

South Australia

Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019

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) (Development Assessment) Variation Regulations 2019*.

2—Commencement

These regulations will come into operation on 1 July 2019.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

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

4—Variation of regulation 3—Interpretation

- (1) Regulation 3—after the definition of *Act* insert:

AHD, in relation to the potential for inundation, means *Australian height datum*;

ARI means *average recurrence interval* of a flood event;

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 historic or conservation zone, subzone or overlay means a historic or conservation zone, subzone or overlay (howsoever described) identified under the Planning and Design Code as a designated historic or conservation zone, subzone or overlay;

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

essential safety features 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, any former regulations under the *Development Act 1993* or the *Building Act 1971*, or any Minister's Specification under the *Development Act 1993*; or

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- (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;

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

outbuilding does not include a private bushfire shelter;

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;

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) Regulation 3—after its present contents as varied by this regulation (now to be designated as subregulation (1)) insert:
- (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; and
- (d) different historic or conservation zones, subzones or overlays as designated historic or conservation zones, subzones or overlays,
- in relation to different provisions of these regulations.
- (3) Subject to these regulations and the Planning and Design Code, if requirements for minimum finished floor levels expressed by reference to ARI or AHD are set out under the Planning and Design Code in respect of a zone, subzone or overlay, the zone, subzone or overlay will be taken to be a designated flood zone, subzone or overlay for the purposes of these regulations.

- (4) 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*.

5—Insertion of regulations 3A to 3I

Drafting note—

The following set of regulations are "preliminary" in nature and so will appear in Part 1 of the principal regulations. Current regulation 4 will not be included in these regulations. Any modification of the Building Code is to be effected by a Ministerial building standard under Part 5 Division 3 of the new Act. Ministerial building standards are published after consultation with the State Planning Commission. All current Ministerial Specifications (if still required) will be remade as Ministerial building standards under the new Act. This will coincide with the commencement of these regulations.

After regulation 3 insert:

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—
- that separates 2 or more sole occupancy units within an existing building; or
 - that bounds a public corridor within an existing building; or
 - that is within a prescribed separation distance from an existing building.
- (3) In accordance with section 8(2) of the Act, subsection (9) of section 102 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.
- (4) In this regulation—

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*

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

3D—Colonel Light Gardens Heritage Area

- (1) Subject to this regulation, an act or activity specified in Schedule 5 in respect of the Colonel Light Gardens Heritage Overlay is declared not to constitute development for the purposes of the Act.
- (2) An exclusion 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 alternation or restoration of, a building that would cause the building not to comply with the Building Rules.
- (4) For the purposes of this regulation and Schedule 5, the *Colonel Light Gardens Heritage Overlay* is the Heritage Overlay in the Planning and Design Code that applies in relation to the suburb of Colonel Lights Gardens in the area of the City of Mitcham.

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—Significant trees

- (1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of the paragraph (a) of the definition of *regulated tree* in section 3(1) of the Act, namely trees within a designated significant tree overlay that have a trunk with a circumference of 2 metres or more or, in the case of trees that have multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre 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 3 metres or more or, in the case of a tree with multiple trunks, has trunks with a total circumference of 3 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre 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 10 metres of an existing dwelling or an existing in-ground swimming pool, other than a tree within 1 of the following species (or genus) of trees:
 - Agonis flexuosa (Willow Myrtle)
 - Eucalyptus (any tree of the genus); or
 - (b) to a tree within 1 of the following species of trees:
 - Acer negundo (Box Elder)
 - Acer saccharinum (Silver Maple)
 - Ailanthus altissima (Tree of heaven)
 - Alnus acuminata subsp. Glabrata (Evergreen Alder)
 - Celtis australis (European Nettle Tree)
 - Celtis sinensis (Chinese Nettle Tree)
 - Cinnamomum camphora (Camphor Laurel)
 - Cupressus macrocarpa (Monterey Cypress)
 - Ficus spp. (Figs), other than Ficus macrophylla (Morton bay fig) located more than 15 metres from a dwelling
 - Fraxinus angustifolia (Narrow-leaved Ash)
 - Fraxinus angustifolia ssp. Oxycarpa (desert ash)
 - Pinus Radiata (Radiata Pine / Monterey Pine)
 - Platanus x acerifolia (London Plane)
 - Populus alba (White poplar)
 - Populus nigra var. italica (Lombardy Poplar)

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Robinia pseudoacacia (Black Locust)

Salix babylonica (Weeping Willow)

Salix chilensis 'Fastigiata' (Chilean Willow, Evergreen Willow, Pencil Willow)

Salix fragilis (Crack Willow)

Salix X rubens (White Crack Willow, Basket Willow)

Salix X sepulcralis var. chrysocoma (Golden Weeping Willow)

Schinus areira (Peppercorn Tree); or

- (c) to a tree belonging to a class of plants to which a declaration by the Minister under Chapter 8 Part 1 of the *Natural Resources Management Act 2004* 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.
- (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,

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 millimetres 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 millimetres, 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 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 113(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 21 days is prescribed.

6—Revocation of regulation 4

Regulation 4—delete the regulation

7—Variation of regulation 18—Other matters

Regulation 18—delete "not"

8—Insertion of Parts 4 to 18 and Schedules 1 to 19

After Part 3 insert:

Part 4—Statutory instruments

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

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

- (a) Standards Australia;
- (b) Australian Building Codes Board;
- (c) the Commonwealth Scientific and Industrial Research Organisation;
- (d) any body prescribed by these regulations for the purposes of section 122 of the Act;
- (e) the International Scientific Organisation;
- (f) the American Institute of Steel Construction Incorporated;
- (g) the American Society of Testing Materials;
- (h) Fire Research Station, Building Research Establishment, Department of Environment, Great Britain;
- (i) Fire Insurer's Research and Testing Organisation, Great Britain.

Drafting note—

This list is subject to review.

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)

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*;
- (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*;
- (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) an NRM plan (or a part of any such plan) prepared under Chapter 4 of the *Natural Resources Management Act 2004*.

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—

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- (i) 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
- (ii) development that may be assessed as code assessed development under section 107 of the Act, other than where—
 - (A) notice of the application must be given under section 107(3) of the Act; or
 - (B) the total amount to be applied to any work, when all stages of the development are completed, is to exceed \$5 000 000; or
 - (C) the development involves the construction, alteration, enlargement or extension of a building that has, or will have when the development is completed, a rise in storeys exceeding 3 storeys; or
 - (D) the development includes a proposal to create more than 20 additional allotments; or
 - (E) the development has been referred to a design panel under section 121 of the Act; or
 - (F) the development includes a proposal to demolish, in whole or in part, a local heritage place or a State heritage place; or
 - (G) the development is in a zone, subzone or overlay identified by the Planning and Design Code for the purposes of this subsubparagraph and proposes—
 - the construction of a dwelling that is not a detached dwelling; or
 - the creation of 1 or more additional allotments; or
 - the construction of a new tourism facility (including accommodation), entertainment complex, cinema, hospital, shop, office, motel, hotel, petrol filling station or building to be used for an industrial purpose; or

- (H) the development involves an activity of environmental significance or major environment significance, as prescribed by Schedule 17 and Schedule 18; 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 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; 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) Subregulation (1)(a)(ii)(D) does not apply in relation to the division of a building (and any related land) where the construction of the building and the division form part of the same development.

