part) must be given in a form determined by the Minister for the purposes of this regulation (being a form published by the Minister in the Gazette).

(2) A notice under subregulation (1) must be given—

(a) within 2 business days after the decision is made on the application; and

(b) except in the case of a notice in relation to an application for outline consent—by providing notice via the SA planning portal (and, if it appears necessary, by giving notice to the applicant in some other way determined to be appropriate by the relevant authority).

(3) If the decision provides for a planning consent, building consent or outline consent, the notice must include a statement advising the applicant that building work cannot commence unless or until the development has been approved under the Act.

(4) The relevant authority must—

(a) endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication; and

(b) ensure that the notice provided under this regulation includes the endorsed set of approved plans and other relevant documentation.

(5) If the decision is in respect of a development approval that has required a building consent, the relevant authority must, in acting under subregulation (4), provide to the successful applicant a copy of the plans, drawings, specifications and other documents and information lodged by the applicant in accordance with the requirements of these regulations (endorsed as required by subregulation (4)).

(6) A notice under this regulation may include any classification assigned to a building under section 151 of the Act.

(7) If the decision is or includes a consent with respect to proposed building work, the relevant authority issuing the notice may specify any additional stage of building work for which notice must be given to the council under regulation 93.

(8) In addition, if the decision is or includes a consent with respect to proposed building work for which a Statement of Compliance will be required, the notice must be accompanied by a notice indicating—

(a) that the statement will need to be completed in accordance with the requirements of these regulations; and

(b) that a blank copy of a Statement of Compliance is available on the SA planning portal; and

(c) what (if any) certificates, reports or other documents will need to be furnished at the time of the provision of the statement.

(9) A relevant authority that issues a notice under subregulation (1) must also provide the notice—

(a) to any other relevant authority—

(i) that has already given another development authorisation that relates to the same development; or

(ii) that is considering an application for another development authorisation that relates to the same development; and

(b) if the application was referred to a prescribed body under section 122 of the Act—to the prescribed body; and

(c) if an owner of the land to which the application related was not a party to the application—to that owner.

(10) The relevant authority must comply with subregulation (9) at the same time as the notice is provided under subregulation (2).

Division 5—Conditions

58—Notice of conditions

In accordance with section 126 of the Act, notice of a decision on an application under Part 7 of the Act must be accompanied by details of any condition to which the decision is subject (and, if any condition is imposed on the basis of a direction of a prescribed body under section 122 of the Act, the relevant authority must identify the prescribed body).

59—Regulated and significant trees

(1) For the purposes of section 127(4) of the Act, the prescribed number of trees is—

(a) if the development authorisation relates to a regulated tree—2 trees to replace the regulated tree; or

(b) if the development authorisation relates to a significant tree—3 trees to replace the significant tree.

(2) For the purposes of section 127(5), the following criteria are prescribed:

(a) the tree cannot be a tree within a species designated under regulation 3F(4)(b) (insofar as the designation of that species of tree applies to the location of the development);

(b) the tree cannot be planted within 3 m of an existing dwelling or an existing in-ground swimming pool.

Division 6—Other matters

60—Consideration of other development authorisations

A relevant authority must, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the Act, and any conditions that apply in relation to that prior development authorisation.

61—Certificate of independent technical expert in certain cases

(1) This regulation applies to the assessment of a proposed development against the Building Rules in respect of—

(a) materials and forms of construction to which Part B1 or Part H1 of the Building Code applies; or

(b) the matters referred to in Section E of the Building Code; or

(c) the matters referred to in Section J or Part H6 of the Building Code.

(2) For the purposes of section 118(8)(a) of the Act, a relevant authority must, in a circumstance where this regulation applies, accept that building work complies with the Building Rules to the extent that such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified by an independent technical expert who—

(a) certifies that the materials, forms of construction and systems to which the details, particulars, plans, drawings or specifications relate will, if installed or carried out in accordance with the details, particulars, plans, drawings or specifications, comply with the requirements of the Building Code; and

(b) sets out in detail the basis on which the certificate is given and the extent to which the person giving the certificate has relied on relevant tests, specifications, rules, standards, codes of practice or other publications.

(3) For the purposes of section 235(1) of the Act, a relevant authority or authorised officer may rely on a certificate of an independent technical expert in a circumstance to which this regulation applies.

(4) In this regulation—

independent technical expert means a person who, in relation to building work—

(a) is not the building owner or an employee of the building owner; and

(b) has not—

(i) been involved in any aspect of the relevant development (other than through the provision of preliminary advice of a routine or general nature); or

(ii) had a direct or indirect pecuniary interest in any aspect of the relevant development or any body associated with any aspect of the relevant development; and

(c) has engineering or other qualifications that the relevant authority is satisfied, on the basis of advice received from the accreditation authority under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*, a relevant professional association, or another relevant registration or accreditation authority, qualify the person to act as a technical expert under this regulation.

62—Requirement to up-grade building in certain cases

(1) For the purposes of section 134(1)(a)(i) of the Act, 1 January 2002 is prescribed.

(2) For the purposes of section 134(4)(a) of the Act, an alteration that involves assessment by the relevant authority of the building work against the access provisions of the Building Code or a Ministerial building standard is an alteration of a prescribed class.

(3) If—

(a) an application is made for a building consent for building work in the alteration of a Class 1, 2 or 3 building under the Building Code; and

(b) the building is in a bushfire prone area; and

(c) the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50%, when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),

then the relevant authority may require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Code for bushfire protection.

(4) In this regulation—

access provisions of the Building Code or a Ministerial building standard are the requirements within the Building Code or Ministerial building standard relating to access to buildings, or facilities and services within buildings, for people with a disability;

bushfire prone area means a bushfire prone area under regulation 98.

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.

63—Urgent work

(1) For the purposes of section 135(2)(a) or 136(2)(a) of the Act, the relevant notification must be given—

(a) by telephone, using the main telephone number at the principal office of the relevant authority, or a number determined by the relevant authority for the purposes of this paragraph; or

(b) by email, using the main email address of the relevant authority, or an email address determined by the relevant authority for the purposes of this paragraph.

(2) For the purposes of section 135(2)(c) of the Act, the period of 28 days from the commencement of the relevant work, or such longer period as the relevant authority may allow, is prescribed.

(3) For the purposes of section 136(2)(c) of the Act, the period of 28 days from the performance of the relevant tree-damaging activity, or such longer period as the relevant authority may allow, is prescribed.

64—Building work affecting other land

(1) It must be assumed in designing, and assessing the design of, a building that it is possible that an excavation which intersects (but does not extend beyond) a notional plane extending downwards from the boundary at the site at a slope of 1 vertical to 2 horizontal from a point 600 mm below natural ground level at the boundary could be undertaken on an adjoining site.

(2) For the purposes of section 139 of the Act, work of the following nature is prescribed as building work which is to be treated for the purposes of that section as building work that affects the stability of other land or premises, namely:

(a) an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600 mm below natural ground level at a boundary with an adjoining site (as depicted by the example shown as figure 1 in Schedule 10);

(b) an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted by the example shown as figure 2 in Schedule 10);

(c) any fill which is within 600 mm of an adjoining site, other than where the fill is not greater than 200 mm in depth (or height) and is for landscaping, gardening or other similar purposes.

(2a) For the purposes of section 139(2)(a) of the Act—

(a) the form set out in Schedule 10A is prescribed; and

(b) the person undertaking the development must serve a completed notice on the owner of the affected site at least 20 business days before the building work is commenced.

(2b) For the purposes of section 139(2)(c) of the Act, before seeking access under section 139(2)(b) of the Act, the person undertaking the development (or a person authorised by that person) must give at least 1 business day's notice of the proposed work and the proposed time of accessing the affected site.

(3) For the purposes of section 139(2)(b) of the Act, the owner of the affected land or premises may require the building owner to shore up any excavation or to underpin, stabilise or otherwise strengthen the foundations of any building to the extent specified by a professional engineer engaged by the owner of the affected land or premises.

(4) The building owner must pay the reasonable costs of obtaining a report and plans and specifications from a professional engineer for the purposes of subregulation (3).

(5) In subregulations (3) and (4)—

professional engineer means a person who is—

(a) a corporate member of Engineers Australia who has appropriate experience and competence in the field of civil or geotechnical engineering; or

(b) a person who is registered on the National Professional Engineers Register administered by Engineers Australia and who has appropriate experience and competence in the field of civil or geotechnical engineering.

64A—Access to neighbouring land

(1) For the purposes of section 140(3) of the Act, the form set out in Schedule 10B is prescribed.

(2) For the purposes of section 140(4)(a) of the Act, the prescribed period is 10 business days.

65—Variation of authorisation (section 128)

(1) For the purposes of section 128(2)(b) of the Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) and the relevant authority is satisfied that the variation is minor in nature—

(a) the relevant authority may approve the variation; and

(b) the request is not to be treated as a new application for development authorisation; and

(c) unless the variation is such that the result is an inconsistency with another consent, no further step need be taken in relation to a development approval already given (and no new approval needs to be given) but the relevant authority—

(i) must endorse the notice that was given for the original development authorisation, including by noting the date of the minor variation and the nature of the variation; and

(ii) must—

(A) make any consequential changes to any plans, drawings, specifications or other documents or information that were endorsed at the time that the original development authorisation was given, note the date of the minor variation, and make a further endorsement; or

(B) in the case of any new plans, drawings, specifications or other documents or information, note the minor variation and make an endorsement.

(1a) For the purposes of subregulation (1), if the variation—

(a) relates to planning consent previously given by an accredited professional in respect of development within the area of a council; and

(b) is requested after final development approval has been granted,

the relevant authority will, insofar as the variation relates to planning consent, be the assessment manager appointed for the assessment panel of the council.

(2) Nothing in subregulation (1) prevents a person seeking more than 1 variation of a development authorisation of a kind referred to in that subregulation (whether simultaneously or at different times).

(3) Subregulation (1) does not apply to a development authorisation relating to a division of land where certificates of title have been issued by the Registrar-General in respect of the land divided in accordance with the development authorisation.

(4) Except as otherwise provided, for the purposes of section 128(2)(b) of the Act, if a person requests the variation of a condition of a development authorisation previously given under the Act (a ***fresh application***), the relevant authority that granted the development authorisation previously given will be the relevant authority for the purposes of assessing the fresh application.

(5) If a fresh application relates to a development authorisation granted by the Commission in accordance with section 94(1) of the Act relating to a building on which building work was carried out and following which a certificate of occupancy was issued for the building, the relevant authority for the fresh application will not be the Commission but instead will be—

(a) if the fresh application requests the variation of a condition of the development authorisation relating to planning consent only—the assessment manager appointed for the assessment panel of the council for the area in which the development is located; or

(b) in any other case—the council for the area in which the development is located.

(6) If an accredited professional who is the relevant authority for the purposes of assessing a fresh application by virtue of the operation of subregulation (4) is unable to act as the relevant authority in respect of the fresh application, the relevant authority for the fresh application will be—

(a) if the fresh application requests the variation of a condition of the development authorisation relating to planning consent only—the assessment manager appointed for the assessment panel of the council for the area in which the development is located; or

(b) in any other case—the council for the area in which the development is located.

66—Scheme descriptions—community titles

(1) If an application under Part 7 of the Act relates to the division of land by a plan of community division and the relevant authority has endorsed a scheme description in accordance with the *Community Titles Act 1996*, a notice under regulation 57(1) must be accompanied by a copy of the endorsed scheme description.

(2) An endorsement of a scheme description by a relevant authority under section 3 of the *Community Titles Act 1996* should be in the form set out in Schedule 11 Form 1.

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

(1) Subject to this or any other regulation (or any extension granted under section 126(3) of the Act), any consent or approval under Part 7 of the Act (whether subject to conditions or not) will lapse at the expiration of—

(a) subject to the operation of paragraph (b)—

(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;

(b) if—

(i) the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years from the operative date of the development approval—3 years from the operative date of the development approval, unless the development has been substantially or fully completed within those 3 years (in which case the approval will not lapse); or

(ii) the relevant development involves the division of land and an application for a certificate under section 138 of the Act has been lodged with the Commission, accompanied by the prescribed fee, within 2 years from the operative date of the development approval—3 years from the operative date of the development approval.

(3) In this regulation—

operative date of a consent or approval (including a development approval) means—

(a) the date on which the consent or approval is given; or

(b) if the decision to grant the consent or approval has been the subject of an appeal or review under the Act, the date on which any appeal or review is dismissed, struck out or withdrawn, or all questions relating to any appeal or review have been finally determined (other than as to costs),

whichever is the later.

Part 8—Impact assessed development

68—Procedural matters (section 111(2))

(1) For the purposes of section 111(2)(a) of the Act, a relevant authority must ensure that all relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the relevant authority under Part 7 Division 4 of the Act) is available to the Minister via the SA planning portal—

(a) in a case where section 108(1)(b) of the Act applies—within 5 business days after being requested to do so by the Minister; or

(b) in a case where section 108(1)(c) of the Act applies—within 5 business days after the notice is published on the SA planning portal.

(2) A relevant authority must, at the time that documents are provided to the Minister under subregulation (1), also transmit to the Minister any prescribed fees that have been paid by the proponent (less any amount that the Minister determines should be retained by the relevant authority).

69—Level of detail—EIS (section 112(b))

For the purposes of section 112(b) of the Act, the following persons and bodies are prescribed:

(a) the Environment Protection Authority;

(b) if the EIS relates to a proposed development that is to be undertaken within the Murray-Darling Basin, the Minister to whom the administration of the *River Murray Act 2003* is committed;

(c) if the EIS relates to a proposed development that is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, the Minister to whom the administration of the *Adelaide Dolphin Sanctuary Act 2005* is committed;

(d) if the EIS relates to a proposed development that is to be undertaken within, or is likely to have a direct impact on, a marine park, the Minister to whom the administration of the *Marine Parks Act 2007* is committed;

(e) if the EIS relates to proposed development that is to be undertaken within the area of the council, the council for that area.

70—Level of detail—EIS (section 112(c))

For the purposes of section 112(c) of the Act, the Commission must—

(a) by written notice, provide an invitation to the proponent to express any view on the level of detail required in the EIS; and

(b) allow the proponent at least 20 business days to respond to that invitation in such manner as the Commission may determine.

71—EIS processes (section 113(5))

For the purposes of section 113(5) of the Act, the period of 30 business days from the date of referral of the EIS to the authority or body is prescribed.

72—Consultation (section 113(6))

In acting under section 113(6) of the Act with respect to consultation in relation to an EIS, the Minister should have regard to the principles applying under the Community Engagement Charter for public participation in planning processes (insofar as they may be appropriately adapted to an EIS process).

73—Notification of decision

(1) Notification of the outcome of a decision on a proposed development under Part 7 Division 2 Subdivision 4 of the Act must be given to—

(a) the council for the relevant area; and

(b) the applicant for the proposed development.

(2) A notification under subregulation (1) must be given by—

(a) in the case of a decision under section 110 of the Act—the Commission; and

(b) in any other case—the Minister.

(2a) If a decision under Part 7 Division 2 Subdivision 4 of the Act relates to a development or project that involves or is for the purposes of a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, the Environment Protection Authority must be given notification of the decision by—

(a) in the case of a decision under section 110 of the Act—the Commission; and

(b) in any other case—the Minister.

(3) A notification under this regulation may be given—

(a) via the SA planning portal; or

(b) in such other manner as the Minister or Commission (as the case requires) may determine to be appropriate.

74—Cancellation of development authorisation (section 115(9))

For the purposes of section 115(9) of the Act, the period of 2 years from the date of the development authorisation is prescribed.

Part 9—Special provisions relating to land division

Division 1—Preliminary

75—Interpretation

In this Part—

council means, in relation to any division of land that is not wholly within the area of a council, the Commission.

Division 2—Advice from Commission

76—Advice from Commission

(1) If an application relates to a proposed development that involves the division of land, the relevant authority must not, subject to subregulation (2), make a decision on the application until it has received a report from the Commission in relation to the matters under section 102(1)(c) or (d) (as relevant).

(2) If a report is not received from the Commission within 20 business days from the day on which the application is lodged under regulation 29 or within such longer period as the Commission may require by notice to the relevant authority, it may presume that the Commission does not desire to make a report.

(3) A notice under subregulation (2) may be given—

(a) via the SA planning portal; or

(b) in such other manner as the Commission may determine to be appropriate.

(4) The Commission may, in relation to an application which relates to a proposed development that involves the division of land, consult with any other agency and may impose a time limit of 20 business days for a response from that agency.

Division 3—Presumption in respect of division of certain buildings

77—Presumption in respect of division of certain buildings

For the purposes of section 102(1)(c)(v) of the Act, if a proposed division of land relates to an existing Class 1 or 2 building under the Building Code, walls of the building exposed to a fire source feature as a result of the proposed division must comply with Section C of Volume 1 and P 2.3.1 of Volume 2, of the Building Code as in force at the time the application for consent is made (and the Commission may not issue a certificate in respect of the division under section 138 of the Act unless or until it is satisfied (in such manner as it thinks fit) that such compliance exists).

Division 4—Underground mains areas

78—Underground mains areas

(1) If a council considers that an area should be declared an underground mains area, the council may seek a report from the relevant electricity authority in relation to the matter.

(2) The council may, after having received and considered a report from the electricity authority, declare the area to be an underground mains area.

(3) If an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), a relevant authority may require, as a condition on its decision on the application, that any electricity mains be placed underground.

(4) In this regulation—

relevant electricity authority, in relation to an area, means a person who is authorised to operate an electricity mains in the area in accordance with a licence under the *Electricity Act 1996* or an exemption from the requirement to hold such a licence.

Division 5—Assessment requirements—water and sewerage

79—Assessment requirements—water and sewerage

(1) For the purposes of section 102(1)(c)(iii) and (1)(d)(vii) of the Act—

(a) the South Australian Water Corporation (being a water industry entity under the *Water Industry Act 2012*) is identified in relation to all proposed divisions of land; and

(b) if the water supply or sewerage services (or both) are to be provided by another water industry entity under the *Water Industry Act 2012*—that water industry entity is identified.

(2) For the purposes of section 102(1)(c)(iii) and (1)(d)(vii) of the Act, an entity or entities identified under subregulation (1) may make and provide an assessment of their requirements in relation to the provision of water supply and sewerage services (as relevant) to land that is proposed to be divided.

(3) An assessment, or the update of an assessment, may be updated from time to time.

(4) An assessment, or the update of an assessment, is valid for a period of 60 business days after it is delivered to the person who proposes to divide the land.

(5) The prescribed fees specified for the purposes of this regulation are payable in relation to an assessment, or the update of an assessment, by the person who proposes to divide the land.

(6) The payment of a fee referred to in subregulation (5) for the original assessment of the requirements of an entity or entities in relation to the division of land must be credited against liability for a fee, charge or other amount set out in the assessment as being payable by the person who proposes to divide the land.

Division 6—Prescribed requirements—general land division

80—Prescribed requirements

The requirements set out in this Division are prescribed for the purposes of sections 102(1)(c)(v) and 138(1) of the Act.

81—Width of roads and thoroughfares

(1) Subject to subregulations (2) and (4), the width of any proposed road within the relevant division of land must be not less than 12.4 m or more than 35 m.

(2) Subject to section 38 of the *Roads (Opening and Closing) Act 1991*, the width of any proposed road which is likely to be used regularly or extensively by commercial vehicles must be not less than 20 m.

(3) Subject to subregulation (4), the width of every proposed thoroughfare, not being a road, must be not less than 2 m.

(4) The council may dispense with a width prescribed by subregulation (1) or (3) (and specify a different width) if it is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.

(5) Subject to subregulation (6), the width of the road at the head of every cul-de-sac must be at least 25 m for a length of not less than 25 m, or such other dimensions as may be acceptable to the council.

(6) The council may dispense with a requirement under subregulation (5) if it appears to the council that the cul-de-sac is likely to become a through road.

82—Road widening

(1) Subject to subregulation (2), if an existing road abuts land which is proposed to be divided and the council considers that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area, the proposed division of land must make provision for that widening.

(2) The abutting road referred to in subregulation (1) cannot be required to be widened—

(a) if the relevant plan delineates more than 5 allotments—by more than 15 m; or

(b) if the relevant plan delineates 5 allotments or less—

(i) to a total width in excess of 15 m; or

(ii) by an area in excess of 23 m^2 from the corner allotment abutting a junction of 2 or more roads shown on the relevant plan for the purpose of improving visibility; or

(c) in any case—if a building suitable for occupation exists on any part of the land considered necessary for road widening purposes, if the plan makes some other provision for road widening which will accord with the objectives of this regulation.

83—Requirement as to forming of roads

(1) Subject to subregulation (2), the roadway of every proposed road on a plan of division must be formed to a width specified by the council, and in a manner satisfactory to the council.

(2) The council must not, when specifying a width for a roadway to be formed under subregulation (1), specify a width in excess of 7.4 m unless, in the opinion of the council, that specification is necessary in view of the volume or type of traffic that is likely to traverse that road.

(3) Adequate provision must be made for the turning of vehicles at the head of a cul-de-sac.

(4) The council may dispense with the requirements under subregulation (3) if it is of the opinion that the cul-de-sac is likely to become a through road.

(5) Subject to subregulation (6), every footpath, water-table, kerbing, culvert and drain of every proposed road must be formed in a manner satisfactory to the council.

(6) The council may dispense with a requirement under subregulation (5).

84—Construction of roads, bridges, drains and services

(1) The roadway of every proposed road within the relevant division must be constructed and where required by the council, paved and sealed with bitumen, tar or asphalt or other material approved by the council.

(2) Any bridge, culvert, or underground drain or inlet which is reasonably necessary for a proposed road in accordance with recognised engineering design practice must be constructed.

(3) Any footpath, water-table, kerbing, culvert or drain of a proposed road required to be formed by the council must be constructed.

(4) Any drain which is necessary in accordance with recognised engineering practice for the safe and efficient drainage of the land and for the safe and efficient disposal of stormwater and effluent from the land must be provided and constructed.

(5) Electrical services must be installed in accordance with recognised engineering practice, and where relevant, in accordance with any requirement imposed under Division 4.

85—Supplementary provisions

(1) The manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under this Division must be in conformity with a road location and grading plan signed by a licensed surveyor and approved by the council before the commencement of the work.

(2) Subject to subregulation (4), all work referred to in regulations 83 and 84 must be carried out in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the council, a licensed surveyor, and approved by the council before the commencement of the work.

(3) In subregulation (2)—

professional engineer means a person who is—

(a) a corporate member of Engineers Australia who has appropriate experience and competence in the field of civil engineering; or

(b) a person who is registered on the National Professional Engineers Register administered by Engineers Australia and who has appropriate experience and competence in the field of civil engineering.

(4) Before the roadway of any proposed road is sealed, the applicant must satisfy the council that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation and any other water industry entity identified under regulation 79(1) in relation to any such allotment are necessary and need to be laid under the surface of the proposed road, have been made.

Division 6A—Prescribed conditions—community title land division

85A—Prescribed condition—driveways and private roads

(1) The condition set out in subregulation (2) is prescribed for the purposes of section 138(1) of the Act in relation to a division of land under the *Community Titles Act 1996* in respect of which a scheme description is required to be lodged with the Registrar-General under that Act.

Note—

Section 15 of the *Community Titles Act 1996* provides that there is no need to lodge a scheme description with the Registrar-General if—

(a) the plan of community division under that Act—

(i) does not create more than 6 community lots (or such other number as is prescribed by regulation under that Act); and

(ii) does not create a development lot; and

(b) each of the community lots is intended to be used solely or predominantly for residential purposes.

(2) The construction of common property comprising a driveway or private road on the land which is proposed to be divided, including any access points to or from the driveway or road, must be completed.

(3) In this regulation—

common property has the same meaning as in the *Community Titles Act 1996*.

Division 7—Certificate in respect of division of land

86—Exclusion from requirement to obtain a certificate[1]

In accordance with section 138(1) of the Act, a certificate in respect of the division of land is not required if the division comprises a lease or licence to occupy part only of an allotment.

Note—

1 A certificate is also not required in a case involving a Crown development approved by the Minister under section 131 of the Act (see section 131(24)).

87—General land division

(1) In accordance with section 138(1) of the Act, the Commission may issue a certificate under that section notwithstanding that the requirements under Division 6 have not been fully satisfied if the council advises the Commission—

(a) that the applicant has entered into a binding arrangement with the council for the satisfaction of those requirements (other than a requirement under regulation 84(5)) and that the arrangement is supported by adequate security; and

(b) in a case where a requirement under regulation 84(5) has not been fully satisfied—that the applicant has entered into a binding arrangement with the appropriate electricity authority for the satisfaction of the requirement and that the arrangement is supported by adequate security.

(2) In accordance with section 138(1) of the Act, the Commission may issue a certificate under that section notwithstanding that the requirements of the relevant responsible Minister relating to the provision of water supply and sewerage services have not been fully satisfied if that Minister advises the Commission that the applicant has entered into a binding arrangement with the Minister for the satisfaction of those requirements and that the arrangement is supported by adequate security.

(3) A document approved by the Minister for the purposes of this regulation by notice published on the SA planning portal (and any alterations or amendments to any such document approved by the Minister from time to time by notice published on the SA planning portal) is recognised as a model for binding arrangements under subregulation (1) or (2), and an agreement that conforms with any such model will, to the extent that the agreement provides for the matters referred to in section 102(1)(c) of the Act, be taken to be a sufficient agreement, and to provide adequate security, for the purposes of section 138(1) of the Act in its applications to the division of the land.

(4) In this regulation—

electricity authority means a person who holds a licence under the *Electricity Act 1996* authorising the operation of a transmission or distribution network or a person exempted from the requirement to hold such a licence.

88—Division of land by community title or strata title

(1) In accordance with section 138(1) of the Act, the Commission may issue a certificate under that section in relation to—

(a) the division of land by community plan (including a strata plan) under the *Community Titles Act 1996* notwithstanding that—

(i) the condition prescribed by regulation 85A has not been satisfied; or

(ii) the requirements of section 102(1)(d) of the Act have not been fully satisfied; or

(b) the division of land by strata plan under the *Strata Titles Act 1988* notwithstanding that the requirements of section 102(1)(d) of the Act have not been fully satisfied,

if the council advises the Commission that the applicant has entered into a binding arrangement with the council for the satisfaction of that condition or those requirements (as the case requires) and that the arrangement is supported by adequate security.

(2) A document approved by the Minister from time to time by notice published on the SA planning portal (and any alterations or amendments to any such document approved by the Minister from time to time by notice published on the SA planning portal), is recognised as a model for binding arrangements under subregulation (1) (insofar as they are relevant to the particular kind of community plan or strata plan), and an agreement that conforms with any such model will, to the extent that the agreement provides for the matters referred to in regulation 85A or section 102(1)(d) of the Act (as the case requires), be taken to be a sufficient agreement, and to provide adequate security, for the purposes of section 138(1) of the Act in its application to the division of land by community plan or strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988* (as the case requires).

(3) The security supporting a binding arrangement entered into by an applicant under this regulation may be held by the council or another entity.

(4) The entity (whether the council or another entity) holding the security supporting a binding arrangement entered into by an applicant under this regulation must return the security to the applicant as soon as reasonably practicable after its return is requested by the applicant if—

(a) the council is satisfied that the condition or requirement in relation to which the arrangement was entered into has been satisfied; and

(b) the security has not been transferred to the relevant community corporation or strata corporation in accordance with subregulation (5).

Maximum penalty: $10 000.

(5) If a condition or requirement in relation to which a binding arrangement was entered into has not been satisfied before the end of the developer control period, the entity (whether the council or another entity) holding the security supporting the arrangement may, after the developer control period, transfer the security to the relevant community corporation or strata corporation for the purposes of the corporation using that amount to satisfy the condition or requirement.

(6) In this regulation—

developer control period, in relation to a community corporation, has the same meaning as in section 142B of the *Community Titles Act 1996*;

developer control period, in relation to a strata corporation, means a period during which—

(a) the strata corporation is constituted solely by the original registered proprietor; or

(b) the original registered proprietor owns the majority of units in the strata scheme or in any other way controls the voting of the corporation;

original registered proprietor, ***strata scheme*** and ***unit*** have the same respective meanings as in the *Strata Titles Act 1988*.

89—General provisions

(1) The approval of a model for binding arrangements by the Minister under this Division does not limit the ability of an applicant to enter into any other form of arrangement, to the satisfaction of the Commission and the relevant council, for the purposes of section 138(1) of the Act.

(2) In addition to the requirements of section 138(1) of the Act, the Commission must not issue a certificate on an application under this Division unless the Commission is satisfied—

(a) that any relevant development authorisation under the Act has not lapsed; and

(b) that the amount required under the open space contribution scheme under section 198 of the Act (if any) has been paid; and

(c) in the case of an application to which Schedule 8 clause 2A applies where remediation on the site to which the application relates is necessary but the required remediation has not been undertaken—that a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

(3) A certificate under section 138 of the Act must—

(a) —

(i) be in the form of Schedule 12 and accompanied by a copy of the final approved land division plan, prepared in accordance with Schedule 8, signed and dated by a duly authorised officer of the Commission, and bearing the certification approved by the Commission for the purposes of this subparagraph; or

(ii) be in the form of a notation on a copy of the final approved land division plan and signed and dated by a duly authorised officer of the Commission; and

(b) in the case of a certificate for the division of land by community plan under the *Community Titles Act 1996* or by strata plan under the *Strata Titles Act 1988*, incorporate, or be accompanied by, a certificate in a form approved by the Registrar-General from the relevant council (if any) which—

(i) evidences any necessary consent of the council to an encroachment by a building over other land; and

(ii) sets out—

(A) the date on which any relevant building was erected (if known); and

(B) the postal address of the site.

(4) Certificates may be issued under this Division for the division of land in stages, provided that the provisions of the Act and these regulations are complied with in relation to each stage.

(5) For the purposes of subregulation (3)—

(a) a certificate may be created and held as an electronic document; and

(b) a signature of a duly authorised officer may be provided by an electronic method that indicates the officer's certification in a way that is reasonably reliable.

(6) For the purposes of section 138(4) of the Act, a copy of the certificate and plan (or certificates and plans) referred to in subregulation (3) must be furnished to the relevant council—

(a) by providing the council with electronic access to the relevant documents via the SA planning portal; or

(b) at the request of the council (provided in such manner as may be determined by the Commission), by sending a written copy to the council.

(7) A certificate lapses at the expiration of 12 months following its issue (unless lodged with the Registrar-General under the *Real Property Act 1886* before its expiration, or extended by the Commission in response to an application made prior to the lapse of the certificate).

(8) The Commission must consult with the relevant council (if any) before it grants an extension of the period prescribed by subregulation (7).

(9) For the purposes of subregulation (7), a certificate will be taken to have been lodged with the Registrar-General if the Registrar-General has been provided with electronic access to the certificate via the SA planning portal under a scheme agreed between the Registrar-General and the Commission in connection with the operation of this regulation.

Division 8—Notification of decision

90—Notification of decision

(1) If a relevant authority (other than the Commission) issues a development authorisation in relation to development which involves (wholly or in part) a proposed division of land, the relevant authority must provide a copy of its notice of the decision to the Commission via the SA planning portal.

(2) The relevant authority must comply with subregulation (1) within 5 business days after the notice is given to the applicant under regulation 57.

Part 10—Special provisions relating to buildings and building work

Division 1—Preliminary

91—Interpretation

In this Part—

council has the same meaning as in Part 11 of the Act.

92—Commission to act outside council areas

Pursuant to section 145 of the Act, the Commission is prescribed for the purposes of the definition of ***council*** under that section.

Division 2—Notifications

93—Notifications during building work

(1) The following periods and stages are prescribed for the purposes of section 146(1) of the Act:

(a) 1 business day's notice of the intended commencement of building work on the site;

(b) in relation to the intended commencement of any stage of the building work specified by the council by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work—

(i) in the case of development being undertaken within Metropolitan Adelaide—1 business day's notice; and

(ii) in the case of development being undertaken outside Metropolitan Adelaide—2 business day's notice;

(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;

(d) without limiting a preceding paragraph—1 business day's notice of any stage specified by a relevant authority when giving a building consent in respect of the building work under regulation 57;

(e) without limiting a preceding paragraph—in relation to building work involving the use of a designated building product on a designated building, 1 business day's notice of the intended commencement of the installation of the designated building product;

(f) 1 business day's notice of the intended completion of the building work.

(2) A notice under subregulation (1)(a) must include—

(a) the name, business address, email address, telephone number and builder's licence number of the licensed building work contractor responsible for carrying out the relevant building work (if any); and

(b) the name, residential or business address, email address and telephone number of the persons who are proposed to sign the Statement of Compliance in accordance with regulation 104 (if relevant).

(3) A notice by a person under subregulation (1) may be given—

(a) by notice via the SA planning portal (and in accordance with any relevant requirements applying under Part 4 Division 2 of the Act); or

(b) by telephone or email, using the main telephone number or email address (as the case may be) of the council; or

(c) by leaving a written notice with a duly authorised officer of the council.

(4) If a notice is given under subregulation (1)(e), the person who gives the notice must, within 1 business day after the notice is given, provide to the council a duly completed prescribed supervisor's checklist relating to the installation of the designated building product, signed by a registered building work supervisor.

(4a) This regulation only applies to building work that constitutes development for the purposes of the Act.

(5) A person who breaches a requirement under subregulation (1) or (4) is guilty of an offence.

Maximum penalty: $10 000.

Expiation fee: $750.

(6) In this regulation—

prescribed supervisor's checklist means a checklist published by the Chief Executive on the SA planning portal for the purposes of subregulation (4).

Division 3—Safety, health and amenity

94—Essential safety provisions

(1) This regulation applies in relation to a building in which essential safety provisions are installed or required to be installed or to be inspected, tested or maintained under the Building Code or any former regulations under the *Building Act 1971* or the *Development Act 1993*.

(2) This regulation does not apply if the building is a Class 1a or 10 building under the Building Code.

(3) In this regulation, a reference to maintenance in respect of essential safety provisions includes a reference to replacing the safety provisions, and to keeping records relating to the carrying out of maintenance work on the safety provisions.

(4) A relevant authority or council must—

(a) on granting a building consent in relation to the construction of a building to which this regulation applies; or

(b) on the assignment of a change in the classification of a building to which this regulation applies in a case where there is no building work; or

(c) on application by the owner of a building to which this regulation applies and payment of the prescribed fee; or

(d) on issuing any other certification with respect to building work complying with the Building Rules in a case where this regulation applies,

issue a schedule in the form determined by the Chief Executive for the purposes of this regulation and published on the SA planning portal that specifies—

(e) the essential safety provisions for the building; and

(f) the standards or other requirements for maintenance and testing in respect of each of those essential safety provisions as set out in any relevant Ministerial building standard.

(5) A certificate of compliance must be provided for each essential safety provision that is specified under subregulation (4)(e).

(6) A certificate of compliance must be in the form determined by the Chief Executive for the purposes of this regulation (being a form published by the Chief Executive on the SA planning portal).

(7) A certificate of compliance—

(a) must be provided on completion of the installation of the essential safety provision; and

(b) must be signed by the person who installs the essential safety provision or, if the entity undertaking the installation is a company, by a manager or other person employed or engaged by the company who is responsible for managing the installation of the essential safety provision, in accordance with the requirements of the form; and

(c) must be provided to—

(i) the entity that will be issuing the certificate of occupancy for the relevant building; or

(ii) if a certificate of occupancy is not to be issued, to the council for the area in which the building is situated or, if the building is outside the area of a council, to the Commission.

(8) A certificate under subregulation (7)(c)(ii) must be provided within 20 business days after installation of the essential safety provision.

(9) The owner of a building in relation to which a schedule of essential safety provisions has been issued must not use or permit the use of the building unless maintenance and testing have been carried out, on an annual basis (according to calendar years), in respect of each essential safety provision of the building in accordance with the relevant Ministerial building standard in order to ensure that the essential safety provision is continuing to perform at least to the standard that was required when the essential safety provision was installed.

(10) The owner of a building to which subregulation (9) applies must, not later than 60 business days after the end of each calendar year, provide to the council adequate proof of the carrying out of maintenance and testing in respect of each relevant essential safety provision for that calendar year, as required under subregulation (9), by complying with the requirements of subregulation (11).

(11) An owner complies with the requirements of this subregulation if a verification in the form determined by the Chief Executive for the purposes of this subregulation and published on the SA planning portal, signed in accordance with the requirements of the form, is provided to the council (or, if the building is outside the area of a council, to the Commission) verifying—

(a) that maintenance and testing have been carried out in respect of the essential safety provisions of the building for the relevant calendar year as required under subregulation (9); and

(b) that there are no outstanding defects or failures reducing the effectiveness of an essential safety provision to perform at least to the standard that was required when the essential safety provision was installed or, to the extent that any such defect or failure may exist, that specified steps are being taken to rectify the defect or failure.

(12) Subregulation (10) does not apply if—

(a) the building is a Class 1b building under the Building Code; or

(b) the building is a Class 3, 4, 5, 6, 7, 8 or 9b building under the Building Code that does not have a rise in storeys exceeding 2 and does not have a floor area exceeding 500 m^2,

and the building is not subject to a requirement under subregulation (13).

(13) Despite subregulation (12), the council may require compliance with subregulation (10) if—

(a) the essential safety provisions were installed—

(i) under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or

(ii) as part of a performance solution under the Building Code; or

(b) the building has been the subject of a notice under section 157 of the Act.

(14) A person who fails to comply with a requirement under subregulation (8), (9), (10) or (11) is guilty of an offence.

Maximum penalty: $10 000.

Expiation fee: $750.

(15) The owner of a building in relation to which a schedule of essential safety provisions has been issued must, within 48 hours after being requested to do so by an authorised officer, provide to the authorised officer, for inspection by the authorised officer, written proof that the maintenance and testing required under subregulation (9) have been carried out over a period, not exceeding 2 preceding calendar years, specified by the authorised officer.

Maximum penalty: $2 500.

Expiation fee: $500.

95—Fire safety requirements—smoke alarms in dwellings

(1) In this regulation—

approved standard means—

(a) Australian Standard 3786 (as in force from time to time); or

(b) a Ministerial building standard published for the purposes of this regulation.

(2) This regulation applies to Class 1 and 2 buildings under the Building Code (whenever constructed).

(3) Subject to any other requirement in the Building Code, 1 or more smoke alarms complying with an approved standard must be installed in each dwelling that is, or forms part of, a building to which this regulation applies in locations that will provide reasonable warning to occupants of bedrooms in that dwelling so that they may safely evacuate in the event of fire.

(4) If title of land on which a building to which this regulation applies is situated is transferred, then, within 6 months from the day on which title is transferred, each dwelling that is, or forms part of, the building must have a smoke alarm or smoke alarms in accordance with the requirements of subregulation (3) that are powered through a mains source of electricity (unless the building is not connected to a mains source of electricity) or powered by 10 year life non-replaceable, non-removable permanently connected batteries.

(5) If a smoke alarm or smoke alarms are not installed in a building to which this regulation applies in accordance with the requirements of this regulation, the owner of the building is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $150.

(6) For the purposes of this regulation—

(a) the transfer of the interest of—

(i) a unit holder of a unit under the *Strata Titles Act 1988*; or

(ii) an owner of a community lot under the *Community Titles Act 1996*; or

(iii) an occupant of a unit in a building unit scheme,

will be taken to be a transfer of title of land; and

(b) land will be taken to include a unit under the *Strata Titles Act 1988*, a community lot under the *Community Titles Act 1996* and a unit in a building unit scheme (and to the extent that such a unit or community lot comprises a building, it will be taken that the building is situated on that unit or lot); and

(c) a unit holder of a unit under the *Strata Titles Act 1988*, an owner of a community lot under the *Community Titles Act 1996* or an occupant of a unit in a building unit scheme will be taken to be the owner of any building comprising the unit or lot.

