

South Australia

Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025

An Act to amend the *Architectural Practice Act 2009*, the *Land and Business (Sale and Conveyancing) Act 1994*, the *Law of Property Act 1936*, the *Planning, Development and Infrastructure Act 2016*, the *Real Property Act 1886*, the *Residential Tenancies (Miscellaneous) Amendment Act 2023* and the *State Development Coordination and Facilitation Act 2025*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Planning, Infrastructure and Other Matters) Act 2025*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.
- (2) Part 3 to Part 6 (inclusive) and Part 8 come into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Architectural Practice Act 2009*

3—Amendment of section 7—Terms and conditions of membership

Section 7—after subsection (2) insert:

- (2a) Subsection (2) does not apply to a member of the Board—
 - (a) nominated by the Minister pursuant to section 5(1)(b); and
 - (b) who is a public sector employee (within the meaning of the *Public Sector Act 2009*).

Part 3—Amendment of *Land and Business (Sale and Conveyancing) Act 1994*

4—Amendment of section 6—Abolition of instalment purchase or rental purchase arrangements

Section 6(4)—after paragraph (b) insert:

and

- (c) a contract for the sale of land of a kind prescribed by the regulations.

Part 4—Amendment of *Law of Property Act 1936*

5—Amendment of section 41—Execution and attestation of deeds

Section 41(1)(c)—delete paragraph (c) and substitute:

- (c) a deed may be executed on behalf of a party to a deed—
 - (i) by the signature of a person with express or implied authority to execute documents for and on behalf of the party; or
 - (ii) if the party is a natural person—by a person acting at the direction, and in the presence, of the party;
- (d) a person may sign, seal or execute a deed by signing, sealing or executing an electronic form of the deed using electronic means.

6—Amendment of section 41A—Easements without dominant land to be validly created

Section 41A(2)—delete subsection (2) and substitute:

- (2) The Minister may, by notice in the Gazette, declare a body for the purposes of subsection (1)(a)(iii).
- (2a) The Minister may, by instrument in writing, delegate the Minister's power under subsection (2) to a person named in the instrument of delegation.

7—Transitional provision

A declaration made by the Governor pursuant to section 41A(2) of the *Law of Property Act 1936* as in force immediately before the commencement of this clause will, on and after that commencement, be taken to have been made by the Minister pursuant to section 41A(2) of that Act.

Part 5—Amendment of *Planning, Development and Infrastructure Act 2016*

8—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *allotment*—after "has" insert:
 , except as provided by subsection (1a),
- (2) Section 3—after subsection (1) insert:
 - (1a) For the purposes of this Act, an *allotment* does not include land that is unalienated Crown land or land alienated from the Crown otherwise than in fee simple.

9—Amendment of section 12—Objects of Act

Section 12(2)—after paragraph (b) insert:

- (ba) recognise, protect and promote Aboriginal and Torres Strait Islander knowledge, culture and tradition; and

10—Amendment of section 28—Disclosure of financial interests

Section 28—after its present contents (now to be designated as subsection (1)) insert:

- (2) A member of a committee established by the Commission under section 29 must disclose their financial interests in accordance with Schedule 1.

11—Amendment of section 42—Practice directions

Section 42(2)—after "specify" insert:

substantive or

12—Amendment of section 48—SA planning website

- (1) Section 48(1)—after "this" insert:
 and any other
- (2) Section 48(2)(b)—after "this" insert:
 and any other
- (3) Section 48(2)(d)—delete "the regulations" and substitute:
 regulations under this or any other Act

13—Amendment of section 54—Protected information

Section 54(1)—delete "after taking into account the advice of the Commission,"

14—Amendment of section 71—Incorporation of material and application of instrument

Section 71(e)—delete "other than in the case of a regional plan,"

15—Amendment of section 73—Preparation and amendment

(1) Section 73—after subsection (3) insert:

(3a) Despite subsection (2)(b), the advice of the Commission is not required for an approval of the Minister under subsection (2)(b) relating to an amendment to a designated instrument in circumstances prescribed by the regulations.

(2) Section 73(11)—delete subsection (11) and substitute:

(11) The Minister must publish on the SA planning portal a copy of any advice furnished to the Minister by the Commission in the course of consultation conducted in accordance with subsection (10)(a) or (b)—

- (a) in a case where the action of the Minister involves adopting a designated instrument or an amendment of a designated instrument—within 10 business days of the designated instrument or amendment taking effect; or
- (b) in any other case—within 10 business days of taking action under subsection (10).

16—Amendment of section 74—Parliamentary scrutiny

(1) Section 74(3)—delete "Commission" wherever occurring and substitute in each case:
Minister

(2) Section 74(3)(b)—delete paragraph (b) and substitute:

(b) a copy of any report on the designated instrument furnished to the Minister under section 73(7); and

17—Amendment of section 75—Complying changes—Planning and Design Code

(1) Section 75(1)—delete ", after seeking the advice of the Commission,"

(2) Section 75(1)(a)—delete paragraph (a) and substitute:

- (a) the amendment comprises a change—
 - (i) to the application of a zone, subzone or overlay; or
 - (ii) of a prescribed kind; and

(3) Section 75(2a)(a)—delete paragraph (a) and substitute:

- (a) the amendment comprises a change—
 - (i) to the application of a zone, subzone or overlay; or
 - (ii) of a prescribed kind; and

18—Amendment of section 76—Minor or operational amendments

- (1) Section 76(1)(c)—after "prescribed Act" wherever occurring insert:
(including an Act of the Commonwealth)
- (2) Section 76(1)(d)(i)—after "another Act" insert:
(including an Act of the Commonwealth)
- (3) Section 76(4)—delete subsection (4)

