

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

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* 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.

This practice direction is being made by the Commission to support the operation of section 7 of the Act. Section 7 sets out some rules that relate to the division of land in *environment and food production areas* that have been established in certain areas of the State (essentially bordering Greater Metropolitan Adelaide to the north, east and south). In particular, any additional allotments created in one of these areas by the division of land cannot be used for residential purposes.

This practice direction provides for notice about the effect of section 7 to be given when a development approval is granted for the division of land in an environment and food production area.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Environment and Food Production Areas – Greater Adelaide) 2017*.

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 specify a step that must be taken if certain applications for the division of land within an environment and food production area are granted development approval.

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 – Environment and food production areas – Greater Adelaide

5 – Notification of effect of section 7

If a relevant authority grants a development approval for the division of land in an environment and food production area that creates 1 or more additional allotments, the relevant authority must include a statement on the relevant development approval to the effect that the additional allotments must not be used for residential purposes by virtue of the operation of section 7 of the Act.

Note: To the extent that section 7 of the Planning, Development and Infrastructure Act 2016 applies as if it formed part of the repealed Act (being the Development Act 1993) –

- (a) *a reference in this clause to a relevant authority will be taken to be a reference to a relevant authority under the repealed Act; and*
- (b) *a reference in this clause to a development approval will be taken to be a reference to a development approval under the repealed Act.*

Issued by the State Planning Commission on 21 November 2017