96—Fire safety requirements—brush fences

(1) A brush fence must not be constructed closer than 3 metres to a Class 1 or 2 building under the Building Code unless any external wall of the relevant building that will, as a result of the construction of the brush fence, be closer than 3 metres to the brush fence, is fire resistant in accordance with the provisions of the Building Code relating to fire separation in respect of brush fences.

(2) For the purposes of subregulation (1), the distance of 3 metres will be measured from any part of a proposed or existing brush fence and from any part of an external wall of the relevant building.

(3) In this regulation—

brush means—

(a) Broombrush (*Melaleuca uncinata*); and

(b) any other form of dried vegetation material that has similar fire characteristics to Broombrush;

brush fence includes—

(a) a fence that is predominantly constituted by brush;

(b) a gate that is predominantly constituted by brush;

construction, in relation to a brush fence, includes an alteration of, or addition to, a brush fence but does not include the repair of an existing brush fence that does not enlarge or extend the brush fence;

external wall means an external wall within the meaning of the Building Code;

fire resisting means fire resisting within the meaning of the Building Code.

97—Health and amenity

(1) The owner of a building must ensure that all sewage and sullage discharged from the building is treated and disposed of in such a manner that the sewage or sullage does not endanger the health of any person or affect the foundation of any building on the site, or any adjacent site.

(2) A person will be taken to have complied with subregulation (1) if—

(a) the building is connected to a public sewer; or

(b) sewage or sullage discharged from the building is collected, treated and disposed of by means of a system which complies with the requirements of the relevant service provider and relevant regulating authority.

Division 4—General

98—Building Rules: bushfire prone areas

For the purposes of Performance Requirement GP5.1 of Volume 1, and P2.7.5 of Volume 2, of the Building Code, a building is in a bushfire prone area if it is in an area—

(a) defined as a designated bushfire prone area in a Ministerial building standard; or

(b) identified as a designated bushfire prone area under the Planning and Design Code.

99—Construction Industry Training Fund

(1) In this regulation—

government authority has the same meaning as in the *Construction Industry Training Fund Act 1993*.

(2) A relevant authority must not issue a building consent unless it is satisfied—

(a) that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*; or

(b) that no such levy is payable.

(3) Subregulation (2) does not apply if—

(a) the building work is to be carried out for or on behalf of a government authority by a person or body other than—

(i) an officer or employee of a government authority; or

(ii) another government authority; and

(b) at the time that building consent is sought the government authority has not engaged the person or body to carry out that work.

(4) If after assessing a proposed development against the building rules the relevant authority is yet to be satisfied that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993* or is not payable, the relevant authority may notify the applicant that it cannot issue a building consent until it is satisfied that the levy has been paid or is not payable.

(5) If a notification is given under subregulation (4)—

(a) any period between the date of the notification and the date on which satisfactory evidence is provided to the relevant authority pursuant to the notification is not to be included in the time within which the relevant authority is required to decide the application; and

(b) if such evidence is not provided to the relevant authority within 20 business days after the date of the notification, the relevant authority may, if it thinks fit, determine that the application has lapsed.

100—Fire safety relating to existing Class 2 to 9 buildings

Pursuant to section 8(2)(b) of the Act, section 157 of the Act applies in relation to a Class 2 to Class 9 building in existence on 19 September 2017 as if it were modified as follows:

(a) insert after subsection (3):

(3a) Despite a preceding subsection, the fire safety of an existing Class 2 to Class 9 building will be taken to be adequate for the purposes of this section if it complies with the provisions of a Ministerial building standard relating to upgrading health and safety in existing buildings (including any provisions of such a standard that assist in the interpretation or construction of those provisions) to the extent reasonably applicable to the building.

(b) delete subsection (14) and substitute:

(14) Any action taken under this section in relation to an existing Class 2 to Class 9 building should seek to achieve compliance with the provisions of a Ministerial building standard relating to upgrading health and safety in existing buildings (including any provisions of such a standard that assist in the interpretation or construction of those provisions) to the extent reasonably applicable to the building.

Part 11—Classification and occupation of buildings

Division 1—Preliminary

101—Preliminary

In this Part—

council has the same meaning as in Part 11 of the Act;

designated relevant authority means any of the following:

(a) an Accredited professional—building level 1;

(b) an Accredited professional—building level 2;

(c) an Accredited professional—building level 3.

Division 2—Classification of buildings

102—Classification of buildings

(1) The owner of a building to which a classification has not been assigned may apply to the council or a designated relevant authority for assignment of a classification to the building in accordance with the Building Code.

(2) An owner of a building may apply for a change in classification of that building (but an application may be subject to the need to obtain an appropriate consent or approval in respect of any associated development).

(3) An application under subregulation (1) or (2) must—

(a) specify the existing classification (if any), and the classification which is being sought; and

(b) be accompanied by—

(i) such details, particulars, plans, drawings, specifications, certificates and other documents as the council or designated relevant authority may reasonably require to determine the building's classification; and

(ii) the prescribed fee.

(4) Subject to subregulation (5), a council or a designated relevant authority must assign the appropriate classification under the Building Code to a building if satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.

(5) If an application under this regulation is made in respect of an existing class 2 to class 9 building, the council or designated relevant authority may require the applicant to satisfy it that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).

(6) On assigning a classification to a building (or part of a building), a council or designated relevant authority must, if relevant, determine and specify in the notice to the owner under section 151(3) of the Act—

(a) the maximum number of persons who may occupy the building (or part of the building); and

(b) if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.

Division 3—Certificates of occupancy

103—Exclusions

(1) Pursuant to section 152(1)(a) of the Act, a certificate of occupancy is not required in respect of—

(b) a Class 10 building under the Building Code.

103A—Required documentation

(1) Pursuant to section 152(3)(b) of the Act, an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code must be accompanied by the following documentation:

(a) a copy of a Statement of Compliance, duly completed in accordance with the requirements of regulation 104, that relates to any relevant building work, together with any documentation required under regulation 57(8)(c);

(b) unless already provided—a copy of any certificate of compliance under regulation 94(7) (if relevant);

(c) if the development has been approved subject to conditions, such evidence as the council may reasonably require to show that the conditions have been satisfied;

(d) if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such further evidence as the council may reasonably require to show—

(i) in the case of a building more than 1 storey—that the requirements of any relevant Ministerial building standard have been complied with; or

(ii) in any other case—that the building is suitable for occupation.

(2) Pursuant to section 152(3)(b) of the Act, an application for the issuing on or after 1 October 2024 of a certificate of occupancy relating to a Class 1a building under the Building Code is only required to be accompanied by the following documentation:

(a) a copy of a Statement of Compliance, duly completed in accordance with the requirements of regulation 104, that relates to any relevant building work, together with any documentation required under regulation 57(8)(c);

(b) if the development has been approved subject to conditions, such evidence as the council may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied.

(3) A council may, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under subregulation (1)(a) or (2)(a) if—

(a) the council is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and

(b) it appears to the council, after undertaking an inspection, that the relevant building is suitable for occupation.

103B—Prescribed requirements

Pursuant to section 152(6) of the Act, on and after 1 October 2024, the requirements set out in a statement of building occupancy requirements for Class 1a buildings under the Building Code published by the Chief Executive on the SA planning portal for the purposes of this regulation are prescribed requirements in respect of Class 1a buildings.

103C—Statement of site suitability

(1) If—

(a) a relevant authority grants planning consent in respect of an application to which Schedule 8 clause 2A applies; and

(b) remediation on the site to which the application relates (the ***relevant site***) is necessary but the required remediation has not been undertaken,

the following provisions apply:

(c) a certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use;

(d) in the case of a building on the relevant site that does not require a certificate of occupancy—a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use;

(e) if the development authorised under the application does not involve building work—a person must not use the relevant site for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

(2) A statement of site suitability under subregulation (1) should, so far as is reasonably practicable, be issued by the site contamination consultant or site contamination auditor who prepared the most recent of the following in relation to the application:

(a) the preliminary site investigation report under Schedule 8 clause 2A;

(b) the detailed site investigation report under regulation 32A;

(c) the statement of site suitability under regulation 32B.

(3) A person who fails to comply with subregulation (1)(d) or (e) is guilty of an offence.

Maximum penalty: $10 000.

Default penalty: $100.

103D—Report from fire authority

(1) If—

(a) a building is—

(i) to be equipped with a booster assembly for use by a fire authority; or

(ii) to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and

(b) facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,

the council must not grant a certificate of occupancy unless or until it has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.

(2) If a report is not received from the fire authority within 15 business days, the council may presume that the fire authority does not desire to make a report.

(3) The council must have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy.

103E—Issue of certificate of occupancy

(1) Subject to this regulation, pursuant to section 152(8) of the Act, an application for the issue of a certificate of occupancy must be decided—

(a) if the council must seek a report from a fire authority under regulation 103D—within 20 business days from the day on which all documentation required by the council under regulation 103A in relation to the class of building is received by the council; or

(b) without limiting paragraph (a) if, on receipt of a notification of intended completion of building work under regulation 93(1)(f), the council determines that the building work will be inspected by an authorised officer—

(i) where building work or other action relevant to the suitability of the building for occupation is required to be undertaken as a result of the inspection—within 5 business days of completion of that building work or action; or

(ii) in any other case—within 5 business days of the day by which the inspection must be carried out under a practice direction issued for the purposes of section 144 of the Act; or

(c) in any other case—within 5 business days from the day on which all documentation required by the council under regulation 103A in relation to the class of building is received by the council.

(2) A council must provide to the entity that will be issuing the certificate of occupancy for the relevant building—

(a) notice of a determination to carry out an inspection of building work referred to in subregulation (1)(b) (the ***initial inspection***); and

(b) —

(i) where no building work or other action relevant to the suitability of the building for occupation is required to be undertaken as a result of the initial inspection—notice of the completion of the inspection; or

(ii) in any other case—

(A) notice that building work or other action relevant to the suitability of the building for occupation is required to be undertaken; and

(B) notice of the completion of an inspection (a ***subsequent inspection***) after any such building work or other action has been undertaken.

(3) If a notice under subregulation (2) in respect of a Class 1a building is not received from the council within—

(a) in the case of a notice under subregulation (2)(a), (b)(i) or (b)(ii)(A)—the timeframe within which an inspection must be carried out under a practice direction issued for the purposes of section 144 of the Act; or

(b) in the case of a notice under subregulation (2)(b)(ii)(B)—3 business days of the council receiving notice of the completion of any building work or other action relevant to the suitability of the building for occupation required to be undertaken as a result of the initial (or a subsequent) inspection,

the entity that will be issuing the certificate of occupancy for the relevant building may presume that—

(c) in the case of a notice under subregulation (2)(a)—the council has determined not to inspect the building work; or

(d) in the case of a notice under subregulation (2)(b)(i) or (b)(ii)(A)—the council has completed the initial inspection and no building work or other action relevant to the suitability of the building for occupation is required; or

(e) in the case of a notice under subregulation (2)(b)(ii)(B)—the council has completed a subsequent inspection and no additional building work or other action relevant to the suitability of the building for occupation is required.

(4) A certificate of occupancy will be in the form determined by the Chief Executive for the purposes of this regulation (being a form published by the Chief Executive on the SA planning portal).

(5) If a building certifier issues a certificate of occupancy, the building certifier must, within 5 business days after issuing the certificate, provide to the council a copy of the certificate of occupancy, together with a copy of any documentation provided under regulation 103A.

(6) Subregulation (5) does not apply if the certificate of occupancy is issued via the SA planning portal.

103F—Revocation

Pursuant to section 152(13) of the Act, a council may revoke a certificate of occupancy—

(a) if—

(i) there is a change in the use of the building; or

(ii) the classification of the building changes; or

(iii) building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300 m^2 is about to commence, or is being or has been carried out; or

(iv) the building is about to undergo, or is undergoing or has undergone, major refurbishment,

and the council considers that in the circumstances the certificate should be revoked and a new certificate sought; or

(b) if the council considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or

(c) if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of regulation 94(10); or

(d) if the council considers—

(i) that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or

(ii) that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.

103G—Other matters

(1) Pursuant to section 152(1)(a) of the Act, if—

(a) approval of building work in respect of a Class 1a building under the Building Code was granted under the repealed Act before 19 March 2021; and

(b) the building work is to be completed on or after the commencement of the *Planning, Development and Infrastructure (General) (Miscellaneous) Variation Regulations 2021*,

a certificate of occupancy is not required in respect of the building.

(2) Pursuant to section 152(1)(a) of the Act, if an appropriate notice in respect of an application for building consent in relation to a Class 1a building under the Building Code is provided under regulation 31(1)(d)(iii)(B) before 1 October 2024, a certificate of occupancy is not required in respect of the building (but a certificate of occupancy is required in respect of the building if such a notice is given on or after that date).

(3) Pursuant to section 152(1)(a) of the Act and despite regulation 103(1)(a), if—

(a) approval of building work in respect of a Class 1a building under the Building Code was granted under the Act before the commencement of the *Planning, Development and Infrastructure (General) (Miscellaneous) Variation Regulations 2021*; and

(b) notification of intended completion of the building work under regulation 93(1)(f) was given before that commencement,

a certificate of occupancy is required in respect of the building.

(4) A reference in this Division to a council (other than in regulations 103A(3), 103E(1)(b), (2) and (3) and 103F) will be taken to include a reference to a building certifier acting pursuant to section 154 of the Act.

Division 4—Occupation

103H—Occupation of Class 1a buildings

(1) This regulation applies to a Class 1a building under the Building Code for which a certificate of occupancy is not required in accordance with these regulations.

(2) A person must not occupy a Class 1a building under the Building Code (or an addition to a Class 1a building) that has not been fully completed in accordance with a development authorisation insofar as it relates to the performance of building work unless—

(a) the building is structurally sound and weatherproof; and

(b) all approved health and amenity facilities have been installed in accordance with the requirements of the Building Code; and

(c) the building conforms with the relevant requirements of the Building Rules for bushfire protection; and

(d) all smoke alarms required under the Building Code have been installed and tested; and

(e) all service connections referred to in regulation 104(8) have been made in accordance with the requirements of the relevant service provider and relevant regulating authority.

Maximum penalty: $10 000.

Expiation fee: $750.

Division 5—Statement of Compliance

104—Statement of Compliance

(1) In this regulation—

notice of completion means a notice of the completion of building work under regulation 93(1)(f).

(2) This regulation does not apply to a Class 10 building under the Building Code, other than a swimming pool or a private bushfire shelter.

(3) If building work is carried out in a case where this regulation applies—

(a) the licensed building work contractor responsible for carrying out the building work; or

(b) if there is no such person, a registered building work supervisor or a building certifier,

must, when a notice of completion with respect to the building work is given, provide to the relevant authority under subregulation (4) and the person referred to in subregulation (6)(b) via the SA planning portal a duly completed Statement of Compliance in the form determined by the Chief Executive for the purposes of this regulation and published on the SA planning portal.

(4) For the purposes of subregulation (3) the relevant authority is—

(a) if a building certifier was the relevant authority for the purposes of the assessment of the building work against the provisions of the Building Rules—that building certifier; or

(b) in any other case—the council.

(5) A Statement of Compliance provided under this regulation must be accompanied by any certificates, reports or other documents that the relevant authority, by notice issued under regulation 57(8)(c), indicated would need to be furnished at the time of the provision of the statement under this regulation.

(6) A Statement of Compliance must be completed as follows:

(a) the first part of the statement must be signed by the licensed building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a building certifier;

(b) the second part must be signed by the owner of the relevant land, or by someone acting on his or her behalf.

(7) For the purposes of subregulation (6)(a), a licensed building work contractor (the ***contractor***) will be taken to be responsible for carrying out building work if the contractor is responsible, or is primarily responsible, for—

(a) performing the work; or

(b) engaging another person to perform the work in a situation where the contractor retains overall responsibility for the work.

(8) For the purposes of the first part of the Statement of Compliance, ***service connections*** are connections to any of the following:

(a) a public electricity source;

(b) water/sewerage infrastructure (within the meaning of the *Water Industry Act 2012*);

(c) a sewerage system, community wastewater management system or waste control system;

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

(e) any other public service or facility provided by an authority or utility.

(9) If a requirement of this regulation (other than under subregulation (10) or (11)) is not complied with, the owner of the relevant land is guilty of an offence unless they establish that the failure to comply with the relevant requirement is due to the act or omission of another person.

Maximum penalty: $10 000.

Expiation fee: $750.

(11) If an accredited professional receives a Statement of Compliance under this regulation and a certificate of occupancy is not issued, the accredited professional must, within 5 business days of receiving the statement, provide to the council a copy of the statement together with a copy of any documentation provided for the purposes of this regulation.

Part 11A—Essential infrastructure

104A—Essential infrastructure—alternative assessment process

(1) For the purposes of section 130(1) of the Act, infrastructure, equipment, structures, works and other facilities used in or in connection with—

(a) the generation of electricity; or

(b) the distribution or supply of electricity,

(***electricity infrastructure***), other than excluded infrastructure, is prescribed, provided that the proponent in relation to the electricity infrastructure is a prescribed person (within the meaning of regulation 3CA).

(1a) For the purposes of section 130(1) of the Act, sewerage infrastructure that is, or is to be used, for the treatment of sewage is prescribed.

(2) An application under section 130(2) of the Act must be in a form determined by the Minister.

(3) For the purposes of section 130(3) and (5) of the Act, the prescribed particulars are—

(a) a description of the nature of the proposed work that the development involves; and

(b) details of the location, siting, layout and appearance of the proposed work; and

(c) if the proposed development is for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system—a certificate from the Technical Regulator certifying that the proposed development complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system.

(4) A notice under section 130(5) of the Act must be given to the council within 3 business days after the relevant application is lodged with the Commission.

(5) For the purposes of section 130(9) of the Act, if an application relates to development of a class prescribed under Schedule 9, the Commission must refer the application, together with a copy of any relevant information provided by the proponent, to the relevant body under that Schedule for comment and report within the period of 30 business days (and this period will also be the period that applies under section 130(11) of the Act).

(6) For the purposes of section 130(16) of the Act, the period of 60 business days is prescribed.

(7) For the purposes of section 130(21)(b) of the Act, the following are prescribed criteria when considering a variance with the Building Rules:

(a) that the provisions of the Building Rules are inappropriate to the particular building or building work, or that the proposed building work fails to conform with the Building Rules only in minor respects;

(b) that the variance is justifiable having regard to the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed.

(8) Despite subregulation (7), if in considering a matter under section 130(21) of the Act an inconsistency exists between the Building Rules and the Planning and Design Code in relation to a State heritage place or a local heritage place—

(a) the Planning and Design Code prevails and the Building Rules must not be applied to the extent of the inconsistency; but

(b) the person acting under that subsection must ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved that are as good as can reasonably be achieved in the circumstances.

(9) For the purposes of this regulation, a reference to ***electricity generating plant*** is a reference to electricity generating plant within the ambit of paragraph (a) of the definition of electricity infrastructure in section 4(1) of the *Electricity Act 1996*.

(10) In this regulation—

excluded infrastructure means—

(a) electricity generating plant with a generating capacity of more than 30 MW; or

(b) a section of powerlines (within the meaning of the *Electricity Act 1996*) of more than 5 km in length designed to convey electricity at more than 66 kV;

power system has the same meaning as in the *Electricity Act 1996*.

104B—Lapse of approval

(1) Subject to this regulation, an approval under section 130 of the Act (whether subject to conditions or not) will lapse at the expiration of—

(a) subject to the operation of paragraph (b)—12 months from the date of the approval; or

(b) if the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months from the date of the approval—3 years from the date of the approval, unless the development has been substantially or fully completed within those 3 years (in which case the approval will not lapse).

(2) Subject to this regulation, an approval under section 130 of the Act for the proposed division of land will lapse at the expiration of 3 years from the date of the approval.

(3) A period prescribed under subregulation (1) or (2) may be extended by the Minister—

(a) when the relevant approval is given; or

(b) at such later time as may be appropriate.

Part 12—Crown development

105—Exclusion from the definition of State agency

For the purposes of section 131(1) of the Act, the South Australian Housing Trust is excluded from the ambit of the definition of ***State agency***.

106—Developments excluded from approval and notice

(1) For the purposes of section 131(4) of the Act (but subject to this regulation), the various forms of development specified in Schedule 13, when carried on by a prescribed agency, are excluded from the provisions of section 131 of the Act.

(1a) An exclusion under Schedule 13 does not apply in respect of—

(a) the construction of a new building exceeding 3 storeys in height; or

(b) an alteration or extension to an existing building which will result in the building exceeding 3 storeys in height; or

(c) the construction of a temporary or permanent structure exceeding 9 m in height,

within the Tunnel Protection Overlay under the Planning and Design Code.

(1b) An exclusion under Schedule 13 does not apply in respect of an activity referred to in Schedule 3 clause 10 within the Tunnel Protection Overlay under the Planning and Design Code (unless the activity is undertaken by or on behalf of the Commissioner of Highways or the Rail Commissioner).

(2) For the purposes of section 131(28)(a) of the Act, the various forms of development set out in Schedule 13 clause 5 are declared to be minor works of a prescribed kind.

(3) If a prescribed agency proposes to undertake any building work which is within the ambit of Schedule 13 and to be undertaken within the area of a council, the prescribed agency must, before commencing that building work—

(a) give notice of the proposed building work to the council for the area in which the building work is to be undertaken; and

(b) furnish the council with—

(i) a description of the nature of the proposed work; and

(ii) so far as may be relevant, details of the location, siting, layout and appearance of the proposed work.

(4) Subregulation (3) does not apply if the building work is within the ambit of Schedule 4, Schedule 5 or Schedule 7.

(5) In this regulation—

prescribed agency means—

(a) a State agency within the meaning of section 131 of the Act; or

(b) a person who is acting under a specific endorsement of a State agency under section 131(2)(c) of the Act.

106A—Development in Riverbank Zone

For the purposes of section 131(28)(b) of the Act, the part of the *Institutional District* of the City of Adelaide constituted by the whole of the Riverbank Zone is identified.

Note—

Section 131(30) of the Act provides that a regulation under section 131(28)(b) cannot apply with respect to any part of the *Institutional District* of the City of Adelaide that is under the care, control or management of The Corporation of the City of Adelaide.

107—General scheme

(1) An application under section 131(2) of the Act must be in a form determined by the Minister.

(2) For the purposes of section 131(2) and (6) of the Act, the prescribed particulars are—

(a) a description of the nature of the proposed development; and

(b) details of the location, siting, layout and appearance of the proposed work; and

(c) if the proposed development is for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system—a certificate from the Technical Regulator certifying that the proposed development complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system; and

(d) if the development is for the purposes of a data centre—

(i) advice from the South Australian Water Corporation that there is sufficient water supply to meet the requirements of the proposed data centre; and

(ii) a certificate from the Technical Regulator certifying that the proposed data centre complies with the requirements of the Technical Regulator in relation to the reliability, security and stability of the State's power system.

(3) In subregulation (2)—

(a) a reference to ***electricity generating plant*** is a reference to electricity generating plant within the ambit of paragraph (a) of the definition of ***electricity infrastructure*** in section 4(1) of the *Electricity Act 1996*; and

(b) ***power system*** has the same meaning as in the *Electricity Act 1996*.

(4) A notice under section 131(6) of the Act must be given to the council within 3 business days after the relevant application is lodged with the Commission.

(5) For the purposes of section 131(10) of the Act, if an application relates to development of a class prescribed under Schedule 9, the Commission must refer the application, together with a copy of any relevant information provided by the State agency, to the relevant body under that Schedule for comment and report within the period of 30 business days (and this period will also be the period that applies under section 131(12) of the Act).

(6) For the purposes of section 131(13)(a) of the Act, the requirement to give public notice includes the requirement to place a notice on the land, in a form determined by the Commission, as soon as may be reasonably possible after the relevant notice under regulation 3H(1)(b) is published on the SA planning portal (and the Commission may then cause the sign to be removed at a later time determined by the Commission).

(7) The Commission may require the relevant State agency to place the notice on the land under subregulation (6) on behalf of the Commission (and then to remove the sign under that subregulation).

(8) Subregulation (6) does not apply if—

(a) the relevant land—

(i) is not within the area of a council; or

(ii) constitutes a place that is wholly covered by water; or

(b) the Commission considers that it is impracticable or unnecessary to place a notice on the land under that subregulation.

(9) For the purposes of section 131(17) of the Act, the period of 60 business days is prescribed.

(10) A building certifier must not act under section 131(20) of the Act unless the building certifier is an accredited professional who would be qualified to give building consent in relation to the building work if the accredited professional were acting as a relevant authority in the particular case.

(11) For the purposes of section 131(22)(b) of the Act, the following are prescribed criteria when considering a variance with the Building Rules:

(a) that the provisions of the Building Rules are inappropriate to the particular building or building work, or that the proposed building work fails to conform with the Building Rules only in minor respects;

(b) that the variance is justifiable having regard to the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed.

(12) Despite subregulation (11), if in considering a matter under section 131(21) of the Act an inconsistency exists between the Building Rules and the Planning and Design Code in relation to a State heritage place or a local heritage place—

(a) the Planning and Design Code prevails and the Building Rules must not be applied to the extent of the inconsistency; but

(b) the person acting under that subsection must ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved that are as good as can reasonably be achieved in the circumstances.

108—Lapse of approval

(1) Subject to this regulation, an approval under section 131 of the Act (whether subject to conditions or not) will lapse at the expiration of—

(a) subject to the operation of paragraph (b)—12 months from the date of the approval; or

(b) if the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months from the date of the approval—3 years from the date of the approval, unless the development has been substantially or fully completed within those 3 years (in which case the approval will not lapse).

(2) Subject to this regulation, an approval for the proposed division of land will lapse at the expiration of 3 years from the date of the approval.

(3) A period prescribed under subregulation (1) or (2) may be extended by the Minister—

(a) when the relevant approval is given; or

(b) at such later time as may be appropriate.

Part 13—Mining

109—Mining production tenements

(1) Pursuant to section 160(2) of the Act, the appropriate Authority must refer an application for a mining production tenement to the Minister for advice if the land to be comprised in the tenement is situated in—

(a) those parts of the State described in Schedule 14, other than in a regional reserve under the *National Parks and Wildlife Act 1972*; or

(b) an area of a council not described in Schedule 14 and the council, after consultation with the appropriate Authority, objects to the granting of the tenement within a period of 30 business days from the date on which the council receives notice of the application.

(2) For the purposes of section 160(2) of the Act, the appropriate Authority must refer a proposed statement of environmental objectives under the *Petroleum and Geothermal Energy Act 2000* to the Minister for advice if an area to which the statement of environmental objectives would apply is within a part of the State described in Schedule 14, other than in a regional reserve under the *National Parks and Wildlife Act 1972*.

(3) However, in a case arising under the *Petroleum and Geothermal Energy Act 2000*, subregulations (1) and (2) operate subject to the following qualifications:

(a) the appropriate Authority may determine not to refer an application for a mining production tenement to the Minister under subregulation (1)(a) if a proposed statement of environmental objectives that covers the activities to be undertaken under the tenement has already been, or is to be, referred to the Minister under this regulation;

(b) the appropriate Authority may determine not to provide an application for a mining production tenement to a council for the purposes of subregulation (1)(b) and accordingly not to refer such an application to the Minister under that subregulation if a proposed statement of environmental objectives that covers the activities to be undertaken under the tenement has already been, or is to be, referred to the council by the appropriate Authority for consultation purposes;

(c) the appropriate Authority may determine not to refer a proposed statement of environmental objectives to the Minister under subregulation (2) if any mining production tenement that is to be covered by the statement of environmental objectives has already been, or is to be, referred to the Minister under this regulation.

(4) For the purposes of section 160(5) of the Act, a report of the Commission is prescribed.

(5) For the purposes of section 161(5) of the Act, the Building Rules apply to building work if the building is intended to provide—

(a) housing or other forms of shelter; or

(b) office accommodation; or

(c) work areas or other amenities which are not directly involved in the performance of operations carried on in pursuance of any of the Mining Acts or the *Hydrogen and Renewable Energy Act 2023*.

(6) If the Building Rules apply to building work under subregulation (5), the building work must not be undertaken unless it has been granted a building consent by the council or an appropriate accredited professional.

Part 13A—Infrastructure frameworks

109A—Provisions relating to ESCOSA's functions (section 169)

(1) For the purposes of section 169(2)(c)(iii) of the Act, ESCOSA may conduct inquiries under Part 7 of the *Essential Services Commission Act 2002* in relation to a matter that is relevant to the operation of Part 13 of the *Planning, Development and Infrastructure Act 2016*.

(2) For the purposes of section 169(2)(d) of the Act, the *Essential Services Commission Act 2002* will apply with the following modifications when ESCOSA is acting under that section:

(a) the *Planning, Development and Infrastructure Act 2016* will be taken to be a relevant industry regulation Act under Part 5 of the *Essential Services Commission Act 2002*;

(b) a reference in Part 7 of the *Essential Services Commission Act 2002* to the Minister will be taken to be a reference to the Minister to whom the administration of the *Planning, Development and Infrastructure Act 2016* has been committed.

109B—Ranking of charges on land (section 174)

For the purposes of section 174(1)(b) of the Act, a class of instruments determined by the Minister by notice in the Gazette is a prescribed class of instruments.

109C—Enforcement of charge (section 175)

For the purposes of section 175(4) of the Act, the following circumstances are prescribed:

(a) where the Minister considers that the costs of an auction are not justified because of the low value of the land;

(b) where the Minister has received advice from an independent expert that there are no reasonable prospects of an auction succeeding if a reasonable reserve price is set;

(c) where the Minister determines that an auction is not a reasonable way to sell the land in the circumstances of the particular case.

109D—Payment of scheme contributions by councils (section 178)

(1) Interest accrues under section 178(1) of the Act from the date on which the instalment was payable under that section at the prime bank rate for the relevant financial year, calculated in respect of each month (or part of a month) for which the relevant amount remains unpaid.

(2) For the purposes of section 178(2) of the Act, in connection with an amount recoverable as a debt under that section—

(a) the amount will be recoverable by the entity identified in the relevant funding arrangement as the entity to which contributions are to be paid (for the purposes of payment into a fund under Part 13 Division 1 Subdivision 9 of the Act); and

(b) before action is commenced to recover the amount, the entity entitled to commence the action must furnish to the council a notice—

(i) setting out the amount due to be paid by the council; and

(ii) requesting payment within a period (of at least 1 month) specified in the notice.

(3) In this regulation—

prime bank rate for a particular financial year means the corporate loan reference rate applied by the Commonwealth Bank of Australia for corporate lending on the first trading day of the bank in that financial year.

Part 14—Land management agreements

110—Register of land management agreements (section 192)

(1) For the purposes of section 192(5) of the Act—

(a) a designated authority or greenway authority must provide to the Minister a copy of any agreement to which it is a party within 20 business days after the agreement is entered into under section 192 of the Act; and

(b) the Chief Executive must ensure that the agreement is entered in a register kept on the SA planning portal for the purposes of that section within 10 business days after the agreement is received by the Minister under paragraph (a).

(2) For the purposes of section 192(6) of the Act, the register must be kept available on the SA planning portal.

111—Register of land management agreements (section 193)

(1) The Minister must establish a register of agreements entered into by the Minister, or any other designated Minister, under section 193 of the Act.

(2) A council must establish a register of agreements entered into by the council under section 193 of the Act.

(3) A register must contain, or provide access to, a copy of each agreement entered into by a Minister or the council (as the case may be) under section 193 of the Act and may contain other information the Minister or the council (as the case may be) considers appropriate.

(4) For the purposes of section 193(6) of the Act, a register must be kept available on the SA planning portal.

(5) For the purposes of section 193(16) of the Act, the period of 9 months from the operative date of the relevant development approval is prescribed.

(6) A notice given by the relevant authority under section 193(16) of the Act—

(a) must be in writing; and

(b) must identify the relevant development approval according to the site of the proposed development and the date on which the approval is given; and

(c) must state that the relevant authority has decided to lapse the development approval because the agreement has not been noted against the relevant instrument of title or land (as the case may be) under section 193 of the Act within the period that applies under subregulation (5).

(7) The relevant authority must also give a copy of a notice under subregulation (6) to—

(a) any owner of the land who is not a party to the agreement; and

(b) if the council for the area where the relevant land is situated is not a party to the agreement—the council.

(8) In this regulation—

operative date of an approval means—

(a) the date on which the approval is given; or

(b) if the decision to grant the approval has been the subject of an appeal or review under the Act, the date on which any appeal or review is dismissed, struck out or withdrawn, or all questions relating to any appeal or review have been finally determined (other than as to costs),

whichever is the later.

Part 15—Performance of certain functions relating to buildings and building work

112—Authorised officers and inspections

(1) Each council must appoint at least 1 authorised officer under section 210(1)(b) of the Act—

(a) who is an accredited professional who is—

(i) an Accredited professional—building level 1; or

(ii) an Accredited professional—building level 2; or

(iii) an Accredited professional—building level 3; or

(iv) an Accredited professional—building level 4; or

(b) who holds a current accreditation recognised by the Chief Executive for the purposes of this regulation; or

(c) who holds an approval from the Chief Executive.

(2) A person who is appointed under subregulation (1)—

(a) is authorised to carry out inspections for the purposes of sections 144 and 156 of the Act; and

(b) is brought within the definition of ***designated authority*** under section 212(1) of the Act.

(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.

113—Fire safety

For the purposes of section 157(1), (2) and (17)(a)(i) of the Act, the prescribed qualifications are—

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

(b) the qualifications that allow a person to hold a current accreditation recognised by the Chief Executive for the purposes of this regulation; or

(c) qualifications that are approved by the Chief Executive.

Part 16—Enforcement

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.

114—Civil penalties

For the purposes of section 225(3)(a) of the Act, a notice to be served by the designated entity must be in the form of Schedule 15.

115—Offences by bodies corporate—responsibilities of officers

(1) For the purposes of section 220(1) of the Act, a prescribed offence is an offence against section 115, 130, 131, 141, 155(13), 157(12), 193, 215, 216 or 228(8) of the Act.

(2) For the purposes of section 220(3) of the Act, an offence against section 83(4), 84(3), 117, 135, 136, 139, 146, 151, 152, 155(8), 156, 157(5), 157(14), 208, 211, 213, 217, 231, 235, 236 or Schedule 4 clause 3 of the Act is prescribed (being an offence to which section 220(2) does not apply).

Part 17—Rights of review and appeal

116—Rights of review and appeal

(1) For the purposes of section 203(1) of the Act, an application under section 202(1)(b)(i)(A) must be made in a form determined by the Minister and published on the SA planning portal.

(2) An applicant to an assessment panel for a review of a prescribed matter must be given an opportunity to provide the assessment panel with the applicant's submissions in relation to the review (and, if the assessment panel determines to hold a hearing, must be given written notice of the date of the hearing and an opportunity to appear and make submissions at the hearing in person).

Part 18—Miscellaneous

116A—Access to documents

(1) Subject to subregulation (2), an owner of land may inspect at the office of the council for the area in which the land is situated, or obtain from the council a copy of, any plans, drawings, specifications or other documents or information retained on the SA planning portal in relation to an application for a development authorisation under section 102 of the Act in respect of development on the land.

(2) The council is not required to make available any plans, drawings, specifications or other documents or information referred to in subregulation (1) for inspection or copying under that subregulation if to do so would—

(a) in the opinion of the council, unreasonably jeopardise the present or future security of a building; or

(b) involve an infringement of copyright in matter contained in a document; or

(c) constitute a breach of any other law.

(3) The council is not permitted to charge a fee for the inspection of documents or information under this regulation but may charge a reasonable fee for providing copies of documents or information, unless the Minister sets a fee for that purpose by fee notice made for the purposes of the Act.

117—Service of notices

(1) Subject to subregulation (2), and without derogating from any other regulation relating to the service of a notice or notification, or a document, which is required to be given or served on a person, or otherwise provided, under the Act or these regulations may be so given, served or provided as follows:

(a) by personal service on the person or an agent of the person; or

(b) by leaving it for the person at his or her usual or last known place of residence or business, or at any address for the service of notices or documents—

(i) with a person apparently over the age of 16 years; or

(ii) by placing it in a letter box, or in a conspicuous place; or

(c) by posting it in an envelope addressed to the person at his or her usual or last known place of residence or business, or at any address for the service of notices or documents; or

(d) in the case of a person who is the owner or occupier of a unit within a strata scheme under the *Strata Titles Act 1988*—by posting it to the person care of the strata corporation at the postal address of the strata corporation; or

(e) in the case of a person who is the owner or occupier of a community lot within a community scheme under the *Community Titles Act 1996*—by posting it to the person care of the community corporation at the postal address of the community corporation; or

(f) in the case of an incorporated body—by leaving it at its registered or principal office, or at any address for the service of notices or documents, with a person apparently over the age of 16 years, or by posting it in an envelope addressed to the body at its registered or principal office, or at any address for the service of notices or documents; or

(g) by sending it by using an email address known to be used by the person (in which case the notice or document will be taken to have been given or served at the time of transmission); or

(h) via the SA planning portal in cases contemplated by these regulations or provided for service under a facility established as part of the SA planning portal by the Chief Executive.

(2) For the purposes of subregulation (1)—

(a) the person or authority which must give, serve or provide a notice or document may assume that the address of an owner or occupier of land entered in the assessment book of the council for the area in which the land is situated, or shown in the certificate of title register book for the land, is the owner's or occupier's address for the service or provision of notices or documents; and

(b) if a notice or document must be given or provided to, or served on, 2 or more persons who appear to have the same place of residence or business, or who have the same address for the service of notices or documents, it will be taken that the notice or document has been provided to, or served on, each of them if 1 notice or document, addressed to all of them, is given or served in accordance with this regulation; and

(c) if a notice or document must be given or provided to, or served on, 2 or more persons who are the owners or occupiers of units within the same strata scheme under the *Strata Titles Act 1988*, it will be taken that the notice or document has been provided to, or served on, each of them if 1 notice or document, addressed to all of them as the owners or occupiers of the relevant units, is posted to the postal address of the strata corporation; and

(d) if a notice or document must be given or provided to, or served on, 2 or more persons who are the owners or occupiers of community lots within the same community scheme under the *Community Titles Act 1996*, it will be taken that the notice or document has been provided to, or served on, each of them if 1 notice or document, addressed to all of them as the owners or occupiers of the relevant lots, is posted to the postal address of the community corporation.

118—Prescribed rate of interest

(1) For the purposes of section 141(6)(a), 142(4)(a), 155(7)(a), 213(7) and 214(13)(a) of the Act, the rate of interest is the prescribed bank rate for the financial year in which the liability to pay the interest first arises.

(2) In this regulation—

prescribed bank rate, for a financial year, means the 1 year fixed (non comparison) rate applied by the Commonwealth Bank of Australia at the commencement of the financial year.

119—Application of Fund

For the purposes of section 195(g) of the Act, a public work or public purpose that promotes or complements a policy or strategy contained in a state planning policy is authorised as a purpose for which the Planning and Development Fund may be applied.