19—Amendment of section 78—Early commencement

- (1) Section 78(3)—delete subsection (3)
- (2) Section 78(9)—delete subsection (9)

20—Amendment of section 80—Ministerial building standards

Section 80(1) and (4)—delete "after consultation with the Commission," wherever occurring

21—Amendment of section 82—Entities constituting relevant authorities

Section 82—after paragraph (b) insert:

- (ba) in the circumstances referred to in section 242A—the Chief Executive;

22—Amendment of section 88—Accreditation scheme

- (1) Section 88(1) and (2)(f)—delete "acting in association with the Commissioner for Consumer Affairs" wherever occurring
- (2) Section 88(2)(d)—delete "the Commissioner for Consumer Affairs, or by another" and substitute:
 - a

23—Amendment of section 99—Related provisions

Section 99—after its present contents insert:

Note—

The Chief Executive is taken to be a relevant authority in certain circumstances—see section 242A.

24—Amendment of section 102—Matters against which development must be assessed

- (1) Section 102(1)(a)—after subparagraph (ii) insert:
and
 - (iii) if relevant, requirements applying under Part 15 Division 2 (other than under section 198),
- (2) Section 102(1)(c)—delete "following conditions" and substitute:
following requirements

- (3) Section 102(1)(c)(iii)—delete subparagraph (iii) and substitute:
- (iii) the requirements of a water industry entity under the *Water Industry Act 2012* identified under the regulations, and any requirements prescribed by the regulations, relating to the provision of water supply and sewerage services are satisfied;
- Note—**
- Requirements in respect of serviceability, timing, delivery of infrastructure or pricing relating to the provision of water supply and sewerage services may be the subject of an agreement, including under the *Water Industry Act 2012* and the *South Australian Water Corporation Act 1994*.
- (iiia) requirements applying under section 198;
- (4) Section 102(1)(d)—delete "following conditions" and substitute:
following requirements
- (5) Section 102(1)(d)(vii)—delete subparagraph (vii) and substitute:
- (vii) the requirements of a water industry entity under the *Water Industry Act 2012* identified under the regulations, and any requirements prescribed by the regulations, relating to the provision of water supply and sewerage services are satisfied;
- Note—**
- Requirements in respect of serviceability, timing, delivery of infrastructure or pricing relating to the provision of water supply and sewerage services may be the subject of an agreement, including under the *Water Industry Act 2012* and the *South Australian Water Corporation Act 1994*.
- (viia) requirements applying under section 198;
- (6) Section 102(1)(f)—delete paragraph (f)
- (7) Section 102(3)(b) and (c)—after "another Act" wherever occurring insert:
(including an Act of the Commonwealth)
- (8) Section 102(6) and (7)—delete subsections (6) and (7) and substitute:
- (6) Subject to the regulations—
 - (a) in relation to development that requires more than 1 consent under this Act, the consents need not be granted in any particular order; and
 - (b) if a development involves 2 or more elements that will together require planning consent, each element may be assessed separately (including by different relevant authorities) and granted a planning consent with respect to that particular element.

25—Amendment of section 106—Deemed-to-satisfy assessment

- (1) Section 106(1)—delete "If" and substitute:
Subject to subsection (1a), if

(2) Section 106—after subsection (1) insert:

- (1a) If a design standard applies in relation to a proposed development, the development may be assessed as deemed-to-satisfy development under this section provided that planning consent in respect of the development is granted subject to conditions requiring the development to be consistent with the design standard.

26—Amendment of section 107—Performance assessed development

(1) Section 107(1)—delete "Planning and Design Code" and substitute:

Planning Rules

(2) Section 107(6)—delete subsection (6) and substitute:

- (6) The Planning and Design Code may provide that subsection (3) or (4) (or both) do not apply, or apply with specified modifications, in respect of a specified class of development.

27—Amendment of section 113—EIS process

(1) Section 113(8)—after "Minister" third occurring insert:

, which the Minister must ensure is published on the SA planning portal

(2) Section 113(9), (10) and (12)—delete "Commission" wherever occurring and substitute in each case:

Chief Executive

(3) Section 113(11)—delete subsection (11)

28—Amendment of section 114—Amendment of EIS

Section 114(3)—delete "Commission must give notice of the place or places at which copies of the relevant document or documents (with the amendments) are available for inspection and purchase" and substitute:

Chief Executive must ensure that copies of the relevant document or documents (with the amendments) are published on the SA planning portal

29—Amendment of section 119—Application and provision of information

Section 119(13)—delete subsection (13) and substitute:

- (13) An application relating to a proposed development cannot be made by a person who is not the owner of the land constituting the site of the proposed development unless—
- (a) the owner has consented to the making of the application; or
 - (b) the applicant is a prescribed person or body, or a person or body of a prescribed class; or
 - (c) the application is an application of a prescribed class, or made in prescribed circumstances.

30—Amendment of section 120—Outline consent

Section 120—after subsection (2) insert:

- (2a) A relevant authority may, in relation to granting an outline consent, on its own initiative or on application, reserve its decision on a specified matter or reserve its decision to grant an outline consent—
 - (a) until further assessment of the relevant development under this Act; or
 - (b) until further assessment or consideration of the proposed development under another Act (including an Act of the Commonwealth); or
 - (c) until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act (including an Act of the Commonwealth).
- (2b) A relevant authority must allow any matter specified by the Planning and Design Code for the purposes of this subsection to be reserved on the application of the applicant.
- (2c) Any matter that is not fundamental to the nature of the relevant development may, subject to the Planning and Design Code, be reserved under subsection (2a) or (2b).