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 forward 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, as appropriate, fees, within 5 business days after receipt of a copy of the Minister's notice under that section; and

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- (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).
- (4) Subregulation (2)(b) does not apply to an application in relation to a proposed development for which the Commission is the relevant authority under—
 - (a) Schedule 6 clause 3; or
 - (b) Schedule 6 clause 4; or
 - (c) Schedule 6 clause 5 or 6.

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—
 - (a) for the purposes of giving planning consent in relation to deemed-to-satisfy development of a class determined by the Minister (other than where there may be 1 or more variations); and
 - (b) 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 square metres.
- (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 square metres.
- (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.

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- (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 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 - key principles

27—Elements of development

If an application under section 102 of the Act requires a relevant authority to assess a proposed development against the provisions of the Planning and Design Code, the relevant authority should determine whether the development involves 2 or more elements and, if so, clearly identify each element for the purposes of assessment against the provisions of the Planning and Design Code (and any related planning consent).

28—Impact assessed development - categorisation

- (1) For the purposes of section 108(7) of the Act, the following sections of Division 2 of Part 7 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.

29—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

30—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.

31—Plans, fees and related provisions

- (1) An application to a relevant authority under section 119(1) of the Act that is lodged electronically must be accompanied by an electronic 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) An application to a relevant authority that is lodged other than electronically must be accompanied by a copy of the plans, drawings, specifications and other documents and information relating to the proposed development (or such additional number of copies as the entity receiving the application may require) required under Schedule 8 (prepared in accordance with the requirements of that Schedule).
- (3) However—
 - (a) an applicant must not be required to comply with a requirement under Schedule 8 or the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* 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, and the fees, must accord with Schedule 8 and the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* to such extent as may be appropriate to the matters to which the consent is sought.
- (4) If a relevant authority permits an applicant to lodge an application without the provision of any information or document required under Schedule 8, the relevant authority must make a record of the reason for its decision to do so.

32—Lodging application on SA planning portal on behalf of an applicant

A relevant authority who receives an application under regulation 30(1)(b) or (2) must lodge the application on the SA planning portal within 5 business days after receipt of the application.

33—Notification of acting (accredited professionals—planning)

- (1) If—
 - (a) an application is lodged with an accredited professional (other than an assessment manager) for the purposes of obtaining a planning consent; and
 - (b) the proposed development is to be undertaken in a part of the State that is within the area of a council,

the accredited professional must, within 5 business days after receiving the application, give notice of the application to the assessment panel for the area in which the development is to be undertaken (as described under section 93 of the Act).
- (2) A notice under subregulation (1)—
 - (a) must be given via the SA planning portal (and in accordance with any relevant requirements applying under Part 4 Division 2 of the Act); and
 - (b) must be accompanied by an electronic copy of the application (including the plans, drawings, specifications and other documents and information that accompanied the application for the purposes of Schedule 8).
- (3) A notice under subregulation (1) must comply with any relevant requirement specified by a practice direction.
- (4) An amount equal to the base amount payable under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* is payable to the relevant assessment panel at the time that notice is given to it under subregulation (1).

34—Notification of acting (accredited professionals—building)

- (1) If—
 - (a) an application is lodged with an accredited professional (other than an assessment manager) for the purposes of obtaining a building consent; and
 - (b) the proposed development is to be undertaken in a part of the State that is within the area of a council,

the accredited professional must, within 5 business days after receiving the application, give notice of the application to the council.

- (2) The notice under subregulation (1)—
 - (a) must be given via the SA planning portal (and in accordance with any relevant requirements applying under Part 4 Division 2 of the Act); and
 - (b) must be accompanied by an electronic copy of the application (including the plans, drawings, specifications and other documents and information that accompanied the application for the purposes of Schedule 8).
- (3) A notice under subregulation (1) must comply with any relevant requirement specified by a practice direction.
- (4) An amount equal to the base amount payable under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* is payable to the relevant council at the time that notice is given under subregulation (1).

35—Verification of application and determination of nature of development

- (1) On the receipt of an application under section 119 of the Act (and, if relevant under subregulation (3)), and in addition to any other requirement of these regulations, a relevant authority that has received the application (either electronically or otherwise) must, within 5 business days after receiving the application:
 - (a) determine whether all plans, drawings, specifications and other documents and information required to be lodged with the application have been so lodged; and
 - (b) determine whether the relevant authority is the correct entity to assess the application under the Act.
- (2) If the relevant authority is the correct entity to assess the application under this Act, the relevant authority must—
 - (a) confirm the fees required to be paid at that point under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*; and
 - (b) lodge an appropriate notice on the SA planning portal; and
 - (c) if the application will require the relevant authority to assess the proposed development against the provisions of the Planning and Design Code, determine the nature of the development (and proceed to deal with the application according to that determination).
- (3) If the relevant authority is not the correct entity to assess the application under this Act, the relevant authority must—
 - (a) transmit the application to the entity that it considers to be the correct relevant authority in accordance with any practice direction; and
 - (b) lodge an appropriate notice on the SA planning portal.

- (4) An entity that receives an application under subregulation (3) must take the steps set out in the preceding subregulations in relation to the application.
- (5) If the relevant authority determines that the development falls within the category of accepted development, the relevant authority must—
 - (a) advise the applicant accordingly; and
 - (b) if the application has been lodged in written form, return to the applicant the application, and the plans, drawings, specifications and other documents provided by the applicant.

36—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, retaining wall 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.
- (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 date of the application being lodged with the relevant authority 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.

37—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.
- (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.

38—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 date of receipt of the application.
- (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.

39—Certification of building industry insurance

- (1) In this regulation—
certificate of insurance, in relation to domestic building work, means the certificate required under Division 3 of Part 5 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 Division 3 of Part 5 of that Act.

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- (2) The owner of land on which domestic building work is 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).

40—Regulated and significant trees

For the purposes of subsections (7) and (8) of section 39 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, or a comparable or higher qualification.

41—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.

42—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.

Division 2—Referrals

43—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.
- (2) A prescribed body must, immediately after making a request under section 122(3) of the Act, 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.

44—Form of response

- (1) 2 or more prescribed bodies may provide a joint response for the purposes of section 122 of the Act.

- (2) A response for the purposes of section 122 of the Act may be made by providing the response electronically via the SA planning portal (and in accordance with any relevant requirements applying under Part 4 Division 2 of the Act).

45—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.