120—Record of applications

(1) A relevant authority must ensure that the following matters are recorded on the SA planning portal in respect of each application for a development authorisation under section 102 of the Act and each application for outline consent under section 120 of the Act:

(a) the name and contact details of the relevant authority;

(b) the name of the applicant (or of each applicant);

(c) the date on which the application was lodged under section 119 of the Act;

(d) the date on which the application was verified under regulation 31;

(e) the date (or dates) on which the prescribed fees relating to the application were paid;

(f) a description of the land which is the subject of the application;

(g) a brief summary of the matters, acts or things in respect of which any consent or approval is sought;

(h) details of any referral or concurrence on the application;

(i) details of any other decision made on the application by another entity exercising a power under this Act that has been notified to the relevant authority in accordance with these regulations;

(j) any decision on the application (including the date of the decision and any conditions that are imposed);

(k) the date of the commencement of any building work, and the date of the completion of any building work, as notified under regulation 93;

(l) if any decision on the application is the subject of an appeal or review, the result of the appeal or review.

(4) Nothing in this regulation requires a document to be included on the SA planning portal, or otherwise made available to the public, if to do so would—

(a) in the opinion of a relevant authority, or an accredited professional acting in any capacity, unreasonably jeopardise the present or future security of a building; or

(b) involve an infringement of copyright in matter contained in a document; or

(c) constitute a breach of any other law.

121—Documents to be provided by an accredited professional

An accredited professional must ensure that he or she is able to produce to an authorised officer within a reasonable period (on request) and, in any event, within 5 business days, a copy of any of the following documents:

(a) any technical details, particulars, plans, drawings, specifications or other documents or information considered by the accredited professional on an application for a development authorisation;

(b) any certificates, opinions or other documents submitted to the accredited professional in connection with an application for a development authorisation;

(c) any document that the accredited professional is required to provide under regulation 55;

(d) any statement required under regulation 57(3).

122—Certificates of technical experts

If any advice, opinion, certificate or other document must be provided or given by a person with prescribed qualifications for the purposes of the Act or these regulations, the document containing the advice or opinion, or the certificate or other document, must state—

(a) the person's full name and contact details; and

(b) the person's relevant qualifications.

123—Accreditation of building products

For the purposes of section 237(1) of the Act, the following entities are prescribed:

(a) the Minister;

(b) a person or body duly authorised under the *Code Mark Scheme* administered by the Australian Building Codes Board.

124—General offence

(1) A person who contravenes or fails to comply with these regulations is guilty of an offence.

(2) A person who is guilty of an offence against these regulations for which no penalty is specifically prescribed is liable to a fine not exceeding $2 500.

(3) Subregulation (1) does not render the Minister, the Commission, a council, or any other authority referred to in these regulations, or any of their staff or officers, or a person acting on their behalf, liable to prosecution for an act or omission related to the administration or operation of these regulations.

125—Declaration of commercial competitive interest

(1) For the purposes of section 208(3) of the Act, a disclosure of a commercial competitive interest under that section must be in the form determined by the Minister for the purposes of this regulation (being a form published by the Minister in the Gazette).

(2) The form required under subregulation (1) must be given by the person required to make the relevant disclosure—

(a) to the registrar of the relevant court—

(i) in the case of a person who has commenced proceedings—at the time of lodging the application or other documentation that commences the proceedings; or

(ii) in the case of a person who becomes a party to the proceedings—within 10 business days after becoming a party to the proceedings; or

(iii) in the case of a person who provides financial assistance to another person who commences or becomes a party to any relevant proceedings—within 10 business days after the commencement of the proceedings or the date on which the other person becomes a party to the proceedings (as the case may be); and

(b) to each of the other parties to the proceedings—

(i) in the case of a person who has commenced proceedings—within 10 business days after commencing the proceedings; or

(ii) in the case of a person who becomes a party to the proceedings—within 10 business days after becoming a party to the proceedings; or

(iii) in the case of a person who provides financial assistance to another person who commences or becomes a party to any relevant proceedings—within 10 business days after the commencement of the proceedings or the date on which the other person becomes a party to the proceedings (as the case may be).

126—Additional expiable offences

For the purposes of Schedule 5 item 46 of the Act, the following expiation fees are fixed in respect of the following offences against the Act:

(a) section 151(5)—$750;

(b) section 152(1)—$750;

(c) section 155(8)—$200;

(d) section 157(5)—$225;

(e) section 213(11)—$750.

127—Issue of expiation notices

Authorised officers are designated persons who may give expiation notices under the Act or these regulations.

128—Limitation of time when action must be taken

Pursuant to section 8(2)(b) of the Act, section 159 of the Act does not apply to any defective building work—

(a) carried out before the commencement of the *Development Act 1993*; or

(b) carried out after the commencement of the *Development Act 1993* pursuant to an approval granted under another Act before the commencement of that Act; or

(c) carried out after the commencement of the *Development Act 1993* pursuant to an approval granted under the *Building Act 1971* after the commencement of the *Development Act 1993* by virtue of section 24 of the *Statutes Repeal and Amendment (Development) Act 1993*.

Schedule 1—Register of interest—primary return

Please read instructions and notes below before completing this return.

SURNAME OTHER NAMES

OFFICE HELD

	Registrable interests	Details
1	Provide a statement of any income source[2] that you have or a person related to you[3] has or expects to have in the period of 12 months after the date of the primary return.	
2	State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family[4] holds, any office whether as director or otherwise, for the purpose of obtaining financial gain (including at some time in the future).	
3	State the name or description of any company, partnership, association or other body in which you or a person related to you[3] is an investor[5].	
4	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you[3] is a beneficiary or trustee, and the name and address of each trustee.	
5	Provide the address or description of any land in which you have or a person related to you[3] has any beneficial interest[6] other than by way of security for any debt.	
6	Provide details of any fund in which you or a person related to you[3] has an actual or prospective interest to which contributions are made by a person other than you or a person related to you[3].	
7	If you are or a person related to you[3] is indebted to another person (not being related by blood or marriage) in an amount of or exceeding $7 500—state the name and address of that other person.	
8	If you are or a person related to you[3] is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding $10 000—state the name and address of that person.	
9	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as a member of a designated entity.	
10	Provide any other additional information which you think fit.	

Signature

Date

Instructions/notes

1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

2 Under the regulations—

income source, in relation to a person, means—

(a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

(b) any trade, vocation, business or profession engaged in by the person.

3.1 A ***person related to a member*** means—

(a) a member of the member's family;

(b) a family company of the member;

(c) a trustee of a family trust of the member.

3.2 A ***family company*** of a member means a proprietary company—

(a) in which the member or a member of the member's family is a shareholder; and

(b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A ***family trust*** of a member means a trust (other than a testamentary trust)—

(a) of which the member or a member of the member's family is a beneficiary; and

(b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.

4 Under the Act—

family, in relation to a member, means—

(a) a spouse or domestic partner of the member; and

(b) a child of the member who is under the age of 18 years and normally resides with the member.

5 For the purpose of this return, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

6 A ***beneficial interest*** in property includes a right to re-acquire the property.

Note—

1 A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.

2 A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.

3 A member may include in a return such additional information as the member thinks fit.

4 Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.

5 A member is not required to disclose the actual amount or extent of a financial benefit or interest.

Schedule 2—Register of interest—ordinary return

Please read instructions and notes below before completing this return.

SURNAME OTHER NAMES

OFFICE HELD

	Registrable interests	Details
1	Provide a statement of any income source of a financial benefit[2] that you have or a person related to you[3] has received, or was entitled to receive, during the return period.	
2	State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family[4] held, any office during the return period whether as director or otherwise, for the purpose of obtaining financial gain (including at some time in the future).	
3	State the name or description of any company, partnership, association or other body in which you or a person related to you[3] is an investor[5].	
4	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you[3] is a beneficiary or trustee, and the name and address of each trustee.	
5	Provide the address or description of any land in which you have or a person related to you[3] has any beneficial interest[6] other than by way of security for any debt.	
6	Provide details of any fund in which you or a person related to you[3] has an actual or prospective interest to which contributions are made by a person other than you or a person related to you[3].	
7	If you are or a person related to you[3] is indebted to another person (not being related by blood or marriage) in an amount of or exceeding $7 500—state the name and address of that other person.	
8	If you are or a person related to you[3] is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding $10 000—state the name and address of that person.	
9	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as a member of a designated entity.	
10	Provide any other additional information which you think fit.	

Signature

Date

Instructions/notes

1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

1.2 The ***return period*** for the purposes of this return is as follows:

(a) if your last return was a ***primary return*** under the Act—the period between the date of the primary return and 30 June next following;

(b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.

2.1 Under the regulations—

income source, in relation to a person, means—

(a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

(b) any trade, vocation, business or profession engaged in by the person.

2.2 Under the regulations—

financial benefit, in relation to a person, means—

(a) any remuneration, fee or other pecuniary sum exceeding $1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and

(b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where the total exceeds $1 000,

but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.

3.1 A ***person related to a member*** means—

(a) a member of the member's family;

(b) a family company of the member;

(c) a trustee of a family trust of the member.

3.2 A ***family company*** of a member means a proprietary company—

(a) in which the member or a member of the member's family is a shareholder; and

(b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A ***family trust*** of a member means a trust (other than a testamentary trust)—

(a) of which the member or a member of the member's family is a beneficiary; and

(b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.

4 Under the Act—

family, in relation to a member, means—

(a) a spouse or domestic partner of the member; and

(b) a child of the member who is under the age of 18 years and normally resides with the member.

5 For the purpose of this return, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

6 A ***beneficial interest*** in property includes a right to re-acquire the property.

Note—

1 A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.

2 A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.

3 A member may include in a return such additional information as the member thinks fit.

4 Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.

5 A member is not required to disclose the actual amount or extent of a financial benefit or interest.

Schedule 3—Additions to definition of development

Note—

The acts or activities set out in this Schedule constitute development.

1—Excavating or filling in identified zones or areas

Any excavating or filling (or excavating and filling) of land in a zone or area identified under the Planning and Design Code for the purposes of this clause which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 m^3 in total, but not including the excavating of filling (or excavating and filling) of land—

(a) incidental to the ploughing or tilling of land for the purpose of agriculture; or

(b) incidental to the installation, repair or maintenance of any underground services; or

(c) on or within a public road or public road reserve; or

(d) in the event of an emergency in order—

(i) to protect life or property; or

(ii) to protect the environment where authority to undertake the activity is given by or under another Act.

2—Excavating or filling—local heritage places

Any excavating or filling (or excavating and filling) of land in a local heritage place which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 m^3 in total.

3—Excavating or filling in identified zones or areas subject to inundation or flooding

Any excavating or filling (or excavating and filling) of land, or the forming of a levee or mound, in a designated flood zone, subzone or overlay, or any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this clause, but not including the excavating or filling (or excavating and filling) of land—

(a) incidental to the ploughing or tilling of land for the purpose of agriculture; or

(b) incidental to the installation, repair or maintenance of any underground services; or

(c) on or within a public road or public road reserve; or

(d) in the event of an emergency in order—

(i) to protect life or property; or

(ii) to protect the environment where authority to undertake the activity is given by or under another Act.

4—Levee, mound over 3 m in height

Without limiting any other clause, the forming of a levee or mound with a finished height greater than 3 m above the natural surface of the ground.

5—Excavating or filling—coastal land etc

Any excavating or filling (or excavating and filling)—

(a) within coastal land; or

(b) within 3 nautical miles seaward of the coast measured from mean high water mark on the sea shore at spring tide,

which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 m^3 in total.

6—Coastal protection structures

The placing or making of any structure or works for coastal protection, including the placement of rocks, stones or other substances designed to control coastal erosion, within 100 m landward of the coast measured from mean high water mark on the sea shore at spring tide or within 1 km seaward of the coast measured from mean high water mark on the sea shore at spring tide.

7—River Murray—infrastructure

(1) Without limiting the operation of any other clause, the construction, installation or placement of any infrastructure for—

(a) the taking of water from any part of the River Murray system within the River Murray Floodplain Area; or

(b) the draining or depositing of any water or other substance or material into any part of the River Murray system within the River Murray Floodplain Area,

other than—

(c) where the infrastructure is being constructed, installed or placed by the Minister for the River Murray (or by a person who is undertaking works for or on behalf of that Minister); or

(d) where the infrastructure is to be used for domestic purposes within the River Murray Flood Plain Protection Area Overlay under the Planning and Design Code.

(2) For the purposes of subclause (1), a reference to the River Murray Floodplain Area is a reference to the River Murray Protection Area so designated under the *River Murray Act 2003*.

(3) In subclause (1)—

infrastructure has the same meaning as in the *River Murray Act 2003*;

River Murray system has the same meaning as in the *River Murray Act 2003*.

8—Display of advertisements

(1) The commencement of the display of an advertisement.

(2) For the purposes of subclause (1), a change made to the type or contents of an existing advertisement will be taken not to constitute the commencement of the display of an advertisement if—

(a) the advertisement area is not increased; and

(b) the change does not involve the addition of animation or illumination.

9—Land division—certain Crown lands

The division of land subject to a lease under the *Crown Land Management Act 2009* or the *Irrigation Act 2009* where an application has been made to the Minister responsible for the administration of the relevant Act to surrender the lease for freehold title on the basis that the land will be granted in fee simple and then divided.

10—Activities within Tunnel Protection Overlay

(1) Any excavating or filling (or excavating and filling) of land within the Tunnel Protection Overlay under the Planning and Design Code which involves—

(a) excavation exceeding a depth of 2.5 m below the regulated surface level; or

(b) filling exceeding a vertical height of 1 m above the regulated surface level.

(2) Any ground intruding activity exceeding a depth of 2.5 m below the regulated surface level within the Tunnel Protection Overlay under the Planning and Design Code.

(3) Any storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 m² on land within the Tunnel Protection Overlay under the Planning and Design Code.

(4) Any temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 m² on land within the Tunnel Protection Overlay under the Planning and Design Code.

(5) In this clause—

ground intruding activity means an activity that intrudes the ground and includes—

(a) excavation for building pad or strip footings or pile foundations; and

(b) installing an underground drain, pipe, cable or conduit; and

(c) excavation for a tunnel, underground passageway or adit; and

(d) the use of ground reinforcing elements, including—

(i) ground anchors; and

(ii) soil nails; and

(iii) rock bolts; and

(iv) mechanical stabilising elements as part of a retaining structure;

regulated surface level has the same meaning as in the Planning and Design Code.

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.

12—Division of proposed allotments

The division of land that is subject to a development application that proposes to create an allotment comprising the land where—

(a) that application has not been finally determined; or

(b) —

(i) a development authorisation has been issued in respect of that application; and

(ii) the development authorisation is operative; and

(iii) a certificate of title has not been issued in respect of the land.

Schedule 4—Exclusions from definition of development—general

Note—

An act or activity specified in this Schedule is declared not to constitute development for the purposes of the Act, subject to the limitations set out in regulation 3C. For example, that regulation provides that an exclusion under Schedule 4 does not apply in respect of a State heritage place.

1—Advertising displays

The commencement of an advertising display containing an advertisement—

(a) that is a traffic control device displayed and erected under the *Road Traffic Act 1961*; or

(b) that is displayed by reason of a statutory obligation on the Crown, a Minister of the Crown, an agency or instrumentality of the Crown, a council, or a person requiring such display; or

(c) that is on enclosed land or within a building and is not readily visible from land outside the enclosure or the building; or

(d) that is displayed for the purposes of identification, direction, warning or other information in relation to a detached, semi-detached, row or multiple dwelling or residential flat building (including an advertisement displayed for the purposes of a home activity), subject to the following conditions:

(i) that the advertisement area is not more than 0.2 m^2;

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated;

(iii) that not more than 2 such advertisements are displayed in relation to the same building; or

(e) that is displayed on a building or a building in separate occupation (other than the side or rear walls of the building) used primarily for retail, commercial, office, business or community purposes, subject to the following conditions:

(i) that the advertisement is not displayed or erected above any verandah or the fascia of a verandah or, in a case where there is no verandah, that no part of the advertisement is more than 3.7 m above ground level;

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(f) that announces a local event of a religious, educational, cultural, social or recreational character, or that relates to an event of a political character, subject to the following conditions:

(i) that the total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2 m^2;

(ii) except for an advertisement that relates to a federal, State or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event;

(iii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(g) that is on land on which building work is being lawfully undertaken, subject to the following conditions:

(i) that the information in the advertisement refers to the work being undertaken;

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated;

(iii) that the advertisement area is not more than 3 m^2; or

(h) that constitutes a moveable sign under the *Local Government Act 1999* and is placed on a public street, road or footpath within an area of a council under that Act; or

(i) that is a real estate "for sale" or "for lease" sign, subject to the following conditions:

(i) that the sign is situated on the land which is for sale or for lease;

(ii) that the sign—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated;

(iii) that the sign is not more than 4 m^2 in advertisement area;

(iv) that the sign is removed within 2 weeks after the completion of the sale or the entering into of the lease.

2—Council works

(1) The construction, reconstruction, alteration, repair or maintenance by or on behalf of a council of—

(a) a road, drain or pipe, other than the construction of a new road, drain or pipe within 100 m of the coast, measured from mean high water mark on the sea shore at spring tide; or

(b) an effluent drainage scheme, but not including any effluent pond or lagoon; or

(c) a structure or equipment used for or associated with the supply, conversion, transformation or control of electricity, other than—

(i) the construction of an electricity generating station, an electricity substation, a transmission line, a distribution main or a single wire earthed return electricity line; or

(ii) within a designated airport building heights area; or

(d) a single wire earthed return electricity line, other than any such activity—

(i) in areas of the Flinders Ranges identified under the Planning and Design Code as environmental areas for the purposes of this subparagraph, excluding townships; or

(ii) —

(A) in any zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subsubparagraph; or

(B) where no such zone or area has been identified under the Planning and Design Code—in any of the following:

- rural land which is within 500 m of the coast measured from mean high water mark on the sea shore at spring tide;
- land within a country township, developed urban area or proposed urban area under the Planning and Design Code which is within 100 m of the coast measured from mean high water mark on the sea shore at spring tide; or

(e) a recreation area, or a building in a recreation area, other than—

(i) the construction of a new building exceeding 30 m^2 in total floor area on a recreation area; or

(ii) an alteration or extension to an existing building on a recreation area which will result in the total floor area of the building exceeding 30 m^2; or

(iii) the construction or alteration of, or an extension to, any building within 100 m of the coast (landward or seaward), measured from mean high water mark on the sea shore at spring tide; or

(iv) the placing or making of any structure or works for coastal protection, including the placement of rocks, stones or other substances designed to control coastal erosion, within 100 m landward of the coast measured from mean high water mark on the sea shore at spring tide or within 100 m of the seaward boundary of the recreation area where the recreation area extends seaward from the mean high water mark on the sea shore at spring tide; or

(f) the placement, installation or construction of playground, exercise or recreation equipment in a recreation area; or

(fa) a shade sail that does not exceed 5 m in height in a Recreation Zone under the Planning and Design Code; or

(g) an item of street furniture (including directional signs, lighting, seating, weather shelters, bollards and bicycle racks), other than the construction of street lighting within a designated airport building heights area; or

(h) a building within an existing council works depot which is consistent with the continued use of the area as a council works depot, other than—

(i) the construction of a new building exceeding 200 m^2 in total floor area, or 10 m in height; or

(ii) an alteration or extension to an existing building which will result in the total floor area of the building exceeding 200 m^2, or the total height of the building exceeding 10 m; or

(iii) the performance of work within 10 m of a boundary of the depot; or

(i) the repair or maintenance of a jetty or boat landing facility and associated pontoons, provided that there is no increase in the size of the jetty, facility or pontoons.

(2) The erection, alteration or replacement by a council of a sign or advertisement (including in a case that involves the commencement of the display of an advertisement) on an item of street furniture located on a road or road reserve (but not on a part of a carriageway), subject to the following conditions:

(a) that the size of the display area does not exceed 3 m^2;

(b) that the sign or advertisement—

(i) does not incorporate a moving display or message; and

(ii) does not flash; and

(iii) is not internally illuminated;

(c) that the sign or advertisement is not within 100 m of a signalised intersection or a pedestrian actuated crossing;

(d) that the erection or display of the sign or advertisement is not classified as restricted development under the Planning and Design Code.

(3) If the work is certified by a building certifier as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules), excavating or filling (or excavating and filling) of up to 1500 m^3 of material for the purpose of providing proper access to an existing wharf, jetty or mooring, but excluding excavating or filling where more than 1500 m^3 of material has been excavated or filled at the particular place within the previous 12 months.

(4) The undertaking of any temporary development by or on behalf of a council, including the forming of a levee or mound, which is required in an emergency situation in order to—

(a) prevent loss of life or injury; or

(b) prevent loss or damage to land or buildings; or

(c) maintain essential public services or support public health services; or

(d) prevent a health or safety hazard.

3—Land division

(1) For the purpose of giving effect to a proposal approved or authorised under the provisions of the *Roads (Opening and Closing) Act 1991*, the division of a single allotment into 2 allotments or the adjustment of an allotment boundary.

(2) The grant or acceptance of a lease or licence, or the making of an agreement for a lease or licence, under—

(a) the *Aboriginal Lands Trust Act 2013*; or

(b) the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; or

(c) the *Maralinga Tjarutja Land Rights Act 1984*,

by virtue of which the Crown (or an agency or instrumentality of the Crown) becomes, or may become, entitled to possession or occupation of part only of an allotment.

(3) The grant or acceptance of a lease or licence on Trust Land (within the meaning of the *Aboriginal Lands Trust Act 2013*), or the making of an agreement for a lease or licence on Trust Land, in respect of which the Aboriginal Lands Trust has given permission under section 44 of that Act and by virtue of which a person becomes, or may become, entitled to possession or occupation of part only of an allotment.

(4) The grant or acceptance of a lease or licence, or the making of an agreement for a lease or licence, by virtue of which a person becomes, or may become, entitled to possession or occupation of part only of an allotment, other than a lease or licence over land—

(a) that comprises a dwelling or a dwelling and curtilage; or

(b) which permits or is varied to permit the use of the leased or licensed land and any part of it for residential purposes.

(5) The grant or acceptance of a lease or licence, or the making of an agreement for a lease or licence, related to the installation or alteration of telecommunications facilities or wind turbine generators, including any infrastructure associated with such facilities or generators.

(6) The division of an allotment pursuant to an order under the *Encroachments Act 1944*.

(7) The amendment of an existing strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988* where the delineation of strata lots or strata units, and common property, is not altered.

(8) The division of an allotment for the purpose of widening or adding to an existing road, road reserve or drainage reserve, subject to the condition that any land that is being added to the road, road reserve or drainage reserve is, or is to be, vested in the Crown, a Minister of the Crown, an instrumentality or agency of the Crown, or a council.

(9) The division of an allotment—

(a) for the purpose of widening or adding to an existing rail corridor or rail reserve, subject to the condition that any land that is being added to the rail corridor or rail reserve is, or is to be, vested in an owner or operator of the relevant railway; or

(b) for purposes associated with the construction, use, alteration, extension, repair or maintenance of any form of infrastructure, or with gaining access to any form of infrastructure, located on a rail corridor or rail reserve.

Note—

The infrastructure need not be rail infrastructure.

(10) The conferral of a right to occupy a residential unit under the *Retirement Villages Act 2016*.

4—Sundry minor operations

(1) The construction or alteration of, or addition to, any of the following (including any incidental excavation or filling), other than in respect of a local heritage place:

(a) an outbuilding (other than in a designated flood zone, subzone or overlay or in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this paragraph) in which human activity is secondary, and which—

(i) is detached from and ancillary to another building which is erected on the site, or for which consent has been granted by the relevant authority, or which is classified as accepted development or deemed-to-satisfy development; and

(ii) has a total floor area not exceeding 15 m^2; and

(iii) has no roof span (being the horizontal distance between supporting walls, posts or columns of the outbuilding) exceeding 3 m, and no part of the building being higher than 2.5 m above the natural surface of the ground; and

(iv) is not being constructed, added to or altered so that any portion of the building is situated—

(A) in front of any part of the building line of the building to which it is ancillary that faces the primary street; or

(B) within 900 mm of a boundary of the land with a secondary street (if the land has boundaries on 2 or more roads); and

(v) is not within 6 m of the intersection of 2 boundaries of the land where those boundaries both face a road, other than where a 4 x 4 m corner cut-off has already been provided (and is to be preserved);

(ab) a temporary structure on land on which a building, or part of a building, has been destroyed or significantly damaged by a bushfire or a flood if—

(i) the structure is for the use of the owner of the land for the storage of goods or materials required to assist in the recovery and redevelopment of an area affected by the bushfire or flood (as the case may be); and

(ii) the structure—

(A) does not exceed 3 m in height (measured from ground level); and

(B) does not exceed 12.5 m in length; and

(C) does not exceed 2.5 m in width; and

(iii) the structure does not remain on the land for a period exceeding 2 years;

(b) a windmill or a flagpole that—

(i) is not attached to a building and is not more than 10 m in height; or

(ii) is attached to a building and is not more than 4 m in height above the topmost point of attachment to the building, exclusive of guy wires,

and, if in a designated airport building heights area, is not more than the height restriction under the Planning and Design Code relating to structures in the location of the proposed development;

(c) a swimming pool or spa pool (other than in a designated flood zone, subzone or overlay or in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this paragraph) which is constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which—

(i) does not have a depth exceeding 300 mm; or

(ii) in the case of an aboveground or inflatable swimming pool or spa pool, does not incorporate a filtration system;

(d) a fence not exceeding 2.1 m in height (measured from the lower of the 2 adjoining finished ground levels), other than—

(i) a fence in—

(A) a designated flood zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subsubparagraph; or

(B) in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subsubparagraph; or

(ii) a fence in the Historic Area Overlay under the Planning and Design Code, or any other area identified under the Planning and Design Code for the purposes of this paragraph, that is situated on the boundary of the relevant allotment with a road (other than a laneway); or

(iia) a fence in the Historic Area Overlay under the Planning and Design Code—

(A) if there is no adjacent building facing the same road on to which the building faces—that is situated between the building line of the main face of a building and the road on to which the building faces; or

(B) if there is an adjacent building facing the same road on to which the building faces—that is situated between a notional line drawn between the nearest front corner of each building to the other building and the road on to which the buildings face,

(and for the purposes of this subparagraph buildings separated only by a laneway will still be taken to be adjacent); or

(iib) a fence on land used, or to be used, for co-located housing (the ***relevant land***), other than a fence situated on the boundary of the relevant land and some other land; or

(iii) a fence that exceeds (or would exceed) 1 m in height within 6 m of the intersection of 2 boundaries of land where those boundaries both face a road, other than where a 4 x 4 m corner cut-off has already been provided (and is to be preserved); or

(iv) —

(A) a masonry fence; or

(B) a fence any part of which is formed from masonry (including, for example, a fence that includes masonry piers or columns),

that exceeds (or would exceed) 1 m in height (measured (if relevant) from the lower of the 2 adjoining finished ground levels); or

(v) a fence that is (or is to be) a safety fence for a swimming pool or spa pool which is approved for construction, or requires approval for construction, on or after 1 July 1993; or

(vi) a brush fence that is (or is to be) closer than 3 m to an existing or proposed Class 1 or 2 building under the Building Code, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the Building Code) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence;

(da) a dog fence established under the *Dog Fence Act 1946*;

(e) a post and wire fence, other than a chain mesh fence, in a designated flood zone, subzone or overlay identified under the Planning and Design Code for the purposes of this paragraph;

(f) a retaining wall (other than in a designated flood zone, subzone or overlay, or within 100 m of the coast measured from mean high water mark on the sea shore at spring tide) which retains a difference in ground levels not exceeding 1 m;

(g) a water tank (and any supporting structure) which—

(i) is part of a roof-drainage system; and

(ii) has—

(A) in the case of a tank in a Bushfire Risk area within a Hazards (Bushfire—Outback) Overlay, Hazards (Bushfire—Regional) Overlay, Hazards (Bushfire—General Risk) Overlay, Hazards (Bushfire—Medium Risk) Overlay, Hazards (Bushfire—High Risk) Overlay or Hazards (Bushfire—Urban Interface) Overlay or any other zone or area in which the word "Bushfire" appears in the title of the zone or area under the Planning and Design Code—a total floor area not exceeding 15 m^2 and a total volume not exceeding 60 000 L; or

(B) in any other case—a total floor area not exceeding 10 m^2 and a total volume not exceeding 40 000 L; and

(iii) is located wholly above ground; and

(iv) has no part higher than 4 m above the natural surface of the ground;

(h) a temporary builder's office, shed, store or other similar building—

(i) that is used for the purpose of storing materials or documents, providing amenities for workers, or for any other purpose connected with the performance of building work, other than to provide overnight accommodation; and

(ii) that is to be removed at the completion of the relevant building work; and

(iii) that is positioned on the ground and totally within the site of the building work;

(i) a deck (other than in a bushfire prone area under regulation 98, the Historic Area Overlay under the Planning and Design Code or any other area identified under the Planning and Design Code for the purposes of this paragraph) which is used (or to be used) in association with an existing dwelling and which—

(i) will not have any point on the floor of the deck that is higher than 500 mm above the natural surface of the ground; and

(ii) will not have any portion of the deck situated within 900 mm of a boundary of the land;

(j) a tree house or cubby house (being a structure that is intended to be used primarily by children for recreational purposes) that is ancillary to a dwelling and that has a total floor area not exceeding 5 m^2;

(k) the installation of a screen to 1 or more sides of a structure for the purposes of privacy if—

(i) the screen comprises a permeable material (such as lattice or shadecloth) or is a plastic blind that is capable of being opened and closed; and

(ii) neither the height nor the length of the screen exceeds the dimensions of the structure to which it is fixed;

(l) the installation or construction of a masonry oven or similar structure used for the purpose of outdoor domestic cooking that does not exceed a total height of 2.0 m (excluding any flue or chimney).

(2) Other than in respect of a local heritage place or the Historic Area Overlay under the Planning and Design Code, the installation of a garage or carport door (of any kind or style) if the garage or carport—

(a) already exists on the site; and

(b) is ancillary to another building which is erected on the site or for which consent has been granted by the relevant authority; and

(c) does not have any portion in front of any part of the building line of the building to which it is ancillary that faces the primary street.

(3) Other than in respect of a local heritage place or the Historic Area Overlay under the Planning and Design Code, the construction of a shade sail if—

(a) the shade sail is to consist of permeable material; and

(b) the area of the sail will not exceed 20 m^2; and

(c) no part of the sail will be more than 3 m above ground or floor level (depending on where it is to be situated); and

(d) no part of the sail will be in front of any part of the building line of the building to which it is ancillary that faces the primary street.

(4) Other than in respect of a local heritage place, the repair, maintenance or internal alteration of a building—

(a) that does not involve demolition of any part of the building (other than the removal of fixtures, fittings or non load-bearing partitions); and

(b) that will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and

(c) that is not inconsistent with any other provision of this Schedule.

(5) Other than in respect of a local heritage place—

(a) the installation of, or any alteration of or addition to, a building that is necessary for or incidental to the installation of—

(i) an individual air handling unit mounted on a wall, window or floor; or

(ii) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kg and installed within the ceiling space; or

(iii) an exhaust fan,

where the item being installed does not encroach on a public street or affect the ability of the building to resist the spread of fire; or

(b) the installation or alteration of a building or the making of any excavation or filling, that is necessary for or incidental to the installation of, any electrical, gas, water, sewage and sullage, or telecommunications service (including appliances and fittings), and which does not affect the ability of the building in which it is installed to resist the spread of fire; or

(c) the construction of a pergola or similar structure designed to provide shade associated with an existing dwelling (whether attached to the building or freestanding)—

(i) which does not have a solid roof; and

(ii) each freestanding side of which is open (that is, not enclosed with a solid material); and

(iii) no part of which is higher than 4 m above the ground; and

(iv) which is not being constructed so that any part of the pergola or structure will be in front of any part of the building line of the dwelling to which it is ancillary that faces the primary street.

(6) In respect of a local heritage place, the installation of, or an alteration of or addition to a building that is necessary for or incidental to the installation of—

(a) an individual air handling unit mounted on a wall, window or floor; or

(b) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kg and installed within the ceiling space; or

(c) an exhaust fan; or

(d) any electrical, gas, water, sewage and sullage, or telecommunications service (including appliances and fittings),

where the item being installed—

(e) does not encroach on a public street or affect the ability of the place to resist the spread of fire; and

(f) will not, when installed, be able to be seen by a person standing at ground level in a public street.

(7) The external painting of a local heritage place—

(a) where the painting involves the repainting of an existing painted surface in the same or similar colours and so as to provide the same or similar texture, finish and effect; or

(b) without limiting paragraph (a), where the painting does not materially affect the heritage value of the place.

(8) Subclause (7) does not apply in relation to painting of any building that is also within the ambit of Schedule 5 clause 6.

(9) External painting of a building within an area identified under the Planning and Design Code for the purposes of paragraph (g) of the definition of ***development*** under section 3(1) of the Act where the painting involves the repainting of an existing painted surface in the same or similar colours and so as to provide the same or similar texture, finish and effect.

(10) The repair, maintenance or replacement of an existing seawall, levee bank or other structure associated with coast protection where there is no change to the materials used for the purposes of the structure and no change to the form or dimensions of the structure.

(11) The construction of a temporary building by, or with the authorisation of, a council where the building—

(a) does not remain on the site for more than 60 days; and

(b) is erected for the use of the council, or for some other public or community purpose approved by the council; and

(c) does not carry any advertising material (other than material which is incidental to the purpose for which the building is erected).

(12) Any work undertaken solely for the purposes of fitting a smoke alarm in accordance with the requirements under regulation 95.

(13) For the purposes of this clause—

(a) the primary street in relation to a building is the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(b) a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the land where the building is situated (or to be situated); and

(c) a reference to a ***fence*** includes any privacy screening attached to the fence.

(14) In this clause—

brush means—

(a) Broombrush (*Melaleuca uncinata*); and

(b) any other form of dried vegetation material that has similar fire characteristics to Broombrush;

brush fence includes—

(a) a fence that is predominantly constituted by brush; and

(b) a gate that is predominantly constituted by brush;

masonry means stone, brick, terracotta or concrete block or any other similar building unit or material, or a combination of any such materials;

road has the same meaning as in the *Local Government Act 1999* but does not include an alley, lane or right of way;

swimming pool includes a paddling pool.

5—Use of land and buildings

(1) The use of land and the use of any lawfully erected building which is ordinarily regarded as (and is in fact) reasonably incidental to any particular use of the land and the building, or the land or the building, and which is for the substantial benefit of the person or persons who, in any capacity, are making use of the land and the building, or the land or the building.

(2) The following uses of land or buildings (whether or not within the ambit of subclause (1)):

(a) the carrying on of a home activity on land used for residential purposes;

(b) without limiting paragraph (a), the use of any land or building for the display and sale of food produce if—

(i) the total floor area of the display does not exceed 30 m^2; and

(ii) the use of the land for the display and sale of food produce does not have a significant detrimental effect on the amenity of the locality or any part of the locality;

(c) the use of any land or building for the supply, conversion, transformation or control of electricity by 1 or more transformers or by any switchgear or other equipment used wholly or partly for supplying electricity to any part of such land or building;

(d) the keeping of animals, birds, or other livestock (other than horses, sheep, alpacas, cattle, pigs, goats, donkeys and wild animals) solely for the domestic needs or enjoyment of the occupants of a dwelling (and land appurtenant to a dwelling), other than the use of land for the keeping of free-flying birds within a designated airport building heights area;

(da) the keeping of native animals pursuant to a permit for the rescue or rehabilitation of the animals under the *National Parks and Wildlife Act 1972* if it is ancillary to the primary use of the land;

(e) the parking of any vehicle not exceeding 3 000 kg in weight (including the weight of any attached trailer) on land used for residential purposes;

(f) the parking of a caravan or motor-home of any weight on land used for residential purposes by a person who is an occupant of a dwelling situated on that land;

(fa) the parking of a caravan or other vehicle of any weight on land on which a dwelling, or part of a dwelling, has been destroyed or significantly damaged by a bushfire or a flood if the vehicle is to be used as accommodation by the owner of the land—

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

(ii) until a Class 1a building on the land is able to be occupied in accordance with Part 11 Division 3 or 4,

whichever occurs first;

(fb) the storage of goods or materials for a period not exceeding 2 years on land on which a building, or part of a building, has been destroyed or significantly damaged by a bushfire if the storage is for the use of the owner of the land to assist in the recovery and redevelopment of an area affected by the bushfire;

(g) the carrying on of low impact entertainment on premises other than residential premises;

(h) the operation of an approved family day care service, or a family day care service that is a residual early childhood service for which a service approval exists, at a residence.

(3) In this clause—

approved family day care service, ***family day care service***, ***residence*** and ***service approval*** have the same respective meanings as in the *Education and Care Services National Law (South Australia)*;

low impact entertainment, in relation to premises, means live entertainment that is carried on—

(a) inside a building; and

(b) in accordance with the lawful use and occupation of the premises; and

(c) in compliance with the *Environment Protection Act 1993*,

but does not include—

(d) prescribed entertainment within the meaning of section 105 of the *Liquor Licensing Act 1997*; or

(e) entertainment that is to be carried on in connection with a proposed change of use of the premises;

residual early childhood service has the same meaning as in section 16 of the *Education and Early Childhood Services (Registration and Standards) Act 2011*.

6—Special cemetery buildings

The construction of a mausoleum in a public cemetery where—

(a) the mausoleum is located more than 50 m from the boundaries of the cemetery; and

(b) no part of the mausoleum is higher than 3 m above the natural surface of the ground; and

(c) the mausoleum is not internally accessible to the public (including any relative of a deceased person).

7—Inground sewerage pumping stations

(1) The construction of an inground sewerage pumping station (including any associated value chamber, electrical control or switching gear, and flue extending not more than 15 m above ground level)—

(a) that has a total floor area not exceeding 8 m^2 and a depth not exceeding 10 m; and

(b) that is designed and constructed in accordance with specifications approved by the Minister responsible for the administration of the *Water Industry Act 2012*.

(2) Subclause (1) does not apply to the construction of an inground sewerage pumping station with flue within a designated airport building heights area.

8—Inground water valve chamber

The construction of an inground water valve chamber—

(a) that has a total floor area not exceeding 15 m^2 and a depth not exceeding 4 m; and

(b) that is designed and constructed with specifications approved by the Minister responsible for the administration of the *Water Industry Act 2012*.

9—Certain building work outside council areas

Building work in relation to a Class 10 building under the Building Code that is not within the area of a council, other than building work—

(a) in a township, or in an Airport Building Heights (Aircraft Landing Areas) Overlay, Airport Building Heights (Regulated) Overlay, Coastal Areas Overlay, Conservation Zone, Historic Shipwrecks Overlay, Infrastructure (Airfield) Zone, Rural Settlement Zone, Significant Landscape Protection Overlay, Hazards (Acid Sulfate Soils) Overlay, Ramsar Wetlands Overlay, River Murray Flood Plain Protection Area Overlay, Tourism Development Zone, or Township Zone under the Planning and Design Code; or

(b) in respect of a local heritage place; or

(c) within 500 m of a road maintained by the State or Federal Government according to the South Australian Property and Planning Atlas; or

(d) within 50 m of the boundaries of a township, or a Township Zone, Rural Settlement Zone or Tourism Development Zone under the Planning and Design Code; or

(e) on land that is subject to the *National Parks and Wildlife Act 1972*; or

(f) within part of the State described in Schedule 14; or

(g) that consists of prescribed infrastructure within the meaning of clause 13 to the extent that it constitutes development under that clause.