31—Amendment of section 122—Referrals to other authorities or agencies

Section 122(12)—delete "the response is received by the relevant authority" and substitute:

a decision on the application is made under this Part

32—Amendment of section 130—Essential infrastructure—alternative assessment process

- (1) Section 130—after subsection (4) insert:
 - (4a) The Minister or Commission may, before an application is approved or refused under this section, permit the applicant to vary the application (including any plans, drawings, specifications or other documents that accompanied the application), provided that the essential nature of the proposed development is not changed.
 - (4b) Permission under subsection (4a) may be granted unconditionally or subject to such conditions as the Minister or Commission thinks fit.
- (2) Section 130—after subsection (19) insert:
 - (19a) The Minister may, on the application of a person who has the benefit of an approval under this section, vary or revoke the approval or a condition of the approval.

- (3) Section 130—after subsection (20) insert:
- (20a) An approval under this section that involves building work will also be taken to be given subject to the condition that the proponent provides the relevant technical details, particulars, plans, drawings and specifications to the person responsible for certifying the building work for the purposes of subsection (20)—
- (a) before any building work is undertaken; and
- (b) if relevant, at any other time required by the Minister.
- (4) Section 130(24)—delete "If" and substitute:
- Subject to subsection (24a), if
- (5) Section 130—after subsection (24) insert:
- (24a) Despite subsection (24), the Minister may, in connection with approving a development under this section, determine that a certificate or approval under Part 11 is required in respect of the development.
- (6) Section 130(25)—after paragraph (c) insert:
- and
- (d) any amendment to the application is to be treated as an amendment under section 114 (provided that, if an amendment is proposed before the EIS is prepared, the amendment may be permitted in accordance with section 119(9)).

33—Amendment of section 131—Development assessment—Crown development

- (1) Section 131—after subsection (5) insert:
- (5a) The Minister or Commission may, before an application is approved or refused under this section, permit the applicant to vary the application (including any plans, drawings, specifications or other documents that accompanied the application), provided that the essential nature of the proposed development is not changed.
- (5b) Permission under subsection (5a) may be granted unconditionally or subject to such conditions as the Minister or Commission thinks fit.
- (2) Section 131—after subsection (20) insert:
- (20a) The Minister may, on the application of a person who has the benefit of an approval under this section, vary or revoke the approval or a condition of the approval.

- (3) Section 131—after subsection (21) insert:
- (21a) An approval under this section that involves building work will also be taken to be given subject to the condition that the proponent provides the relevant technical details, particulars, plans, drawings and specifications to the person responsible for certifying the building work for the purposes of subsection (21)—
- (a) before any building work is undertaken; and
- (b) if relevant, at any other time required by the Minister.
- (4) Section 131(24)—delete "If" and substitute:
- Subject to subsection (24a), if
- (5) Section 131—after subsection (24) insert:
- (24a) Despite subsection (24), the Minister may, in connection with approving a development under this section, determine that a certificate or approval under Part 11 is required in respect of the development.
- (6) Section 131(25)—after paragraph (c) insert:
- and
- (d) any amendment to the application is to be treated as an amendment under section 114 (provided that, if an amendment is proposed before the EIS is prepared, the amendment may be permitted in accordance with section 119(9)).

34—Amendment of section 132—Law governing proceedings under this Act

- (1) Section 132—before subsection (1) insert:
- (a1) This section applies subject to the regulations.
- (2) Section 132(1)—after "law" third occurring insert:
- (including legislative instruments)
- (3) Section 132(2)—delete "Planning and Design Code" wherever occurring and substitute in each case:
- Planning Rules

35—Amendment of section 138—Land division certificate

- (1) Section 138(1)—delete "conditions as to development" and substitute:
- requirements relating to development, and any conditions relating to the division of land,
- (2) Section 138(1)—delete "condition" and substitute:
- requirements or conditions

(3) Section 138—after subsection (1) insert:

- (1a) Subject to the regulations, the Commission must not issue a certificate under this section for a development that involves the division of land unless, in relation to the provision of water supply and sewerage services, the Commission is satisfied that (in addition to any requirements or conditions relating to such services that must be satisfied under subsection (1))—
- (a) South Australian Water Corporation established under the *South Australian Water Corporation Act 1994 (SA Water)* has notified the Commission that—
- (i) connections for the purposes of the provision of water supply and sewerage services in respect of each allotment the subject of the division exist; or
- (ii) the applicant has entered into a binding agreement with SA Water, supported by any adequate security required under the agreement, for the provision of such connections; or
- (b) SA Water has notified the Commission that it is not responsible for the provision of water supply or sewerage services in relation to the land the subject of the division and the Commission considers that any requirements prescribed by the regulations for the purposes of this paragraph in relation to the provision of such services are satisfied.
- (1b) Regulations for the purposes subsection (1a)(b) may (without limitation) include provisions relating to the entry into binding agreements in relation to connections to land for the purposes of the provision of water supply and sewerage services and for notification to be given to the Commission in relation to the satisfaction of prescribed requirements or the entry into binding agreements.

(4) Section 138(2)—after "particular" insert:

requirement or

36—Amendment of section 153—Temporary occupation

Section 153(2)—delete subsection (2) and substitute:

- (2) An approval under subsection (1)—
- (a) may only be given if the council is satisfied that the relevant building complies with any requirements prescribed by a practice direction issued for the purposes of this paragraph; and
- (b) may be given on such conditions (if any) as the council thinks fit to impose.