46—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 for the time being administering the *River Murray Act 2003*, that Minister—
 - (a) must, in considering the application, take into account any matter raised by another Minister or other authority responsible for, or involved in, the administration of a related operational Act that is provided to that Minister in response to the referral of the application by that Minister to the other Minister or authority for comment and that is provided to that Minister within a period specified by that Minister; and
 - (b) 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).

47—Appeals

- (1) In accordance with section 122(6) of the Act, no appeal lies against a condition imposed by a relevant authority in accordance with a direction by the Commissioner of Highways under item x of Schedule 9.

Drafting note—

The item number will be specified when Schedule 9 is settled.

- (2) 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 y of Schedule 9; or
 - (b) a condition imposed by a relevant authority in accordance with a direction by the Technical Regulator under item z of Schedule 9.

Drafting note—

The item numbers will be specified when Schedule 9 is settled.

48—Building matters

- (1) If a relevant authority, in assessing an application for building consent, considers that—
- (a) a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or
 - (b) the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations 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

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- (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.

49—Preliminary advice and agreement (section 123)

- (1) In this regulation—
prescribed body means a prescribed body under section 123 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 in writing endorsed and stamped 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 stamped by the prescribed body.
- (4) For the purposes of section 123(3)(a) of the Act, the prescribed fee is equal to the fee that would be payable under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* 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 30 is accompanied by copies of the agreement and other documents endorsed and stamped 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 fee under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*, 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 41; 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 62,
- the relevant authority must send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under regulation 62.

Division 3—Notice requirements and consultation**50—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.
- (2) For the purposes of sections 107(3)(a)(ii) and 110(2)(a)(iv) of the Act, a notice to the public 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) pays the fee prescribed by the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*,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.
- (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.

51—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).

52—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.

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- (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.

53—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 lodged with 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), or the day on which the notice under section 107(3)(a)(ii) was placed on the relevant land, whichever is the later; 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), or the day on which the notice under section 110(2)(a)(ii) was placed on the relevant land, whichever is the later; 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 3 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.

54—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 10 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.

55—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

56—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 Subdivision 4 of Division 2 of that Part) within the following periods, calculated from when the relevant authority has made its determination under regulation 35 and lodged an appropriate notice on the SA planning portal and the appropriate fee or fees have been paid by the applicant:
- (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,
- 10 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;**
- (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;

- (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) 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 that paragraph; and
- (g) if paragraph (b) or (c) 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 of consultation under regulation 53, and for the receipt of any response from the applicant under regulation 54, must be added to the relevant period that applies under paragraph (b) or (c) (and, if relevant, paragraph (f)); and
- (h) if paragraph (b) or (c) applies and the application must be referred to a prescribed body under section 122(1) of the Act, **an additional period of 30 business days 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) or (c) (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 (c) or (e) (as the case may be); and
- (j) if the application must otherwise be referred to another body for a report under 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), (d) or (e) (as the case may be) (and, if relevant, paragraph (f)); and

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- (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) 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.
- (3) In connection with subregulation (1)(k), and 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.
- (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.
- (5) Despite a preceding subregulation but subject to subregulation (6), the period that applies where a council is acting as the relevant authority for the purpose of granting the final development approval under the Act is 5 business days from when 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).
- (6) If 2 or more consents are inconsistent with each other, the time applying under subregulation (5) does not start to run until steps are taken so that those consents are consistent.

57—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.

58—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 71.
- (2) For the purposes of section 89(a) of the Act, in relation to proposed development that is to be undertaken in a part of the State that is within an area of a council, the council for that area 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) 1 copy of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed with the accredited professional's consent;
 - (b) 1 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 is appropriate to grant the consent despite the fact that the development is at variance with the Building Rules—
 - (i) written 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) in relation to building consent—a certificate that the consent is consistent with any planning consent already issued in relation to the development and any conditions or notes that apply in relation to the planning consent;
 - (e) if relevant, a schedule of essential safety provisions in the appropriate form which sets out the matters to be specified under these regulations.
- (4) A certificate under subregulation (3)(d) must be in a form determined by the Minister for the purposes of this subregulation (being a form published by the Minister in the Gazette).

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- (5) 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 written 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.
- (6) If an accredited professional issues a certificate of occupancy for a building, the accredited professional 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 108(2).
- (7) If an accredited professional receives a Statement of Compliance under regulation 109 and a certificate of occupancy is not issued, the accredited professional must, within 5 business days receiving the statement, provide to the council a copy of the statement together with a copy of any documentation provided for the purposes of that regulation.

59—Issue of building consent by other bodies

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

- (a) 1 copy of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise 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.

60—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 Subdivision 4 of Division 2 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) unless paragraph (b) applies—within 5 business days after the decision is made on the application; or
 - (b) in the case of a decision under section 99(3) of the Act—within 2 business days after the decision is made on the application.
- (3) If the decision provides for a planning consent or building 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 endorse a set of any approved plans and other relevant documentation with a stamp or other appropriate form of authentication.
- (5) Subregulation subregulation (4) does not apply to a council is acting as a relevant authority under section 99(3) of the Act.
- (6) 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), return 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)).
- (7) A notice under this regulation may include any classification assigned to a building under section 151 of the Act.
- (8) 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.

61—Notice of decision to another relevant authority

- (1) The relevant authority under regulation 60 must send a copy of the notice issued by the relevant authority under that regulation to any other relevant authority—
 - (a) that has already given another development authorisation that relates to the same development; or
 - (b) that is considering an application for another development authorisation that relates to the same development.
- (2) The relevant authority should comply with subregulation (1) within 5 business days after the notice is given to the applicant under regulation 60.

62—Notice of decision to a prescribed body

- (1) If an application for consent or approval of a proposed development has been referred to a prescribed body under section 122 of the Act, the relevant authority must send a copy of the notice issued by the relevant authority under regulation 60 to the prescribed body.
- (2) The relevant authority should comply with subregulation (1) within 5 business days after the notice is given to the applicant under regulation 60.

63—Notification of decision to owner of land

- (1) If an owner of the land to which a decision on an application under Part 7 of the Act relates is not a party to the application, the relevant authority must send a copy of any notice issued by the relevant authority under regulation 60 to that owner.
- (2) The relevant authority should comply with subregulation (1) within 5 business days after the notice is given under regulation 60.

Division 5—Conditions**64—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 of the reason for the imposition of the condition (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).

65—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 specified under regulation 3F(5)(b);
 - (b) the tree cannot be planted within 10 metres of an existing dwelling or an existing in-ground swimming pool.
- (3) For the purposes of section 127(6) of the Act, the amount payable will be \$x for each replacement tree that is not planted.

Note—

This fee will ultimately be transferred to the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*.

Division 6—Other matters**66—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 or notes that apply in relation to that prior development authorisation.