10—Demolition of buildings

(1) The demolition of the whole of a building, other than in respect of—

(a) a local heritage place; or

(b) a building in a zone, subzone or overlay identified under the Planning and Design Code for the purposes of this paragraph.

(2) The partial or total demolition of a building and associated structures if the building, or part of the building, has been destroyed or significantly damaged by a bushfire, other than in respect of a local heritage place or Historic Area Overlay in the Planning and Design Code.

11—Dams

The excavation or filling (or excavation and filling) of land for the purposes of a dam, other than—

(a) where a levee or mound with a finished height greater than 3 m above the natural surface of the ground is to be formed; or

(b) where a retaining wall which retains a difference in ground levels exceeding 1 m is to be used or formed; or

(c) where the dam is in—

(i) a designated flood zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subparagraph; or

(ii) in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subparagraph; or

(d) where the dam is to have a capacity exceeding 5 megalitres.

12—Amalgamation of land

(1) The amalgamation of 2 or more contiguous allotments.

(2) For the purposes of this clause, allotments separated only by a road or a road reserve will be regarded as contiguous.

13—Aerials, towers etc

(1) Other than in respect of a local heritage place or in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subclause, the construction, alteration or extension of prescribed infrastructure (including any incidental excavation or filling) if—

(a) the total height of the prescribed infrastructure, when constructed, altered or extended, will not exceed (taking into account attachments (if any))—

(i) in the case of prescribed infrastructure not attached to a building—

(A) in Metropolitan Adelaide—7.5 m or, in the case of prescribed infrastructure to be used solely by a person who holds an amateur licence under the *Radiocommunications Act 1992* of the Commonwealth, 10 m; or

(B) in any other case—10 m; or

(ii) in the case of prescribed infrastructure attached to a building—

(A) in a neighbourhood-type zone under the Planning and Design Code in Metropolitan Adelaide—2 m; or

(B) in any other case—4 m,

above the topmost point of attachment to the building, disregarding any attachment by guy wires; and

(b) in the case of prescribed infrastructure that is or incorporates, or has as an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish will not exceed—

(i) in a zone, subzone or overlay primarily designated for residential use under the Planning and Design Code or in the Historic Area Overlay under the Planning and Design Code—1.2 m; or

(ii) in any other case—2.6 m.

(2) In a zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subclause, other than in respect of a local heritage place, the construction, alteration or extension of prescribed infrastructure attached to a building if—

(a) the total height of the prescribed infrastructure, when constructed, altered or extended, will not exceed (taking into account attachments (if any)) 2 m above the topmost point of attachment to the building, disregarding any attachment by guy wires; and

(b) in the case of prescribed infrastructure that is or incorporates, or has as an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish will not exceed 1.2 m.

(3) The construction, alteration or extension of prescribed subscriber connection telecommunications infrastructure at premises occupied or used by the subscriber, or in the immediate vicinity of those premises, where the infrastructure is located (or to be located) at a place that is not within the area of a council, other than infrastructure (or proposed infrastructure)—

(a) in a township, or in an Airport Building Heights (Aircraft Landing Areas) Overlay, Airport Building Heights (Regulated) Overlay, Coastal Areas Overlay, Conservation Zone, Historic Shipwrecks Overlay, Infrastructure (Airfield) Zone, Rural Settlement Zone, Significant Landscape Protection Overlay, Hazards (Acid Sulfate Soils) Overlay, Ramsar Wetlands Overlay, River Murray Flood Plain Protection Area Overlay, Tourism Development Zone, or Township Zone under the Planning and Design Code; or

(b) in respect of a local heritage place; or

(c) within 500 m of a Key Outback and Rural Routes Overlay under the Planning and Design Code; or

(d) within 50 m of the boundaries of a township, or a Township Zone, Rural Settlement Zone or Tourism Development Zone under the Planning and Design Code; or

(e) on land that is subject to the *National Parks and Wildlife Act 1972*; or

(f) within part of the State described in Schedule 14.

(4) In this clause—

building does not include prescribed infrastructure;

neighbourhood-type zone has the same meaning as in the Planning and Design Code;

prescribed infrastructure means a non load-bearing aerial, antenna, mast or open-framed tower, or other similar structure (but not including an advertising hoarding);

prescribed subscriber connection telecommunications infrastructure means any of the following when used (or to be used) in order to provide telecommunications facilities to a particular subscriber:

(a) an aerial, antenna, mast, tower or pole if—

(i) the total height of the structure (including attachments (if any)) does not (or will not) exceed 20 m; and

(ii) in the case of a structure that is or incorporates, or has an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish does not (or will not) exceed 2.4 m;

(b) an equipment shelter or housing if—

(i) its total floor area does not (or will not) exceed 10 m^2; and

(ii) its height does not (or will not) exceed 3.5 m;

(c) an open-lattice frame or pole mounted with a solar panel or panels if—

(i) the total height of the frame or pole does not (or will not) exceed 4.5 m; and

(ii) the total area of the panels does not (or will not) exceed 20 m^2;

subscriber means a subscriber to a telecommunications service.

14—Railway activities

(1) Other than in respect of a local heritage place, the construction, alteration, extension, repair or maintenance (including any incidental excavation or filling) of any of the following:

(a) railway track, other than—

(i) track for a new railway line, but not including a siding or passing or crossing loop outside Metropolitan Adelaide that is to be less than 1 km in length; or

(ii) track for an extension to an existing railway line where the length of new track is to be at least—

(A) within Metropolitan Adelaide—500 m;

(B) outside Metropolitan Adelaide—2 km;

(b) infrastructure associated with a railway;

(c) if associated with a railway—

(i) a culvert or drain; or

(ii) a pipe.

(2) The construction, alteration, extension, repair or maintenance (including any incidental excavation or filling) of any of the following:

(a) tram or light rail track on—

(i) a public street or road; or

(ii) land owned by, or under the care, control and management of a Crown agency or instrumentality; or

(iii) unalienated Crown land;

(b) infrastructure associated with a tramway or light railway;

(c) if associated with a tramway or light railway—

(i) a temporary builder's office, shed, store or other similar building; or

(ii) a retaining wall; or

(iii) a bridge, other than a pedestrian bridge; or

(iv) a culvert or drain; or

(v) a pipe.

(3) Building work in relation to a Class 10 building under the Building Code on railway land which is not within the area of a council, other than where the building is, or is to be, within a township or 50 m from the boundary of a township.

(4) The alteration, extension, repair or maintenance of—

(a) a bridge over railway land; or

(b) a railway tunnel, or a tunnel under railway land.

(5) An alteration to an area used for vehicle access, carparking, or the standing of vehicles, in association with the use of a railway, tramway or light railway, or other railway, tramway or light railway activities.

(5a) Subclauses (1) and (5) do not apply in relation to the construction of a new railway station.

(6) For the purposes of this clause, a reference to infrastructure associated with a railway, tramway or light railway includes a reference to infrastructure and related works required for the operation or maintenance of activities related to the railway, tramway or light railway.

(7) In this clause—

infrastructure means any of the following:

(a) track structures (including over or under track structures);

(b) track supports;

(c) any structure or equipment associated with any power, signalling, control or communications system (including signalling boxes, huts, gantries, masts, towers, poles and frames);

(d) installations or equipment for lighting platforms or other parts of any station, yards or sidings, other than within a designated airport building heights area where the work exceeds the height restriction under the Planning and Design Code relating to structures in the location of the work;

(e) warning, directional or other signs;

(f) shelters and furniture, including information boards and seating, associated with any railway, tramway or light railway;

(g) other infrastructure related to the operation or maintenance of railway, tramway or light railway activities;

railway land means—

(a) land within a rail corridor or rail reserve, including any associated sidings; and

(b) railway yards; and

(c) other land over which a railway track, or tram or light rail track, passes;

railway line includes sidings and crossing or passing loops.

15—Gas infrastructure

(1) Subject to subclause (2), the construction, alteration, extension, repair or maintenance (including any incidental excavation or filling) of gas infrastructure.

(2) Subclause (1) does not apply where the gas infrastructure is within—

(a) a local heritage place; or

(b) coastal land.

(3) In this clause—

gas infrastructure has the same meaning as in the *Gas Act 1997*, but does not include a transmission pipeline within the meaning of the *Petroleum Act 2000*.

16—Solar photovoltaic panels

(1) Subject to subclause (2), the installation, alteration, repair or maintenance of a designated photovoltaic system on the roof of a building.

(2) Subclause (1) does not apply—

(a) to a designated photovoltaic system with a generating capacity of more than 5 MW that is to be connected to the State's power system; or

(b) if the place where the designated photovoltaic system is installed is a local heritage place and, when installed, it is able to be seen by a person standing at ground level in a public street.

(3) In this clause—

designated photovoltaic system means—

(a) a photovoltaic system comprising solar photovoltaic panels that have a total weight not exceeding 100 kg; or

(b) a photovoltaic system comprising solar photovoltaic panels that have a total weight exceeding 100 kg if—

(i) the weight load is distributed so that it does not exceed 100 kg at any 1 point of attachment to the roof; and

(ii) the panels (and any associated components) do not overhang any part of the roof; and

(iii) the panels are fitted parallel to the roof with the underside surface of the panels being not more than 100 mm above the surface of the roof; and

(iv) the panels are installed by a person who holds an accreditation under a scheme recognised by the Minister for the purposes of this paragraph.

17—Aquaculture development

Any form of aquaculture development in an aquaculture zone set out in an aquaculture policy under the *Aquaculture Act 2001*.

18—Removal of trees in certain cases

(1) A tree-damaging activity in relation to a regulated tree (including a tree that also constitutes a significant tree) if—

(a) subject to this clause, the tree is on land on which development for the purposes of the provision of social infrastructure is being, or is to be, carried out by or on behalf of the relevant Minister (the ***relevant land***); or

(b) the tree is within 20 m of a dwelling in a Medium or High Bushfire Risk area within a Hazards (Bushfire Protection) Overlay under the Planning and Design Code; or

(c) the tree is on land under the care and control of the Minister who has primary responsibility for the environment and conservation in the State; or

(d) the tree is on land under the care and control of the Board of the Botanic Gardens and State Herbarium; or

(da) the tree is on land on which a school that provides courses of instruction in primary or secondary education is located or is proposed to be built; or

(e) the tree is dead.

(1a) The following conditions are prescribed in respect of the exclusion under subclause (1)(a) insofar as the tree-damaging activity constitutes the killing, destruction or removal of a regulated tree:

(a) the relevant Minister must—

(i) ensure the prescribed number of trees are planted and maintained on the relevant land, or on adjacent land or other land within the area of the council in which the relevant land is situated, to replace the regulated tree (with the cost of planting to be the responsibility of the relevant Minister and the cost of maintenance to be the responsibility of the owner of the land); or

(ii) if the relevant Minister considers that it is not practicable for replacement trees to be planted in accordance with subparagraph (i)—ensure an amount calculated in accordance with a fee notice made for the purposes of the Act is made into the relevant fund in lieu of planting 1 or more replacement trees under subparagraph (i);

(b) any replacement trees must satisfy the following criteria:

(i) the trees are not trees within a species designated under regulation 3F(4)(b) (insofar as the designation of that species of tree applies to the location of the tree-damaging activity);

(ii) the trees are not planted within 3 m of an existing dwelling or an existing in-ground swimming pool.

(1b) For the purposes of subclause (1a)(a)(i), the prescribed number of trees is—

(a) if the tree-damaging activity is in relation to a regulated tree—2 trees to replace the regulated tree; or

(b) if the tree-damaging activity is in relation to a significant tree—3 trees to replace the significant tree.

(2) For the purposes of subclauses (1)(b) and (1a)(b)(ii), the distance between a dwelling or swimming pool and a tree will be measured from the base of the trunk of the tree (or the nearest trunk of the tree to the dwelling or swimming pool) to the nearest part of the dwelling or swimming pool at natural ground level.

(3) In this clause—

relevant fund has the same meaning as in section 127(7) of the Act;

relevant Minister means the Minister responsible for the administration of the *Highways Act 1926*;

social infrastructure means buildings or areas that facilitate the delivery of social services by a government or other service provider (whether a fee is charged for the service or not);

social services includes health services, disability services, aged care, childcare, education, justice and emergency services, arts and culture, sport and recreation, social housing and any other service provided for community benefit.

19—Cultana Training Area

(1) An act or activity carried out within the Cultana Training Area by or on behalf of, or with the authority or permission of, the Commonwealth Department of Defence or an arm of the Australian Defence Force.

(2) In this clause—

Cultana Training Area means the land comprised by the following:

(a) the Allotment comprising Pieces 81, 82 and 83 in Deposited Plan 85852 Out of Hundreds (Port Augusta);

(b) Allotment 6 in Deposited Plan 88907 Hundred of Handyside County of Manchester and Out of Hundreds (Port Augusta);

(c) Sections 4, 13, 14 and 15, Hundred of Jenkins County of Manchester;

(d) Allotment 7 in Deposited Plan 29397 Out of Hundreds (Port Augusta);

(e) the Allotment comprising the Pieces 8, 9, 10 and 11 in Deposited Plan 29397 Out of Hundreds (Port Augusta);

(f) Allotment 68 in Deposited Plan 85851 Hundred of Cultana County of York;

(g) Allotment 72 in Deposited Plan 85851 Hundred of Cultana County of York;

(h) the Allotment comprising Pieces 30, 31 and 32 in Deposited Plan 85850 Out of Hundreds (Whyalla), Out of Hundreds (Port Augusta) and Hundred of Cultana County of York;

(i) Allotment 67 in Deposited Plan 93251, Hundred of Cultana County of York and Out of Hundreds (Port Augusta).

20—Recreation paths

(1) The following development undertaken by or on behalf of the Crown, a council or other public authority:

(a) the construction, reconstruction, alteration, repair or maintenance of a recreation path (including on coastal land);

(b) any ancillary development in connection with such a path, including—

(i) excavation, importation of fill and other earthworks; and

(ii) footings and other support structures; and

(iii) landscaping; and

(iv) the installation of—

(A) safety features; and

(B) directional signs, information boards, lighting, seating, weather shelters, rubbish bins or other street furniture.

(2) In this clause—

recreation path means a path that—

(a) is under the care, control and management of the Crown, a council or other public authority; and

(b) is open to the public for walking, cycling or similar recreational activities, without payment of a charge,

and includes a boardwalk.

21—Car parks etc in Osborne area of City of Port Adelaide Enfield

(1) The following development undertaken within the designated Osborne area:

(a) development—

(i) for the purposes of car parks and pedestrian bridges over a railway; and

(ii) involving the temporary placement of soil and other materials related to development in the vicinity of the designated Osborne area for the purposes of constructing a facility for the making of ships or a facility for the making of submarines (or both);

(b) development that is ancillary to development within the ambit of paragraph (a), including—

(i) excavation, importation of fill and other earthworks; and

(ii) footings and other support structures; and

(iii) landscaping; and

(iv) the installation of—

(A) safety features; and

(B) directional signs, information boards, lighting, seating, weather shelters, rubbish bins or other street furniture.

(2) In this clause—

designated Osborne area—the designated Osborne area is comprised of—

(a) the area designated as "car park" in the map set out in Schedule 16; and

(b) the area designated as "car park" in the map set out in Schedule 17.

22—Electric vehicle charging stations

(1) The construction, alteration, repair or maintenance of an electric vehicle charging station, other than—

(a) in respect of a local heritage place; or

(b) on adjacent land to a State heritage place or local heritage place; or

(c) in an area that is underground or covered and does not relate to a Class 1 building under the Building Code; or

(d) a charging station that features advertising that is not permitted advertising.

(2) For the purposes of subclause (1), ***permitted advertising*** is advertising that is no greater than 0.2 m² in size, is not illuminated and is for the purposes of identifying the charging station as such or providing other information directly related to the charging station.

23—Temporary grain, legume or seed storage infrastructure

(1) The installation, construction, placement or alteration of any of the following infrastructure on land within a designated area:

(a) barriers (for the purpose of forming bunkers for grain, legume or seed storage);

(b) buildings (used for offices and amenity facilities) and ancillary infrastructure for the purpose of grain, legume or seed processing and storage;

(c) weighbridges;

(d) private roads that do not involve new or modified access points to or from a public road.

(2) Earthworks associated with the installation, construction or placement of infrastructure referred to in subclause (1).

(3) Infrastructure installed, constructed or placed on land pursuant to subclause (1) may only remain on the land for a period of 12 months from the commencement of this clause.

Note—

If an application for development authorisation is granted in respect of the infrastructure referred to in subclause (1) that allows the infrastructure to remain after the 12 month period, subclause (3) does not apply.

(4) In this clause—

designated area means—

(a) a site or allotment where there are existing grain, legume or seed processing and storage facilities; or

(b) any other area that is designated by the Chief Executive for the purposes of this clause by notice published on the SA planning portal.

Schedule 4A—Exclusions from definition of development—essential infrastructure

Note—

An act or activity specified in this Schedule is declared not to constitute development for the purposes of the Act, subject to the limitations set out in regulation 3CA. For example, that regulation provides that an exclusion under Schedule 4A does not apply in respect of a State heritage place.

1—Essential infrastructure

(1) The following forms of development, other than within the Adelaide Park Lands:

(a) if the work is certified by a building certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules)—

(i) accepted development or deemed-to-satisfy development under the Planning and Design Code; or

(ii) the construction, reconstruction or alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(iii) the development of land dedicated under the *National Parks and Wildlife Act 1972*, other than on or under land that is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future, unless the Coast Protection Board has authorised the development; or

(iv) the construction, reconstruction or alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or

(v) the construction, reconstruction or alteration of, or addition to, a building which is to be located wholly underground, other than on or under land which is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future;

(b) the construction, reconstruction, alteration, repair or maintenance of any underground cable, other than under land which is subject to coastal processes or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future;

(c) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act;

(d) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;

(e) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;

(f) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more;

(fa) the repair or maintenance of electricity infrastructure (within the meaning of the *Electricity Act 1996*) for the purposes of maintaining the reliability and security of the supply of electricity;

(g) the construction, reconstruction, alteration or addition to a security fence of an existing electricity substation or other electricity infrastructure within the meaning of the *Electricity Act 1996* subject to the following limitations:

(i) the fence must not exceed a height of 3.2 m (measured as a height above the natural surface of the ground);

(ii) —

(A) in the case of a fence that has a frontage to a public road—the fence must be a palisade or open metal fence or a chain or weld mesh fence; or

(B) in any other case—the fence must be a palisade or open metal fence, a chain or weld mesh fence or a fence clad in pre-colour treated sheet metal.

(2) The following forms of development within the Adelaide Park Lands:

(a) if the work is certified by a building certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules)—

(i) the alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(ii) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or

(iii) the alteration of, or addition to, a building—

(A) which is to be located wholly underground; and

(B) which will not result in a material change to the existing landform at the site of the development; or

(iv) without limiting subparagraph (iii), the construction or reconstruction of a building—

(A) which is to be located wholly underground; and

(B) which is intended only to house electricity infrastructure (within the meaning of the *Electricity Act 1996*); and

(C) which has a total floor area not exceeding 15 m² and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 m; and

(D) which will not result in a material change to the existing landform at the site of the development;

(b) the construction, reconstruction, alteration, repair or maintenance of any underground cable;

(c) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act;

(d) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;

(e) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;

(f) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more.

Schedule 5—Exclusions from definition of development—State heritage areas

Note—

An act or activity specified in this Schedule is declared not to constitute development for the purposes of the Act, subject to the limitations set out in regulation 3D.

1—Advertising displays

The commencement of an advertising display containing an advertisement—

(a) that is a traffic control device displayed and erected under the *Road Traffic Act 1961*; or

(b) that is displayed by reason of a statutory obligation on the Crown, a Minister of the Crown, an agency or instrumentality of the Crown, the council, or a person requiring such display; or

(c) that is on enclosed land or within a building and is not readily visible from land outside the enclosure or the building; or

(d) that is displayed for the purposes of identification, direction, warning or other information in relation to a detached, semi-detached, row or multiple dwelling or residential flat building, subject to the following conditions:

(i) that the advertisement area is not more than 0.1 m^2;

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated;

(iii) that not more than 2 such advertisements are displayed in relation to the same building; or

(e) that is displayed on a building or a building in separate occupation (other than the side or rear walls of the building) used primarily for retail, commercial, office or business purposes, subject to the following conditions:

(i) that the advertisement is not displayed or erected above any verandah or the fascia of a verandah or, in a case where there is no verandah, that no part of the advertisement is more than 3.7 m above ground level;

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(f) that announces a local event of a religious, educational, cultural, social or recreational character, or that relates to an event of a political character, subject to the following conditions:

(i) that the total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2 m^2;

(ii) except for an advertisement that relates to a federal, State or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event;

(iii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(g) that is on land on which building work is being lawfully undertaken, subject to the following conditions:

(i) that the information in the advertisement refers to the work being undertaken;

(ii) that the advertising display—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated;

(iii) that the advertisement area is not more than 3 m^2; or

(h) that constitutes a moveable sign within the meaning of the *Local Government Act 1999* and is placed on a public street, road or footpath within an area of the council under that Act; or

(i) that is a real estate "for sale" or "for lease" sign, subject to the following conditions:

(i) that the sign is situated on the land which is for sale or for lease;

(ii) that the sign—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated;

(iii) that the sign is not more than 4 m^2 in advertisement area;

(iv) that the sign is removed within 2 weeks after the completion of the sale or the entering into of the lease.

2—Council works

(1) The placement, replacement, installation, construction, reconstruction, alteration, repair or maintenance by the council of playground equipment on or in a recreation area.

(2) The repair or maintenance by the council of an item of street furniture (including directional signs, seating or rubbish bins), other than lighting infrastructure or a weather shelter.

(3) The replacement, construction, reconstruction, alteration, repair or maintenance by the council of a road, drain or pipe that does not materially affect the heritage value of the place.

3—Retirement units

The conferral of a right to occupy a residential unit under the *Retirement Villages Act 2016*.

4—Sundry minor operations

(1) The construction, reconstruction, repair or alteration of, or addition to, any of the following (including any incidental excavation or filling):

(a) an outbuilding in which human activity is secondary, and which—

(i) is behind a building or screened from view from a public road by a building; and

(ii) is detached from and ancillary to a building erected on the site, or for which consent has been granted by the relevant authority; and

(iii) has a total floor area not exceeding 10 m^2, no roof span (being the horizontal distance between supporting walls, posts or columns of the outbuilding) exceeding 3 m, and no part higher than 2.5 m above the natural surface of the ground; and

(iv) is not being constructed, added to or altered so that any portion of the building is nearer to an existing boundary of a road than any distance that may be prescribed in respect of set-backs by the Planning and Design Code for the road (or a portion of the road);

(b) a television aerial or antenna that is attached to the rear side of a chimney and not more than 1 m in height above the topmost point of the chimney;

(c) a swimming pool or spa pool (other than in a designated flood zone, subzone or overlay or in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this paragraph) which is constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which—

(i) does not have a depth exceeding 300 mm; and

(ii) is not within 10 m of a boundary of a road on to which the relevant dwelling faces, and not within 3 m of any other boundary of the relevant allotment; and

(iii) does not have a finished height, and would not have any associated structure (other than a fence with a finished height), exceeding 1.5 m (measured from ground level); and

(iv) in the case of an aboveground or inflatable swimming pool or spa pool, does not incorporate a filtration system;

(f) a fence not exceeding 2 m in height (measured (if relevant) from the lower of the 2 adjoining finished ground levels), other than—

(i) a fence situated on the boundary of the relevant allotment with a road (other than a laneway); or

(ii) —

(A) if there is no adjacent building facing the same road on to which the building faces—a fence situated between the building line of the main face of a building and the road on to which the building faces; or

(B) if there is an adjacent building facing the same road on to which the building faces—a fence situated between a notional line drawn between the nearest front corner of each building to the other building and the road on to which the buildings face,

(and for the purposes of this subparagraph buildings separated only by a laneway will still be taken to be adjacent); or

(iii) —

(A) a masonry fence; or

(B) a fence any part of which is formed from masonry (including, for example, a fence that includes masonry piers or columns),

that exceeds (or would exceed) 1 m in height (measured (if relevant) from the lower of the 2 adjoining finished ground levels); or

(iv) a fence that is (or is to be) a safety fence for a swimming pool approved for construction, or requires approval for construction, on or after 1 July 1993; or

(v) a brush fence that is (or is to be) closer than 3 m to an existing or proposed Class 1 or 2 building under the Building Code, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the Building Code) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence;

(g) a retaining wall that retains a difference in ground levels not exceeding 1 m;

(h) a water tank (and any supporting structure) that—

(i) is part of a roof-drainage system for a building; and

(ii) has a total floor area not exceeding 6 m^2; and

(iii) has no part higher than the eaves on the nearest part of the building; and

(iv) is situated behind or to the side of the building;

(i) a temporary builder's office, shed, store or other similar building that—

(i) is used for the purpose of storing materials or documents, providing amenities for workers, or for any other purpose connected with the performance of building work, other than to provide overnight accommodation; and

(ii) is to be removed at the completion of the relevant building work; and

(iii) is positioned on the ground and totally within the site of the building work.

(2) The repair, maintenance or internal alteration of a building that—

(a) does not involve demolition of any part of the building (other than the removal of fixtures, fittings or non load-bearing partitions); and

(b) will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and

(c) is not inconsistent with any other provision of this Schedule.

(3) The installation or alteration of a building, or the making of any excavation or filling, necessary for or incidental to the installation of any electrical, gas, water or sewage and sullage service (including appliances and fittings), the installation of which requires the approval of an authority other than a council, and which does not affect the ability of the building in which it is installed to resist the spread of fire.

(4) The construction, reconstruction, repair or alteration of a pergola associated with an existing dwelling (whether attached to the building or freestanding)—

(a) that does not have a roof; and

(b) where each freestanding side of which is open; and

(c) where no part of which is higher than 4 m above the ground; and

(d) that is not being constructed or altered so that any portion of the pergola is nearer to an existing boundary of a road than any distance that may be prescribed in respect of set-backs in the Planning and Design Code for the road (or that portion of the road); and

(e) that is not situated in front of the dwelling.

(5) The installation of, or an alteration of or addition to, a building that is necessary for or incidental to the installation of—

(a) an individual air handling unit mounted on a wall, window or floor; or

(b) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kg and installed within the ceiling space; or

(c) an exhaust fan,

where the item being installed—

(d) is to be installed at the back of the building, or on the side of the building but at least 6 m back from the front wall of the building; and

(e) does not encroach on a public street or affect the ability of the place to resist the spread of fire.

(6) The construction of a temporary building by, or with the authorisation of, the council where the building—

(a) does not remain on the site for more than 30 days; and

(b) is erected for the use of the council, or for some other public or community purpose approved by the council; and

(c) does not carry any advertising material (other than material incidental to the purpose for which the building is erected).

(7) Any work undertaken solely for the purposes of—

(a) fitting a smoke alarm in accordance with the requirements under regulation 95; or

(b) installing a skylight; or

(c) replacing roofing materials, guttering or down-pipes with the same or similar materials or items; or

(d) replacing windows where the kind of materials, style and dimensions are not changing; or

(e) connecting a building or structure to the National Broadband Network (including the installation of fixed-line telecommunications facilities).

(8) In this clause—

brush means—

(a) Broombrush (*Melaleuca uncinata*); and

(b) any other form of dried vegetation material that has similar fire characteristics to *brush*;

brush fence includes—

(a) a fence that is predominantly constituted by brush; and

(b) a gate that is predominantly constituted by brush;

masonry means stone, brick, terracotta or concrete block or other similar building unit or material, or a combination of such materials;

swimming pool includes a paddling pool.

5—Use of land and buildings

The use of land and the use of any lawfully-erected building that is ordinarily regarded as (and is in fact) reasonably incidental to any particular use of the land and the building, or the land or the building, and that is for the substantial benefit of the person or persons who, in any capacity, are making use of the land and the building, or the land or the building, including, without limiting the generality of the foregoing, the following uses of land and buildings:

(a) the carrying on of a home activity;

(b) the use of any land or building for the supply, conversion, transformation or control of electricity by 1 or more transformers or by any switchgear or other equipment used wholly or partly for supplying electricity to any part of such land or building;

(c) the keeping of animals, birds, or other livestock (other than horses, sheep, alpacas, cattle, pigs, goats, donkeys and wild animals) solely for the domestic needs or enjoyment of the occupants of a residence (and land appurtenant to a residence);

(d) the parking of any vehicle not exceeding 3 000 kg in weight (including the weight of any attached trailer) on land used for residential purposes.

6—Painting

Painting of a building, other than painting that involves painting a previously unpainted brick or stone exterior surface of an existing building.

Schedule 6—Relevant authority—Commission

1—Areas of all councils

(1) The following classes of development in the areas of all councils:

(a) development undertaken by the South Australian Housing Trust, either individually or jointly with other persons or bodies, or by a provider registered under the *Community Housing National Law* participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust, other than—

(i) the alteration of, or an addition to, an existing building; or

(ii) the construction of an outbuilding ancillary to, or associated with, an existing building; or

(v) a tree-damaging activity undertaken in relation to a regulated tree that is not associated with an application for building work on the relevant land; or

(vi) development which is classified as deemed-to-satisfy under section 106 of the Act;

(b) development undertaken by the Urban Renewal Authority established under the *Urban Renewal Act 1995*, either individually or jointly with other persons or bodies, other than—

(i) the alteration of, or an addition to, an existing building; or

(ii) the erection of an outbuilding ancillary to, or associated with, an existing building; or

(iii) the commencement of an advertising display in relation to a division of land if the display is not situated on the site of the division of land and if the display is a real estate "for sale" or "for lease" sign, subject to the condition that the sign—

(A) does not move; and

(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and

(D) is not internally illuminated; or

(iv) the construction of a dwelling on a site if approval of the division of land in relation to the site on which the dwelling is to be situated has been authorised by the Commission for use for residential purposes.

(2) The following classes of development in the areas of all councils:

(a) prescribed mining operations, excluding the construction or excavation of borrow pits;

(b) development within a precinct under the *Urban Renewal Act 1995*, other than development within the precinct that falls within a class of development specified as development that is to be taken to be deemed-to-satisfy development for the purposes of the *Planning, Development and Infrastructure Act 2016*.

(3) Development situated in the areas of 2 or more councils, other than in a case where a regional assessment panel has been constituted in relation to the area in which the development is situated.

2—Adelaide Park Lands

(1) The following classes of development within the Adelaide Park Lands:

(a) development undertaken by a State agency (other than in partnership or joint venture with a person or body that is not a State agency);

(b) development undertaken by a State agency for the purposes of essential infrastructure (whether or not in partnership or joint venture with a person or body that is not a State agency);

(c) development undertaken by a person where the development is initiated or supported by a State agency for the purposes of the provision of essential infrastructure and specifically endorsed by the State agency for the purposes of this clause;

(d) without limiting a preceding paragraph, development undertaken for the purposes of the provision of electricity infrastructure.

(2) In subclause (1)—

electricity infrastructure has the same meaning as in the *Electricity Act 1996*;

State agency has the same meaning as in section 131 of the Act.

3—City of Adelaide—developments over $10m

(1) Development in the area of The Corporation of the City of Adelaide where the total amount to be applied to any work, when all stages of the development are completed, exceeds $10 million.

4—Buildings exceeding 4 storeys

(1) Development that involves the erection or construction of a building that exceeds 4 storeys in height in any zone, subzone or overlay identified under the Planning and Design Code for the purposes of this clause.

4A—Morphettville and Camden Park—buildings exceeding 4 storeys

(1) Development that involves the erection or construction of a building that exceeds 4 storeys in height in an Urban Neighbourhood Zone under the Planning and Design Code in the suburb of Morphettville or Camden Park.

4B—Corporation of Town of Walkerville—buildings exceeding 4 storeys

Development in the area of The Corporation of the Town of Walkerville that involves the erection or construction of a building that exceeds 4 storeys in height and is in the Design Overlay under the Planning and Design Code.

5—City of Port Adelaide Enfield—developments over $3m in identified area

(1) Development in any zone, subzone or overlay in the City of Port Adelaide Enfield identified under the Planning and Design Code for the purposes of this clause where the total amount to be applied to any work, when all stages of the development are completed, exceeds $3 million.

6—West Beach Recreation Reserve

All classes of development on that land bounded by bold black lines in the Schedule to the *West Beach Recreation Reserve Act 1987*.

7—Private Open Space

All classes of development on land subject to a proclamation continued in force and effect by virtue of Schedule 8 clause 37 of the Act or the *Statutes Repeal and Amendment (Development) Act 1993*, being a proclamation—

(a) made under section 62 of the *Planning Act 1982*; or

(b) having the force and effect of a proclamation made under section 62 of the *Planning Act 1982*.

8—City of Charles Sturt—developments over $3m in identified area

(1) Development in any zone in the City of Charles Sturt identified under the Planning and Design Code for the purposes of this clause where the total amount to be applied to any work, when all stages of the development are completed, exceeds $3 million.

(2) Without limitation, subclause (1) applies to—

(a) a variation of an application for development referred to in section 119(9)(a) of the Act if the development proposed to be varied has previously been given development authorisation under this clause and the Commission is the relevant authority in respect of the authorisation; and

(b) proposed development that the Commission considers to be ancillary to or in association with development that has previously been given development authorisation under this clause if the Commission is the relevant authority in respect of the authorisation,

but does not apply if—

(c) the development that was previously given development authorisation is deemed-to-satisfy development or comprised of a building in relation to which a certificate of occupancy has been issued; or

(d) in the case of paragraph (a)—the proposed variation is deemed-to-satisfy development; or

(e) in the case of paragraph (b)—the proposed development is deemed-to-satisfy development.

9—Certain electricity generators

(1) Development for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system.

(2) A reference in subclause (1) to ***electricity generating plant*** is a reference to electricity generating plant within the ambit of paragraph (a) of the definition of ***electricity infrastructure*** in section 4(1) of the *Electricity Act 1996*.

(3) In this clause—

power system has the same meaning as in the *Electricity Act 1996*.

9A—Data centres

Development for the purposes of a data centre.

10—Railways

(1) Development for purposes connected with the construction or operation of a railway that is to be undertaken on railway land.

(2) In subclause (1)—

railway land has the same meaning as in Schedule 4 clause 14(7).

11—Show grounds

Development in a zone, subzone or overlay primarily designated for use in connection with show grounds identified under the Planning and Design Code for the purposes of this clause where the total amount to be applied to any work, when all stages of the development are completed, exceeds $4 million.

12—Kangaroo Island—tourism development over $3m in certain conservation areas

Development for the purposes of tourism in those parts of the area of the Kangaroo Island Council within the Conservation Zone under the Planning and Design Code where the total amount to be applied to any work, when all stages of the development are completed, exceeds $3 million.

12A—Tourist accommodation in reserves

Development for the purposes of tourist accommodation in a reserve constituted under the *National Parks and Wildlife Act 1972*.

13—University developments over $10m

Development on land within Metropolitan Adelaide exceeding 10 000 m^2 occupied by a university if the total amount to be applied to any work, when all stages of the development are completed, exceeds $10 million.

14—National Naval Shipbuilding Subzone

Development in the National Naval Shipbuilding Subzone under the Planning and Design Code.

15—Temporary accommodation for certain workers

(1) The construction or placement of a temporary building or structure on land within a designated area to be used as accommodation for a period not exceeding 2 years by persons employed or engaged in designated work.

(2) Pursuant to section 99(3) of the Act, where a proposed development is of a kind referred to in subclause (1) and is to be undertaken within the area of a council, the Commission will be the relevant authority for the purposes of, if appropriate, granting the final development approval after all elements of the development have been approved by 1 or more relevant authorities under section 99.

(3) In this clause—

designated area has the same meaning as in Schedule 6A clause 1;

designated work has the same meaning as in Schedule 6A clause 1.

16—District Council of Coober Pedy

Development in the area of the District Council of Coober Pedy.

17—Variations of authorisations and ancillary or associated development

Development, other than development involving a building in relation to which a certificate of occupancy has been issued—

(a) under an application to vary a development authorisation in respect of which the Commission is the relevant authority; or

(b) which, in the opinion of the Commission, is ancillary to or in association with a development the subject of an authorisation in respect of which the Commission is the relevant authority.

Schedule 6A—Accepted development

1—Temporary accommodation for certain workers

(1) The construction or placement of a temporary building or structure on land within a designated area to be used as accommodation for a period not exceeding 2 years by persons employed or engaged in designated work.

(2) In this clause—

designated area means an area of the State outside Metropolitan Adelaide designated by the Minister for the purposes of this clause by notice published on the SA planning portal, but does not include an area or place within the Local Heritage Place Overlay or State Heritage Place Overlay under the Planning and Design Code;

designated work means work of a kind designated by the Minister for the purposes of this clause by notice published on the SA planning portal.

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 or 4,

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 or 4,

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;

(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.

3—Dwellings in certain zones

(1) The construction of a detached dwelling in—

(a) a Master Planned Neighbourhood Zone or a Master Planned Township Zone under the Planning and Design Code; or

(b) a zone or area designated by the Minister by notice published in the Gazette,

if the development is in accordance with the following subclauses, but not if—

(c) a building envelope plan (as defined in regulation 19A(5)) exists in relation to the site; or

(d) the dwelling is in the State Heritage Area Overlay, State Heritage Place Overlay or Local Heritage Place Overlay under the Planning and Design Code.

(2) The development will not result in more than 1 dwelling on—

(a) an existing allotment.

(3) The setback of the dwelling from the primary street boundary is at least—

(a) where the allotment adjoins a public reserve greater than 2 000 m² (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment—1.5 m; or

(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

(b) in any other case—5 m.

(4) For the purposes of subclause (3), any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 m into the minimum setback prescribed.

(4a) If the dwelling is in the Hazards (Flooding) Overlay, Hazards (Flooding - Evidence Required) Overlay or the Hazards (Flooding - General) Overlay under the Planning and Design Code, finished floor level is 300 mm above the highest point of the kerb of the primary street.

(5) Building walls (except for ancillary buildings and structures) are set back at least 900 mm from a secondary street boundary.

(6) Building walls (except for ancillary buildings and structures) on side boundaries satisfy either of the following:

(a) adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height;

(b) do not—

(i) exceed 3 m in wall height; and

(ii) exceed 11.5 m in length; and

(iii) with respect to all boundary walls on the same boundary, exceed 45% of the total length of the boundary; and

(iv) encroach within 3 m of any other existing or proposed boundary walls on the subject land.

(6a) Building walls not located on side boundaries are set back—

(a) if the wall height does not exceed 3 m—at least 900 mm from a side boundary; or

(b) in any other case—at least 900 mm from a side boundary plus a distance of one-third of the extent to which the height of the wall exceeds 3 m from the top of the footings.

(7) Building walls are set back from the rear boundary at least—

(a) 3 m for the first building level or 0 m where the rear boundary adjoins a laneway; and

(b) 5 m for any second building level or 0 m where the rear boundary adjoins a laneway.

(8) A dwelling does not exceed the following:

(a) a maximum building height of 2 building levels or 9 m;

(b) a wall height of 7 m (except where a gable end).

(9) Each dwelling with a frontage to a public street—

(a) includes at least 1 window facing the primary street from a habitable room; and

(b) has an aggregate window area of at least 2 m² facing the primary street.

(9a) A living room of the dwelling incorporates a window with an outlook towards the street frontage, private open space, public open space or waterfront areas.