37—Amendment of section 154—Building certifiers

Section 154(1)—after paragraph (b) insert:

or

(c) a building in circumstances prescribed by the regulations.

38—Amendment of section 160—Mining and renewable energy matters to be referred in certain cases to Minister

Section 160(4)(b)(i)—after "Commission" insert:

or the Chief Executive

39—Amendment of section 162—Interpretation

Section 162(1), definition of *primary infrastructure*—after paragraph (d) insert:

or

(e) land intended to be used for the provision of infrastructure within the ambit of paragraph (i) or (j) of the definition of *essential infrastructure* under section 3(1).

40—Amendment of section 163—Initiation of scheme—basic infrastructure

(1) Section 163(1)—after "Minister" insert:

or a person or body interested in the provision or delivery of basic infrastructure (a *proponent*)

(2) Section 163(1) and (2)—delete "this Subdivision" wherever occurring and substitute in each case:

this section

(3) Section 163(3)—after "proposal" insert:

by the Minister

(4) Section 163(6)—after "The Minister" insert:

or a proponent

(5) Section 163(6)(a)—delete "detailed"

(6) Section 163(6)(c)—after "scheme" insert:

(to the extent such information is known)

(7) Section 163(6)(d)—delete paragraph (d)

(8) Section 163(6)(e)—after "outlines" insert:

, so far as is reasonably practicable,

(9) Section 163(6)—after paragraph (g) insert:

(ga) provides information regarding the operation and administration of the scheme and the associated costs (to the extent such information is known); and

- (gb) identifies further studies or assessments (if any) required to finalise the scheme for adoption; and
- (10) Section 163(6)(h)—after "as" insert:
 - the proponent thinks fit, or
- (11) Section 163(7)—after "Minister" insert:
 - or proponent
- (12) Section 163(9)—after "Minister" insert:
 - or proponent (in so far as it is reasonably practicable for the proponent to do so)
- (13) Section 163(9)(b)—after "Minister" insert:
 - or proponent
- (14) Section 163(9)—after paragraph (b) insert:
 - and
 - (c) whether the Minister proposes to terminate an agreement or deed under section 167 in connection with the adoption of the scheme.
- (15) Section 163(10)—after "Minister" wherever occurring insert:
 - or proponent
- (16) Section 163(10)(a)(ii)—delete subparagraph (ii)
- (17) Section 163—after subsection (10) insert:
 - (10a) A draft outline prepared by a proponent must be submitted to the Minister for approval, together with—
 - (a) a report to the Minister setting out the outcome of the consultation required under subsection (10); and
 - (b) any other information required by the Minister.
- (18) Section 163(11)—delete subsection (11) and substitute:
 - (11) The Minister must cause a draft outline prepared or approved by the Minister to be—
 - (a) notified in the Gazette; and
 - (b) published on the SA planning portal.

41—Amendment of section 163A—Initiation of scheme—primary infrastructure in relation to declared project area or designated growth area

- (1) Section 163A(2)(a)—delete "detailed"
- (2) Section 163A(4)—after "must" insert:
 - cause the draft outline to be
- (3) Section 163A(4)(a)—delete "publish it" and substitute:
 - notified

- (4) Section 163A(4)(b)—delete "arrange for its publication" and substitute:
published

42—Insertion of section 165A

After section 165 insert:

165A—Delegation

- (1) A scheme coordinator appointed under this Division may delegate any of the scheme coordinator's functions or powers under this Act.
- (2) A delegation—
 - (a) may be made—
 - (i) to a particular person or body; or
 - (ii) to the person for the time being occupying a particular office or position; and
 - (b) may be made subject to conditions or limitations specified in the instrument of delegation; and
 - (c) if the instrument of delegation so provides, may be further delegated by the delegate; and
 - (d) is revocable at will and does not derogate from the power of the scheme coordinator to act in any matter.

43—Amendment of section 166—Consideration of proposed scheme

- (1) Section 166(1)(c)—after "with" insert:
subsection (1a) and
- (2) Section 166—after subsection (1) insert:
 - (1a) A scheme coordinator must, in undertaking consultation under subsection (1)(c) on a proposed scheme, identify whether the Minister proposes to terminate an agreement or deed under section 167 in connection with the adoption of the scheme.
- (3) Section 166(2)(a)—delete "capital costs of the basic infrastructure or primary infrastructure (as the case requires) based only on infrastructure that is not excessive and that is not produced or delivered at a cost or price that is unreasonable in the circumstances" and substitute:
costs relating to the infrastructure
- (4) Section 166(5)(a)—delete "capital costs of the scheme based only on infrastructure that is not excessive and that is not produced or delivered at a cost or price that is unreasonable in the circumstances" and substitute:
costs relating to the infrastructure

(5) Section 166—after subsection (5) insert:

- (5a) For the purposes of subsections (2)(a) and (5)(a), the *reasonable costs* relating to infrastructure includes—
- (a) the reasonable capital costs of the infrastructure based only on infrastructure that is not excessive and that is not produced or delivered at a cost or price that is unreasonable in the circumstances; and
 - (b) the scheme coordinator's reasonable estimate of the value of any land to be used for the provision of the infrastructure; and
 - (c) the reasonable costs relating to the initiation of the proposed scheme (including the costs of preparing a draft outline and appointing a scheme coordinator); and
 - (d) the reasonable costs of preparing the proposed scheme for adoption (including the scheme coordinator's consideration of the scheme and related operational matters); and
 - (e) the reasonable costs of overseeing the delivery of the infrastructure (or works that form part of the scheme) and, if relevant, administering a funding arrangement approved for the scheme.
- (5b) In connection with subsection (5a)(b)—
- (a) the scheme coordinator's reasonable estimate of the value of land must be determined in accordance with any requirements published by the Minister on the SA planning portal; and
 - (b) if the land needs to be purchased, the value of that land includes any costs associated with its purchase.