67—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 of Volume 1, or Part 2.1 of Volume 2, of the Building Code applies; or
 - (b) the matters referred to in Section E of Volume 1 of the Building Code; or
 - (c) the matters referred to in Section J of Volume 1, or Part 2.6 of Volume 2, 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

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- (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, authorised officer, assessment manager or accredited professional 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.

68—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 8(2)(a) of the Act, section 134(1) of the Act does not apply in relation to a Class 1a or 10 building under the Building Code.
- (3) 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.
- (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.

69—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.

70—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 millimetres 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 millimetres 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 millimetres of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes.

- (3) For the purposes of section 139(1)(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 the Institution 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 the Institution of Engineers, Australia and who has appropriate experience and competence in the field of civil or geotechnical engineering.

71—Variation of authorisation (section 128)

- (1) An application to which section 128(1) of the Act applies must be lodged with the relevant authority which granted the development authorisation that is sought to be varied.
- (2) However, an applicant is not required to comply with subregulation (1) if the development authorisation was granted by an accredited professional.
- (3) 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.
- (4) In connection with subregulation (3)—
- (a) nothing in that subregulation 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); and
 - (b) the fee prescribed by the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* for the purposes of that regulation will be payable.

72—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) a notice under regulation 60(1) must be accompanied by a copy of the endorsed scheme description; and
 - (b) a copy of any notice under regulation 62 or 63 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.

73—Lapse of consents or approvals (section 126(2))

- (1) Subject to this or any other regulation, 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)—12 months 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 12 months from the operative date of the approval—3 years from the operative 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); or
- (ii) if 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 Certificate of Approval Fee under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*, within 12 months from the operative date of the relevant consent—3 years from the operative date of the consent.

Part 8—Impact assessed development

74—Procedural matters (section 111(2))

- (1) For the purposes of section 111(2)(a) of the Act, a relevant authority must transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the relevant authority under Division 4 of Part 7 of the Act)—
 - (a) in a case where section 108(1)(b) of the Act applies—within 10 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 10 business days after the notice is published on the SA planning portal.
- (2) A relevant authority must, at the time that documents are transmitted to the Minister under subregulation (1), also transmit to the Minister any fees that have been paid by the proponent under (reference to fees) (less any amount that the Minister determines should be retained by the relevant authority).
- (3) If—
 - (a) a proposed development is to be assessed by the Minister under section 115 of the Act; and
 - (b) the Minister indicates that an assessment of the development in respect of the Building Rules is to be referred to the council for the area in which the development is to be undertaken or to a building certifier under section 99(1) of the Act,

then, unless otherwise directed by the Minister—

- (c) the application lodged with the Minister must be accompanied by a copy of the plans, drawings, specifications and other documents and information required by Schedule 8 (in accordance with the requirements of that Schedule); and
- (d) the applicant must, at the appropriate time, also provide a copy of those plans, drawings, specifications and other documents and information to the council or building certifier (as the case may be).

75—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.

76—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

77—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.

78—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 processes).

79—Notification of decision

- (1) The Minister must ensure that the council for the relevant area receives notification of the outcome of the Minister's decision on a proposed development under Part 7 Division 2 Subdivision 4 of the Act.
- (2) If a Minister's 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 Minister must ensure that the Environment Protection Authority receives notification of the decision.
- (3) A notification under this regulation may be given—
 - (a) via the SA planning portal; or
 - (b) in such other manner as the Minister may determine to be appropriate.

80—Cancellation of development authorisation (section 115(9))

For the purposes of section 115(9) of 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****81—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**82—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) (as relevant).

- (2) If a report is not received from the Commission within 30 business days from the day on which the application is lodged under regulation 30 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 15 business days for a response from that agency.

Division 3—Presumption in respect of division of certain buildings

83—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

84—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

85—Assessment requirements—water and sewerage

- (1) For the purposes of section 102(1)(c)(iii) and (1)(d)(vii) of the Act, the South Australian Water Corporation (being a water industry entity under the *Water Industry Act 2012*) is identified.
- (2) For the purposes of section 102(1)(c)(iii) and (1)(d)(vii) of the Act, the South Australian Water Corporation may make and provide an assessment of the requirements of the Corporation in relation to the provision of water supply and sewerage services 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 40 business days after it is delivered to the person who proposes to divide the land.
- (5) The fees specified for the purposes of this regulation by the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* 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 the Corporation 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

86—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.

87—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 metres or more than 35 metres.

- (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 metres.
- (3) Subject to subregulation (4), the width of every proposed thoroughfare, not being a road, must be not less than 2 metres.
- (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 metres for a length of not less than 25 metres, 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.

88—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 metres; or
 - (b) if the relevant plan delineates 5 allotments or less—
 - (i) to a total width in excess of 15 metres; or
 - (ii) by an area in excess of 23 square metres 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.

89—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 metres 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).

90—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.

91—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 regulation 89 and 90 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 the Institution 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 the Institution of 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 are necessary and need to be laid under the surface of the proposed road, have been made.

Division 7—Certificate in respect of division of land

92—Exclusion from requirement to obtain a certificate¹

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)).

93—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 90(5)) and that the arrangement is supported by adequate security; and
 - (b) in a case where a requirement under regulation 90(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.

94—Division of land by strata title

- (1) In accordance with section 138(1) of the Act, the Commission may issue a certificate under that section in relation to the division of land by strata plan under the *Community Titles Act 1996* or 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 those requirements 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 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 section 102(1)(d) 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 application to the division of land by strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*.

95—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.
- (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 the 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

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- (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**96—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 should comply with subregulation (1) within 5 business days after the notice is given to the applicant under regulation 60.

Part 10—Special provisions relating to buildings and building work**Division 1—Preliminary****97—Interpretation**

In this Part—

council has the same meaning as in Part 11 of the Act.

98—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**99—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 in writing to the building owner on or before 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) 1 business day's notice of the intended completion of any stage of the building work specified by the council by notice in writing to the building owner on or before development approval is granted in respect of the work;
 - (d) 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;
 - (e) 1 business day's notice of 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 Parts A and B of the Statement of Compliance under Schedule 13 (if relevant).
- (3) A notice by a person under subregulation (1) may be given—
 - (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; or
 - (c) by leaving a written notice with a duly authorised officer of the council.
- (4) If a notice is given under subregulation (1)(d), 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.
- (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