(10) Upper level windows facing side or rear boundaries shared with another residential allotment or site—

(a) are permanently obscured to a height of 1.5 m above finished floor level and are fixed or not capable of being opened more than 125 mm; or

(b) have sill heights greater than or equal to 1.5 m above finished floor level; or

(c) incorporate screening to a height of 1.5 m above finished floor level.

(11) If the dwelling exceeds 1 building level, any balconies satisfy at least 1 of the following:

(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15 m wide in all places faced by the balcony or terrace;

(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency or openings fixed to a minimum height of—

(i) if the balcony is located at least 15 m from the nearest habitable window of a dwelling on adjacent land—1.5 m above finished floor level; or

(ii) in all other cases—1.7 m above finished floor level.

(12) Private open space is provided in accordance with the following:

(a) the total private open space area must be—

(i) if the site area is less than 301 m²—24 m² located behind the building line; or

(ii) in any other case—60 m² located behind the building line;

(b) the private open space area that is directly accessible from a living room must be at least 16 m² with a minimum dimension of 3 m.

(13) Car parking spaces are provided on-site as part of the development at a rate no less than—

(a) in the case of a 1 bedroom dwelling—1 space per dwelling; or

(b) in any other case—2 spaces per dwelling, 1 of which must be covered.

(13a) Car parking spaces for the dwelling enclosed by fencing, walls or other obstructions have the following internal dimensions:

(a) for a single parking space—

(i) a minimum length of 5.4 m; and

(ii) a minimum width of 3 m; and

(iii) a minimum garage door width of 2.4 m;

(b) for a double parking space (that consists of side-by-side spaces)—

(i) a minimum length of 5.4 m; and

(ii) a minimum width of 5.5 m; and

(iii) a minimum garage door width of 2.4 m per space.

(13b) Car parking spaces for the dwelling that are uncovered have the following internal dimensions:

(a) a minimum length of 5.4 m;

(b) a minimum width of 2.4 m;

(c) a minimum width between the centreline of the space and any fence, wall or other obstruction of 1.5 m.

(13c) Garages and carports facing a street—

(a) are situated so that no part of the garage or carport is in front of any part of the building line of the dwelling; and

(b) are set back at least 5.5 m from the boundary of the primary street; and

(c) have a garage door or opening width not exceeding 7 m; and

(d) have a garage door or opening width not exceeding 50% of the site frontage unless the dwelling has 2 or more building levels at the building line fronting the same street.

(14) Vehicle access to car parking spaces is located—

(a) 500 mm or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the infrastructure owner; and

(b) 2 m or more from the base of the trunk of a street tree unless consent is provided from the tree owner; and

(c) 6 m or more from the tangent point of an intersection of 2 or more roads or a pedestrian-actuated crossing; and

(d) so that access is not obtained from, and is located at least 25 m from, the tangent point of any State Maintained Road.

(14a) Vehicle access to designated car parking spaces satisfies either of the following:

(a) is provided via a lawfully existing or authorised access point for which consent has been granted as part of an application for the division of land;

(b) if newly proposed—

(i) is set back 6 m or more from the tangent point of an intersection of 2 or more roads; and

(ii) is set back outside of the marked lines or infrastructure dedicating a pedestrian crossing; and

(iii) does not involve the removal or relocation of, or damage to, a mature street tree, street furniture or utility infrastructure services.

(14b) Driveways and access points on sites with a frontage to a public road of 10 m or less have a width of between 3 and 3.2 m measured at the property boundary and are the only access points provided on the site.

(15) Driveways are designed and sited so that—

(a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport is not steeper than 1:4 on average; and

(b) the driveways are aligned relative to the street boundary so that there is no more than a 20 degree deviation from 90 degrees between the centreline of any dedicated car parking space to which it provides access (measured from the front of that space) and the street boundary.

(16) Development does not involve any of the following:

(a) excavation exceeding a vertical height of 1 m;

(b) filling exceeding a vertical height of 1 m;

(c) a total combined excavation and filling vertical height of 2 m or more.

(17) One of the following is satisfied:

(a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*;

(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

(18) A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development.

(19) Development is connected, or will be connected, to an approved common waste water disposal service with the capacity to meet the requirements of the development.

(20) Where the Native Vegetation Overlay or State Significant Native Vegetation Overlay under the Planning and Design Code applies in relation to the relevant site or allotment, the application is accompanied by—

(a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the *Native Vegetation Act 1991*, including any clearance that may occur—

(i) in connection with a relevant access point or driveway; or

(ii) within 20 m of a dwelling for fire prevention and control; or

(iii) within 50 m of residential accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area; or

(b) a report prepared in accordance with regulation 18(2)(a) of the *Native Vegetation Regulations 2017* that establishes that the clearance is categorised as Level 1 clearance.

(21) Terms used in this clause and in the Planning and Design Code have the same meaning in this clause as they have in the Code.

Schedule 6B—HomeBuilder development

1—Single storey additions and alterations

(1) The alteration of, or addition to, an existing detached or semi-detached dwelling, other than where the dwelling is situated on a battle-axe allotment, if—

(a) the alteration or addition is at, or relates to, the ground floor level of the dwelling and does not involve the construction or alteration of a mezzanine floor or a second or subsequent storey; and

(b) the alteration or addition will not result in the dwelling or any part of the dwelling being—

(i) nearer to an existing boundary of the primary street for the dwelling than the existing dwelling on the allotment; or

(ii) subject to subparagraph (i), nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the Planning and Design Code in relation to any road or portion of a road that constitutes the primary street frontage; or

(iii) subject to subparagraph (i), more than 1 m in front of—

(A) the average setbacks of any existing dwellings on any adjoining allotments with the same primary street frontage (or, if there is only 1 such dwelling, the setback of that dwelling); or

(B) if, on any adjoining allotments with the same primary street frontage, there are only existing buildings other than dwellings—the average setbacks of the buildings (or, if there is only 1 such building, the setback of that building); or

(iv) within 900 mm of a boundary of the allotment with a secondary street or, if a dwelling on any adjoining allotment is closer to the secondary street than 900 mm, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances); or

(v) if the size of the allotment is 300 m² or less—within 3 m of the rear boundary of the allotment (measured from the closest solid wall); or

(vi) if the size of the allotment exceeds 300 m²—within 4 m of the rear boundary of the allotment (measured from the closest solid wall); and

(c) if any side wall of the dwelling will exceed 3 m in height when measured from the top of the footings as a result of the development—the wall will be set back at least 900 mm from the boundary plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 m from the top of the footings; and

(d) in relation to any wall located on a side boundary associated with the development—

(i) the wall will not exceed 3 m in height when measured from the top of the footings; and

(ii) the wall will not exceed 8 m in length; and

(iii) the wall, when its length is added to the length of any other relevant walls or structures located on that boundary—

(A) will not result in all such relevant walls and structures exceeding a length equal to 45% of the length of the boundary; and

(B) will not be within 3 m of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure (in which case this subsubparagraph does not apply); and

(e) the dwelling is not being altered or added to so that—

(i) any part of the dwelling will exceed 9 m in height when measured from the top of the footings; or

(ii) any wall height will exceed 6 m when measured from the top of the footings; and

(f) the alteration or addition will not result in a contravention of the following minimum private open space requirements in respect of the site (with the site area including the area occupied by the relevant dwelling, any existing dwellings and any outbuildings or carports):

Site area	**Minimum area of private open space in site area**	**Minimum area of private open space at rear or side of relevant dwelling**
more than 501 m^2	80 m^2	24 m^2
between 301 m^2 and 501 m^2 (inclusive)	60 m^2	24 m^2
less than 301 m^2	24 m^2	24 m^2

(g) the development will not result in any dwelling wall not having a setback of at least 900 mm on at least 1 side boundary of the allotment; and

(h) if the development involves or incorporates the construction or alteration of a garage or carport, the garage or carport—

(i) is or will be set back at least 5.5 m from the primary street; and

(ii) is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and

(iii) will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 m in width; and

(iv) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 m wide along the boundary of the allotment; and

(v) is located so that vehicle access—

(A) will use an existing or authorised driveway or access point under section 221 of the *Local Government Act 1999*, including a driveway or access point for which consent under the Act or the repealed Act has been granted as part of an application for the division of land; or

(B) will use a driveway that—

- is not located within 6 m of an intersection of 2 or more roads or a pedestrian actuated crossing; and
- will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or

(C) will be via a kerb that is designed to allow a vehicle to roll over it; and

(vi) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when the work is completed is not steeper than 1:4 on average; and

(i) the development will not result in the removal of a place for the parking of a car or cars unless—

(i) in the case of a dwelling that will only have (or continue to have) 1 bedroom at the completion of the development—the dwelling will have at least 1 car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in paragraph (h) in relation to garages and carports; or

(ii) in the case of a dwelling that will have (or continue to have) 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces of which—

(A) 1 or more—

- must be, or must be able to be, enclosed or covered; and
- must comply with the requirements set out in paragraph (h) in relation to garages and carports; and

(B) 1 may consist of a driveway, provided that it complies with the requirements set out in paragraph (h) (except subparagraphs (i) and (ii) of that paragraph) as if it were a garage or carport; and

(j) the circumstances are such that the total roofed area of buildings on the allotment will not exceed 60% of the total area of the allotment; and

(k) the development does not involve—

(i) excavation exceeding a vertical height of 1 m; or

(ii) filling exceeding a vertical height of 1 m,

and if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 m; and

(l) the development will not be built, or will not encroach, on an area that is, or will be, required for a wastewater system which complies with the requirements of the *South Australian Public Health Act 2011*.

(2) For the purposes of this clause—

(a) in calculating private open space—

(i) any area at ground level at the front of the dwelling will not be included; and

(ii) in the case of private open space at ground level—

(A) the area of any verandah, pergola, patio or any other covered outdoor area may comprise up to 50% of the private open space; and

(B) each private open space area (other than an area referred to in subsubparagraph (A)) must have a width of at least 2.5 m; and

(iii) any balcony must have a width of at least 2 m; and

(b) the primary street in relation to an existing or proposed building on a site is—

(i) in the case of a site that has a frontage to only 1 road—that road; or

(ii) in the case of a site that has a frontage to 2 roads—

(A) if a corner allotment containing an existing building continues, following a division of that allotment, to be a corner allotment containing that building—the same primary street as applied immediately before that division; or

(B) subject to subsubparagraph (A), if the frontages are identical in length—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; or

(C) subject to subsubparagraph (A), if the frontages are different lengths—the road in relation to which the site has a shorter frontage; or

(iii) in any other case—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(c) a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated (or to be situated).

(3) In this clause—

battle-axe allotment means an allotment or site that comprises—

(a) a driveway (and any related open space) that leads back from a road to the balance of the allotment or site; and

(b) a balance of the allotment or site that is the principal part of the allotment or site and that does not have a boundary with a road;

building line, in relation to a building on a site, means a line drawn parallel to the wall on the building closest to the boundary of the site that faces the primary street (and any existing projection from the building such as a carport, verandah, porch or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building);

habitable room means a room used for domestic activities but does not include a bathroom, laundry, hallway, lobby or other service or access area or space that is not occupied for extended periods;

relevant wall or structure means any wall or structure that is due to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence or retaining wall between the relevant allotment and an adjoining allotment;

road has the same meaning as in the *Local Government Act 1999* but does not include an alley, lane or right of way.

2—New dwellings

(1) If in connection with the relevant application for development authorisation—

(a) the applicant has indicated that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than if the previous use or activity was for residential purposes; or

(b) the relevant authority has reason to believe that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than if the previous use or activity was for residential purposes,

this clause will not apply unless—

(c) the applicant is able to furnish, or the relevant authority is in possession of, a site contamination audit report under Part 10A of the *Environment Protection Act 1993* to the effect—

(i) that site contamination does not exist (or no longer exists) at the allotment; or

(ii) that any site contamination at the allotment has been cleared or addressed to the extent necessary to enable the allotment to be suitable for unrestricted residential use; or

(d) consent under the Act or the repealed Act was granted on or after 1 September 2009 in relation to the division of the land.

(2) Insofar as this clause applies to a site that does not comprise an entire allotment—

(a) the minimum site area and any minimum frontage requirements specified in the Planning and Design Code apply in relation to the site and any balance of the allotment (and if the relevant requirement in the Planning and Design Code specifies different minimum site areas and minimum frontage requirements for detached and semi-detached dwellings respectively, the areas and frontage requirements that are lesser in size are to be taken to be the minimum site area and minimum frontage requirements for the purposes of this paragraph); and

(b) if there is an existing dwelling on the allotment (which will remain on the allotment after completion of the development)—

(i) the construction will not result in a contravention of the following minimum private open space requirements in respect of the site (with the site area including the area occupied by the relevant dwelling, any existing dwellings and any outbuildings or carports):

Site area	**Minimum area of private open space in site area**	**Minimum area of private open space at rear or side of relevant dwelling**
more than 501 m^2	80 m^2	24 m^2
between 301 m^2 and 501 m^2 (inclusive)	60 m^2	24 m^2
less than 301 m^2	24 m^2	24 m^2

(ii) in the case of—

(A) a dwelling that will only have 1 bedroom at the completion of the development—the dwelling will have at least 1 car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in subparagraph (iii) in relation to garages and carports; or

(B) a dwelling that will have 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces of which—

- 1 or more must be, or must be able to be, enclosed or covered and must comply with the requirements set out in subparagraph (iii) in relation to garages and carports; and
- 1 may comprise a driveway, provided that it complies with the requirements set out in subparagraph (iii) (except subsubparagraph (A) and (B)) as if it were a garage or carport; and

(iii) in relation to any proposed garage or carport, the garage or carport—

(A) will be set back at least 5.5 m from the primary street; and

(B) is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and

(C) will not have an opening or openings for vehicle access that exceed, in total, 7 m in width; and

(D) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 m wide along the boundary of the allotment; and

(E) is located so that vehicle access—

- will use an existing driveway or a driveway authorised under section 221 of the *Local Government Act 1999* (including a driveway for which consent under the Act or the repealed Act has been granted as part of an application for the division of land); or
- will use a driveway that is not located within 6 m of an intersection of 2 or more roads or a pedestrian actuated crossing and will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
- will be via a kerb that is designed to allow a vehicle to roll over it; and

(F) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:4 on average.

(3) Construction of or in relation to a new dwelling, other than where the dwelling is to be situated on a battle-axe allotment (or as indicated in a preceding subclause), if—

(a) the construction will not result in the dwelling or any part of the dwelling being—

(i) nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the Planning and Design Code in relation to any road or portion of a road that constitutes the primary street frontage; or

(ii) more than 1 m in front of—

(A) the average setbacks of any existing dwellings on any adjoining allotments with the same primary street frontage (or, if there is only 1 such dwelling, the setback of that dwelling); or

(B) if, on any adjoining allotments with the same primary street frontage, there are only existing buildings other than dwellings—the average setbacks of the buildings (or, if there is only 1 such building, the setback of that building); or

(iii) within 900 mm of a boundary of the allotment with a secondary street or, if a dwelling on any adjoining allotment is closer to the secondary street than 900 mm, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances); or

(iv) if the size of the site is less than 301 m²—

(A) in relation to the ground floor of the dwelling—within 3 m of the rear boundary of the site (measured from the closest solid wall); or

(B) in relation to any other storey of the dwelling—within 5 m of the rear boundary of the site; or

(v) if the size of the site is 301 m² or more—

(A) in relation to the ground floor of the dwelling—within 4 m of the rear boundary of the site (measured from the closest solid wall); or

(B) in relation to any other storey of the dwelling—within 6 m of the rear boundary of the site; and

(b) the following provisions apply in relation to dwelling setback, and dwelling wall height, on a side boundary unless the side boundary itself is or is to be comprised of a wall of a building on an adjoining allotment (in which case this paragraph does not apply):

(i) if any side wall of the dwelling will exceed 3 m in height when measured from the top of the footings—the wall will be set back at least 900 mm from the boundary of the site plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 m from the top of the footings;

(ii) in relation to any dwelling wall to be located on a side boundary of the site associated with the development—

(A) the wall will not exceed 3 m in height when measured from the top of the footings; and

(B) the wall will not exceed 8 m in length; and

(C) the wall, when its length is added to the length of any other relevant dwelling walls or structures located on that boundary—

- will not result in all such walls and structures exceeding a length equal to 45% of the length of the boundary; and
- will not be within 3 m of any other relevant wall or structure located along the boundary; and

(c) if any side wall of the dwelling that faces south and the development includes building work in relation to an upper storey, other than where the boundary on that side of the building is with a secondary street, the setback of any upper storey component is to be—

(i) if paragraph (b)(i) applies—at least the same as the setback required under that provision plus 1 m; or

(ii) in any other case—at least 1 m from the side wall; and

(d) the dwelling is not constructed so that—

(i) any part of the dwelling will exceed 9 m in height when measured from the top of the footings; or

(ii) any wall height will exceed 6 m when measured from the top of the footings; and

(e) the construction will not result in a contravention of the following minimum private open space requirements in respect of the site (with the site area including the area occupied by the relevant dwelling, any existing dwellings and any outbuildings or carports):

Site area	**Minimum area of private open space in site area**	**Minimum area of private open space at rear or side of relevant dwelling**
more than 501 m^2	80 m^2	24 m^2
between 301 m^2 and 501 m^2 (inclusive)	60 m^2	24 m^2
less than 301 m^2	24 m^2	24 m^2

(f) a dwelling wall will have a setback of at least 900 mm on at least 1 side boundary of the site; and

(g) in relation to any upper storey window that will face a side or rear boundary of the site, other than in relation to any such boundary that adjoins a road (including any road reserve) or a reserve (including any land held as open space) that has a width exceeding 15 m—

(i) the sill height will be at least 1.5 m above the finished floor level; or

(ii) the window will have permanently obscure glazing in any part of the window below 1.5 m above the finished floor level and, if it is capable of being opened, the window will not be capable of being opened more than 200 mm; and

(h) the dwelling will not have a balcony or terrace on an upper storey, other than where the longest side of that balcony or terrace will face a road (including any road reserve), or reserve (including any land held as open space), that is at least 15 m wide at all places to be faced by the dwelling; and

(i) in relation to any proposed garage or carport, the garage or carport—

(i) will be set back at least 5.5 m from the primary street; and

(ii) is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and

(iii) will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 m in width; and

(iv) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 m wide along the boundary of the allotment; and

(v) is located so that vehicle access—

(A) will use an existing driveway or a driveway authorised under section 221 of the *Local Government Act 1999* (including a driveway for which consent under the Act or the repealed Act has been granted as part of an application for the division of land); or

(B) will use a driveway that—

- is not located within 6 m of an intersection of 2 or more roads or a pedestrian actuated crossing; and
- will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or

(C) will be via a kerb that is designed to allow a vehicle to roll over it; and

(vi) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:4 on average; and

(j) in the case of—

(i) a dwelling that will only have 1 bedroom at the completion of the development—the dwelling will have at least 1 car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in paragraph (i) in relation to garages and carports; or

(ii) a dwelling that will have 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces of which—

(A) 1 or more—

- must be, or must be able to be, enclosed or covered; and
- must comply with the requirements set out in paragraph (i) in relation to garages and carports; and

(B) 1 may comprise a driveway, provided that it complies with the requirements set out in paragraph (i) (except paragraph (i)(i) and (ii)) as if it were a garage or carport; and

(k) the dwelling will have at least 1 habitable room window facing the primary street; and

(l) the development will not result in the total roofed area of all buildings on the allotment exceeding 60% of the total area of the allotment; and

(m) the development does not involve—

(i) excavation exceeding a vertical height of 1 m; or

(ii) filling exceeding a vertical height of 1 m,

and if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 m; and

(n) in relation to the site—that the site is, for the purposes of a dwelling, capable of being connected to a wastewater system (being a system which complies with the requirements of the *South Australian Public Health Act 2011*); and

(o) the development will not be built, or will not encroach, on an area that is, or will be, required for a wastewater system which complies with the requirements of the *South Australian Public Health Act 2011*.

(4) For the purposes of this clause—

(a) a side wall faces south if the wall has an axis perpendicular to its surface orientated south 30° west to south 20° east; and

(b) in calculating private open space—

(i) any area at ground level at the front of the proposed dwelling or any existing dwelling on the site will not be included; and

(ii) in the case of private open space at ground level—

(A) the area of any verandah, pergola, patio or any other covered outdoor area may comprise up to 50% of the private open space; and

(B) each private open space area (other than an area referred to in subsubparagraph (A)) must have a width of at least 2.5 m; and

(iii) any balcony must have a width of at least 2 m; and

(c) the placing of a transportable dwelling will be taken to constitute the construction of a new dwelling; and

(d) the primary street in relation to an existing or proposed building on a site is—

(i) in the case of a site that has a frontage to only 1 road—that road; or

(ii) in the case of a site that has a frontage to 2 roads—

(A) if a corner allotment containing an existing building continues, following a division of that allotment, to be a corner allotment containing that building—the same primary street as applied immediately before that land division; or

(B) subject to subsubparagraph (A), if the frontages are identical in length—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; or

(C) subject to subsubparagraph (A), if the frontages are different lengths—the road in relation to which the site has a shorter frontage; or

(iii) in any other case—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the *Local Government Act 1999*; and

(e) a secondary street in relation to a dwelling is any road, other than the primary street, that shares a boundary with the allotment on which the dwelling is to be situated.

(5) In this clause—

battle-axe allotment means an allotment or site that comprises—

(a) a driveway (and any related open space) that leads back from a road to the balance of the allotment or site; and

(b) a balance of the allotment or site that is the principal part of the allotment or site and that does not have a boundary with a road;

building line, in relation to a building on a site, means a line drawn parallel to the wall on the building closest to the boundary of the site that faces the primary street (and any existing projection from the building such as a carport, verandah, porch or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building);

habitable room means a room used for domestic purposes but does not include a bathroom, laundry, hallway, lobby or other service or access area or space that is not occupied for extended periods;

relevant wall or structure means any wall or structure that is due to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence or retaining wall between the relevant allotment and an adjoining allotment;

road has the same meaning as in the *Local Government Act 1999* but does not include an alley, lane or right of way;

south means true south.

Schedule 7—Complying building work

1—Dams

The construction, alteration or removal of a dam on land used for farming purposes, except where the dam is of masonry construction.

2—Pergolas

The construction of a pergola associated with an existing dwelling (whether attached to the building or freestanding)—

(a) which does not have a solid roof; and

(b) each freestanding side of which is open; and

(c) no part of which is higher than 4 m above the ground.

3—Demolition

The demolition of the whole of a building in respect of—

(a) a local heritage place; or

(b) a building in a zone, subzone or overlay identified under the Planning and Design Code for the purposes of Schedule 4 clause 10(b).

4—Alterations

An alteration to a building—

(a) that does not involve the demolition of any part of the building (other than the removal of the fixtures, fittings or non load-bearing partitions); and

(b) that will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and

(c) that is not inconsistent with any other provision of this Schedule.

5—Building work outside council area

Building work in relation to a Class 10 building under the Building Code which is not within the area of a council, other than building work within a township or 50 m from the boundary of a township.

6—Haysheds etc

The construction of—

(a) a hayshed or implement shed not exceeding 500 m^2 in total floor area; or

(b) a Class 10a building under the Building Code not exceeding 25 m^2 in total floor area,

where the hayshed, implement shed or Class 10a building—

(c) will be at least 50 m from any allotment boundary; and

(d) will be within a zone, subzone or overlay primarily designated for rural, farming, horticultural, primary industry or primary production use under the Planning and Design Code and within a part of the State outside the areas of the following councils:

(i) Adelaide Plains Council;

(ii) The Barossa Council;

(iii) Barunga West Council;

(iv) The District Council of Ceduna;

(v) Clare and Gilbert Valleys Council;

(vi) The Coorong District Council;

(vii) Town of Gawler;

(viii) Regional Council of Goyder;

(ix) Light Regional Council;

(x) Mid Murray Council;

(xi) The District Council of Mount Remarkable;

(xii) City of Playford;

(xiii) City of Salisbury;

(xiv) City of Victor Harbor;

(xv) Wakefield Regional Council;

(xvi) The District Council of Yankalilla.

7—Stockyards

The construction of a stockyard (including any associated ramp or facility for loading stock onto a vehicle), but not including any walkway or steps.

8—Sundry minor operations

(1) The construction or alteration of any of the following (including any incidental excavation or filling):

(a) an outbuilding in which human activity is secondary, and which has a total floor area not exceeding 15 m^2, no roof span (being the horizontal distance between supporting walls, posts or columns of the outbuilding) exceeding 3 m, and no part of the building higher than 2.5 m above the natural surface of the ground; or

(b) a fence not exceeding 2.1 m in height, or 1 m in the case of a masonry wall or fence (both measured from the lower of the 2 adjoining finished ground levels), other than—

(i) a safety fence for a swimming pool which is approved for construction, or requires approval for construction, on or after 1 July 1993; or

(ii) a brush fence that is (or is to be) closer than 3 m to an existing or proposed Class 1 or 2 building under the Building Code, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the Building Code) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

(c) —

(i) a windmill; or

(ii) a flagpole,

which is not attached to a building and is not more than 10 m in height, or which is attached to a building and is not more than 4 m in height above the topmost point of attachment to the building, exclusive of guy wires; or

(d) a retaining wall which retains a difference in ground levels not exceeding 1 m; or

(e) a water tank (and any supporting structure) which—

(i) is part of a roof-drainage system; and

(ii) has a total floor area not exceeding 15 m^2 and a total volume not exceeding 60 000 L; and

(iii) is located wholly above ground; and

(iv) has no part higher than 4 m above the natural surface of the ground; or

(f) a temporary builder's office, shed, store or other similar building—

(i) that is used for the purpose of storing materials or documents, providing amenities for workers, or for any other purpose connected with the performance of building work, other than to provide overnight accommodation; and

(ii) that is to be removed at the completion of the relevant building work; and

(iii) that is positioned on the ground and totally within the site of the building work; or

(g) an electricity powerline or any associated structure.

(2) In this clause—

brush means—

(a) Broombrush (*Melaleuca uncinata*); and

(b) any other form of dried vegetation material that has similar fire characteristics to *brush*;

brush fence includes—

(a) a fence that is predominantly constituted by brush; and

(b) a gate that is predominantly constituted by brush.

9—Aquaculture

The construction in coastal waters of an offshore marine aquaculture structure that is embedded in the sea bed or moored from a mooring point embedded in the sea bed.

10—Aerials, towers etc

(1) Other than in respect of a local heritage place, the construction, alteration or extension of prescribed infrastructure (including any incidental excavation or filling) if the total height of the prescribed infrastructure, when constructed, altered or extended, will not exceed (taking into account attachments (if any))—

(a) in the case of prescribed infrastructure not attached to a building—10 m;

(b) in the case of prescribed infrastructure attached to a building—4 m above the topmost point of attachment to the building, disregarding any attachment by guy wires.

(2) In this clause—

building does not include prescribed infrastructure;

prescribed infrastructure has the same meaning as in Schedule 4 clause 13.

11—Railways

(1) Other than in respect of a local heritage place, building work undertaken for the purposes of the construction, alteration, extension, repair or maintenance of railway track (including track for a siding or a crossing or passing loop), other than building work associated with a new bridge or tunnel.

(2) In this clause—

bridge includes a bridge designed to be used by—

(a) vehicles other than trains; or

(b) people.

12—Temporary accommodation in area affected by bushfire

The construction or placement of a building or structure on land on which a dwelling, or part of a dwelling, has been destroyed or significantly damaged by a bushfire if—

(a) the building or structure is to be used as accommodation by the owner of the land; and

(b) the building or structure is a minimum of 20 m from any remaining or regenerating cluster of vegetation (whether that vegetation is on the land or on adjoining land); and

(c) the owner of the land complies with any requirements of the South Australian Country Fire Service relating to the maintenance of a clearance area between the temporary accommodation and any remaining or regenerating cluster of vegetation; and

(d) the building or structure is to be used as accommodation—

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

(ii) until a Class 1a building on the land is able to be occupied in accordance with Part 11 Division 3 or 4,

whichever occurs first; and

(e) the building or structure complies with the following requirements:

(i) the requirements in—

(A) the relevant clauses of Part 2.1 of the Housing Provisions of the National Construction Code; and

(B) clause P2.2.2 of the Housing Provisions of the National Construction Code; and

(C) clause P2.4.3 of the Housing Provisions of the National Construction Code;

(ii) —

(A) if the site is connected to mains water—the land on which the building or structure is constructed or placed has a 2 000 L dedicated fire fighting water supply with a tap; or

(B) if the site is not connected to mains water—the land on which the building or structure is constructed or placed has a 5 000 L dedicated fire fighting water supply with a tap;

(iii) waste water is disposed of through, or connected to, an approved wastewater system, SA Water sewer or council community wastewater system;

(iv) all smoke alarms required under clause P2.3.2 of the Housing Provisions of the National Construction Code are installed and tested;

(v) the building or structure is fitted with a fire extinguisher.

Schedule 8—Plans

1—Plans for development ancillary to dwellings

An application for planning consent that relates to an outbuilding, carport, garage, verandah, deck, fence, retaining wall or pergola (or any other development ancillary to a dwelling not within the ambit of clause 3) must be accompanied by—

(a) a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the boundaries and dimensions of the site; and

(ii) the position of any existing or proposed building on the site; and

(iii) the minimum distance between the proposed building or structure and the front, side and rear boundaries of the site; and

(iv) the location of any regulated tree on the site or on adjoining land that might be affected by the work, or that might affect the work, proposed to be performed; and

(v) if the proposed building is to be a garage or carport—the location and finished ground level at each end of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; and

(vi) the location of car parking spaces on the site; and

(vii) the north point; and

(viii) the location of any existing or proposed tanks and areas where the disposal of sewage may soak into the ground for an on-site sewerage or waste disposal system installed or to be installed in compliance with the *South Australian Public Health Act 2011*; and

(ix) details of soft landscaping and the percentage of the site that is pervious to water; and

(b) a plan drawn to scale—

(i) in the case of a garage or outbuilding—showing the floor plan of the garage or outbuilding, its dimensions and the location of any windows or doors; or

(ii) in any other case—showing the dimensions of the structure and its attachment or relationship to the existing dwelling; and

(c) elevation drawings, drawn to scale (including appropriate bar and ratio scales), of building heights in relation to any relevant or proposed building or structure that show—

(i) the front, rear and side views of the proposed building or structure; and

(ii) the existing ground level, proposed floor level (if relevant), roof pitch and building or structure height (both to the gutters and to the maximum roof ridge); and

(d) a schedule of colours for any cladding.

2—Plans for applications seeking planning consent for new buildings or structures or extensions to existing buildings

(1) An application for planning consent that proposes building work not within the ambit of Schedule 8 clause 1 or 3 must be accompanied by—

(a) a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the boundaries and dimensions of the site; and

(ia) the boundaries and dimensions of any proposed sites (after completion of the proposed development) and, if the application provides for an area of common or community land, the boundaries of such land; and

(ii) the position of any existing or proposed building on the site; and

(iii) the minimum distance between any proposed building and the front, side and rear boundaries of the site; and

(iv) existing ground and floor levels (if relevant), and proposed finished floor levels and proposed site (or "bench") levels, including in relation to the top of any kerb level, showing the height and location of any earthworks or retaining walls (if relevant); and

(v) the location of any regulated tree on the site or on adjoining land that might be affected by the work, or that might affect the work, proposed to be performed; and

(vi) the location and dimension of car parking spaces before and after completion of the proposed development; and

(vii) if a proposed building is to be or incorporate a garage or carport—the location and finished ground level at each end of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; and

(viii) the north point; and

(ix) the location of any existing or proposed tanks and areas where the disposal of sewage may soak into the ground for an on-site sewerage or waste disposal system installed or to be installed in compliance with the *South Australian Public Health Act 2011*; and

(x) the amount and location of private open space that will exist on the site after completion of the development, including details of any fencing around areas of private open space; and

(xi) the location and capacity of any proposed water tank, the connection type, the total roof area to be connected to the tank and the proportion of the tank to be used for retention or detention; and

(xii) if a new or modified driveway or access point is proposed, the width of the vehicle crossover, the driveway width at the front boundary, the minimum and maximum driveway widths and the location of any street furniture, infrastructure or tree within the road reserve abutting the property; and

(xiii) the location and species of any tree to be planted and any tree to be retained on the site; and

(xiv) details of soft landscaping and the percentage of the site that is pervious to water; and

(b) a floor plan drawn to scale, showing—

(i) the location and purpose of rooms and other areas at the completion of the development; and

(ii) the internal dimensions of any proposed carport or garage; and

(iii) the roof area, including any eaves and verandahs; and

(c) elevation drawings, drawn to scale (including appropriate bar and ratio scales), in relation to any relevant or proposed building, showing—

(i) the elevation of each side of each proposed building; and

(ii) existing and proposed ground levels; and

(iii) proposed internal floor levels (relative to adjacent ground levels); and

(iv) ceiling heights; and

(v) in relation to the roof—

(A) the height (relative to the adjacent ground level) of the eaves and the ridge; and

(B) the pitch; and

(vi) the dimensions of proposed eave overhangs; and

(vii) the dimensions of proposed external doors and windows; and

(ix) a description of proposed measures to be applied to any windows (other than ground level windows) or balconies designed to provide for privacy; and

(e) in the case of an application proposing development located in a bushfire prone area—a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the location of an existing or proposed asset protection zone; and

(ii) the surface materials of any existing or proposed driveway; and

(iii) the gradient of the transition area between the public road and any existing or proposed driveway, the gradients of the driveway, and the cross fall of the driveway; and

(f) in the case of an application proposing a deemed-to-satisfy development for a new dwelling that is serviced by an on-site wastewater treatment system, including where a connection to a community wastewater management system is required—evidence that the wastewater treatment or management system has been granted a wastewater works approval under the *South Australian Public Health (Wastewater) Regulations 2013*; and

(g) in the case of an application proposing development located in the Native Vegetation Overlay or State Significant Native Vegetation Overlay in the Planning and Design Code—

(i) if native vegetation is proposed to be cleared—a report prepared in accordance with regulation 18(2)(a) of the *Native Vegetation Regulations 2017* that establishes that the clearance is categorised as Level 1, 2, 3 or 4 clearance in accordance with guidelines established by the Native Vegetation Council for the purposes of applications to clear native vegetation under the *Native Vegetation Act 1991*; or

(ii) in any other case—a declaration stating that the proposal will not involve clearance of native vegetation under the *Native Vegetation Act 1991*; and

(h) in the case of an application proposing development which uses an existing or proposed access point from a road affected by the Key Outback and Rural Routes Overlay, Major Urban Transport Routes Overlay or Urban Transport Routes Overlay under the Planning and Design Code, or within 25 m of such a road—a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the location and dimensions of all access points (noting whether an access point is located on a section of road affected by double barrier lines between edges of the access points); and

(ii) the expected number of vehicle movements per day; and

(iii) the expected maximum vehicle length for vehicles expected to access the site; and

(iv) in respect of the largest vehicle expected to access the site—

(A) vehicle turning profiles demonstrating entry and exit movements and on-site circulation (if required); and

(B) the angle of vehicle access crossing the property boundary; and

(v) the distance of unobstructed line of sight to and from any new access point for vehicles entering and exiting the access point; and

(vi) the distance between each access point and the nearest—

(A) public road junction or terminating or merging lane on a public road; and

(B) access point to or from a private road; and

(C) internal (on-site) driveway, intersection, car parking space, gate or other internal obstruction to vehicle movement; and

(D) roadside infrastructure or tree.

2AA—Plans for applications seeking planning consent for co-located housing

(1) An application seeking planning consent for a co-located housing development must be accompanied by—

(a) a site plan, drawn to scale, including appropriate bar and ratio scales, showing—

(i) the footprints of the dwellings on the site and those of any dwellings on immediately adjoining land that is not part of the co-located housing; and

(ii) the location of any common outdoor areas, private outdoor areas, shared car parking spaces, rubbish bin storage, washing lines or other shared facilities; and

(iii) if any existing buildings or structures are to be removed or demolished to accommodate the proposed development—the current location of those buildings or structures; and

(b) a community scheme description in relation to the proposed co-located housing contemplated by the co-located housing development, which must include the following information:

(i) the name of the co-located housing;

(ii) an identification of the proposed community parcel and the lots and common property into which the parcel is to be divided under the *Community Titles Act 1996*;

(iii) a description of the purpose or purposes for which the lots and common property may be used;

(iv) the standard of buildings and other improvements (if any) to be, or which may be, erected on or made to the lots or common property, and the time expected for their completion;

(v) a description of the nature and scope of any improvements to be made to the community lots and common property;

(vi) any other important features of the scheme; and

(c) a floor plan drawn to scale of all dwellings that form part of the co-located housing contemplated by the co-located housing development, showing the location or proposed location of fixed and loose furniture.

(2) In this clause—

co-located housing development means a change in use of land, division of land, or any building work to alter or construct dwellings on that land, for the purposes of creating co-located housing;

community scheme description means a description of the co-located housing and the proposed division of land in a form approved by the Minister and published on the SA planning portal.

2A—Site contamination reports required for certain applications

(1) This clause applies to an application for planning consent if—

(a) unless paragraph (b) applies, the application proposes a change in the use of land to a more sensitive use; or

(b) in the case of land division—the application proposes a sensitive use.

(2) Subject to this clause, an application to which this clause applies must be accompanied by—

(a) a site contamination declaration form; and

(b) a preliminary site investigation report; and

(c) a copy of the certificate of title in relation to the land; and

(d) any site contamination audit report that has been prepared in relation to the land.

(3) A preliminary site investigation report is not required to accompany an application to which this clause applies if—

(a) a site contamination audit report has been prepared in relation to the land within the previous 5 years which states that—

(i) site contamination does not exist (or no longer exists) at the land; or

(ii) the land is suitable for the proposed use or uses (without the need for any further remediation); or

(iii) where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been undertaken or will be undertaken, and the applicant has provided a written undertaking that the remediation works will be undertaken in association with the development; and

(b) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as declared in the site contamination declaration form); and

(c) the application is accompanied by a copy of the site contamination audit report.

(4) A site contamination declaration form and preliminary site investigation report—

(a) must comply with any requirements specified by the Commission; and

(b) must be prepared by a site contamination consultant or a site contamination auditor (and the relevant authority cannot require that the form or report only be prepared by a site contamination auditor); and

(c) in the case of a site contamination declaration form—must be in the form determined by the Commission for the purposes of this clause.

(5) Any requirements specified by the Commission under subclause (4)(a) and the form determined under subclause (4)(c) must be published in the site contamination practice direction or another instrument published by the Commission on the SA planning portal.

3—Plans for swimming pools

An application for planning consent that involves a swimming pool must be accompanied by a plan of the proposed swimming pool, drawn to scale (including appropriate bar and ratio scales), showing—

(a) proposed setbacks from the boundaries of the site; and

(b) the location of the pump and other equipment and details of any enclosure in which the pump or other equipment is to be located, including a description of the material comprising the enclosure; and

(c) the location of any existing or proposed tanks for an on-site sewerage or waste disposal system installed or to be installed (as the case may be) in compliance with the *South Australian Public Health Act 2011*.