44—Amendment of section 167—Adoption of scheme

Section 167—after subsection (3) insert:

- (3a) If a scheme under section 163 is adopted or varied under section 167A, the Minister may, by notice published on the SA planning portal, terminate an agreement or deed specified in the notice that relates to the provision of infrastructure in relation to the designated growth area to which the scheme relates.
- (3b) Before an agreement or deed is terminated by notice published under subsection (3a), the Minister must give the parties to the agreement or deed at least 30 days notice of the termination.
- (3c) If a scheme under section 163A is adopted, the Minister may, by notice published on the SA planning portal, terminate an agreement or deed specified in the notice that relates to the provision of infrastructure in relation to the declared project area or designated growth area to which the scheme relates.

- (3d) Before an agreement or deed is terminated by notice published under subsection (3c), the Minister must give the parties to the agreement or deed at least 30 days notice of the termination.
- (3e) An agreement or deed may only be terminated under subsection (3a) or (3c) if any Minister or council that is a party to the agreement or deed has agreed to its termination.
- (3f) No compensation is payable in relation to the termination of an agreement or deed under subsection (3a) or (3c).
- (3g) Subsections (3a) to (3f) (inclusive) have effect despite the terms of any agreement or deed (or understanding or undertaking) and without the need for any other act or consent.

45—Insertion of section 167A

After section 167 insert:

167A—Variation of basic infrastructure scheme to include primary infrastructure

- (1) The Minister may, on the recommendation of the scheme coordinator for a scheme under section 163, vary the scheme so that it also provides for primary infrastructure.
- (2) Before making a recommendation under subsection (1), the scheme coordinator must—
 - (a) if prescribed circumstances apply—
 - (i) publish a copy of the proposed variation on the SA planning portal and invite interested persons to make submissions on the variation within a period (of at least 28 days) specified by the scheme coordinator; and
 - (ii) prepare a report on the variation and furnish a copy of the report to the Minister; or
 - (b) in any other case—
 - (i) prepare a draft outline of the variation that addresses the matters referred to in section 163A(2) as if the draft outline of the variation were a draft outline of a scheme under section 163A; and
 - (ii) prepare scoped and costed proposals relating to the variation to the scheme that accord with any relevant design standards; and
 - (iii) if the variation proposes that a funding arrangement should be established under this Division for the primary infrastructure—develop the funding arrangement; and

- (iv) undertake consultation in relation to the variation in accordance with any requirements under the Community Engagement Charter; and
 - (v) prepare a report on the matters referred to in the preceding subparagraphs and furnish a copy of the report to the Minister.
- (3) Subject to subsection (4), section 166(2) to (4) (inclusive) apply to the development of a funding arrangement under subsection (2)(b)(iii) proposed in a variation in the same way as they apply to the development of a funding arrangement in relation to a proposed scheme.
- (4) The regulations may provide that specified provisions of Subdivision 2 or 4 to 7 (inclusive) do not apply, or apply with prescribed variations, in relation to a variation of a scheme under this section (including in relation to the functions of a scheme coordinator under subsection (2) in relation to a variation).
- (5) The Minister must publish a copy of a report furnished under subsection (2) on the SA planning portal as soon as is reasonably practicable after determining whether or not to make the variation to which the report relates, subject to any qualifications or redactions that are necessary to prevent the disclosure of confidential or commercially sensitive information provided by or relating to—
 - (a) an owner or occupier of land; or
 - (b) a proponent of development relating to the provision of infrastructure; or
 - (c) a provider of infrastructure.
- (6) A variation under subsection (1) will be made by the Minister by instrument—
 - (a) notified in the Gazette; and
 - (b) published on the SA planning portal.
- (7) The Minister must ensure that a copy of the scheme as varied under subsection (1) is published on the SA planning portal as soon as reasonably practicable after the variation is notified under subsection (6).
- (8) A funding arrangement that forms part of a scheme as varied under subsection (1) takes effect subject to obtaining an approval under Subdivision 6.
- (9) For the purposes of this and any other Act or law, a scheme as varied under subsection (1) takes effect as if it were a scheme under section 163A.
- (10) To avoid doubt, section 167(5) to (9) (inclusive) do not apply to the variation of a scheme under section 163 in accordance with this section.

46—Amendment of section 168—Role of scheme coordinator in relation to delivery of scheme

- (1) Section 168(1)—after paragraph (c) insert:
- (ca) to provide a person proposing to apply for a development authorisation to undertake development within the designated growth area or declared project area to which the scheme relates with prescribed information within a prescribed time for the purposes of the application;
- (2) Section 168—after subsection (3) insert:
- (4) No liability attaches to a scheme coordinator, the Minister or the Crown in relation to any advice provided in good faith under this section to a person proposing to apply for a development authorisation.

