

South Australia

# **Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2023**

under the *Planning, Development and Infrastructure Act 2016*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2023*.

### **2—Commencement**

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

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

### **3—Amendment of regulation 19A—Building envelope plans**

- (1) Regulation 19A(5), definition of *designated authority*, (a)—delete paragraph (a)

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

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

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

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

Regulation 21—after paragraph (h) insert:

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

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

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

subject to subregulation (10),

- (2) Regulation 53(8)—after "portal" insert:

, or part of the portal,

- (3) Regulation 53(9)—after paragraph (b) insert:

and

- (c) if the prescribed outage is in relation to part of the SA planning portal and a particular class of applications is affected by the outage—the class of applications affected.

- (4) Regulation 53—after subregulation (9) insert:

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

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

- (1) Regulation 67(1)(a)—delete "—2 years from the operative date of the consent or approval;" and substitute:

—

- (i) if final development approval is subsequently granted—2 years from the operative date of that approval; or
- (ii) in any other case—2 years from the operative date of the consent or approval;

- (2) Regulation 67(1)(b)(i)—after "operative date of the" wherever occurring insert:

final development

- (3) Regulation 67(1)(b)(ii)—delete "relevant consent" and substitute:  
final development approval
- (4) Regulation 67(1)(b)(ii)—delete "the consent" and substitute:  
the final development approval

**7—Amendment of regulation 93—Notifications during building work**

Regulation 93(1)(b)(ii)—delete subparagraph (ii) and substitute:

- (ii) in the case of development being undertaken outside Metropolitan Adelaide but within the area of a council—2 business day's notice; and
- (iii) in the case of development being undertaken in an area that is not within the area of a council—5 business day's notice;

**8—Amendment of regulation 104—Statement of Compliance**

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

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

**9—Amendment of regulation 112—Authorised officers and inspections**

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

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

**10—Amendment of regulation 113—Fire safety**

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

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

**11—Insertion of regulation 113A**

Before regulation 114 insert:

**113A—Designated authority—accreditation authority**

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

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

Schedule 3—after clause 10 insert:

### **11—Transshipment points**

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

## **13—Amendment of Schedule 6—Relevant authority—Commission**

- (1) Schedule 6, clause 4, heading—delete "Inner"
- (2) Schedule 6, clause 8(2)(a)—delete "by the Commission" and substitute:
 

and the Commission is the relevant authority in respect of the authorisation
- (3) Schedule 6, clause 8(2)(b)—delete "by the Commission" and substitute:
 

if the Commission is the relevant authority in respect of the authorisation
- (4) Schedule 6, clause 17, heading—after "authorisations" insert:
 

and ancillary or associated development
- (5) Schedule 6, clause 17(a) and (b)—delete "given by the Commission under this Schedule" wherever occurring and substitute in each case:
 

in respect of which the Commission is the relevant authority

## **14—Amendment of Schedule 13—State agency development exempt from approval**

- (1) Schedule 13, clause 2(1)(b)(ii)—delete subparagraph (ii) and substitute:
  - (ii) the construction, reconstruction or alteration of a building or equipment, if only of a local nature, used for or associated with the supply, disposal or treatment of water or waste water (other than a desalination plant); or
- (2) Schedule 13, clause 2(1)—after paragraph (s) insert:
  - (sa) the construction, reconstruction or alteration of, or addition to, an amenities facility with a floor area of 50 m<sup>2</sup> or less associated with the construction of a road on land which is—
    - (i) adjacent to the road; and
    - (ii) associated with the construction of the road;
- (3) Schedule 13, clause 2(1)(u)—after "*Electricity Act 1996*" insert:
 

, or of existing water/sewerage infrastructure within the meaning of the *Water Industry Act 2012*,
- (4) Schedule 13, clause 2(1)—after paragraph (x) insert:
  - (y) the installation of hazard monitoring equipment alongside a prescribed watercourse, lake or well under section 101 of the *Landscape South Australia Act 2019*.

# Draft

## Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2023

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

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### Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

with the advice and consent of the Executive Council

on

No            of 2023