4—Plans for building work

(1) An application for building consent must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site and any relevant easements; and

(ii) the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(iii) the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and

(iv) the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and

(v) the method of drainage and services proposed to be used; and

(vi) if the building work falls within the category of accepted development and involves a garage or carport—the location and gradient of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*; and

(vii) the location of any regulated tree on the site or on adjoining land; and

(viii) the approximate north point; and

(ix) the location of any existing or proposed tanks for an on-site sewerage or waste disposal system installed or to be installed (as the case may be) in compliance with the *South Australian Public Health Act 2011*; and

(b) drawings showing—

(i) a dimensioned plan of each floor level, drawn to a scale of not less than 1:200; and

(ii) dimensioned elevations and sections of any proposed building, drawn to a scale of not less than 1:200; and

(iii) the sizes and locations of footings and other structural components, drawn to a scale of not less than 1:200; and

(iv) such other details as may be necessary, drawn to a scale of not less than 1:200; and

(c) specifications describing materials and standards of work and, where not indicated on the drawings referred to in paragraph (b), such other information as may be necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the Act and these regulations and provide satisfactory levels of safety on or about the site; and

(d) calculations or reports to show that the building work will, if performed in accordance with the calculations and reports, comply with the Act and these regulations; and

(e) details in writing of any foundation investigations that have been carried out; and

(f) if the building work falls within the category of accepted development—

(i) if a vehicle access point is to be established—if relevant, documentary evidence that it has been authorised under section 221 of the *Local Government Act 1999*; and

(ii) information about the material and colour of any cladding that is to be used; and

(g) if the building work involves the construction or alteration of, or addition to—

(i) a swimming pool or spa pool; or

(ii) a safety fence or barrier for a swimming pool or spa pool,

details relating to the proposed swimming pool, spa pool, fence or barrier (as the case requires), including, in the case of the construction of a swimming pool, a plan of the proposed swimming pool, drawn to a scale of not less than 1:200 (including appropriate ratio scales), showing—

(iii) the dimensions of the swimming pool and swimming pool safety features; and

(iv) proposed setbacks from the boundaries of the site; and

(v) the location of the pump and other equipment; and

(h) if the building work involves the construction or alteration of, or addition to, a retaining wall, a plan of the proposed retaining wall, drawn to a scale of not less than 1:200, including appropriate ratio scales—

(i) showing the location and dimensions of the proposed retaining wall, specifying the minimum and maximum height of the wall of relevant points; and

(ii) showing elevation drawings, drawn to scale, being a scale of not less than 1:200 (including appropriate ratio scales), showing a side view of the wall, existing ground level and minimum and maximum wall heights; and

(iii) describing the material comprising the retaining wall; and

(i) if the building work involves the installation, alteration, relocation or removal and reinstatement of a roof truss within the ambit of the Minister's Schedule 8 list of roof truss information—the details relating to the truss required by the Minister's Schedule 8 list of roof truss information; and

(j) if the building work—

(i) relates to a building, or class of building, designated by the Minister by notice published in the Gazette; and

(ii) involves the use of a building product, or kind of building product, designated by the Minister in the notice in circumstances specified in that notice,

—the details relating to the building product required by the Minister in that same notice.

(2) An application for building consent for development consisting of or involving the demolition or removal of a building (or part of a building) must be accompanied by—

(a) a description in writing of the construction of the building (or relevant part) to be demolished or removed; and

(b) a site plan showing the location of the building in relation to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(c) if only part of a building is to be demolished or removed, calculations or other information in writing to show that the remainder of the building will comply with the Act and these regulations, either as the building remains after the proposed demolition or removal takes place, or after other building work is performed; and

(d) a description in writing of the demolition procedure, including details of the measures to be taken to provide satisfactory levels of safety on or about the site.

(3) An application for building consent for development consisting of or involving an alteration to a building must, if—

(a) the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or

(b) the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,

be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the relevant authority may reasonably require to show that the entire building will, on completion of the building work, comply with the requirements of the Act and these regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.

(4) An application for the assessment of proposed building work in stages must—

(a) in the case of an application for consent to the siting of, excavation and filling for, and general arrangements of, a proposed building, be accompanied by—

(i) a site plan, drawn to a scale of not less than 1:500, showing—

(A) the boundaries and dimensions of the site and any relevant easements; and

(B) the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and

(C) the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and

(D) the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and

(E) the method of drainage and services proposed to be used; and

(ii) elevational drawings of the proposed building showing its relation to the ground levels of the site; and

(iii) plans and specifications showing the extent of excavation or filling to be carried out; and

(b) in the case of an application for consent to the construction of the substructure of a building, be accompanied by—

(i) the documents referred to in subclause (1)(b), (c), (d) and (e) (but relating to the substructure only); and

(ii) such other documents as may be necessary to enable the extent of the superstructure to be determined; and

(c) in the case of an application for approval of the construction of the superstructure of a building, be accompanied by the documents referred to in subclause (1)(b), (c) and (d).

(5) If a development involves—

(a) the construction of a fence closer than 3 m to an existing or proposed Class 1 or 2 building under the Building Code; or

(b) the construction of a Class 1 or 2 building under the Building Code closer than 3 m to an existing or proposed fence,

at least 1 plan or other document provided for the purposes of a preceding subclause must describe or indicate the material that makes up, or is proposed to make up, the fence (as the case requires).

(6) For the purposes of subclause (5), the distance of 3 m will be measured from any part of an existing or proposed fence and from any part of an existing or proposed external wall of the relevant building (being an external wall within the meaning of the Building Code).

(7) In subclause (1)—

Minister's Schedule 8 list of roof truss information means a list of roof truss information published by the Minister in the Gazette for the purposes of subclause (1)(i).

(8) In subclause (5)—

construction—

(a) in relation to a fence—includes an alteration of, or addition to, a fence but does not include the repair of an existing fence that does not enlarge or extend the fence; and

(b) in relation to a Class 1 or 2 building—means building or re-building, erecting or re-erecting, or extending or altering, the building.

5—Requirements for development near coast

If a development is to be undertaken on a site any part of which is in the Coastal Areas Overlay under the Planning and Design Code, the following particulars must be shown on the plan:

(a) the distance from high water mark to the nearest point or points where buildings suitable for human occupation are likely to be constructed; and

(b) the surface profile of the natural surface between high water mark and the points where buildings suitable for human occupation are likely to be constructed, at intervals of 30 m, together with a written description of the nature of the exposed surface along that profile.

6—Statement relating to electricity infrastructure

(1) An application relating to development that would involve the construction of a building may be accompanied by a declaration by or on behalf of the applicant to the effect that the erection of the building would not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.

(2) Subclause (1) does not apply to a development that is intended only to house, or that constitutes, electricity infrastructure (within the meaning of the *Electricity Act 1996*) (so that an application relating to such a development is not required to be accompanied by the declaration referred to in that subclause).

(3) The declaration must be in a form determined by the Chief Executive and published on the SA planning portal.

7—Requirements for general land division applications for development approval—proposal plans

(1) This clause does not apply with respect to a division of land which is deemed-to-satisfy development under the Planning and Design Code.

Note—

Only a "final plan" is required for a division of land which is deemed-to-satisfy development under the Planning and Design Code.

(2) A plan which provides for the division of land must—

(a) show the following particulars:

(i) all allotments, roads, streets, thoroughfares and reserves into which the land is proposed to be divided, marked with distinctive numbers, names or symbols, the measurements and areas of the proposed allotments and reserves, the widths of all proposed roads, streets or thoroughfares, and the total area (bounded by a firm, clear line) of the land proposed to be divided;

(ii) the names, widths and alignments of abutting, existing or proposed roads, streets and thoroughfares and of any existing or proposed roads, streets or thoroughfares intersecting or forming a junction therewith;

(iii) the former subdivisional and section boundaries and the number of those subdivisions and sections all shown by broken lines;

(iv) the north point, the scale of the plan, the names of each owner of land and agent, and references to the volumes and folios of all certificates of title relating to the land proposed to be divided;

(v) a heading which contains a description of the land being divided by reference to any relevant Lands Titles Registration Office or General Registry Office plan showing the block or allotment number, the section number and the name of the hundred, and, in addition—

(A) if the division is lodged within the boundaries of a named area assigned pursuant to the *Geographical Names Act 1991* the words "In the area named ....."; or

(B) if the division is lodged for residential allotments and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* the words "Laid out as the Township of ....."; or

(C) if the division is lodged for residential purposes and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* but is adjoining to an existing named division, the words "Laid out as Portion of the Township of .....", the name being the name of the existing named division; or

(D) if the division is lodged for other than residential purposes and is outside the boundaries of any area named pursuant to the *Geographical Names Act 1991* no name is required but, if a name is used, the words "In the area named ....."";

(vi) the position of any buildings intended to be retained on the land and the approximate position of any buildings which are to be demolished or removed;

(vii) all existing registered easements;

(viii) all relevant topographic features;

(ix) the location and gradient of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the *Local Government Act 1999*;

(x) the location of any regulated tree on the site or on adjoining land, including details of the species of tree and trunk circumference; and

(b) be drawn in accordance with the following rule of scale:

(i) if the area of the smallest allotment is one-fifth of 1 ha or under, a scale of not less than 1:1 000;

(ii) if the area of the smallest allotment is over one-fifth of a hectare and under 1 ha, a scale of not less than 1:2 500;

(iii) if the area of the smallest allotment is 1 ha or over, a scale so that such allotment or block will be delineated by no less than 3 cm^2 on the plan.

(3) A plan which provides for the division of land into more than 5 allotments, or for a new road must—

(a) show the following particulars in addition to those contained in subclause (2):

(i) the numbers of the sections, allotments or plans, and references to the volumes and folios of all certificates of title, of adjoining land, and of the land on the opposite side of any abutting road;

(ii) the contours of the present surface of the ground above some known datum level sufficient to determine the intended level or gradient of all proposed allotments, reserves and parcels of land, all abutting and proposed roads, streets or thoroughfares, and all roads, streets or thoroughfares with which it is intended that the proposed roads, streets or thoroughfares be connected, and where the land is to be filled or graded, both existing contours or levels and proposed contours or levels must be shown; and

(b) be vouched for by a licensed surveyor as to its reasonable accuracy.

(4) The land comprised in a plan for the division of land must consist of a single allotment or an aggregation of contiguous allotments.

(5) For the purposes of subclause (4), allotments separated only by a road or a road reserve will be regarded as contiguous.

8—Additional requirements for community plans

(1) An application for the division of land by a plan of community division under the *Community Titles Act 1996* must be accompanied by—

(a) the proposed scheme description of the relevant community scheme; and

(b) if the plan of community division proposes the construction of common property comprising a driveway or private road and the applicant intends to enter into a binding arrangement with the council for the satisfaction of the condition prescribed by regulation 85A—

(i) details of the design of the driveway or road, including the width and construction material; and

(ii) the costs associated with the construction of the driveway or road,

unless a scheme description is not required to be lodged with the Registrar-General under section 15 of that Act.

(2) A plan which provides for the division of land by a plan of community division under the *Community Titles Act 1996* must state whether the plan is a primary plan, a secondary plan or a tertiary plan under that Act and—

(a) in the case of a secondary plan—must define the primary lot; or

(b) in the case of a tertiary plan—must define the secondary lot.

(3) In this clause—

common property has the same meaning as in the *Community Titles Act 1996*.

Note—

Section 15 of the *Community Titles Act 1996* provides that there is no need to lodge a scheme description with the Registrar-General if—

(a) the plan of community division under that Act—

(i) does not create more than 6 community lots (or such other number as is prescribed by regulation under that Act); and

(ii) does not create a development lot; and

(b) each of the community lots is intended to be used solely or predominantly for residential purposes.

8A—Information with respect to unit or lot under *Strata Titles Act 1988* or *Community Titles Act 1996*

An application for development relating to a unit within a strata scheme under the *Strata Titles Act 1988* or a strata lot within a strata scheme under the *Community Titles Act 1996* must be accompanied by—

(a) in all cases—evidence that the applicant has given written notice of the application to the strata corporation or community corporation (as the case requires); and

(b) in the case of an application that involves prescribed work required to be authorised under section 29 of the *Strata Titles Act 1988* (other than where all of the units comprised in the strata scheme consist of non-residential premises)—evidence that the strata corporation has authorised the carrying out of the prescribed work; and

(c) in the case of an application that involves prescribed work required to be authorised under section 102 of the *Community Titles Act 1996* (other than where each of the lots comprised in the strata scheme is used, or is intended to be used, solely or predominantly for non-residential purposes)—evidence that the community corporation has authorised the carrying out of the prescribed work.

9—Land division certificates or deemed-to-satisfy land division

A land division plan lodged for—

(a) a certificate under section 138 of the Act; and

(b) a division of land which is deemed-to-satisfy development under the Planning and Design Code,

must comply with—

(c) in the case of the division of land under Part 19AB of the *Real Property Act 1886*—the requirements for plans under that Act; or

(d) in the case of the division of land by a plan of community division under the *Community Titles Act 1996*—the requirements for plans under that Act; or

(e) in the case of the division of land by strata plan under the *Strata Titles Act 1988*—the requirements for plans under that Act.

10—Activities of environmental significance

(1) This clause applies with respect to an application that involves a development that must be referred to the Environment Protection Authority under item 9 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of the proposed development and, as relevant, any place on the site where an activity specified by the Planning and Design Code as an activity of environmental significance is to be carried out; and

(iii) the positions, dimensions and uses of any proposed or existing structures (including fences and retaining walls), and the location and nature of any proposed or existing easements; and

(iv) any significant topographical features (including any creek or flood plain); and

(v) the levels and slope of the site; and

(vi) the method of drainage, and the direction of any stormwater, and any works or services that are proposed to be installed or used in connection with the management of water; and

(vii) the location and size of any proposed or existing dams or bores; and

(viii) the location and nature of any proposed or existing effluent disposal facilities that are not to be connected to disposal or treatment services; and

(ix) the internal layout of any proposed or existing building to be used in connection with an activity specified by the Planning and Design Code as an activity of environmental significance, and where each such activity is to be carried out; and

(x) the location of any proposed or existing wastewater management system to be used in connection with an activity specified by the Planning and Design Code as an activity of environmental significance; and

(xi) the location of any proposed or existing waste storage, processing or disposal areas; and

(xii) the location of any proposed or existing access points for vehicles, and any areas of the site on which vehicles may be driven; and

(xiii) the approximate north point; and

(b) a plan or description of the surrounding area that identifies or describes—

(i) the location of the site in relation to adjacent land; and

(ii) the distance to the nearest building (if any) on each piece of adjacent land; and

(iii) the use of each piece of adjacent land; and

(iv) the location of any lake, creek, dam or other form of surface water within 500 m of a boundary of the site; and

(c) a detailed description of the activities to be undertaken in the site (including the proposed nature and operational capacity of the activities), and information on each of the following (insofar as may be relevant):

(i) methods to be used to minimise potential impacts (including noise, odours, fumes, dust and other airborne emissions);

(ii) methods to be used during any works and construction for the purposes of the development to prevent soil that is eroded;

(iii) the type and volume of waste to be generated on the site;

(iv) arrangements for the storage and disposal of waste, stormwater and sewage;

(v) the predicted human health and environmental impacts of the activities;

(vi) the type and number of vehicles using the site, traffic movements into, out of and around the site, and the kind of surfaces on which vehicles will be moving;

(vii) the hours and days of operation or trading;

(viii) the excavations, earthworks or embankments to be undertaken or created for the purposes of the development;

(ix) how soil erosion will be prevented, and how sediment or pollutant that is generated by such works will be minimised and managed, and how it will be prevented from affecting adjoining land.

11—Water resources requirements

(1) This clause applies with respect to an application that involves a development that must be referred to the Chief Executive of the Department of the Minister responsible for the administration of the *Landscape South Australia Act 2019* under item 13 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by a document which specifies—

(a) the estimated water allocation requirements for the relevant development; and

(b) the source or sources from which it is proposed that the water required for the purposes of the relevant development will be obtained.

12—Referrals with respect to River Murray Protection Areas

(1) This clause applies with respect to an application that involves a development that must be referred to the Minister for the time being administering the *River Murray Act 2003* under item 15 or 16 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of the proposed development and, as relevant, any place on the site where an activity specified in the relevant item of the table in Schedule 9 clause 3 is to be carried out; and

(iii) any significant topographical features (including the contours of the land and any creek or flood plain); and

(iv) the approximate location of any native vegetation; and

(v) the method of drainage, including drainage management, and the direction of flow of any stormwater, and the location and nature of any works or services that are proposed to be installed or used in connection with the management of water (including stormwater); and

(vi) the location and nature of any proposed or existing effluent disposal facilities that are to be used in connection with the development and are not to be connected to disposal or treatment services; and

(vii) the location and method of construction of any proposed access track or road which is to give access to any waterfront (if any); and

(viii) the approximate north point; and

(b) a plan or description of the surrounding area that identifies or describes—

(i) the land uses of adjacent land; and

(ii) the location of any watercourse, wetland, dam or other form of surface water within 500 m of a boundary of the site; and

(c) a detailed description of the activities to be undertaken on the site, and information on each of the following (insofar as may be relevant):

(i) methods to be used to minimise potential impacts on the River Murray;

(ii) arrangements for the storage, treatment, disposal or re-use of waste, stormwater or sewage;

(iii) the excavations, earthworks or embankments to be undertaken or created for the purposes of the development, and how soil erosion will be prevented.

(3) In this clause—

native vegetation has the same meaning as in the *Native Vegetation Act 1991*;

River Murray has the same meaning as in the *River Murray Act 2003*.

13—Referrals with respect to the use of River Murray water within the Murray-Darling Basin

(1) This clause applies in respect of an application that involves a development that must be referred to the Minister for the time being administering the *River Murray Act 2003* under item 10 of the table in Schedule 9 clause 3.

(2) An application to which this clause applies must be accompanied by—

(a) a site plan, drawn to a scale of not less than 1:500, showing—

(i) the boundaries and dimensions of the site; and

(ii) the location of any proposed or existing pumpsheds, pipes or other infrastructure for irrigation or drainage; and

(iii) the location and size of any proposed or existing dams or bores; and

(iv) the location on the site where the water is proposed to be used or applied; and

(v) the approximate north point; and

(b) detailed information on each of the following:

(i) the estimated water allocation requirements for the relevant development;

(ii) the source or sources from which it is proposed that the water required for the purposes of the relevant development will be obtained;

(iii) the capability of the soil on the site to sustain the proposed development;

(iv) the location of any place (whether or not on the site) from where water is proposed to be extracted.

14—Additional requirements for bushfire prone areas

An application for planning consent, building consent or consent under section 102(1)(c) or (d) of the Act that relates to development 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 must be accompanied by, or incorporate, the plans, drawings, specifications and other documents or drawings detailing any additional requirements required under any relevant Ministerial building standard or the Planning and Design Code, insofar as they are relevant in the circumstances of the particular case.

15—Additional requirements for certain electricity generators

(1) An application in respect of a proposed development for which the Commission is the relevant authority in accordance with Schedule 6 clause 9 must be accompanied by a certificate from the Technical Regulator certifying that the proposed development complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system.

(2) In this clause—

power system has the same meaning as in the *Electricity Act 1996*.

15A—Data centres

An application in respect of a proposed development for which the Commission is the relevant authority in accordance with Schedule 6 clause 9A must be accompanied by—

(a) advice from the South Australian Water Corporation that there is sufficient water supply to meet the requirements of the proposed data centre; and

(b) a certificate from the Technical Regulator certifying that the proposed data centre complies with the requirements of the Technical Regulator in relation to the reliability, security and stability of the State's power system.

16—Additional requirements for HomeBuilder development

An application for development authorisation under section 102(1) of the Act that identifies the development as HomeBuilder development must be accompanied by a statutory declaration by the applicant for the development authorisation declaring that the applicant has applied for a HomeBuilder grant in respect of the development in accordance with the *First Home and Housing Construction Grants Act 2000* on or before the prescribed day (within the meaning of regulation 3A).

Schedule 9—Referrals

1—Interpretation

(1) In relation to each item in the table in clause 3—

(a) development that falls within the ambit of column 1, other than such development that is classified as deemed-to-satisfy development, is prescribed as a class of development for the purposes of section 122 of the Act; and

(b) the body referred to in column 2 is prescribed as the body to which the relevant application is referred for the purposes of section 122 of the Act; and

(c) the term ***Direction*** specified in column 3 in Part A of the table means that the prescribed body may direct the relevant authority (subject to any qualification referred to in the relevant item)—

(i) to refuse the relevant application; or

(ii) if the relevant authority decides to consent to or approve the development—subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body, to impose such conditions as the prescribed body thinks fit,

(and that the relevant authority must comply with any such direction); and

(ca) the term ***Direction to impose conditions*** specified in column 3 in Part A of the table means that the prescribed body may, if the relevant authority decides to consent to or approve the development, direct the relevant authority to impose such conditions as the prescribed body thinks fit (subject to any qualification referred to in the relevant item and any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) and that the relevant authority must comply with any such direction; and

(cb) the term ***Advice*** specified in column 3 in Part B of the table means that the relevant authority must not make its decision until it has received a response from the prescribed body in relation to the matter or matters for which the referral was made (provided that the prescribed body complies with section 122 of the Act in relation to the provision of its response); and

(d) the period referred to in column 4 is prescribed for the purposes of section 122(1)(b) of the Act.

(2) Despite the provisions of these regulations and, in particular, items 15 and 16 of the table in clause 3, an application within the ambit of an exemption from the requirement to be referred to the Minister for the River Murray under section 122 of the Act published by that Minister under section 22(18) of the *River Murray Act 2003* need not be referred to that Minister under this Schedule (and will not be subject to a prescribed fee with respect to the referral of the application).

Note—

An exemption issued by the Minister for the River Murray under section 22(18) of the *River Murray Act 2003* must be published in the Gazette. A list of the exemptions that have been issued may be found on the website of the Department for Environment and Water.

(3) The Planning and Design Code may specify all development within an overlay or area (to which an item in the table in clause 3 applies) as a class of development for the purposes of the item.

(4) Item 9AB of the table in clause 3 does not apply in relation to a development involving the division of land if—

(a) a site contamination audit report has been prepared in relation to the land within the previous 5 years which states that—

(i) site contamination does not exist (or no longer exists) at the land; or

(ii) the land is suitable for the proposed use or uses (without the need for any further remediation); or

(iii) where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been undertaken or will be undertaken, and the applicant has provided a written undertaking that the remediation works will be undertaken in association with the development; and

(b) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as declared in the site contamination declaration form); and

(c) the application is accompanied by a copy of the site contamination audit report.

2—Deferral of referral

For the purposes of section 122(11) of the Act, the following provisions apply to a request under section 122(10) that a relevant authority defer a referral of an application under this Schedule to a particular stage in the process of assessment:

(a) in the case of a development to which item 18 of the table in clause 3 applies—a request may only be made during the period commencing on lodgement of the application and ending on the granting of planning consent in respect of the development;

(b) in any other case—a request may not be made in relation to the application.

3—Table

Development	Body	Function	Period
Part A			
1—Airports			
Development that is— (a) in the Airport Building Heights (Regulated) Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Airport-operator company for the relevant airport within the meaning of the *Airports Act 1996* of the Commonwealth or, if there is no airport-operator company, Secretary of the Department of the Minister responsible for the administration of the *Airports Act 1996* of the Commonwealth	Direction	30 business days
2—Development in high bushfire risk areas			
Development that is— (a) within a Hazards (Bushfire—High Risk) Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	South Australian Country Fire Service	Direction	30 business days
3—Development near the coast			
Development that is— (a) in the Coastal Areas Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Coast Protection Board	Direction	30 business days

Development	Body	Function	Period
4—Future road widening			
Development that is— (a) in the Future Road Widening Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Commissioner of Highways	Direction	20 business days
5—Historic shipwrecks (State)			
Development that is— (a) in the Historic Shipwrecks Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Minister responsible for the administration of the *Historic Shipwrecks Act 1981*	Direction	20 business days
6—Historic shipwrecks (Commonwealth)			
Development that is— (a) in the Historic Shipwrecks Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Commonwealth Minister responsible for the administration of the *Underwater Cultural Heritage Act 2018* of the Commonwealth	Direction	20 business days
7—Development affecting transport routes and corridors			
Development that is— (a) in the Key Outback and Rural Routes Overlay, Major Urban Transport Routes Overlay, Non-Stop Corridors Overlay, Traffic Generating Development Overlay or Urban Transport Routes Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Commissioner of Highways	Direction	20 business days

Development	Body	Function	Period
8—Tunnel Protection Overlay			
Development that is— (a) in the Tunnel Protection Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Commissioner of Highways	Direction	20 business days
8A—Infrastructure Coordination Overlay			
Development that is— (a) in the Infrastructure Coordination Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	The Scheme Coordinator established under section 165 of the Act in relation to an infrastructure delivery scheme under Part 13 Division 1 of the Act in operation in the relevant area of the Infrastructure Coordination Overlay under the Planning and Design Code.	Direction	30 business days
9—Activities of environmental significance			
Development— (a) that involves, or is for the purposes of, an activity specified by the Planning and Design Code as an activity of environmental significance to which this item applies; or (b) that is— (i) in the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay, Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay, River Murray Flood Plain Protection Area Overlay or Water Protection Area Overlay under the Planning and Design Code; and (ii) specified by the Planning and Design Code as development of a class to which this item applies.	Environment Protection Authority	Direction	30 business days

Development	Body	Function	Period
9A—Site contamination			
Development that is specified by the Planning and Design Code as development of a class to which this item applies.	Environment Protection Authority	Direction	30 business days
9AB—Site contamination—land division			
Subject to clause 1(4) (of this Schedule), development involving the division of land if— (a) Schedule 8 clause 2A(1)(b) applies to the application in respect of the development; and (b) site contamination exists or may exist at the land because of 1 or more of the following circumstances: (i) a class 1 activity has been conducted on the land or on adjacent land; (ii) a class 2 activity has been conducted on the land; (iii) the land or adjacent land is the subject of a section 83A notification under the *Environment Protection Act 1993* that appears on the South Australian Property and Planning Atlas; (iv) the land is within a groundwater prohibition area; (v) the land is the subject of a notation on the certificate of title for the land under section 103P of the *Environment Protection Act 1993* that a site contamination audit report has been prepared.	Environment Protection Authority	Direction	30 business days
9B—Gas and Liquid Petroleum Pipelines Overlay and Gas and Liquid Petroleum Pipelines (Facilities) Overlay			
Development that is— (a) in the Gas and Liquid Petroleum Pipelines Overlay or Gas and Liquid Petroleum Pipelines (Facilities) Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Chief Executive of the Department of the Minister responsible for the administration of the *Petroleum and Geothermal Energy Act 2000*	Direction	30 business days

Development	Body	Function	Period
10—Certain activities in Murray-Darling Basin Area			
Development that is— (a) in the Murray-Darling Basin Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Minister responsible for the administration of the *River Murray Act 2003*	Direction	30 business days
11—Native vegetation			
Development that is— (a) within the Native Vegetation Overlay or the State Significant Native Vegetation Overlay under the Planning and Design Code; and (b) is specified by the Planning and Design Code as development of a class to which this item applies.	Native Vegetation Council	Direction	30 business days
12—Activities that would otherwise require permit under *Landscape South Australia Act 2019* that may impact on water resources			
Development that— (a) — (i) is in the Prescribed Surface Water Area Overlay, Prescribed Watercourses Overlay or Prescribed Water Resources Overlay under the Planning and Design Code; or (ii) relates to a dam; or (iii) relates to commercial forestry; and (b) is specified by the Planning and Design Code as development of a class to which this item applies.	Relevant authority under the *Landscape South Australia Act 2019* that would, if it were not for the operation of section 106(1)(e) of that Act, have the authority under that Act to grant or refuse a permit to undertake the development referred to in column 1	Direction	30 business days

Development	Body	Function	Period
13—Activities that may give rise to water allocation issues under *Landscape South Australia Act 2019* that involve the taking of water			
Development that— (a) — (i) is in the Prescribed Surface Water Area Overlay, Prescribed Water Resources Area Overlay, Prescribed Watercourses Overlay or Prescribed Wells Area Overlay under the Planning and Design Code; and (ii) is specified by the Planning and Design Code as development of a class to which this item applies; or (b) will involve the construction or enlargement of a dam in part of the State within the ambit of a notice under section 109 of the *Landscape South Australia Act 2019*.	Chief Executive of the Department of the Minister responsible for the administration of the *Landscape South Australia Act 2019*	Direction	30 business days
14—Mining			
Development that is— (a) in a Resource Extraction Zone or Resource Extraction Protection Area Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Minister responsible for the administration of the Mining Acts	Direction	30 business days
15—Development in River Murray Flood Plain Protection Area			
Development that is— (a) in the River Murray Flood Plain Protection Area Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Minister responsible for the administration of the *River Murray Act 2003*	Direction	30 business days

Development	Body	Function	Period
16—Development in River Murray Tributaries Protection Area			
Development that is— (a) in the River Murray Tributaries Protection Area Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Minister responsible for the administration of the *River Murray Act 2003*	Direction	30 business days
17—State heritage places			
Development that is— (a) in the State Heritage Place Overlay, State Heritage Area Overlay or the Heritage Adjacency Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Minister responsible for the administration of the *Heritage Places Act 1993*	Direction	30 business days
18—Electricity infrastructure			
Development that is specified by the Planning and Design Code as development of a class to which this item applies.	Technical Regulator	Direction	20 business days
19—Aquaculture development			
Aquaculture development specified by the Planning and Design Code as development of a class to which this item applies, other than such development that is excluded from the application of this item by the Planning and Design Code.	Minister responsible for the administration of the *Aquaculture Act 2001*	Direction	20 business days
20—Affordable housing			
Development that is— (a) in the Affordable Housing Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Minister responsible for the administration of the *South Australian Housing Trust Act 1995*	Direction to impose conditions	20 business days

Development	Body	Function	Period
Part B			
21—Advertisements near signalised intersections			
Development that is— (a) in the Advertising Near Signalised Intersections Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Commissioner of Highways	Advice	20 business days
22—Design			
Development that is— (a) in the Design Overlay under the Planning and Design Code; and (b) specified by the Planning and Design Code as development of a class to which this item applies.	Government Architect or Associate Government Architect	Advice	30 business days
23—Land division near landfill waste depots			
Development that is specified by the Planning and Design Code as development of a class to which this item applies.	Environment Protection Authority	Advice	20 business days

Schedule 10—Work that affects stability of other land or premises

FIGURE 1

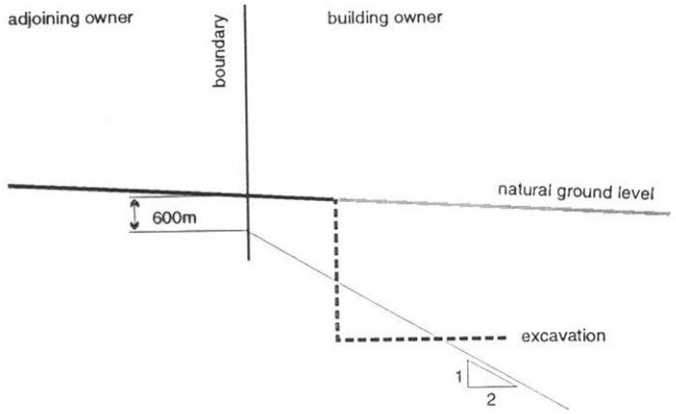
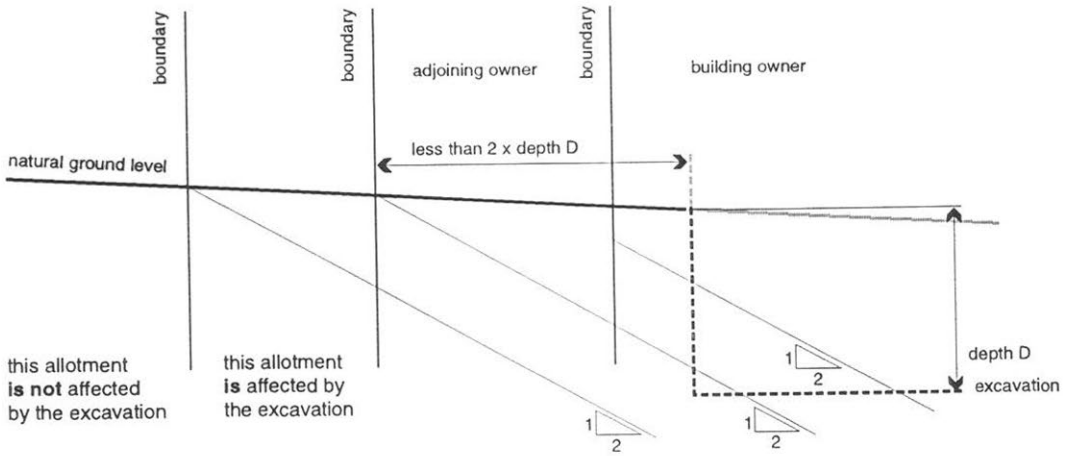


FIGURE 2



Schedule 10A—Building work affecting stability—prescribed form

Form 1—Initial notice to owner of affected site

Planning, Development and Infrastructure Act 2016—section 139(2)(a)

To: *[Insert details of owner]*

The following building work will be performed on the affected site: *[Insert details of building work, including description of the nature of the building work]*

The building work is intended to commence on: *[Insert date of commencement]*

The building work is intended to be completed on: *[Insert date of completion]*

TAKE NOTICE that access to the affected site may be required in accordance with section 139(2) and (3) of the *Planning, Development and Infrastructure Act 2016 [Insert details of section 139(2) and (3)]*

Signed:

Date:

Schedule 10B—Access to neighbouring land—prescribed form

Form 1—Access to neighbouring land

Planning, Development and Infrastructure Act 2016—section 140(3)

To: *[Insert details of owner of adjoining allotment]*

Request for access to adjoining allotment *[Insert details required under section 140(3) of the Planning, Development and Infrastructure Act 2016]*

Reason for which access is sought:

Time at which, or period for which, access is sought:

Details of—

(a) person proposed to be entering:

(b) what they would bring with them:

(c) what activity or work would be carried out:

Signed:

Date:

Schedule 11—Form of endorsement of scheme description—community titles

Form 1—Endorsement of scheme description

Planning, Development and Infrastructure (General) Regulations 2017

(regulation 66)

All the consents or approvals required under the *Planning, Development and Infrastructure Act 2016* in relation to the division of the land (and a change in the use of the land (if any)) in accordance with this scheme description and the relevant plan of community division under the *Community Titles Act 1996* have been granted

OR

No consent or approval is required under the *Planning, Development and Infrastructure Act 2016* in relation to the division of the land (or a change in the use of the land) in accordance with this scheme description

[Strike out whichever does not apply]

This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the *Planning, Development and Infrastructure Act 2016* in relation to any other development envisaged by this scheme description

Signed:

Date:

Note—

The endorsement may also include notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future. The endorsement may be signed and dated by a duly authorised officer of the relevant authority.

Schedule 12—Land division certificate—prescribed form

Planning, Development and Infrastructure Act 2016

(section 138)

Planning, Development and Infrastructure (General) Regulations 2017

(regulation 89)

Approved in accordance with the requirements of section 138 of the *Planning, Development and Infrastructure Act 2016*.

Signed:

Description of signatory:

Date:

Schedule 13—State agency development exempt from approval

1—Interpretation

In this Schedule—

battery storage facility means a facility for the purposes of 1 or more batteries of a total capacity of more than 25 MW that are capable of being charged, storing energy and discharging it into the State's power system;

electricity generating plant means electricity generating plant within the ambit of paragraph (a) of the definition of ***electricity infrastructure*** in section 4(1) of the *Electricity Act 1996*;

power system has the same meaning as in the *Electricity Act 1996*.

2—General

(1) The following forms of development, other than in relation to a State heritage place or within the Adelaide Park Lands, are excluded from the provisions of section 131 of the Act:

(a) —

(i) the reconstruction (including widening), alteration, repair or maintenance of any road, bridge, railway, tramway, wharf, jetty or boat ramp (including pump-out facilities associated with a boat ramp); or

(ii) the maintenance of a levee bank;

(b) if the work is certified by a building certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 107 for the purposes of section 131 of the Act)—

(i) accepted development or deemed-to-satisfy development under the Planning and Design Code; or

(ii) the undertaking or installation of works, infrastructure or equipment (including in relation to a building), if only of a local nature, for the purposes of the supply, disposal or treatment of water or waste water (other than a desalination plant, wastewater treatment plant or wastewater lagoon); or

(iii) the undertaking or installation of works, infrastructure or equipment that is ancillary to works, infrastructure or equipment referred to in subparagraph (ii); or

(iv) the construction, reconstruction or alteration of a battery storage facility for the purposes of supporting the security or reliability of the State's power system; or

(vi) any infrastructure, structures, equipment or works associated with or ancillary to development under subparagraph (iv), including electricity powerlines, poles and fences, fuel supply infrastructure and roads or other means of access to such development; or

(vii) the construction, reconstruction or alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(viii) the construction, reconstruction or alteration of a dwelling within an existing township, settlement or camp on—

(A) Trust Land within the meaning of the *Aboriginal Lands Trust Act 2013*; or

(B) "the lands" within the meaning of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; or

(C) "the lands" within the meaning of the *Maralinga Tjarutja Land Rights Act 1984*; or

(ix) the development of land dedicated under the *National Parks and Wildlife Act 1972*; or

(ixa) development involving the construction, installation or provision of facilities or services for the purposes of recreational activities on land owned by, or under the care, control and management of, the South Australian Water Corporation, other than if the development will involve the creation of a new access point or modification of an existing access point to a public road; or

(x) the construction, reconstruction or alteration of, or addition to a building contained within the existing security-fenced area of an existing electricity substation; or

(xi) the construction, reconstruction or alteration of or addition to, a building which is to be located wholly underground; or

(xii) the construction, reconstruction or alteration of, or addition to, an outbuilding (or a structure or building that is ancillary to an outbuilding), other than—

(A) the construction of a new building exceeding 1 storey in height; or

(B) where the outbuilding is not being constructed, added to or altered so that any part of the outbuilding 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); or

(C) where the relevant work would affect a local heritage place; or

(D) where the building work will result in the total floor area of the outbuilding exceeding 50 m^2; or

(xiii) the construction, reconstruction or alteration of, or addition to, a classroom within the area of an existing school, other than—

(A) where—

- in the case of a classroom that exceeds 1 storey in height—the work will result in an increase in the height of the classroom; or

Note—

An increase in the height of a classroom would include where a structure or fitting is altered or added to a classroom such that the highest point of the structure or fitting is higher than the highest point of the classroom (including any structures or fittings) before the alteration or addition.

- in any other case—the work will result in the classroom exceeding 1 storey in height; or

(B) where the classroom is not being constructed, added to or altered so that any part of the classroom is situated within the setback distance of the area (of the school) prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 mm of a boundary of the area); or

(C) where the work would affect a local heritage place; or

(D) where the total area of the classroom would exceed 150 m^2; or

(xiiia) the construction, reconstruction or alteration of, or addition to, a covered outdoor educational area within the area of an existing school, other than—

(A) where the work will result in the covered outdoor educational area exceeding 7.5 m in height; or

(B) where the covered outdoor educational area is not being constructed, added to or altered so that any part of the covered outdoor educational area is situated within the setback distance of the area (of the school) prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 5 m of a boundary of the area); or

(C) where the work would affect a local heritage place; or

(D) where the total area of the covered outdoor educational area would exceed 500 m^2; or

(xiv) building work associated with the alteration of, or addition to, a building within the area of an existing school (other than a classroom or covered outdoor educational area), other than—

(A) where the work will result in—

- in the case of a building that exceeds 1 storey in height, an increase in the height of the building, or, in any other case, the building exceeding 1 storey in height; or

Note—

An increase in the height of a building would include where a structure or fitting is altered or added to a building such that the highest point of the structure or fitting is higher than the highest point of the building (including any structures or fittings) before the alteration or addition.