100—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 rules 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 appropriate fee set out in the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*; 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 (being a form published by the Chief Executive 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) The owner of a building in which essential safety provisions must be installed must, within 20 business days after installation of those provisions, provide to the council a certificate of compliance for each essential safety provision, 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), signed in accordance with the requirements of the form.
- (6) The owner must not use or permit the use of a building to which this regulation applies unless maintenance and testing have been carried out in respect of each essential safety provision of the building in accordance with any relevant Ministerial building standard as in force at the time of the consent in respect of the building work in the course of which the essential safety provision was installed or, in the case of a building in which essential safety provisions were required under any former regulations under the *Development Act 1993*, in accordance with the requirements that applied to that building under those regulations.
- (7) The owner of a building in relation to which a schedule of essential safety provisions has been issued must, within 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 those safety provisions for that calendar year as required under subregulation (6).
- (8) An owner complies with subregulation (7) if a certificate in the form determined by the Chief Executive and signed by the owner or the manager of the building, and by the person responsible for carrying out the maintenance and testing, is lodged with the council certifying 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 (6).
- (9) Subregulation (7) does not apply if—
- (a) the building is a Class 1b building under the Building Code; or
- (b) the building is a Class 2 building under the Building Code that does not have a rise in storeys exceeding 3 and does not have a floor area exceeding 2 000 square metres; or

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- (c) 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 square metres,
- and the building is not subject to a requirement under subregulation (10).
- (10) Despite subregulation (9), the council may require compliance with subregulation (7) 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.
- (11) A person who fails to comply with a requirement under subregulation (5), (6), (7) or (8) is guilty of an offence.
- Maximum penalty: \$10 000.
- Expiation fee: \$750.

101—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.

102—Health and amenity

- (1) In this regulation—
public sewer has the same as in the *Water Industry Act 2012*.
- (2) 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.
- (3) A person will be taken to have complied with 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 waste control system which complies with the requirements of the *South Australian Public Health Act 2011* and which is installed in a manner approved by the council.

Division 4—General

103—Building Rules: bushfire prone areas

For the purposes of Performance Requirement GP5.1 of Volume 1, and P2.3.4 of Volume 2, of the Building Code, a building is in a bushfire prone area if—

- (a) it is in an area identified by the Planning and Design Code for the purposes of this paragraph; or
- (b) it is in an area identified as a general, medium or high bushfire risk area by the Planning and Design Code, or is in an area identified by the Planning and Design Code as an excluded area and is within 500 metres of an area identified as a high bushfire risk area.

104—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 rules 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 rules 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 rules 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.

105—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

106—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.

107—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 appropriate fee under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*.
- (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.

108—Certificates of occupancy

- (1) Pursuant to section 152(1)(a) of the Act, a certificate of occupancy is not required in respect of a Class 10 building under the Building Code.
- (2) Pursuant to section 152(3)(b) of the Act, the following documentation is required:
 - (a) a copy of a Statement of Compliance, duly completed in accordance with the requirements of Schedule 13, that relates to any relevant building work, together with any documentation required under regulation 60(8)(c);
 - (b) unless already provided—a copy of any certificate of compliance under regulation 100(5) (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 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.
- (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 (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

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- (b) it appears to the council, after undertaking an inspection, that the relevant building is suitable for occupation.
- (4) 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.
- (5) 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.
- (6) The council must have regard to any report received from a fire authority under subregulation (4) before it issues a certificate of occupancy.
- (7) Pursuant to section 152(8) of the Act, an application for the issue of a certificate of occupancy should be decided—
 - (a) unless paragraph (b) applies—within 5 business days from the day on which all documentation required by the council under subregulation (2) is received by the council; or
 - (b) if the council must seek a report from a fire authority under subregulation (4)—within 20 business days from the day on which all documentation required by the council under subregulation (2) is received by the council.
- (8) 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).
- (9) 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 square metres 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 100(7);
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.
- (10) Subject to subregulation (11), a reference in this regulation to a council will be taken to include a reference to a building certifier acting pursuant to section 154 of the Act.
- (11) Subregulations (3) and (9) only apply to councils.

109—Statement of Compliance

- (1) In this regulation—
notice of completion means a notice of completion of building work under regulation 99(1)(e).
- (2) This regulation does not apply to a Class 10 building under the Building Code.
- (3) Subject to subregulation (4), if building work is carried out in a case where this regulation applies, a duly completed Statement of Compliance under Schedule 13 must be provided to the relevant authority under subregulation (5) when a notice of completion with respect to the building work is given.
- (4) If a Class 1a building under the Building Code (or part of such a building) has not been previously occupied and the building (or part) is occupied before a notice of completion with respect to the building work has been given, a duly completed Statement of Compliance must be provided to the relevant authority under subregulation (5) within 10 business days after the building (or part) is occupied.

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- (5) For the purposes of subregulation (3) or (4), 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.
- (6) A Statement of Compliance provided under this regulation must be accompanied by any certificates, reports or other documents that the relevant authority, by written notice issued at the time that the relevant building rules consent was given, indicated would need to be furnished at the time of the provision of the statement under this regulation.
- (7) A Statement of Compliance must be completed as follows:
- (a) Part A 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) Part B must be signed by the owner of the relevant land, or by someone acting on his or her behalf.
- (8) For the purposes of subregulation (7)(a), a licensed building work contractor (the **contractor**) will be taken to be responsible for carrying out building work if the contractor has responsibility 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.
- (9) For the purposes of Part A 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 or waste control system which complies with the requirements of the *South Australian Public Health Act 2011*;
 - (d) a public telecommunications system;
 - (e) any other public service or facility provided by an authority or utility.

- (10) If a requirement of this regulation 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.

Note—

- 1 See definition of *construct* under the Act.

Part 12—Crown development

110—Exclusions from the definition of State agency

For the purposes of section 131(1) of the Act, the following bodies are excluded from the ambit of the definition of *State agency*:

- (a) The South Australian Housing Trust;
- (b) The South Australian Totalizator Agency Board

Drafting note—

This list is subject to review.

111—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 14, when carried on by a prescribed agency, are excluded from the provisions of section 131 of the Act.
- (2) For the purposes of section 131(28)(a) of the Act, the various forms of development set out in Schedule 14 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 14 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.

112—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.

113—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.
- (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(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) For the purposes of section 131(17) of the Act, the period of 3 months is prescribed.
- (8) 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.
- (9) 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.
- (10) Despite subregulation (9), 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.

114—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**115—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 15, 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 15 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 15, 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 in the area of a council 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.
- (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 14—Land management agreements

116—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—
 - (a) the register must be kept available on the SA planning portal; and
 - (b) the register, and a copy of any agreement registered on the register, must be available for inspection at the principal office of the Department during normal office hours.

117—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 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) The register established by the Minister must be kept at the principal office of the Department.
- (5) A register established by a council must be kept at the principal office of the council.
- (6) A register must be kept available for public inspection during normal office hours for the office where the register is situated.
- (7) 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.
- (8) 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 (7).
- (9) The relevant authority must also give a copy of a notice under subregulation (8) 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.
- (10) 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 under the Act, the date on which any appeal is dismissed, struck out or withdrawn, or all questions relating to any appeal 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

118—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—
 - (i) a current accreditation as a Building Surveyor issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or

- (ii) a current as an Assistant Building Surveyor issued by a building industry accreditation authority approved 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 section 144 of the Act; and
 - (b) is brought within the definition of *designated authority* under section 212(1) of the Act.