47—Amendment of section 169—Funding arrangements

Section 169(1)(d)—delete "scheme for other works" and substitute:
methodology for works within a scheme under this Division

48—Amendment of section 198—Open space contribution scheme

- (1) Section 198(2)—delete subsection (2) and substitute:
- (2) Where an application for a development authorisation provides for—
- (a) the division of land into 20 allotments or less, and 1 or more allotments is less than 1 hectare in area; or
 - (b) the division of land under the *Community Titles Act 1996* or the *Strata Titles Act 1988*,
- then, unless the division is of a kind excluded from the operation of this section by the regulations, the Commission may—
- (c) require the applicant to pay to the Commission the contribution prescribed by the regulations in accordance with the requirements of this section; or
 - (d) enter into an agreement with the applicant under which—
 - (i) land described by the relevant plan will be vested (as a separate allotment) in the council in whose area the land is situated or, where the land is not situated within the area of a council, in the Crown, to be held as open space; and
 - (ii) the applicant will make a contribution determined in accordance with subsection (8).
- (2) Section 198(8)—after "subsection (1)(e)" insert:
or (2)(d)(ii)

49—Amendment of section 202—Rights of review and appeal

Section 202(1)(b)(i)—delete "by an assessment panel" and substitute:
for an assessment panel and the assessment manager was

50—Amendment of section 225—Civil penalties

- (1) Section 225(16)—delete subsection (16)
- (2) Section 225(17), definition of *designated entity*, (b)—delete "acting under an authorisation granted by the Commission"
- (3) Section 225(18)—delete subsection (18)

51—Amendment of section 230—Enforceable voluntary undertakings

- (1) Section 230(13)—delete subsection (13)
- (2) Section 230(14), definition of *designated entity*, (b)—delete "acting under an authorisation granted by the Commission"
- (3) Section 230(15)—delete subsection (15)

52—Insertion of section 242A

After section 242 insert:

242A—Use of equipment or computers to make decisions

- (1) Any equipment, computer, software or other mechanical or electronic device or process of a class or kind approved by the Chief Executive (an *approved system*) may be used—
 - (a) to perform the assessment of, and grant a consent under section 102 of a kind determined by the Chief Executive for, development of a class determined by the Chief Executive; or
 - (b) to grant development authorisation for development of a class determined by the Chief Executive; or
 - (c) to give notice of any decision, determination or other thing under this Act; or
 - (d) to perform any other function under this Act of a prescribed class; or
 - (e) to do anything else related to a matter referred to in a preceding paragraph.
- (2) Anything done, determined or created by an approved system in relation to a matter referred to in subsection (1) (the *relevant matter*) will be taken to have been done, determined or created by the Chief Executive.
- (3) Subject to the regulations, the Chief Executive will be taken to be the relevant authority for the purposes of anything done, determined or created by an approved system in relation to a relevant matter (and a reference in this Act to a relevant authority will be taken to be a reference to the Chief Executive for those purposes).

- (4) Subject to the regulations, the use of an approved system in relation to a matter referred to in subsection (1) does not derogate from—
 - (a) the power of a person who may otherwise act under the provision to which that subsection relates (a **relevant person**) to act in relation to that matter instead of relying on the approved system; or
 - (b) the power of a relevant person to make or substitute their own decision in relation to that matter.
- (5) Without limiting subsection (4), the Chief Executive may, before final development approval is granted in respect of a development for which a consent was granted by use of an approved system, revoke the consent and refer the matter to a relevant authority determined by the Chief Executive for reassessment of whether the consent should be granted.
- (6) A certificate issued by the Chief Executive and that states any of the following is admissible in evidence in any legal proceedings as evidence of the matters so certified:
 - (a) that any equipment, computer, software or other mechanical or electronic device or process was of a class or kind approved by the Chief Executive under this section;
 - (b) that any equipment, computer, software or other mechanical or electronic device or process was operating correctly;
 - (c) that a determination of a kind of consent under section 102, or development of a class, was properly made by the Chief Executive for the purposes of subsection (1)(a) or (b) (as the case requires).
- (7) For the purposes of subsection (6), a document purporting to be a certificate of the Chief Executive issued under that subsection is, unless the contrary is proved, to be taken to be such a certificate.
- (8) The regulations may modify the application of a provision of this Act—
 - (a) for the purposes of anything done, determined or created by an approved system in relation to a relevant matter; or
 - (b) in relation to the operation of this section (including in relation to legal proceedings in connection with this section).

53—Insertion of section 245A

After section 245 insert:

245A—Local Area Plans

- (1) A council must, in accordance with the requirements of this section, prepare a report (a *Local Area Plan*) that—
 - (a) addresses the strategic planning issues within the area of the council, with particular reference to—
 - (i) any regional plan that applies in respect of the area of the council (a *relevant regional plan*); and
 - (ii) any other policy or document prescribed by the regulations; and
 - (b) addresses appropriate amendments to the Planning Rules as they apply within the area of the council; and
 - (c) contains such other material as may be—
 - (i) prescribed by the regulations; or
 - (ii) required by the Minister.
- (2) A council must review a Local Area Plan—
 - (a) within 12 months of being directed to do so by the Minister following an amendment to a relevant regional plan; and
 - (b) in any event, within 5 years after the completion or review of the last Local Area Plan under this section,and may, following a review, vary the Local Area Plan.
- (3) A council must, in connection with the preparation of a Local Area Plan, or a review under subsection (2)—
 - (a) consult with its community in accordance with any requirements prescribed by the regulations; and
 - (b) consult with any prescribed authority or body in the manner specified by the regulations.
- (4) A council must furnish a Local Area Plan prepared, or varied, under this section to the Minister for approval.
- (5) The Minister may, at the request of a council, exempt a council—
 - (a) from a requirement to prepare, or review, a Local Area Plan under this section; or
 - (b) from a particular requirement with respect to a Local Area Plan under this section,if the Minister is satisfied—

- (c) that the council has addressed, or has determined to address, any relevant issues through its strategic management plans under the *Local Government Act 1999* and that, in the circumstances, it is reasonable to rely on those plans, and the procedures associated with those plans, to achieve the objects of this section; or
 - (d) that the council has taken other steps to ensure that its strategies and any relevant planning instruments, including the Planning Rules as they apply within the area of the council, are up-to-date; or
 - (e) that there is some other good reason to grant the exemption.
- (6) If an exemption is granted under subsection (5), the Minister must direct the Commission to include reference to the exemption and a statement as to the Minister's grounds for the granting of the exemption in the Commission's annual report on the administration of this Act.
 - (7) Once approved by the Minister, a council must publish its Local Area Plan on a website maintained by the council.
 - (8) Two or more councils, or all councils under a joint planning board, may act under this section jointly (and, in such a case, this section will apply with any necessary modifications and 1 or more of the councils may act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under this section).