- the creation of a new access point to or from a public road or the alteration of an existing access point to or from a public road; or
- fewer carparks on the site; or

(B) where the work will result in the building being situated within the setback distance of the area (of the school) prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 mm of a boundary of the area); or

(C) where the building work would affect a local heritage place; or

(D) where the building work would exceed 150 m² in additional floor area; or

(xv) building work associated with the alteration of, or addition to, any other building, other than—

(A) where—

- in the case of a building that exceeds 1 storey in height—the work will result in an increase in the height of the building; or

Note—

An increase in the height of a building would include where a structure or fitting is altered or added to a building such that the highest point of the structure or fitting is higher than the highest point of the building (including any structures or fittings) before the alteration or addition.

- in any other case—the work will result in the building exceeding 1 storey in height; or

(B) where the work will result in the building being 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); or

(C) where the building work would affect a local heritage place; or

(D) where the building work would exceed 150 m² in additional floor area; or

(xvi) the alteration, repair or maintenance of, or addition to—

(A) a wall of an existing dam; or

(B) a spillway of an existing dam; or

(C) structures ancillary to a wall or a spillway of an existing dam; or

(xvii) the construction of advertising displays or signs, if carried out by a State agency within the meaning of section 131 of the Act; or

(xviii) the installation, construction or alteration of playground equipment; or

(xix) the construction of a shade sail if no part of the sail will be 5 m above ground or floor level (depending on where it is situated); or

(xx) the construction, reconstruction or alteration of, or addition to, buildings or structures that do not exceed 9 m in height on land comprised by Certificate of Title Volume 6282 Folio 519 for the purposes of the horses and dogs units of SAPOL and SAPOL operations associated with or ancillary to those purposes; or

(xxi) the construction, reconstruction or alteration of, or addition to, buildings or structures on land comprised by the following:

(A) Certificate of Title Volume 5883 Folio 454;

(B) Certificate of Title Volume 5883 Folio 426;

(C) Certificate of Title Volume 5827 Folio 252;

(D) Certificate of Title Volume 5883 Folio 424;

(E) Certificate of Title Volume 5283 Folio 663;

(F) Certificate of Title Volume 5897 Folio 901;

(G) Certificate of Title Volume 5883 Folio 450;

(H) Certificate of Title Volume 5894 Folio 532;

(I) Certificate of Title Volume 6250 Folio 938;

(J) Certificate of Title Volume 6257 Folio 136;

(K) Certificate of Title Volume 5883 Folio 420,

for the purposes of a muster, staging and storage facility for the horses unit of SAPOL and SAPOL operational resources involved in responding to, or assisting with, emergencies, major events and functions; or

(xxii) any infrastructure or works associated with or ancillary to development under subparagraph (xx) or (xxi), including a stormwater detention basin;

(c) the construction, reconstruction, alteration, repair or maintenance of any drain, pipe or underground cable;

(d) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services or support public health services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act;

(e) the undertaking of any development for a period of not more than 2 years for the purposes of research, investigation or pilot plants;

(f) the excavation, removal or placement of sand and other beach sediment by or as authorised by the Coast Protection Board on land which is owned by, or under the care and control of, a council or Crown agency or instrumentality, where the land is between mean low water mark on the sea shore at spring tide, and the landward limit of any sandy beach or sand dune;

(g) the granting of a lease or licence in a dedicated forest reserve under the *Forestry Act 1950*;

(h) an alteration to the cadastre arising from the administration of the *Crown Land Management Act 2009*, the *Pastoral Land Management and Conservation Act 1989*, or the *Irrigation Act 2009*, other than where 5 or more allotments are being created;

(i) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;

(j) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;

(k) excavating or filling (or excavating and filling) of up to 1 500 m^3 of material for the purpose of providing proper access to an existing wharf, jetty or mooring, but excluding excavating or filling where more than 1 500 m^3 of material has been excavated or filled at the particular place within the previous 12 months;

(l) the division of land arising out of the granting of a lease under the *Harbors and Navigation Act 1993* for the purposes of aquaculture;

(m) the construction, reconstruction or alteration of a fire hydrant, fire plug or location indicator in a public place that is not connected with the performance of any other building work that requires approval under the Act;

(n) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more;

(o) the construction, reconstruction, alteration, repair or maintenance of a beacon, buoy or other mark or structure (whether or not equipped with a light) intended to be an aide to navigation, other than a lighthouse, approved by the Marine Safety Section of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Harbors and Navigation Act 1993*;

(p) the construction, reconstruction, alteration, repair or maintenance of antennae and associated infrastructure or equipment related to a Global Navigation Satellite System;

(q) the construction of an item of street furniture (including directional signs, lighting, seating, weather shelters, parking meters, parking pay stations and similar items or structures) that is associated with a development approved, or exempt from approval, under the Act, and directly related to an activity carried out at the site of the development, or on account of the development (whether or not the item is located on the site of the development or in a public place nearby);

(r) the construction of any of the following, if carried out by a State agency within the meaning of section 131 of the Act:

(i) tourist information or interpretative signs;

(ii) structures (including billboards) at roadside information bays;

(iii) shade-cloth structures;

(iv) a post and wire fence, including a chain mesh fence;

(v) public art installations;

(s) works 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;

(sa) the construction, reconstruction, alteration of, or addition to, an amenities facility with a floor area of 50 m² or less;

(t) the use of any land or building, or the construction or alteration of, or addition to, a building for the purposes of an aquifer recharge scheme;

(u) the construction, reconstruction, alteration or addition to a security fence of an existing electricity substation or other electricity infrastructure within the meaning of the *Electricity Act 1996*, or of existing water/sewerage infrastructure within the meaning of the *Water Industry Act 2012*, subject to the following limitations:

(i) the fence must not exceed a height of 3.2 m (measured as a height above the natural surface of the ground);

(ii) —

(A) in the case of a fence that has a frontage to a public road—the fence must be a palisade or open metal fence or a chain or weld mesh fence; or

(B) in any other case—the fence must be a palisade or open metal fence, a chain or weld mesh fence or a fence clad in pre-colour treated sheet metal;

(v) the construction, reconstruction or alteration of—

(i) a building or structure situated within the perimeter security fence of an existing correctional institution (within the meaning of the *Correctional Services Act 1982*) or training centre (within the meaning of the *Young Offenders Act 1993*); or

(ii) any works or infrastructure that is ancillary to a building or structure of a kind referred to in subparagraph (i);

(w) tree-damaging activity in relation to a regulated tree—

(ii) that—

(A) is on any land on which a road is located or is proposed to be built or widened; and

(B) is undertaken by or with the written authority of the Commissioner for Highways; or

(iia) that—

(A) is undertaken to allow for the provision of water supply or sewerage services to land; and

(B) is undertaken by or with the written authority of the South Australian Water Corporation; or

(iii) that—

(A) is on railway land as defined in Schedule 4 clause 14(7); or

(B) is on land adjacent to railway land and is, in the opinion of the Rail Commissioner, detrimentally affecting the use of, or activities or operations on, the railway land;

(x) the construction, reconstruction or alteration of a nesting platform or breeding structure for endangered species (as defined in the *National Parks and Wildlife Act 1972* or the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth);

(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.

(2) Paragraphs (a), (b)(ii) to (vi), (b)(ixa), (b)(xi) to (xv), (c) and (x) of subclause (1) do not apply to a proposed development if the site where the development is to be undertaken is subject to coastal processes, or in relation to which there is evidence to suggest that the site is likely to be affected by coastal processes within the foreseeable future, unless the Coast Protection Board has authorised the relevant development.

(3) Development of a kind referred to in subparagraphs (iv) to (vi) of subclause (1)(b) may only be undertaken at a site identified by the Minister by notice published in the Gazette.

(4) A notice published under subclause (3) may—

(a) identify 1 or more sites for the purposes of that subclause; and

(b) be varied or revoked by further notice published in the Gazette.

(5) Except as otherwise specified in this Schedule, subclause (1) does not apply to any development which comprises a tree-damaging activity in relation to a regulated tree.

(6) For the purposes of subclause (1)(b)(ii) and (iii), development comprising the undertaking or installation of works, infrastructure or equipment is of a local nature if the works, infrastructure or equipment are for the purposes of servicing a township or suburb and is not inconsistent or out of character with the size or location of other works, infrastructure or equipment of that kind in that township or suburb.

3—Certain development in part of City of Mitcham

The following forms of development in a zone, subzone or overlay identified under the Planning and Design Code for the purposes of this clause (relating to the area of the City of Mitcham), are excluded from the provisions of section 131 of the Act:

(a) the undertaking of any temporary development required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act;

(b) an alteration, or repairs, to a building that—

(i) are predominantly internal; and

(ii) do not change the external appearance or total floor area of the building; and

(iii) will not adversely affect the structural soundness of the building or the safety of any person occupying or using it.

4—River Murray area

The following forms of development are excluded from the provisions of section 131 of the Act, namely the construction, reconstruction, alteration, repair or maintenance of infrastructure within the meaning of the *River Murray Act 2003* by the Minister for the River Murray (or by a person who is acting for or on behalf of that Minister) where the work is being undertaken in connection with the management of water flows, or for other environmental purposes, within the River Murray system, as defined by that Act, for the purposes of the *River Murray Act 2003* or the *Murray-Darling Basin Act 1993*.

5—Certain development within the Park Lands

The following forms of development within the Adelaide Park Lands, other than in relation to a State heritage place, are excluded from the provisions of section 131 of the Act:

(a) —

(i) the alteration, repair or maintenance of a road, bridge, railway or weir, or the reconstruction of a road where there is no increase in the area of road; or

(ii) the maintenance of a levee bank; or

(iii) the maintenance of the bank of the River Torrens or of any creek;

(b) if the work is certified by a building certifier, or by some other person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules and, insofar as may be relevant, the matters prescribed under regulation 107 for the purposes of section 131 of the Act)—

(i) the alteration of a local water treatment station, wastewater pumping station, pressure regulating station or pumping station; or

(ii) the construction, reconstruction or alteration of any works or infrastructure that is ancillary to works or infrastructure referred to in subparagraph (i); or

(iii) the alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

(iv) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or

(v) the alteration of, or addition to, a building—

(A) which is to be located wholly underground; and

(B) which will not result in a material change to the existing landform at the site of the development; or

(vi) without limiting subparagraph (v), the construction or reconstruction of a building—

(A) which is to be located wholly underground; and

(B) which is intended only to house essential infrastructure; and

(C) which has a total floor area not exceeding 15 m^2 and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 m; and

(D) which will not result in a material change to the existing landform at the site of the development; or

(vii) building work associated with the alteration of, or addition to, a building within the area of an existing school, other than—

(A) where the work will result in—

- the building exceeding 1 storey in height; or
- the creation of a new access point to or from a public road or the alteration of an existing access point to or from a public road; or
- fewer carparks on the site; or

(B) where the building is, or will be when the building work is completed, within 5 m of a boundary of the area of the school; or

(C) where the building work would affect a local heritage place; or

(viii) tree-damaging activity in relation to a regulated tree—

(B) that is on land—

- on which a road is located or is proposed to be built or widened; and
- that is under the care, control and management of the Commissioner for Highways;

(c) the construction, reconstruction, alteration, repair or maintenance of any drain, pipe or underground cable, other than the construction of a drain with a width or depth exceeding 1.5 m or a pipe with a diameter exceeding 1.5 m;

(d) the undertaking of any temporary development which is required in an emergency situation in order to—

(i) prevent loss of life or injury; or

(ii) prevent loss or damage to land or buildings; or

(iii) maintain essential public services; or

(iv) prevent a health or safety hazard; or

(v) protect the environment where authority to undertake the development is given by or under another Act;

(e) an alteration to the cadastre arising from the administration of the *Adelaide Park Lands Act 2005*;

(f) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;

(g) an alteration, or repairs, to a building—

(i) which are predominantly internal; and

(ii) which do not change the external appearance or total floor area of the building; and

(iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;

(h) the construction, reconstruction or alteration of a fire hydrant, fire plug or location indicator in a public place that is not connected with the performance of any other building work that requires approval under the Act;

(i) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more;

(j) the construction of information or directional signs (whether attached to a structure or freestanding) that are associated with a development approved by the Commission under Schedule 6 clause 2, and directly related to an activity carried out at the site of the development, or on account of the development;

(k) the construction of any of the following, if carried out by a State agency within the meaning of section 131 of the Act:

(i) tourist information or interpretative signs;

(ii) structures (including billboards) at roadside information bays;

(iii) shade-cloth structures;

(iv) a post and wire fence, including a chain mesh fence;

(v) advertising displays or signs.

Schedule 14—Mining production tenements

1—Adelaide and Environs

The areas of the Adelaide Hills Council, the Adelaide Plains Council, the Alexandrina Council, The Barossa Council, the City of Burnside, The Corporation of the City of Campbelltown, the City of Charles Sturt, the Town of Gawler, the City of Holdfast Bay, the Light Regional Council, The Corporation of the City of Marion, the City of Mitcham, The District Council of Mount Barker, The Corporation of the City of Norwood, Payneham and St. Peters, the City of Onkaparinga, the City of Playford, the City of Port Adelaide Enfield, the City of Prospect, the City of Salisbury, the City of Tea Tree Gully, The Corporation of the City of Unley, the City of Victor Harbor, The Corporation of the Town of Walkerville and the City of West Torrens.

2—The Coast

(1) Those parts of the State situated within 800 m of the coast measured from mean high water mark on the sea shore at spring tide.

(2) The coast as defined in the *Coast Protection Act 1972*.

(3) The parts of the State proclaimed by the Governor to be a coast protection district under the *Coast Protection Act 1972*.

3—Other Areas

The areas of the State of South Australia depicted on the series of maps deposited in the General Registry Office and numbered 156 of 1982, each map bearing the stamp *Planning Act 1982*, *Mining Production Tenement Regulations*, and titled as follows:

(a) Index Map (Map 1);

(b) Eyre Plan: Those proposed open space areas generally depicted on Map 2, which are more particularly described as follows:

(i) County Dufferin—Sections 2 and 86, out of hundreds, and surrounding areas. Aboriginal tribal grounds. Flora and fauna. Approximately 39 000 ha. (No 2)

(ii) The Gawler Ranges and adjacent small ranges. Scenic interest; Spring Hill and Mount Nott worthy of special consideration. (No 3)

(iii) Pilepudla Water Reserve—Various species of birds, small fauna and flora. Approximately 750 ha. (No 5)

(iv) Cortlinye Water Conservation Reserve—flora and fauna. Approximately 490 ha. (No 6)

(v) Pinkawillinie Area—Parts of the hundreds of Panitya, Pinkawillinie, Koogawa, Peella, Hill and Corrobinnie. Adjacent to Pinkawillinie Conservation Park. A potential wilderness reserve, approximately 92 000 ha. (No 8)

(vi) Yalanda Tanks—Water Conservation Reserve, hundred of Yalanda. Native flora, including acacia, cassia and orchids. Approximately 240 ha. (No 9)

(vii) Darke Peake Range—Area of geological interest and scenic beauty. Approximately 2 100 ha. (No 13)

(viii) Minbrie Range—Varying mallee, salt bush, blue bush associations and scenic views. Approximately 2 200 ha. (No 15)

(ix) Cleve Water Reserve—Sections 327, 328, 329, hundred of Mann. A catchment area with variety of fauna. Approximately 3 300 ha. (No 17)

(x) Moody Tanks—Railway Reserve—Section 48, hundred of Moody. A heavily timbered area. Approximately 77 ha. (No 25)

(xi) Sections 415, 416, 417, hundred of Louth—Sugar gum heath with abundance of orchid species. Approximately 535 ha. (No 33)

(xii) Section 99, hundred of Wanilla—Uncleared sand dune vegetation. Includes mallee, acacias and banksia. Approximately 430 ha. (No 34)

(xiii) Caraleu Bluff—Native pines, picnic area. Approximately 90 ha. (No 43)

(xiv) Tcharkulda Hill—Granite outcrop. Mallee, native pine, cassia. Picnic area. Approximately 195 ha. (No 44)

(xv) Pillawarta Creek—Sugar and blue gums, wildflowers. Approximately 80 ha. (No 46)

(xvi) Corunna—in the Baxter Ranges. Scenic hills, considerable native flora and fauna of scientific interest. (No 47)

(xvii) Polda Rock and Little Wudinna Rock—Sections 48 & 52, hundred of Wudinna. Suitable for recreation and picnic area. Approximately 115 ha. (No 48)

(xviii) Corrobinnie Hill—Rock outcrop with unusual erosion. Mallee broom and acacias. Approximately 40 ha. (No 49)

(xix) Minnipa Hill—Suitable for recreation and picnic area. Approximately 75 ha. (No 50)

(xx) Talia Caves—Approximately 220 ha. (No 53)

(xxi) Waddikee Rocks—Monument to explorer Darke. Approximately 85 ha. (No 54)

(c) Far North Plan: All boundary referral areas as depicted on Maps 3a to 3w inclusive;

(d) Kangaroo Island Plan: Those proposed open space areas generally depicted on Map 4 which are more particularly described as follows:

(i) Sections 399, 420, 421, 422 and 434, hundred of Dudley. Eastern end of island, frontage to Antechamber Bay and Chapman River. Suitable for general recreation and picnic area. Approximately 59 ha. (No 1);

(ii) Land adjacent to American River and Pelican Lagoon between the township of American River and Picnic Point, with a link to the south coast. Scenic area suitable for general recreation. (No 2);

(iii) Land north of Sections 7 and 8, hundred of Borda, adjacent to Cape Torrens Conservation Park. Includes high and spectacular cliffs. Natural vegetation largely in original state. Approximately 150 ha. (No 3);

(iv) Part Section 14, hundred of McDonald. South coast, at mouth of South West River. Suitable for general recreation. Approximately 12 ha. (No 4);

(e) Flinders Plan: Those areas depicted on Maps 5a to 5h inclusive, all of which define areas of environmental significance in the Flinders Ranges;

(f) Murray Mallee Plan: Those areas depicted on Maps 6a to 6f inclusive, all of which define areas of conservation significance;

(g) River Murray Valley Plan: Those areas depicted on Maps 7a to 7b, both of which define areas known as Conservation Zones;

(h) River Murray Valley Plan: Those areas depicted on Maps 8a to 8p inclusive, all of which define areas known as Flood Zones and Fringe Zones;

(i) Riverland Plan: Those areas depicted on Maps 9a to 9c inclusive, all of which define possible conservation park areas;

(j) Wetlands of the South-East: Those areas depicted on Maps 10a to 10q inclusive;

(k) Whyalla Town Plan: Approximately 1 400 ha of existing open space depicted on Map 11, and lying approximately 10 km north of the city of Whyalla;

(l) Yorke Peninsula Plan: Those areas depicted on Maps 12a to 12g inclusive, all of which define a boundary referral area.

Schedule 15—Civil penalties

1—Form of notice of right to elect to be prosecuted (regulation 114)

Civil penalty for contravention—notice of right to elect to be prosecuted for contravention

Planning, Development and Infrastructure Act 2016—section 225(3)

Reference number:
Issued by:
Date:

To: *[insert full name, company name (if applicable), postal address and any other information relevant for service of the notice]*

Notice to alleged offender

1 The *[insert name of designated entity]* is satisfied that you have committed an offence by contravening a provision of the *Planning, Development and Infrastructure Act 2016* as follows:
Provision contravened:
Address or location of contravention:
Details of contravention:

2 The purpose of this notice is to advise you that you may, by written notice to *[insert name of designated entity]*, elect to be prosecuted for the contravention (see section 225(3) of the Act).

If you do not elect to be prosecuted, the *[insert name of designated entity]* may commence civil penalty proceedings under section 225 of the Act for the purpose of obtaining an order from the Court that you pay an amount as a civil penalty in respect of the contravention.

In these civil proceedings, any contravention of the Act would only need to be proved on the balance of probabilities.

3 **If you elect to be prosecuted, rather than negotiating a civil penalty with the Authority or facing civil penalty proceedings, you must serve a written notice on the *[insert name of designated entity]* within 21 days after service of this notice.**

4 The following matters are relevant to the provision of a notice of election to the *[insert name of designated entity]*:

(1) The notice must be addressed to the *[insert name of designated entity]* as follows:
[insert relevant information]

(2) You may choose to use the Attachment (below) or you may inform the *[insert name of designated entity]* by your own letter, quoting your name and address shown at the top of this document.

(3) Section 225 of the Act may be found at www.legislation.sa.gov.au and additional information about the Act can be obtained on the SA planning portal. Information concerning this notice can also be obtained by telephoning the following number *[insert telephone number of relevant contact at designated entity]*.

(4) If you do not, within 21 days after service of this notice, give notice to the *[insert name of designated entity]* of election to be prosecuted, proceedings may be commenced to recover a civil penalty in the Environment, Resources and Development Court.

Attachment—Notice to Authority of election to be prosecuted

To: *[insert name of designated entity]*
[insert address]

Reference to notice under section 225(3) of the *Planning, Development and Infrastructure Act 2016*:
[insert reference number]

* Individual

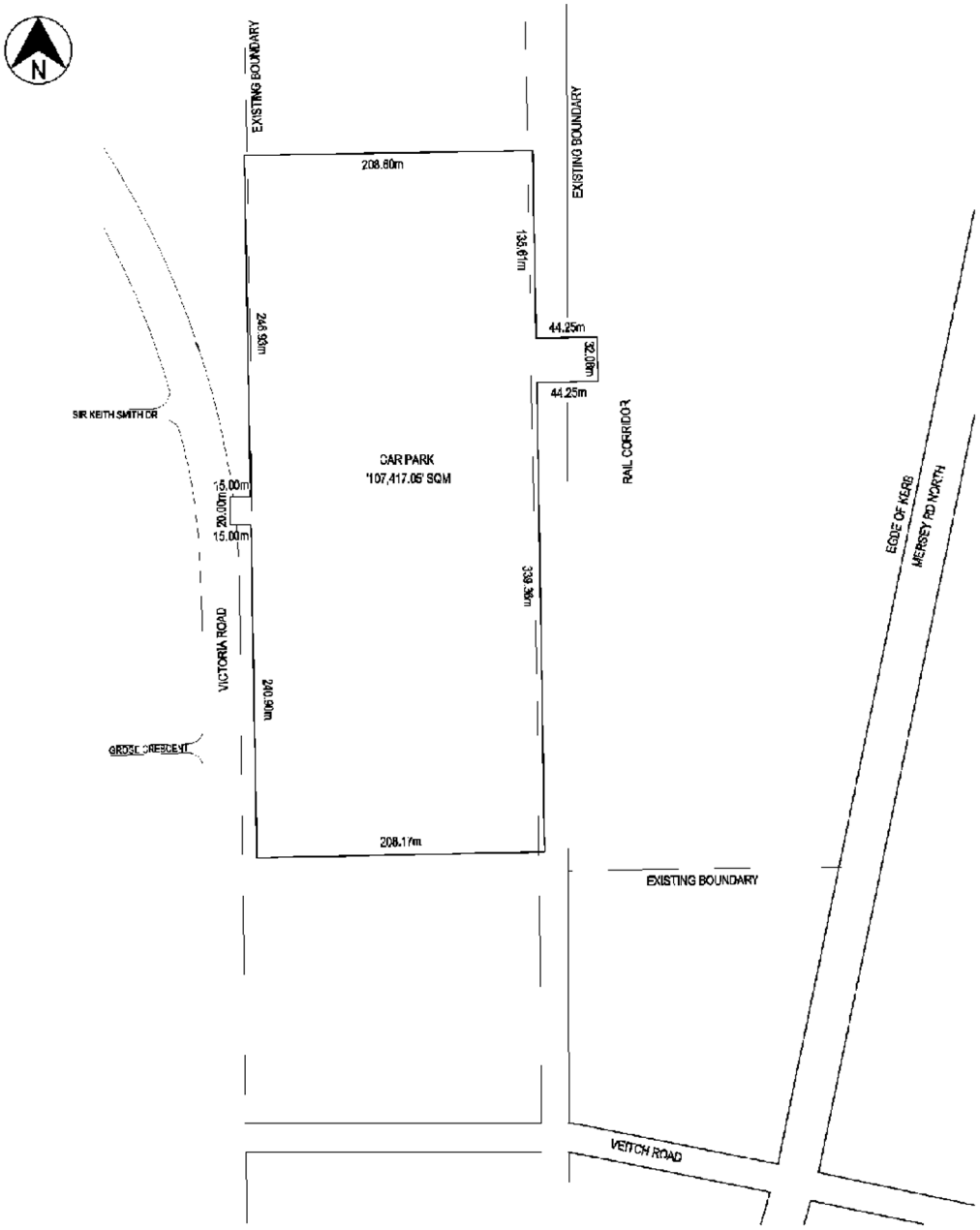
I elect to be prosecuted for the alleged contravention specified in the notice of the reference number set out above.
Name in full:
Contact details:
Date:
Signed:

* Company

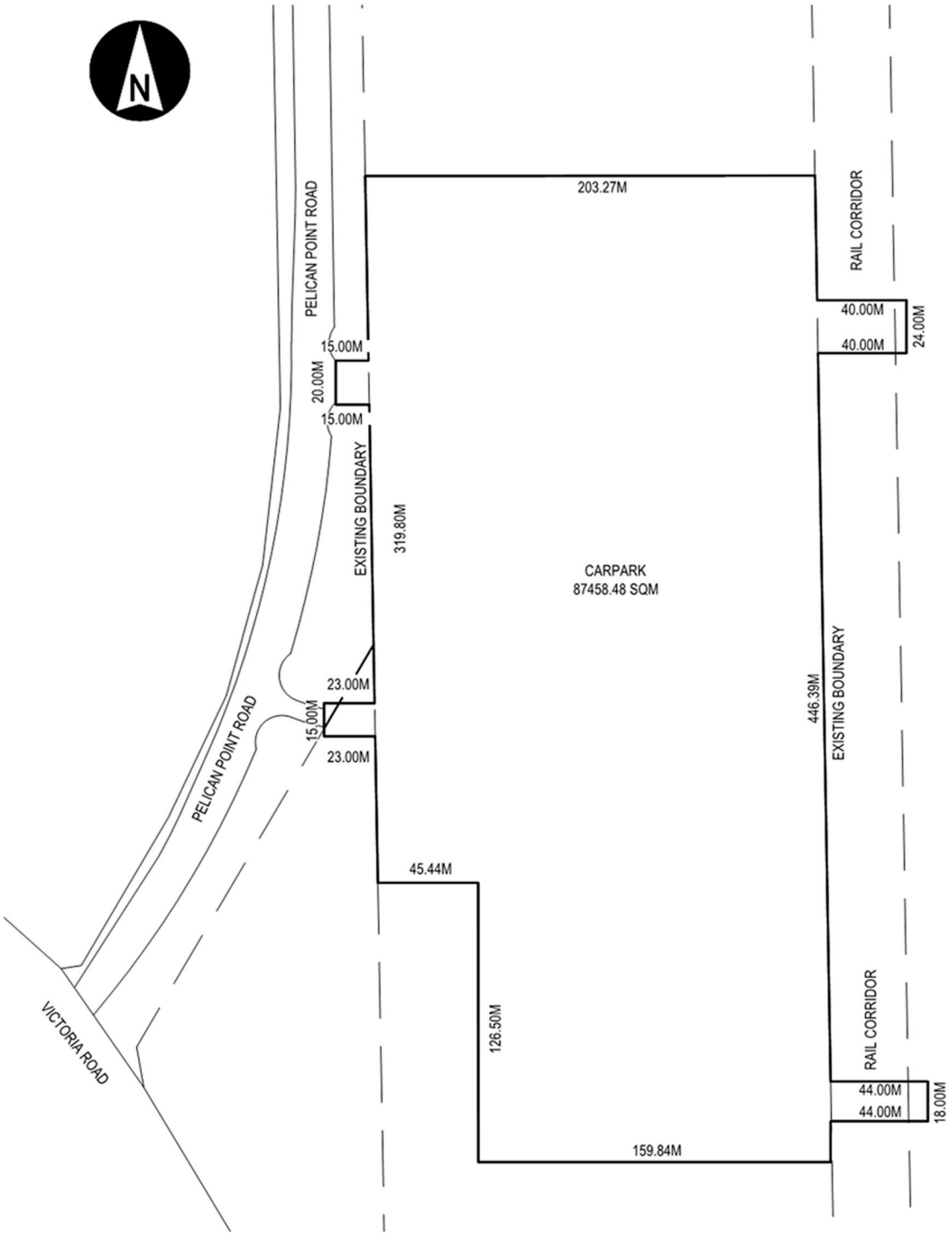
I, having authority to act for and on behalf of the company in this matter, give notice that the company elects to be prosecuted for the alleged contravention specified in the notice of the reference number set out above.
Name of company:
Name in full of person with authority to act:
Contact details:
Date:
Signed:

**Strike out whichever is inapplicable*

Schedule 16—Map of initial part of designated Osborne area



Schedule 17—Map of additional part of designated Osborne area



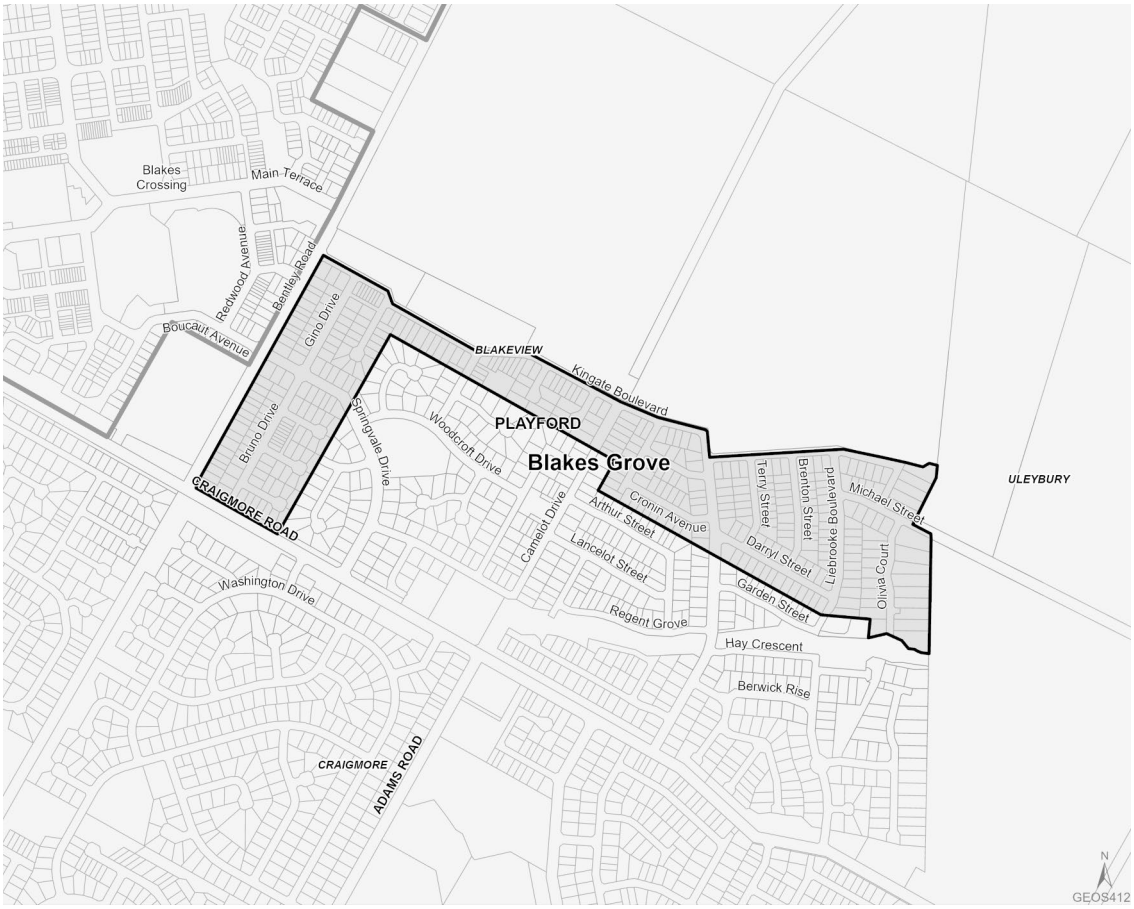
Schedule 18—Maps of designated areas (regulation 3A)

1—Blakes Crossing

Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Blakes Crossing".

2—Blakes Grove



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Blakes Grove".

3—20 Acres at Andrews Farm

Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "20 Acres at Andrews Farm".

4—Playford and Lakeside at Andrews Farm

Note—

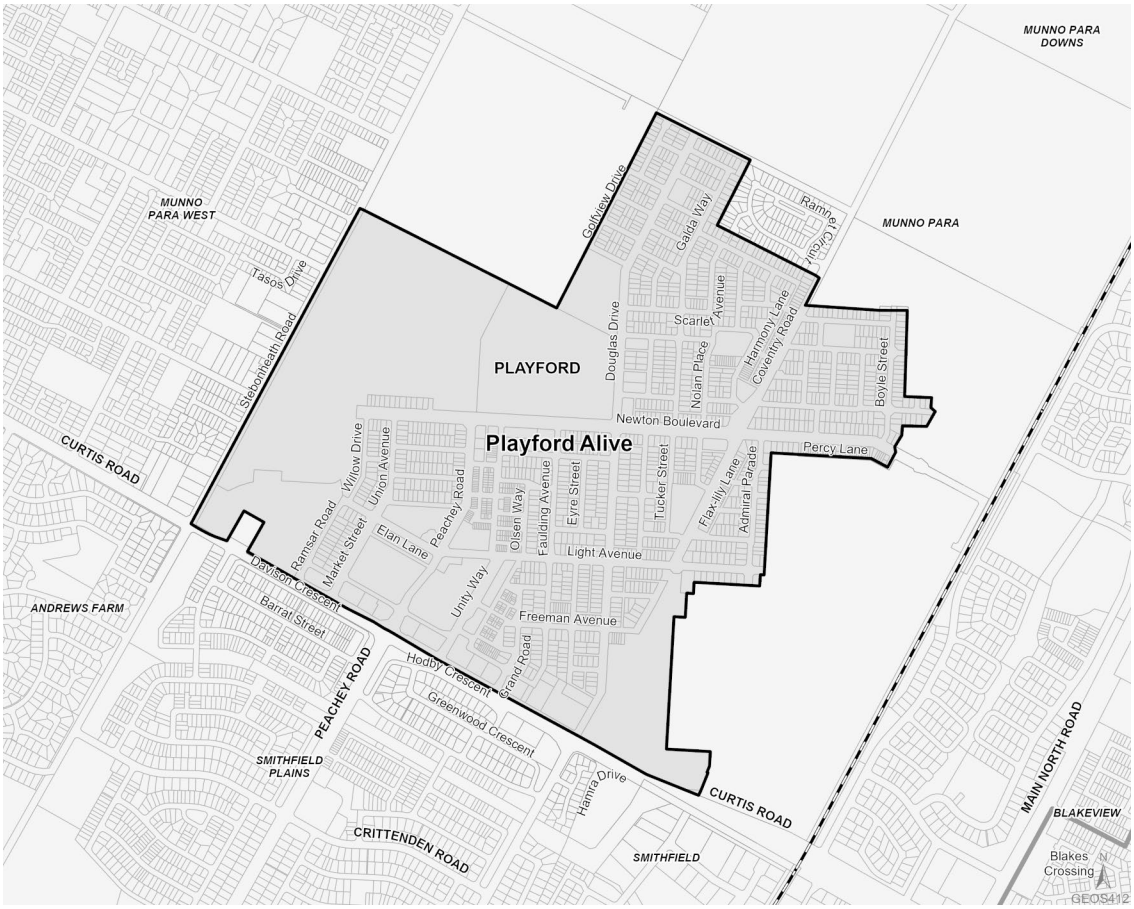
The shaded areas bounded by the bold black lines in this map show the designated areas referred to as "Playford" and "Lakeside at Andrews Farm".

5—Eyre at Penfield

Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Eyre at Penfield".

6—Playford Alive



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Playford Alive".

