



This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016* for the purposes of section 42(3).

## **Introduction**

Section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act) allows the State Planning Commission (the Commission) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

Section 42(3) specifies that the Commission must establish a scheme with a view to ensuring that planning assessment or controls undertaken or established under the Act (including through the imposition of conditions under the Act) do not conflict with or duplicate matters that may be dealt with or addressed under a licensing or other regulatory regime under another Act.

## **Practice direction**

### **Part 1 – Preliminary**

#### **1 – Citation**

This practice direction may be cited as the *State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019*.

#### **2 – Commencement of operation**

This practice direction will come into operation on the day on which it is published on the SA planning portal.

#### **3 – Object of practice direction**

The object of this practice direction is to ensure that, in relation to any planning assessment or controls (including conditions), such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.

#### **4 – Interpretation**

In this practice direction, unless the contrary intention appears –

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

*Note: Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.*

## **Part 2 – Scheme to avoid conflicting regimens**

### **5 – Scheme provisions**

- (1) A relevant authority, in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, must ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.
- (2) Acts to which this provision applies include, but are not limited to:
  - (a) The *Environment Protection Act 1993*;
  - (b) The *Local Government Act 1999*;
  - (c) The *Liquor Licensing Act 1997*;
  - (d) The *Local Nuisance and Litter Control Act 2016*.
- (3) Where a relevant authority is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, the relevant authority must seek the advice of that authority or agency.

**Issued by the State Planning Commission on 1 July 2019**