54—Amendment of Schedule 1—Disclosure of financial interests

- (1) Schedule 1, clause 1(1), definition of *designated entity*—after paragraph (a) insert:
 - (ab) a committee established by the Commission under section 29; or
 - (ac) a subsidiary established by the Commission under section 30; or
- (2) Schedule 1, clause 1(1), definition of *designated entity*—after paragraph (b) insert:
 - (ba) a committee established by a joint planning board under section 38; or
 - (bb) a subsidiary established by a joint planning board under section 39; or
- (3) Schedule 1, clause 1(1), definition of *relevant official*, (a)—delete " joint planning board" and substitute:

committee or subsidiary established by the Commission under section 29 or 30, a joint planning board, a committee or subsidiary established by a joint planning board under section 38 or 39

55—Amendment of Schedule 3—Codes of conduct and professional standards

- (1) Schedule 3, clause 1(1)(a)—after "Commission" insert:

, a committee established by the Commission under section 29 and a subsidiary established by the Commission under section 30

- (2) Schedule 3, clause 1(1)(b)—after "board" insert:

, a committee established by a joint planning board under section 38 and a subsidiary established by a joint planning board under section 39
- (3) Schedule 3, clause 1(1)(c)—after "panel" insert:

(including a Commission assessment panel established under section 29)
- (4) Schedule 3, clause 1(3)(c)—delete paragraph (c)

56—Transitional provisions

- (1) The amendments to section 113 of the principal Act made by section 27 apply to an application for approval of impact assessed development in respect of which an Assessment Report has not been prepared before the commencement of section 27 (whether the application was made before or after that commencement).
- (2) The amendments to section 138 of the principal Act made by section 35 apply to the issue of a certificate under section 138 on or after the commencement of section 35 (whether the development to which the certificate relates was approved before or after that commencement).
- (3) To avoid doubt—
 - (a) this section applies despite section 132 of the principal Act; and
 - (b) a reference in this section to a provision of the principal Act includes a reference to a legislative instrument made in connection with the provision.
- (4) In this section—

principal Act means the *Planning, Development and Infrastructure Act 2016*.

Part 6—Amendment of *Real Property Act 1886*

57—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *execution*—delete the definition and substitute:

execution includes—

 - (a) signing personally; and
 - (b) signing personally on behalf of another person under a power of attorney; and
 - (c) execution on behalf of another person by a legal practitioner or registered conveyancer (including under a client authorisation); and
 - (d) signing, sealing or attesting in electronic form; and
 - (e) execution in any manner permitted or required by law;
- (2) Section 3(1), definition of *sign*—delete the definition
- (3) Section 3(3)—delete subsection (3) and substitute:
 - (3) Despite section 7 of the *Electronic Conveyancing National Law*, an application or instrument of a kind specified by the Minister and notified in the Gazette may be lodged electronically by the means specified by the Minister in the notice.

58—Amendment of section 39—Caveat against bringing land under Act

Section 39—delete "South"

59—Amendment of section 41—Applicant may withdraw his application

- (1) Section 41, heading—delete "his"
- (2) Section 41—delete "his" and substitute:
their
- (3) Section 41—delete "him" and substitute:
them
- (4) Section 41—delete " signed" and substitute:
executed

60—Substitution of section 42

Section 42—delete the section and substitute:

42—Documents of title submitted with application

- (1) Subject to subsection (2), if the Registrar-General issues a certificate bringing land under the provisions of this Act, every document of title surrendered by the applicant in support of the application must be retained by the Registrar-General and endorsed with a memorandum stating that the land has been brought under the provisions of this Act.
- (2) If a document of title surrendered to the Registrar-General in support of an application relates to or includes property, whether real or personal, other than the land included in the certificate, the Registrar-General must, after the document has been endorsed under subsection (1), return the document to the applicant.
- (3) A document of title retained by the Registrar-General under this section may not be produced to any person unless—
 - (a) the document is produced in accordance with—
 - (i) the written authority of the applicant or another person claiming through or under the applicant; or
 - (ii) an order of the Court; or
 - (b) the Registrar-General has authorised production of the document; or
 - (c) the document has been held by the Registrar-General for more than 80 years.

61—Amendment of section 55—Non-compliant documents may be registered or recorded

Section 55—delete "signed or"

62—Amendment of section 69—Title of registered proprietor indefeasible

Section 69(i)(i)—delete "signed or"

63—Amendment of section 80B—Application requirements

Section 80B(1)(b)—delete "signed" and substitute:
executed

64—Amendment of section 96—Transfers

- (1) Section 96(2)(c)—delete paragraph (c)
- (2) Section 96(3)—delete "Acceptance" and substitute:
Execution

65—Amendment of section 105—Sale under writ of fieri facias or decree, warrant or order of court

Section 105—delete "signed" and substitute:
executed

66—Amendment of section 143—Discharge of mortgages and encumbrances

Section 143—after subsection (2) insert:

- (3) If certification under section 273(1) is provided by a mortgagee in relation to an instrument discharging a mortgage (whether wholly or partially), the instrument will be taken, for the purposes of this section, to have been executed by the mortgagee.