119—Fire safety

For the purposes of section 157(1), (2) and (17)(a)(i) of the Act, the prescribed qualifications are—

- (a) the qualifications that apply for the purposes of gaining accreditation as 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) the qualifications that allow a person to hold—
 - (i) a current accreditation as a Building Surveyor issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or
 - (ii) a current as an Assistant Building Surveyor issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or
- (c) qualifications that are approved by the Chief Executive.

Part 16—Enforcement

120—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 16.

121—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 [section references to be inserted] of the Act is prescribed (being an offence to which section 220(2) does not apply).

Part 17—Rights of review and appeal

122—Rights of review and appeal

- (1) Subject to subregulations (2) and (3), the following are prescribed matters under section 202(1)(b) of the Act:
 - (a) any assessment, request, decision, direction or act of a relevant authority under the Act that is relevant to any aspect of the determination of the application;
 - (b) a refusal to grant the development authorisation;
 - (c) the imposition of conditions in relation to the authorisation;
 - (d) any other assessment, request, decision, direction or act of a relevant authority under the Act in relation to the authorisation.
- (2) For the purposes of section 202(1)(b)(i)(A) of the Act, a prescribed matter is any matter referred to in subregulation (1) that relates to an application for planning consent.
- (3) This regulation does not apply in relation to any case under section 110(19) or 115(10) of the Act.
- (4) 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.

Part 18—Miscellaneous

123—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

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- (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.

124—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.

125—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.

126—Register of applications

- (1) A relevant authority (other than an accredited professional exercising the powers of a relevant authority under the Act) must keep available for public inspection without fee during its normal office hours a register of applications for consent, approval, or the assignment of building classifications under the Act.
- (2) The following matters must be recorded in a register under subregulation (1) in respect of each application:
 - (a) the name and address of the applicant (or of each applicant);
 - (b) the date of the application;
 - (c) the date on which the application was received by the relevant authority;
 - (d) a description of the land which is the subject of the application;
 - (e) a brief summary of the matters, acts or things in respect of which any consent or approval is sought;
 - (f) details of any referral or concurrence on the application;
 - (g) in the case of an application lodged with an accredited professional and provided to the relevant authority under these regulations—

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- (i) the name of the accredited professional; and
 - (ii) the date on which the application was received by the accredited professional (as notified under these regulations);
 - (h) 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;
 - (i) any decision on the application (including the date of the decision and any conditions that are imposed);
 - (j) the date of the commencement of any building work, and the date of the completion of any building work, as notified under regulation 99;
 - (k) if any decision on the application is the subject of an appeal, the result of the appeal.
- (3) Subregulation (2) (other than paragraph (c)) extends to applications lodged with an accredited professional (and, insofar as may be relevant, a relevant authority may rely on information provided by an accredited professional for the purposes of recording matters under this regulation).
- (4) A relevant authority may, on payment of a fee fixed by the relevant authority, make available to a member of the public a copy of any part of a register or document kept for the purposes of subregulation (1).
- (5) An accredited professional must keep a register that records, in respect of each application made to the accredited professional under the Act—
- (a) the name and address of the applicant (or of each applicant); and
 - (b) the date of the application; and
 - (c) a description of the land which is the subject of the application; and
 - (d) a brief summary of the matters, acts or things in respect of which any consent or decision is sought; and
 - (e) details of any referral or concurrence on the application; and
 - (f) any decision on the application (including the date of the decision and any conditions that are imposed); and
 - (g) in the case of an application for a building consent—the fee payable under item x of the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*; and

Drafting note—

The item number will be included in due course.

- (h) if any decision on the application is the subject of an appeal, the result of the appeal.
- (6) An accredited professional must keep a record required under subregulation (5) for not less than 3 years after the date on which the relevant application is determined by the accredited professional.

127—Documents to be provided by an accredited professional

- (1) An accredited professional must ensure that he or she is able to produce to an authorised officer within a reasonable period (on request) a copy of any of the following documents:
 - (a) any notification of engagement given by the accredited professional under regulation 33 or 34;
 - (b) any technical details, particulars, plans, drawings, specifications or other documents or information considered by the accredited professional on an application for a development authorisation;
 - (c) any certificates, opinions or other documents submitted to the accredited professional in connection with an application for a development authorisation;
 - (d) any document that the accredited professional is required to provide under regulation 58;
 - (e) any statement required under regulation 60(3).
- (2) An accredited professional must produce to a council within 5 business days, on request, a copy of any document that has been submitted to the accredited professional for the purposes of an application for planning consent (and that is not already held by the council under these regulations) so that the council can respond to a request from a member of the public for access to such a document.
- (3) An accredited professional is not required to make available any document under subregulation (2) if to do so would—
 - (a) in the opinion of the accredited professional, 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.

128—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.

129—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.

130—Declaration of commercial competitive interest

- (1) For the purposes of subsection (3) of section 208 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).

131—Issue of expiation notices

Authorised officers are designated persons who may give expiation notices under the Act or these regulations.

132—Limitation of time when action must be taken

Pursuant to section 8(3)(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 .

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Registrable interests	Details
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

Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019

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

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.

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- 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—Excavation or filling in identified zones or areas

- (1) 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 cubic metres in total, 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.

2—Excavation 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 cubic metres in total.

3—Excavation or filling in identified zones or areas subject to inundation or flooding

Any excavating or filling (or excavation 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 excavation 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 metres height

Without limiting any other clause, the forming of a levee or mound with a finished height greater than 3 metres above the natural surface of the ground.

5—Excavating or filling—coastal land etc

- (1) 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 cubic metres in total.

- (2) In this clause—
- coastal land**—the following is coastal land:
- (a) land situated in a zone, subzone or overlay identified under the Planning and Design Code as coastal land for the purposes of this paragraph;
 - (b) if paragraph (a) does not apply—
 - (i) land that is situated in an area that, in the opinion of the relevant authority, comprises a township or an urban area and that is within 100 metres of the coast measured mean high water mark on the sea shore at spring tide; or
 - (ii) land that is situated in an area that, in the opinion of the relevant authority, comprises rural land and that is within 500 metres landward of the coast from mean high water mark on the sea shore at spring tide,if there is no zone or area of a kind referred to in paragraph (a) between the land and the coast;
 - (c) an area 3 nautical miles seaward of mean high water mark on the sea shore at spring tide.

Drafting note—

This definition is the subject of review.

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 metres landward of the coast measured from mean high water mark on the sea shore at spring tide or within 1 kilometre 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 a zone, subzone or overlay designated under the Planning and Design Code as a prescribed zone, subzone or overlay under Schedule 9 clause 1(4) (in connection with the referral of development within the River Murray Floodplain Area).
- (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.