Legislative history

Notes

- This version is comprised of the following:

Part 1	17.9.2026
Part 2	18.2.2021
Part 3	18.2.2021
Part 4	7.11.2025
Part 5	7.11.2025
Part 6	19.3.2021
Part 7	7.11.2025
Part 8	26.5.2023
Part 9	3.7.2025
Part 10	7.11.2025
Part 11	6.2.2025
Part 11A	11.9.2025
Part 12	11.9.2025
Part 13	7.11.2025
Part 13A	13.5.2026
Part 14	26.5.2023
Part 15	14.3.2024
Part 16	14.3.2024
Part 17	26.5.2023
Part 18	7.11.2025
Schedule 1	18.2.2021
Schedule 2	18.2.2021
Schedule 3	7.11.2025
Schedule 4	29.10.2026
Schedule 4A	26.5.2023
Schedule 5	18.2.2021
Schedule 6	25.9.2025
Schedule 6A	14.3.2024
Schedule 6B	19.3.2021
Schedule 7	30.11.2023
Schedule 8	7.11.2025
Schedule 9	4.12.2025
Schedule 10	18.2.2021
Schedule 10A	18.2.2021
Schedule 10B	18.2.2021
Schedule 11	18.2.2021
Schedule 12	18.2.2021
Schedule 13	7.11.2025

Schedule 14	18.2.2021
Schedule 15	18.2.2021
Schedule 16	18.2.2021
Schedule 17	18.2.2021
Schedule 18	7.11.2025

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2017	24	*Gazette 28.3.2017 p965*	1.4.2017: r 2
2017	209	*Gazette 1.8.2017 p3051*	1.10.2017: r 2
2019	172	*Gazette 27.6.2019 p2376*	1.7.2019: r 2—disallowed on 4.12.2019 (*Gazette 12.12.2019 p4253*)
2019	244	*Gazette 5.12.2019 p4071*	5.12.2019: r 2
2020	6	*Gazette 6.2.2020 p218*	6.2.2020: r 2
2020	216	*Gazette 18.6.2020 p3420*	18.6.2020 except rr 4 to 24 & 26 to 33—31.7.2020: r 2—disallowed on 22.7.2020 (*Gazette 30.7.2020 p4102*)
2020	230	*Gazette 2.7.2020 p3719*	2.7.2020: r 2
2020	241	*Gazette 23.7.2020 p3976*	23.7.2020 except rr 4 to 24 & 26 to 33—31.7.2020: r 2—disallowed on 23.9.2020 (*Gazette 29.10.2020 p4926*)
2020	280	*Gazette 24.9.2020 p4690*	24.9.2020: r 2
2020	281	*Gazette 24.9.2020 p4713*	24.9.2020: r 2—disallowed on 11.11.2020 (*Gazette 19.11.2020 p5078*)
2020	291	*Gazette 12.11.2020 p5041*	12.11.2020: r 2
2020	294	*Gazette 12.11.2020 p5047*	12.11.2020: r 2—disallowed on 2.12.2020 (*Gazette 10.12.2020 p5637*)
2020	310	*Gazette 10.12.2020 p5661*	10.12.2020: r 2—disallowed on 17.2.2021 (*Gazette 25.2.2021 p646*)
2021	18	*Gazette 18.2.2021 p577*	18.2.2021: r 2—disallowed on 17.3.2021 (*Gazette 25.3.2021 p1049*)
2021	23	*Gazette 4.3.2021 p832*	19.3.2021: r 2
2021	27	*Gazette 4.3.2021 p846*	4.3.2021: r 2
2021	28	*Gazette 11.3.2021 p893*	19.3.2021: r 2
2021	33	*Gazette 18.3.2021 p970*	19.3.2021 immediately after 23/2021: r 2
2021	34	*Gazette 18.3.2021 p978*	18.3.2021: r 2—disallowed on 12.5.2021 (*Gazette 20.5.2021 p1397*)

2021	69	*Gazette 3.6.2021 p1850*	1.7.2021: r 2
2021	111	*Gazette 22.7.2021 p2858*	22.7.2021: r 2
2021	121	*Gazette 18.8.2021 p3103*	18.8.2021: r 2
2021	123	*Gazette 26.8.2021 p3321*	30.8.2021: r 2
2021	144	*Gazette 23.9.2021 p3608*	23.9.2021: r 2
2021	190	*Gazette 16.12.2021 p4421*	16.12.2021: r 2
2022	43	*Gazette 16.6.2022 p1836*	16.6.2022: r 2
2022	83	*Gazette 29.9.2022 p6262*	29.9.2022: r 2
2022	104	*Gazette 24.11.2022 p6700*	24.11.2022: r 2
2022	117	*Gazette 15.12.2022 p6927*	15.12.2022: r 2
2023	3	*Gazette 15.2.2023 p357*	15.2.2023: r 2
2023	48	*Gazette 26.5.2023 p1360*	26.5.2023: r 2
2023	87	*Gazette 16.8.2023 p2989*	16.8.2023: r 2
2023	96	*Gazette 31.8.2023 p3134*	31.8.2023: r 2
2023	97	*Gazette 14.9.2023 p3240*	14.9.2023: r 2
2023	112	*Gazette 16.11.2023 p3897*	16.11.2023: r 2
2023	117	*Gazette 30.11.2023 p4004*	30.11.2023: r 2
2024	6	*Gazette 22.2.2024 p193*	22.2.2024: r 2
2024	13	*Gazette 14.3.2024 p442*	14.3.2024: r 2
2024	36	*Gazette 16.5.2024 p919*	16.5.2024: r 2
2025	4	*Gazette 6.2.2025 p113*	6.2.2025: r 2
2025	55	*Gazette 3.7.2025 p2343*	3.7.2025: r 2
2025	102	*Gazette 11.9.2025 p3806*	11.9.2025: r 2
2025	105	*Gazette 25.9.2025 p3935*	25.9.2025: r 2
2025	113	*Gazette 5.11.2025 p4350*	7.11.2025 except r 17(4)—1.7.2026: r 2
2025	129	*Gazette 27.11.2025 p4648*	27.11.2025: r 2
2025	134	*Gazette 4.12.2025 p4715*	4.12.2025: r 2
2026	20	*Gazette 13.5.2026 p1132*	13.5.2026: r 2
2026	63	*Gazette 13.8.2026 p2581*	13.8.2026: r 2
2026	80	*Gazette 17.9.2026 p3017*	17.9.2026: r 2
2026	**89**	***Gazette 29.10.2026 p3302***	**29.10.2026: r 2**

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*1.10.2017*
r 3		
r 3(1)	r 3 redesignated as r 3(1) by 172/2019 r 4(2)	1.7.2019—disallowed on 4.12.2019
	r 3 redesignated as r 3(1) by 244/2019 r 4(2)	5.12.2019

AHD	*inserted by 172/2019 r 4(1)*	*1.7.2019—disallowed on 4.12.2019*
	inserted by 244/2019 r 4(1)	*5.12.2019*
	deleted by 241/2020 r 4(1)	*31.7.2020—disallowed on 23.9.2020*
	deleted by 280/2020 r 4(1)	*24.9.2020*
ARI	*inserted by 172/2019 r 4(1)*	*1.7.2019—disallowed on 4.12.2019*
	inserted by 244/2019 r 4(1)	*5.12.2019*
	deleted by 241/2020 r 4(1)	*31.7.2020—disallowed on 23.9.2020*
	deleted by 280/2020 r 4(1)	*24.9.2020*
class 1, 2 or 3 activity	inserted by 33/2021 r 4(1)	19.3.2021
coastal land	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
co-located housing	inserted by 105/2025 r 3	25.9.2025
designated airport building heights area	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
designated building	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
designated building product	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
designated environmental zone, subzone or overlay	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
designated flood zone, subzone or overlay	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
designated regulated tree overlay	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
essential safety provisions	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
fire authority	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019

groundwater prohibition area	inserted by 33/2021 r 4(2)	19.3.2021
home activity	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
HomeBuilder development	inserted by 28/2021 r 4	19.3.2021
Metropolitan Adelaide	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
more sensitive use	inserted by 33/2021 r 4(3)	19.3.2021
outbuilding	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
prescribed fee	inserted by 69/2021 r 4(1)	1.7.2021
private bushfire shelter	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
related set of regulations	inserted by 69/2021 r 4(2)	1.7.2021
remediation	inserted by 33/2021 r 4(4)	19.3.2021
sensitive use	inserted by 33/2021 r 4(4)	19.3.2021
site contamination, site contamination audit, site contamination auditor, site contamination audit report, site contamination consultant	inserted by 33/2021 r 4(4)	19.3.2021
site contamination practice direction	inserted by 33/2021 r 4(4)	19.3.2021
writing	inserted by 172/2019 r 4(1)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(1)	5.12.2019
r 3(2)	inserted by 172/2019 r 4(2)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(2)	5.12.2019
r 3(3)	*inserted by 172/2019 r 4(2)*	*1.7.2019—disallowed on 4.12.2019*
	inserted by 244/2019 r 4(2)	*5.12.2019*
	deleted by 241/2020 r 4(2)	*31.7.2020—disallowed on 23.9.2020*
	deleted by 280/2020 r 4(2)	*24.9.2020*
r 3(4) and (5)	inserted by 172/2019 r 4(2)	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 4(2)	5.12.2019

r 3(6)	inserted by 33/2021 r 4(5)	19.3.2021
r 3AA	inserted by 4/2025 r 3	6.2.2025
r 3A	inserted by 172/2019 r 5	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 5	5.12.2019
r 3A(1a)	*inserted by 28/2021 r 5(1)*	*19.3.2021*
	expired: r 3A(3b)—omitted under Legislation Revision and Publication Act 2002	*(30.9.2022)*
r 3A(3a)	*inserted by 241/2020 r 5(1)*	*31.7.2020—disallowed on 23.9.2020*
	inserted by 280/2020 r 5(1)	*24.9.2020*
	substituted by 23/2021 r 4(1)	*19.3.2021*
	substituted by 111/2021 r 4(1)	*22.7.2021*
	deleted by 112/2023 r 3	*16.11.2023*
r 3A(3a)	inserted by 113/2025 r 3(1)	7.11.2025
r 3A(3b)	*inserted by 28/2021 r 5(2)*	*19.3.2021*
	omitted under Legislation Revision and Publication Act 2002	*24.11.2022*
r 3A(4) before substitution by 112/2023		
designated area	*inserted by 28/2021 r 5(3)*	*19.3.2021*
designated day	*inserted by 241/2020 r 5(2)*	*31.7.2020—disallowed on 23.9.2020*
	inserted by 280/2020 r 5(2)	*24.9.2020*
	substituted by 23/2021 r 4(2)	*19.3.2021*
	substituted by 111/2021 r 4(2)	*22.7.2021*
	varied by 123/2021 r 4	*30.8.2021*
HomeBuilder grant	*inserted by 28/2021 r 5(4)*	*19.3.2021*
National Partnership Agreement	*inserted by 28/2021 r 5(4)*	*19.3.2021*
prescribed day	*inserted by 28/2021 r 5(4)*	*19.3.2021*
relevant day	*inserted by 28/2021 r 5(5)*	*19.3.2021*
r 3A(4)	substituted by 112/2023 r 3	16.11.2023
r 3A(4a)	inserted by 80/2026 r 3	17.9.2026
r 3A(5)	inserted by 112/2023 r 3	16.11.2023
designated area	inserted by 113/2025 r 3(2)	7.11.2025
r 3B	inserted by 172/2019 r 5	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 5	5.12.2019
r 3C	inserted by 172/2019 r 5	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 5	5.12.2019
r 3C(4a) and (4b)	inserted by 96/2023 r 3	31.8.2023

r 3CA	inserted by 121/2021 r 4	18.8.2021
r 3CA(6a) and (6b)	inserted by 96/2023 r 4	31.8.2023
r 3CB	inserted by 63/2026 r 3	13.8.2026
rr 3D and 3E	inserted by 172/2019 r 5	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 5	5.12.2019
r 3DA	inserted by 102/2025 r 3	11.9.2025
r 3F	inserted by 172/2019 r 5	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 5	5.12.2019
r 3F(1)	varied by 241/2020 r 6(1)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 6(1)	24.9.2020
	amended by 36/2024 r 3(1), (2)	16.5.2024
r 3F(2)	amended by 36/2024 r 3(3)	16.5.2024
r 3F(4)	varied by 241/2020 r 6(2)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 6(2)	24.9.2020
	amended by 36/2024 r 3(4)—(6)	16.5.2024
	amended by 113/2025 r 4(1)	7.11.2025
r 3F(4a)	inserted by 36/2024 r 3(7)	16.5.2024
r 3F(6)	amended by 36/2024 r 3(8)	16.5.2024
	amended by 113/2025 r 4(2)	7.11.2025
rr 3G—3I	inserted by 172/2019 r 5	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 5	5.12.2019
Pt 2		
heading	substituted by 209/2017 r 4	1.10.2017
r 4	*deleted by 172/2019 r 6*	*1.7.2019—disallowed on 4.12.2019*
	deleted by 244/2019 r 6	*5.12.2019*
r 6		
r 6(1)	varied by 6/2020 r 4	6.2.2020
r 6A	inserted by 172/2019 r 7	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 7	5.12.2019
r 8		
r 8(13)	inserted by 209/2017 r 5	1.10.2017
r 11	inserted by 209/2017 r 6	1.10.2017
rr 11A and 11B	inserted by 230/2020 r 4	2.7.2020
Pt 3	inserted by 209/2017 r 7	1.10.2017
r 18	varied by 172/2019 r 8	1.7.2019—disallowed on 4.12.2019
	varied by 244/2019 r 8	5.12.2019

Pt 4	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 18A	inserted by 36/2024 r 4	16.5.2024
r 19	varied by 241/2020 r 7	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 7	24.9.2020
	varied by 23/2021 r 5	19.3.2021
	varied by 190/2021 r 4	16.12.2021
	amended by 113/2025 r 5(1), (2)	7.11.2025
r 19A	inserted by 23/2021 r 6	19.3.2021
r 19A(5)		
designated authority	(a) deleted by 13/2024 r 3(1)	14.3.2024
	amended by 13/2024 r 3(2)	14.3.2024
r 21	varied by 241/2020 r 8	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 8	24.9.2020
	varied by 23/2021 r 7	19.3.2021
	amended by 48/2023 r 3	26.5.2023
	amended by 13/2024 r 4	14.3.2024
r 21(1)	inserted by 113/2025 r 6	7.11.2025
r 21(2)	r 21 redesignated as r 21(2) by 113/2025 r 6	7.11.2025
r 22		
r 22(1)	r 22 redesignated as r 22(1) by 241/2020 r 9	31.7.2020—disallowed on 23.9.2020
	r 22 redesignated as r 22(1) by 280/2020 r 9	24.9.2020
	amended by 113/2025 r 7(1), (2)	7.11.2025
r 22(2)	inserted by 241/2020 r 9	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 9	24.9.2020
Pt 5	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 25		
r 25(2)	substituted by 113/2025 r 8	7.11.2025
Pt 6	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 26A	inserted by 27/2021 r 4	4.3.2021
r 27		
r 27(a1)	inserted by 23/2021 r 8	19.3.2021
Pt 7	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019

r 29		
r 29(5)	inserted by 113/2025 r 9	7.11.2025
r 31		
r 31(1)	varied by 69/2021 r 5	1.7.2021
	amended by 6/2024 r 3(1), (2)	22.2.2024
r 31(2)	varied by 190/2021 r 5(1)	16.12.2021
	amended by 6/2024 r 3(3)	22.2.2024
r 31(3)	deleted by 23/2021 r 9	19.3.2021
	inserted by 190/2021 r 5(2)	16.12.2021
rr 32A and 32B	inserted by 33/2021 r 5	19.3.2021
r 33		
r 33(2a)	inserted by 6/2024 r 4	22.2.2024
r 34		
r 34(1)	amended by 48/2023 r 4	26.5.2023
r 35		
r 35(1)	amended by 48/2023 r 5	26.5.2023
r 36		
r 36(2)	amended by 48/2023 r 6	26.5.2023
r 41		
r 41(1a)	inserted by 190/2021 r 6	16.12.2021
	amended by 6/2024 r 5(1)	22.2.2024
r 41(1b)	inserted by 190/2021 r 6	16.12.2021
	amended by 6/2024 r 5(2)	22.2.2024
r 41(2)	substituted by 6/2024 r 5(3)	22.2.2024
r 41A	inserted by 48/2023 r 7	26.5.2023
	relocated to follow r 41 by 96/2023 r 5	31.8.2023
r 43		
r 43(2)	substituted by 241/2020 r 10	31.7.2020—disallowed on 23.9.2020
	substituted by 280/2020 r 10	24.9.2020
r 43(3)	inserted by 241/2020 r 10	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 10	24.9.2020
r 44	varied by 241/2020 r 11	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 11	24.9.2020
r 46		
r 46(4)	varied by 69/2021 r 6(1)	1.7.2021
r 46(6)	varied by 69/2021 r 6(2)	1.7.2021
r 47		
r 47(4)	substituted by 241/2020 r 12	31.7.2020—disallowed on 23.9.2020
	substituted by 280/2020 r 12	24.9.2020
r 47(6)	varied by 190/2021 r 7	16.12.2021

r 53		
r 53(1)	varied by 23/2021 r 10(1)	19.3.2021
	amended by 48/2023 r 8(1), (2)	26.5.2023
	amended by 6/2024 r 6(1)—(5)	22.2.2024
	amended by 13/2024 r 5(1)	14.3.2024
	amended by 113/2025 r 10(1), (2)	7.11.2025
r 53(2)	varied by 190/2021 r 8	16.12.2021
r 53(4a)	inserted by 113/2025 r 10(3)	7.11.2025
r 53(8)	inserted by 23/2021 r 10(2)	19.3.2021
	substituted by 48/2023 r 8(3)	26.5.2023
	amended by 13/2024 r 5(2)	14.3.2024
r 53(9)	inserted by 23/2021 r 10(2)	19.3.2021
	substituted by 48/2023 r 8(3)	26.5.2023
	amended by 13/2024 r 5(3)	14.3.2024
r 53(10)	inserted by 23/2021 r 10(2)	19.3.2021
	deleted by 48/2023 r 8(3)	26.5.2023
	inserted by 13/2024 r 5(4)	14.3.2024
r 53A	*inserted by 111/2021 r 5*	*22.7.2021*
	deleted by 123/2021 r 5	*30.8.2021*
r 57		
r 57(2)	substituted by 6/2024 r 7(1)	22.2.2024
r 57(3)	amended by 6/2024 r 7(2)	22.2.2024
r 57(4)	substituted by 241/2020 r 13	31.7.2020—disallowed on 23.9.2020
	substituted by 280/2020 r 13	24.9.2020
	amended by 6/2024 r 7(3)	22.2.2024
r 59		
r 59(2)	amended by 36/2024 r 5(1), (2)	16.5.2024
r 61		
r 61(1)	amended by 113/2025 r 11(1)—(3)	7.11.2025
r 62A	inserted by 117/2022 r 3	15.12.2022
r 64		
r 64(2a) and (2b)	inserted by 241/2020 r 14	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 14	24.9.2020
r 64A		
r 64A(1)	r 64A redesignated as r 64A(1) by 190/2021 r 9	16.12.2021
	r 64A inserted by 241/2020 r 15	31.7.2020—disallowed on 23.9.2020
	r 64A inserted by 280/2020 r 15	24.9.2020
r 64A(2)	inserted by 190/2021 r 9	16.12.2021
r 65		
r 65(1a)	inserted by 113/2025 r 12	7.11.2025

r 65(3)	inserted by 241/2020 r 16	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 16	24.9.2020
r 65(4)—(6)	inserted by 48/2023 r 9	26.5.2023
r 67		
r 67(1)	r 67 varied and redesignated as r 67(1) by 291/2020 r 4(1), (2)	12.11.2020
	varied by 23/2021 r 11	19.3.2021
	varied by 69/2021 r 7	1.7.2021
	amended by 13/2024 r 6(1)—(4)	14.3.2024
r 67(2)	*inserted by 291/2020 r 4(2)*	*12.11.2020*
	deleted by 13/2024 r 6(5)	*14.3.2024*
r 67(3)	inserted by 190/2021 r 10	16.12.2021
operative date	amended by 48/2023 r 10	26.5.2023
	amended by 13/2024 r 6(6)	14.3.2024
Pt 8	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 68		
r 68(2)	varied by 69/2021 r 8	1.7.2021
r 68(3)	*deleted by 241/2020 r 17*	*31.7.2020—disallowed on 23.9.2020*
	deleted by 280/2020 r 17	*24.9.2020*
r 73(1) and (2)	substituted by 48/2023 r 11(1)	26.5.2023
r 73(2a)	inserted by 48/2023 r 11(1)	26.5.2023
r 73(3)	amended by 48/2023 r 11(2)	26.5.2023
Pt 9	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
Pt 9 Div 2		
r 76		
r 76(1)	varied by 190/2021 r 11	16.12.2021
Pt 9 Div 5		
r 79		
r 79(1) and (2)	substituted by 48/2023 r 12(1)	26.5.2023
r 79(5)	varied by 69/2021 r 9	1.7.2021
r 79(6)	amended by 48/2023 r 12(2)	26.5.2023
Pt 9 Div 6		
r 85		
r 85(4)	amended by 48/2023 r 13	26.5.2023
Pt 9 Div 6A	inserted by 55/2025 r 3	3.7.2025
Pt 9 Div 7		
r 88		
heading	amended by 55/2025 r 4(1)	3.7.2025

r 88(1)	substituted by 55/2025 r 4(2)	3.7.2025
r 88(2)	amended by 55/2025 r 4(3)—(5)	3.7.2025
r 88(3)—(6)	inserted by 55/2025 r 4(6)	3.7.2025
r 89		
r 89(2)	varied by 33/2021 r 6	19.3.2021
Pt 10	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 93		
r 93(1)	varied by 241/2020 r 18(1), (2)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 18(1), (2)	24.9.2020
	amended by 13/2024 r 7	14.3.2024
r 93(4a)	inserted by 113/2025 r 13	7.11.2025
r 94		
r 94(4)	varied by 241/2020 r 19	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 19	24.9.2020
	varied by 69/2021 r 10	1.7.2021
	amended by 48/2023 r 14(1)	26.5.2023
r 94(11)	amended by 48/2023 r 14(2)	26.5.2023
r 99		
r 99(2)	varied by 241/2020 r 20(1)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 20(1)	24.9.2020
r 99(3)	varied by 241/2020 r 20(2)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 20(2)	24.9.2020
r 99(4)	varied by 241/2020 r 20(3)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 20(3)	24.9.2020
Pt 11	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 103 before substitution by 190/2021		
r 103(1a)	*inserted by 23/2021 r 12*	*19.3.2021*
r 103(3a)—(3c)	*inserted by 33/2021 r 7*	*19.3.2021*
r 103(6a) and (6b)	*inserted by 241/2020 r 21(1)*	*31.7.2020—disallowed on 23.9.2020*
	inserted by 280/2020 r 21(1)	*24.9.2020*
r 103(7)	*varied by 241/2020 r 21(2)*	*31.7.2020—disallowed on 23.9.2020*
	varied by 280/2020 r 21(2)	*24.9.2020*

r 103(7a)	*inserted by 241/2020 r 21(3)*	*31.7.2020—disallowed on 23.9.2020*
	inserted by 280/2020 r 21(3)	*24.9.2020*
r 103(11)	*varied by 241/2020 r 21(4)*	*31.7.2020—disallowed on 23.9.2020*
	varied by 280/2020 r 21(4)	*24.9.2020*
Pt 11 Div 1		
heading	inserted by 190/2021 r 12	16.12.2021
Pt 11 Div 2		
heading	varied by 190/2021 r 13	16.12.2021
r 102		
r 102(3)	varied by 69/2021 r 11	1.7.2021
Pt 11 Div 3	inserted by 190/2021 r 14	16.12.2021
r 103	substituted by 190/2021 r 14	16.12.2021
r 103(1)	*(a) expired: r 103(2)—omitted under Legislation Revision and Publication Act 2002*	*(30.9.2024)*
r 103(2)	*amended by 43/2022 r 3*	*16.6.2022*
	amended by 117/2023 r 3	*30.11.2023*
	omitted under Legislation Revision and Publication Act 2002	*6.2.2025*
r 103A		
r 103A(2)	amended by 43/2022 r 4	16.6.2022
	amended by 117/2023 r 4	30.11.2023
r 103B	amended by 43/2022 r 5	16.6.2022
	amended by 117/2023 r 5	30.11.2023
r 103G		
r 103G(2)	amended by 43/2022 r 6	16.6.2022
	substituted by 117/2023 r 6	30.11.2023
	amended by 6/2024 r 8	22.2.2024
Pt 11 Div 4	inserted by 190/2021 r 14	16.12.2021
Pt 11 Div 5		
heading	inserted by 190/2021 r 15	16.12.2021
r 104		
r 104(3)	substituted by 241/2020 r 22(1)	31.7.2020—disallowed on 23.9.2020
	substituted by 280/2020 r 22(1)	24.9.2020
	amended by 48/2023 r 15(1)	26.5.2023
r 104(5)	varied by 241/2020 r 22(2)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 22(2)	24.9.2020
	amended by 48/2023 r 15(2)	26.5.2023
r 104(8)	amended by 13/2024 r 8	14.3.2024
r 104(10)	*deleted by 241/2020 r 22(3)*	*31.7.2020—disallowed on 23.9.2020*
	deleted by 280/2020 r 22(3)	*24.9.2020*

Pt 11A	inserted by 48/2023 r 16	26.5.2023
r 104A		
r 104A(1a)	inserted by 102/2025 r 4	11.9.2025
Pt 12	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 106		
r 106(1a) and (1b)	inserted by 96/2023 r 6	31.8.2023
r 106A	inserted by 23/2021 r 13	19.3.2021
r 107		
r 107(2)	amended by 102/2025 r 5	11.9.2025
Pt 13	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 109		
r 109(5)	amended by 113/2025 r 14	7.11.2025
Pt 13A	inserted by 20/2026 r 3	13.5.2026
Pt 14	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 111		
r 111(8)		
operative date	amended by 48/2023 r 17	26.5.2023
Pt 15	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 112		
r 112(2)	varied by 241/2020 r 23(1)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 23(1)	24.9.2020
r 112(3)	inserted by 241/2020 r 23(2)	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 23(2)	24.9.2020
	substituted by 13/2024 r 9	14.3.2024
r 113	amended by 13/2024 r 10	14.3.2024
Pt 16	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 113A	inserted by 13/2024 r 11	14.3.2024
Pt 17	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 116	varied by 241/2020 r 24	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 24	24.9.2020

r 116(1)	r 116 redesignated as r 116(1) by 48/2023 r 18	26.5.2023
r 116(2)	inserted by 48/2023 r 18	26.5.2023
Pt 18	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
r 116A	inserted by 113/2025 r 15	7.11.2025
r 119	varied by 216/2020 r 25	18.6.2020—disallowed on 22.7.2020
	varied by 241/2020 r 25	23.7.2020—disallowed on 23.9.2020
	varied by 281/2020 r 4	24.9.2020—disallowed on 11.11.2020
r 119(1)	r 119 varied and redesignated as r 119(1) by 294/2020 r 4(1), (2)	12.11.2020—disallowed on 2.12.2020
	r 119 varied and redesignated as r 119(1) by 310/2020 r 4(1), (2)	10.12.2020—disallowed on 17.2.2021
	r 119 varied and redesignated as r 119(1) by 18/2021 r 4(1), (2)	18.2.2021—disallowed on 17.3.2021
	r 119 varied and redesignated as r 119(1) by 34/2021 r 4(1), (2)	18.3.2021—disallowed on 12.5.2021
r 119(2)	inserted by 294/2020 r 4(2)	12.11.2020—disallowed on 2.12.2020
	inserted by 310/2020 r 4(2)	10.12.2020—disallowed on 17.2.2021
	inserted by 18/2021 r 4(2)	18.2.2021—disallowed on 17.3.2021
	inserted by 34/2021 r 4(2)	18.3.2021—disallowed on 12.5.2021
r 120		
r 120(1)	varied by 23/2021 r 14(1)	19.3.2021
	varied by 69/2021 r 12	1.7.2021
	amended by 48/2023 r 19(1)	26.5.2023
	amended by 6/2024 r 9	22.2.2024
r 120(2)	*varied by 23/2021 r 14(2)*	*19.3.2021*
	deleted by 48/2023 r 19(2)	*26.5.2023*
r 120(3)	*deleted by 48/2023 r 19(2)*	*26.5.2023*
r 126	varied by 190/2021 r 16	16.12.2021
Schs 1 and 2	*deleted by 172/2019 r 10*	*1.7.2019—disallowed on 4.12.2019*
	deleted by 244/2019 r 10	*5.12.2019*
Sch 1	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
Sch 2	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019

Sch 3	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 7		
cl 7(1)	varied by 241/2020 r 26	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 25	24.9.2020
cl 10	inserted by 96/2023 r 7	31.8.2023
cl 11	inserted by 13/2024 r 12	14.3.2024
cl 12	inserted by 113/2025 r 16	7.11.2025
Sch 4	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 2		
cl 2(1)	varied by 23/2021 r 15(1), (2)	19.3.2021
cl 2(4)	inserted by 104/2022 r 3	24.11.2022
	amended by 48/2023 r 20(1)	26.5.2023
cl 4		
cl 4(1)	varied by 241/2020 r 27(1)—(8)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(1)—(8)	24.9.2020
	varied by 23/2021 r 15(3), (4)	19.3.2021
	amended by 117/2022 r 4(1), (2)	15.12.2022
	amended by 48/2023 r 20(2)	26.5.2023
	amended by 105/2025 r 4	25.9.2025
cl 4(2)	varied by 241/2020 r 27(9)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(9)	24.9.2020
cl 4(3)	varied by 241/2020 r 27(10)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(10)	24.9.2020
cl 5		
cl 5(2)	varied by 241/2020 r 27(11)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(11)	24.9.2020
	varied by 23/2021 r 15(5)	19.3.2021
	amended by 117/2022 r 4(3)	15.12.2022
	amended by 117/2023 r 7	30.11.2023
	amended by 129/2025 r 3(1)	27.11.2025
cl 5(3)		
approved family day care service, family day care service, residence and service approval	inserted by 129/2025 r 3(2)	27.11.2025

residual early childhood service	inserted by 129/2025 r 3(3)	27.11.2025
cl 9	varied by 241/2020 r 27(12)—(15)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(12)—(15)	24.9.2020
	varied by 23/2021 r 15(6)	19.3.2021
cl 10		
cl 10(1)	cl 10 redesignated as cl 10(1) by 241/2020 r 27(16)	31.7.2020—disallowed on 23.9.2020
	cl 10 redesignated as cl 10(1) by 280/2020 r 26(16)	24.9.2020
cl 10(2)	inserted by 241/2020 r 27(16)	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 26(16)	24.9.2020
cl 11	varied by 241/2020 r 27(17)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(17)	24.9.2020
cl 13		
cl 13(1)	varied by 241/2020 r 27(18)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(18)	24.9.2020
	varied by 23/2021 r 15(7)	19.3.2021
cl 13(3)	varied by 241/2020 r 27(19)—(22)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(19)—(22)	24.9.2020
cl 13(4)		
neighbourhood-type zone	inserted by 23/2021 r 15(8)	19.3.2021
cl 14		
cl 14(1)	amended by 113/2025 r 17(1), (2)	7.11.2025
cl 14(5a)	inserted by 241/2020 r 27(23)	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 26(23)	24.9.2020
cl 14(7)		
infrastructure	varied by 241/2020 r 27(24)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 26(24)	24.9.2020
cl 18		
cl 18(1)	amended by 36/2024 r 6(1)	16.5.2024
	amended by 113/2025 r 17(3)	7.11.2025
cl 18(1a) and (1b)	inserted by 36/2024 r 6(2)	16.5.2024
cl 18(2)	amended by 36/2024 r 6(3), (4)	16.5.2024
cl 18(3)	inserted by 36/2024 r 6(5)	16.5.2024
cl 22	inserted by 113/2025 r 17(4)	1.7.2026
cl 23	**inserted by 89/2026 r 3**	**29.10.2026**
Sch 4A	inserted by 121/2021 r 5	18.8.2021

cl 1		
cl 1(1)	amended by 48/2023 r 21(1), (2)	26.5.2023
Sch 5	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 4		
cl 4(1)	varied by 241/2020 r 28(1), (2)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 27(1), (2)	24.9.2020
	(d), (e) deleted by 241/2020 r 28(3)	31.7.2020—disallowed on 23.9.2020
	(d), (e) deleted by 280/2020 r 27(3)	24.9.2020
Sch 6	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 1		
cl 1(1)	varied by 241/2020 r 29(1)—(4)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 28(1)—(4)	24.9.2020
cl 1(3)	inserted by 48/2023 r 22(1)	26.5.2023
cl 3		
cl 3(2) and (3)	*deleted by 48/2023 r 22(2)*	*26.5.2023*
cl 4		
heading	amended by 13/2024 r 13(1)	14.3.2024
	amended by 105/2025 r 5(1)	25.9.2025
cl 4(1)	amended by 105/2025 r 5(2)	25.9.2025
cl 4(2) and (3)	deleted by 48/2023 r 22(3)	26.5.2023
cl 4A	inserted by 241/2020 r 29(5)	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 28(5)	24.9.2020
cl 4A(2) and (3)	*deleted by 48/2023 r 22(4)*	*26.5.2023*
cl 4B	inserted by 48/2023 r 22(5)	26.5.2023
cl 5		
cl 5(2) and (3)	*deleted by 48/2023 r 22(6)*	*26.5.2023*
cl 8		
cl 8(2)	amended by 13/2024 r 13(2), (3)	14.3.2024
cl 9A	inserted by 102/2025 r 6	11.9.2025
cl 12	varied by 241/2020 r 29(6)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 28(6)	24.9.2020
cl 12A	inserted by 241/2020 r 29(7)	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 28(7)	24.9.2020
cl 14	inserted by 241/2020 r 29(8)	31.7.2020—disallowed on 23.9.2020

	inserted by 280/2020 r 28(8)	24.9.2020
	substituted by 48/2023 r 22(7)	26.5.2023
cl 15	inserted by 144/2021 r 4	23.9.2021
	expired: Sch 6 cl 15(2)—omitted under *Legislation Revision and Publication Act 2002*	(30.4.2022)
	inserted by 83/2022 r 3	29.9.2022
	substituted by 3/2023 r 3	15.2.2023
cl 16	inserted by 190/2021 r 17	16.12.2021
cl 17	inserted by 48/2023 r 22(8)	26.5.2023
	amended by 13/2024 r 13(5)	14.3.2024
heading	amended by 13/2024 r 13(4)	14.3.2024
Sch 6A before omission under Legislation Revision and Publication Act 2002	*inserted by 27/2021 r 5*	*4.3.2021*
cl 1	*deleted by 190/2021 r 18*	*16.12.2021*
cl 2	*inserted by 144/2021 r 5*	*23.9.2021*
	expired: Sch 6A cl 2(2)—omitted under Legislation Revision and Publication Act 2002	*(30.4.2022)*
Sch 6A	omitted under *Legislation Revision and Publication Act 2002*	16.6.2022
	inserted by 83/2022 r 4	29.9.2022
cl 1	substituted by 3/2023 r 4	15.2.2023
cl 2	inserted by 117/2022 r 5	15.12.2022
cl 2(1)	amended by 117/2023 r 8(1)	30.11.2023
cl 2(2)	amended by 117/2023 r 8(2)	30.11.2023
cl 3	inserted by 87/2023 r 3	16.8.2023
cl 3(1)	amended by 112/2023 r 4(1)	16.11.2023
cl 3(2)	(b) deleted by 112/2023 r 4(2)	16.11.2023
cl 3(3)	amended by 112/2023 r 4(3)	16.11.2023
	amended by 13/2024 r 14	14.3.2024
cl 3(4a)	inserted by 112/2023 r 4(4)	16.11.2023
cl 3(6a)	inserted by 112/2023 r 4(5)	16.11.2023
cl 3(9a)	inserted by 112/2023 r 4(6)	16.11.2023
cl 3(13a)—(13c)	inserted by 112/2023 r 4(7)	16.11.2023
cl 3(14a) and (14b)	inserted by 112/2023 r 4(8)	16.11.2023
Sch 6B	inserted by 28/2021 r 6	19.3.2021
Sch 7	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 12	inserted by 241/2020 r 30	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 29	24.9.2020
	amended by 117/2023 r 9	30.11.2023

Sch 8	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 1	varied by 241/2020 r 31(1)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 30(1)	24.9.2020
	varied by 23/2021 r 16(1)	19.3.2021
cl 2	varied by 241/2020 r 31(2)—(11)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 30(2)—(11)	24.9.2020
cl 2(1)	cl 2 varied and redesignated as cl 2(1) by 23/2021 r 16(2)—(7)	19.3.2021
	(d) deleted by 33/2021 r 8(1)	19.3.2021
	varied by 190/2021 r 19(1), (2)	16.12.2021
	amended by 48/2023 r 23(1)	26.5.2023
cl 2(2)	*inserted by 23/2021 r 16(7)*	*19.3.2021*
	deleted by 33/2021 r 8(2)	*19.3.2021*
cl 2AA	inserted by 105/2025 r 6	25.9.2025
cl 2A	inserted by 33/2021 r 8(3)	19.3.2021
cl 7		
cl 7(3)	(a)(iii) deleted by 113/2025 r 18	7.11.2025
cl 8		
cl 8(1)	amended by 55/2025 r 5(1)	3.7.2025
cl 8(3)	inserted by 55/2025 r 5(2)	3.7.2025
cl 8A	inserted by 48/2023 r 23(2)	26.5.2023
cl 10		
cl 10(1)	varied by 241/2020 r 31(12)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 30(12)	24.9.2020
cl 11		
cl 11(1)	varied by 241/2020 r 31(13)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 30(13)	24.9.2020
cl 12		
cl 12(1)	varied by 241/2020 r 31(14)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 30(14)	24.9.2020
cl 13		
cl 13(1)	varied by 241/2020 r 31(15)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 30(15)	24.9.2020
cl 14	varied by 23/2021 r 16(8)—(10)	19.3.2021
cl 15A	inserted by 102/2025 r 7	11.9.2025
cl 16	inserted by 28/2021 r 7	19.3.2021

Sch 9	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 1		
cl 1(1)	varied by 241/2020 r 32(1)—(3)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 31(1)—(3)	24.9.2020
cl 1(2)	varied by 241/2020 r 32(4)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 31(4)	24.9.2020
	varied by 69/2021 r 13	1.7.2021
cl 1(4)	inserted by 33/2021 r 9(1)	19.3.2021
cl 2	varied by 241/2020 r 32(5)	31.7.2020—disallowed on 23.9.2020
	varied by 280/2020 r 31(5)	24.9.2020
cl 3	substituted by 241/2020 r 32(6)	31.7.2020—disallowed on 23.9.2020
	substituted by 280/2020 r 31(6)	24.9.2020
	varied by 23/2021 r 17(1)—(3)	19.3.2021
	varied by 33/2021 r 9(2)	19.3.2021
	amended by 48/2023 r 24(1), (2)	26.5.2023
	amended by 96/2023 r 8	31.8.2023
	amended by 113/2025 r 19(1), (2)	7.11.2025
	amended by 134/2025 r 3	4.12.2025
Sch 10	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
Schs 10A and 10B	inserted by 241/2020 r 33	31.7.2020—disallowed on 23.9.2020
	inserted by 280/2020 r 32	24.9.2020
Schs 11 and 12	*inserted by 172/2019 r 9*	*1.7.2019—disallowed on 4.12.2019*
	inserted by 244/2019 r 9	*5.12.2019*
Sch 13	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
cl 2		
cl 2(1)	(b)(v) expired: cl 2(6)—omitted under *Legislation Revision and Publication Act 2002*	(1.7.2020)
	varied by 23/2021 r 18(1), (2)	19.3.2021
	amended by 48/2023 r 25(1)—(12)	26.5.2023
	amended by 97/2023 r 3	14.9.2023
	amended by 13/2024 r 15(1)—(4)	14.3.2024
	amended by 36/2024 r 7	16.5.2024
	amended by 102/2025 r 8(1)—(3)	11.9.2025

	(w)(i) deleted by 113/2025 r 20(1)	7.11.2025
cl 2(2)	varied by 23/2021 r 18(3)	19.3.2021
	amended by 48/2023 r 25(13)	26.5.2023
cl 2(6)	omitted under *Legislation Revision and Publication Act 2002*	23.7.2020—(4)
	inserted by 102/2025 r 8(4)	11.9.2025
cl 5	(b)(viii)(A) deleted by 113/2025 r 20(2)	7.11.2025
Schs 14—17	inserted by 172/2019 r 9	1.7.2019—disallowed on 4.12.2019
	inserted by 244/2019 r 9	5.12.2019
Sch 18	inserted by 113/2025 r 21	7.11.2025

Transitional etc provisions associated with regulations or variations

Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2024 (No 13 of 2024), Sch 1

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*.

Planning, Development and Infrastructure (General) (Regulated and Significant Trees) Amendment Regulations 2024 (No 36 of 2024), Sch 1

1—Transitional provision

The amendments effected by these regulations do not apply in relation to any activity that is—

(a) undertaken for the purposes of a development that is the subject of—

(i) an application for development authorisation under the *Planning, Development and Infrastructure Act 2016* lodged before the commencement of this clause; or

(ii) a development authorisation under the *Planning, Development and Infrastructure Act 2016* granted before the commencement of this clause,

if the activity is undertaken after development authorisation is granted and before the day falling 12 months after the commencement of this clause; or

(b) undertaken by or on behalf of the South Australian Housing Trust for the purposes of a development, or in connection with the demolition of a dwelling or residential flat building, before 1 January 2027 (regardless of whether the application for development authorisation is lodged, or development authorisation is granted, in respect of the development before or after the commencement of this clause).

Historical versions

1.10.2017
1.7.2019
4.12.2019 (electronic only)
5.12.2019
6.2.2020
18.6.2020
2.7.2020
22.7.2020 (electronic only)
23.7.2020
31.7.2020
23.9.2020 (electronic only)
24.9.2020
11.11.2020 (electronic only)
12.11.2020
2.12.2020 (electronic only)
10.12.2020
17.2.2021 (electronic only)
18.2.2021
4.3.2021 (electronic only)
17.3.2021 (electronic only)
18.3.2021
19.3.2021
12.5.2021
1.7.2021 (electronic only)
22.7.2021
18.8.2021
30.8.2021
23.9.2021
16.12.2021
16.6.2022
29.9.2022
24.11.2022
15.12.2022
15.2.2023
26.5.2023

16.8.2023
31.8.2023
14.9.2023
16.11.2023
30.11.2023
22.2.2024
14.3.2024
16.5.2024
6.2.2025
3.7.2025
11.9.2025
25.9.2025
7.11.2025
27.11.2025 (electronic only)
4.12.2025
13.5.2026
1.7.2026
13.8.2026
17.9.2026