67—Amendment of section 147—Cancellation of registration of mortgage by Registrar-General

Section 147(1)(a)—delete "signed or"

68—Amendment of section 150—Transfer of mortgage, lease and encumbrance

Section 150—after its present contents (now to be designated as subsection (1)) insert:

- (2) If certification under section 273(1) is provided by a mortgagee in relation to a transfer lodged for registration in the Lands Titles Registration Office, the transfer will be taken, for the purposes of this section, to have been executed by the mortgagee.

69—Amendment of section 157—Revocation of power of attorney

Section 157—delete "signing" and substitute:
executing

70—Amendment of section 191—Caveats

- (1) Section 191(1)(ac)(ii)—delete "his or her" and substitute:
their

- (2) Section 191(1)(ac)(iii)—delete "an address within South Australia" and substitute:
an email address and an address within Australia
- (3) Section 191(1)(e)—delete paragraphs (e) and (f) and substitute:
- (e) **Caveatee may apply to have caveat removed**
the caveatee may, except when the caveat is lodged by the Registrar-General under Part 19, make application in writing to the Registrar-General to remove the caveat, and in that case—
- (i) the application must include an email address and an address in Australia to which notices or proceedings relating to the caveat may be sent; and
- (ii) the Registrar-General must then give 21 days' notice in writing to the caveator requiring that the caveat be withdrawn;
- (f) **Removing or discharging caveat**
the Registrar-General must—
- (i) not less than 21 days after giving notice to a caveator under paragraph (e)(ii); or
- (ii) after such longer time as may be ordered by the Court,
remove the caveat by entering a memorandum in the Register Book that the caveat has been discharged;

71—Amendment of section 220—Powers of Registrar-General

- (1) Section 220(1)—delete "section 32 of the *Libraries Act 1982*" and substitute:
Part 7 of the *State Records Act 1997*
- (2) Section 220(1)—delete "by the Registrar-General serves no useful purpose in his or her opinion" and substitute:
, in the Registrar-General's opinion, serves no useful purpose

72—Amendment of section 223LA—Interpretation

- (1) Section 223LA(1), definition of **council**—delete *Local Government Act 1934* and substitute:
Local Government Act 1999
- (2) Section 223LA(1), definition of **public map**—delete "the *Crown Lands Act 1929*" and substitute:
section 70 of the *Crown Land Management Act 2009*
- (3) Section 223LA(7)—delete subsection (7)

73—Amendment of section 223LD—Application for division

- (1) Section 223LD(1)—delete "by the registered proprietor of the land." and substitute:
by—
- (a) the registered proprietor of the land; or

- (b) in the case of an application made pursuant to an order of a court—by the registrar of the court or a person directed by the court to make the application.

- (2) Section 223LD(2)(b)—delete "signed" and substitute:
executed

74—Amendment of section 223LDA—Application may deal with statutory encumbrances

- Section 223LDA(b)(i)—delete "signed by or on behalf of" and substitute:
executed by

75—Amendment of section 223LH—Consent to plans of division

- (1) Section 223LH(1)(a) and (b)—delete "signed" wherever occurring and substitute in each case:
executed
- (2) Section 223LH(1)(c)—delete "signed by or on behalf of" and substitute:
executed by
- (3) Section 223LH(2)— delete "signed" and substitute:
executed
- (4) Section 223LH(2)—delete "he or she has" and substitute:
they have
- (5) Section 223LH(4)—delete "sign" and substitute:
execute
- (6) Section 223LH(6)—delete "he or she thinks" and substitute:
they think

76—Amendment of section 223LJ—Amalgamation

- Section 223LJ(2)(ab)—delete "signed" and substitute:
executed

77—Amendment of section 246—Unregistered instruments to confer claim to registration

- (1) Section 246—delete "signed or"
- (2) Section 246—delete "him or her" and substitute:
them

78—Amendment of section 247—Informal documents may be registered

- Section 247—delete "signed or"

79—Repeal of section 266

- Section 266—delete the section

80—Amendment of section 267—Witnessing of instruments

- (1) Section 267(1)—delete "a provision of this Act requires the signing of an instrument" and substitute:

an instrument is signed personally for the purposes of this Act
- (2) Section 267(1)—delete "his or her" and substitute:

their
- (3) Section 267(3)—delete "his or her" and substitute:

their
- (4) Section 267(3)—delete "he or she" and substitute:

they

81—Amendment of section 276—Service of notices

Section 276—after paragraph (a) insert:

- (ab) be served by sending it electronically to the person in a manner designated, or agreed to, by the person; or

82—Amendment of Schedule 3—Caveat forbidding lands to be brought under the *Real Property Act 1886*

Schedule 3—delete "*South*"

83—Repeal of Schedule 17

Schedule 17—delete the Schedule

Part 7—Amendment of *Residential Tenancies (Miscellaneous) Amendment Act 2023*

84—Amendment of Schedule 1—Related amendments

Schedule 1 Part 1—delete the Part

Part 8—Amendment of *State Development Coordination and Facilitation Act 2025*

85—Amendment of section 31—Impact assessed development

- (1) Section 31(3)(a)—after "Commission" insert:

or Chief Executive
- (2) Section 31(3)(b)—after "Commission" first occurring insert:

or Chief Executive
- (3) Section 31(3)(b)—after "Commission" third occurring insert:

or Chief Executive