Schedule 4—Exclusions from definition of development

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

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- (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 (within the meaning of the Planning and Design Code), subject to the following conditions:
 - (i) that the advertisement area is not more than 0.2 square metres;
 - (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 metres 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 square metres;
- (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 square metres; 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 square metres 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 a council of—
 - (a) a road, drain or pipe, other than the construction of a new road, drain or pipe within 100 metres 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 subparagraph; 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 metres 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 the Planning and Design Code which is within 100 metres 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 square metres 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 of the building exceeding 30 square metres; or
 - (iii) the construction or alteration of, or an extension to, any building within 100 metres 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 metres landward of the coast measured from mean high water mark on the sea shore at spring tide or within 100 metres 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 equipment on or in a recreation area; or
- (g) an item of street furniture (including directional signs, lighting, seating and weather shelters), 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 square metres in total floor area, or 10 metres 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 square metres, or the total height of the building exceeding 10 metres; or

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- (iii) the performance of work within 10 metres of a boundary of the depot.
- (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 square metres;
 - (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 metres 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)—
 - (a) excavating or filling (or excavating and filling) of up to 1 500 cubic metres 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 cubic metres of material has been excavated or filled at the particular place within the previous 12 months; and
 - (b) the installation or construction of renewable energy infrastructure associated with a building or facility that is situated on council or community land, or on land of which a council has the care, control or management.
- (4) In subclause (3)(b)—

renewable energy infrastructure includes infrastructure or facilities for the purposes of generating or storing renewable energy or designed to reduce energy consumption or output, but does not include such infrastructure or facilities that detrimentally affect the amenity of the locality by reason of the emission of noise.

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, 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.
- (4) 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.
- (5) The division of an allotment pursuant to an order under the *Encroachments Act 1944*.
- (6) 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.
- (7) 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.
- (8) 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.

- (9) 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—
- (A) in the case of an outbuilding in a designated historic or conservation zone, subzone or overlay—10 square metres; or
- (B) in any other case—15 square metres; and
- (iii) has no roof span (being the horizontal distance between supporting walls, posts or columns of the outbuilding) exceeding 3 metres, and no part of the building being higher than 2.5 metres 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 millimetres 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 metres of the intersection of 2 boundaries of the land where those boundaries both face a road, other than where a 4 x 4 metre corner cut-off has already been provided (and is to be preserved);
- (b) —
 - (i) a windmill, other than a windmill in a designated airport building heights are; or
 - (ii) a flagpole,
which is not attached to a building and is not more than 10 metres in height, or which is attached to a building and is not more than 4 metres in height above the topmost point of attachment to the building, exclusive of guy wires;
- (c) a swimming 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 millimetres; or
 - (ii) in the case of an aboveground or inflatable swimming pool, does not incorporate a filtration system;
- (d) a spa pool which is constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which does not have a maximum capacity exceeding 680 litres;
- (e) a detached incinerator not exceeding 0.5 cubic metres in overall volume;
- (f) a fence not exceeding 2.1 metres in height (measured from the lower of the 2 adjoining finished ground levels), other than—
 - (i) a fence in—
 - (A) a designated historic or conservation zone, subzone or overlay; or
 - (B) a designated flood zone, subzone or overlay; or
 - (C) in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subparagraph; or

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- (ii) a fence in a designated historic or conservation zone, subzone or overlay that is situated on the boundary of the relevant allotment with a road (other than a laneway); or
- (iii) a fence that exceeds (or would exceed) 1 metre in height within 6 metres of the intersection of 2 boundaries of land where those boundaries both face a road, other than where a 4 x 4 metre 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 metre 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 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 metres 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 post and wire fence, other than a chain mesh fence, in a designated flood zone, subzone or overlay;
- (h) a structure (other than in a designated flood zone, subzone or overlay, or within 100 metres of the coast measured from mean high water mark on the sea shore at spring tide) comprised of a combination of—
 - (i) a retaining wall which retains a difference in ground levels not exceeding 1 metre (measured from the lower of the 2 adjoining finished ground levels); and
 - (ii) a fence,
 if the total combined height of the structure is less than 3.1 metres in height (measured from the lower of the 2 adjoining finished ground levels);

- (i) a retaining wall (other than in a designated flood zone, subzone or overlay, or within 100 metres 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 metre;
- (j) 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 Metropolitan Adelaide—a total floor area not exceeding 10 square metres and a total volume not exceeding 40 000 litres; or
 - (B) in any other case—a total floor area not exceeding 15 square metres and a total volume not exceeding 60 000 litres; and
 - (iii) is located wholly above ground; and
 - (iv) has no part higher than 4 metres above the natural surface of the ground;
- (k) 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;
- (l) a deck (other than in a bushfire prone area under regulation 103, a designated historic or conservation zone, subzone or overlay or any other zone, subzone or overlay 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 millimetres above the natural surface of the ground; and
 - (ii) will not have any portion of the deck situated within 900 millimetres of a boundary of the land;
- (m) a tree 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 square metres;

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- (n) 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); and
 - (ii) neither the height nor the length of the screen exceeds the dimensions of the structure to which it is fixed;
 - (o) 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 metres (excluding any flue or chimney).
- (2) Other than in respect of a local heritage place or in a designated historic or conservation zone, subzone or overlay, 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 in a designated historic or conservation zone, subzone or overlay, 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 square metres; and
 - (c) no part of the sail will be more than 3 metres 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 domestic floor; or
 - (ii) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms 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 metres 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 kilograms 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 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 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 101.
- (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 square metres; 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;
- (e) the parking of any vehicle not exceeding 3 000 kilograms 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;
- (g) the carrying on of low impact entertainment on premises other than residential premises.

(3) In this clause—

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.

6—Special cemetery buildings

The construction of a mausoleum in a public cemetery where—

- (a) the mausoleum is located more than 50 metres from the boundaries of the cemetery; and
- (b) no part of the mausoleum is higher than 3 metres 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 valve chamber, electrical control or switching gear, and flue extending not more than 15 metres above ground level)—
 - (a) that has a total floor area not exceeding 8 square metres and a depth not exceeding 10 metres; 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 square metres and a depth not exceeding 4 metres; 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 zone, subzone or overlay designated for retail, office, commercial, industrial or extractive industry use under the Planning and Design Code; or
- (b) in respect of a local heritage place; or
- (c) in a designated environmental zone, subzone or overlay; or
- (d) within 1 kilometre of the coast measured from mean high water mark on the sea shore at spring tide; or
- (e) within 1 kilometre of the River Murray; or
- (f) within 500 metres of an arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the Planning and Design Code or online atlas); or
- (g) within a township, or within 50 metres of the boundaries of a township; or
- (h) on land that is subject to the *National Parks and Wildlife Act 1972*; or
- (i) within part of the State described in Schedule 15; or

- (j) that consists of prescribed infrastructure within the meaning of clause 13 to the extent that it constitutes development under that clause.

10—Demolition of single storey buildings

The demolition of the whole of a single storey 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; or
- (c) a building that has a party wall.

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 metres 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 metre is to be used or formed; or
- (c) where the dam is in—
 - (i) a designated flood zone, subzone or overlay; 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 metres 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 metres; or
 - (B) in any other case—10 metres; or
 - (ii) in the case of prescribed infrastructure attached to a building—
 - (A) in a residential zone in Metropolitan Adelaide—2 metres; or
 - (B) in any other case—4 metres, 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 a designated historic or conservation zone, subzone or overlay—1.2 metres; or
 - (ii) in any other case—2.6 metres.
- (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 metres 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 metres.
- (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) at a local heritage place; or

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- (b) in a zone, subzone or overlay primarily designated for retail, office, commercial, industrial or extractive industry use under the Planning and Design Code; or
 - (c) in a designated environmental zone, subzone or overlay; or
 - (d) within 1 kilometre of the coast measured from mean high water mark on the sea shore at spring tide; or
 - (e) within 1 kilometre of the River Murray; or
 - (f) within 500 metres of an arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the Planning and Design Code); or
 - (g) within a township, or within 50 metres of the boundaries of a township; or
 - (h) on land that is subject to the *National Parks and Wildlife Act 1972*; or
 - (i) within part of the State described in Schedule 15.
- (4) In this clause—

building does not include prescribed infrastructure;

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 metres; 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 metres;
- (b) an equipment shelter or housing if—
 - (i) its total floor area does not (or will not) exceed 10 square metres; and
 - (ii) its height does not (or will not) exceed 3.5 metres;
- (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 metres; and

- (ii) the total area of the panels does not (or will not) exceed 20 square metres;

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 kilometre 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 metres;
 - (B) outside Metropolitan Adelaide—2 kilometres;
 - (b) infrastructure associated with a railway;
 - (c) if associated with a railway—
 - (i) a culvert or drain not more than 1 metre deep; or
 - (ii) a pipe not more than 1 metre in diameter.
- (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 culvert or drain not more than 1 metre deep; or
 - (ii) a pipe not more than 1 metre in diameter.
- (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 metres 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.
- (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 buildings heights area;
- (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—

coastal land has the same meaning as in Schedule 9 clause 1(1);

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 kilograms; or
 - (b) a photovoltaic system comprising solar photovoltaic panels that have a total weight exceeding 100 kilograms if—
 - (i) the weight load is distributed so that it does not exceed 100 kilograms 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 millimetres 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 a zone, subzone or overlay primarily designated for aquaculture development under the Planning and Design Code.

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) the tree is within 1 of the following species of trees:
 - Melaleuca styphelioides (Prickly-leaved Paperback)
 - Lagunaria patersonia (Norfolk Island Hibiscus); or
 - (b) the tree is within 20 metres of a dwelling in a Bushfire Protection Area identified as Medium Bushfire Risk or High Bushfire Risk 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
 - (e) the tree is dead.
- (2) For the purposes of subclause (1)(b), the distance between a dwelling 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) to the nearest part of the dwelling at natural ground level.

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 in a coastal area within the meaning of Schedule 9 clause 1);
 - (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 19; and
 - (b) the area designated as "car park" in the map set out in Schedule 20.

Drafting note—

Schedules maps to be converted.

Schedule 5—Colonel Light Gardens Heritage Area**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 square metres;
 - (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 metres 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 square metres;

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- (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 square metres; 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 square metres 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.

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 square metres, no roof span (being the horizontal distance between supporting walls, posts or columns of the outbuilding) exceeding 3 metres, and no part higher than 2.5 metres 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 metre in height above the topmost point of the chimney;

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- (c) a swimming pool 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 metres of a boundary of a road on to which the relevant dwelling faces, and not within 3 metres 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 metres (measured from ground level);
- (d) without limiting paragraph (c), an aboveground or inflatable swimming pool constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which does not incorporate a filtration system;
- (e) a spa pool constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling and situated behind the dwelling, and which does not have a maximum capacity exceeding 680 litres;
- (f) a fence not exceeding 2 metres 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 metre 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 metres 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 metre;
 - (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 square metres; 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

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- (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 metres 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 kilograms 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 metres 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 101; 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 kilograms in weight (including the weight of any attached trailer) on land used for residential purposes.

6—Painting

Painting of a building, other than—

- (a) painting any part of the exterior of—
 - (i) the Institute Hall situated on West Parkway in Colonel Light Gardens; or
 - (ii) the RSL Hall on Prince George Parade in Colonel Light Gardens; or
- (b) 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, 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
 - (iii) the division of land which creates not more than 4 additional allotments; or
 - (iv) the construction of a detached dwelling that will be the only dwelling on the allotment; or
 - (v) a tree-damaging activity undertaken in relation to a regulated tree; or
 - (vi) development of any kind undertaken outside Metropolitan Adelaide;
 - (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*.

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 \$10 000 000.
- (2) Subject to subclause (3), development—
- (a) under an application to vary a development authorisation given by the Commission under this clause; or
- (b) which, in the opinion of the Commission, is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.
- (3) Subclause (2) does not apply to development involving a building in relation to which a certificate of occupancy has been issued.

4—Inner Metropolitan Area—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 in Metropolitan Adelaide identified under the Planning and Design Code for the purposes of this clause.
- (2) Subject to subclause (3), development—
- (a) under an application to vary a development authorisation given by the Commission under this clause; or
- (b) which, in the opinion of the Commission, is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.
- (3) Subclause (2) does not apply to development involving a building in relation to which a certificate of occupancy has been issued.

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 \$3 000 000.
- (2) Subject to subclause (3), development—
- (a) under an application to vary a development authorisation given by the Commission under this clause; or

- (b) which, in the opinion of the Commission, is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.
- (3) Subclause (2) does not apply to development involving a building in relation to which a certificate of occupancy has been issued.

6—City of Port Adelaide Enfield—development in identified zone

All classes of development in a zone, subzone or overlay of the City of Port Adelaide Enfield identified under the Planning and Design Code for the purposes of this clause.

7—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*.

8—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*.

9—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 \$3 000 000
- (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 by the Commission; 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 by the Commission,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.

10—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*.

11—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).

12—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 \$4 000 000.

13—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 identified as coastal or coastal conservation zones, subzones or overlays 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 \$3 000 000.

14—University developments over \$10m

Development on land within Metropolitan Adelaide exceeding 10 000 square metres occupied by a university if the total amount to be applied to any work, when all stages of the development are completed, exceeds \$10 000 000.

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 roof; and
- (b) each freestanding side of which is open; and
- (c) no part of which is higher than 4 metres above the ground.

3—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.

4—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 metres from the boundary of a township.

5—Haysheds etc

The construction of—

- (a) a hayshed or implement shed not exceeding 500 square metres in total floor area; or
- (b) a Class 10a building under the Building Code not exceeding 25 square metres in total floor area,

where the hayshed, implement shed or Class 10a building—

- (c) will be at least 50 metres from any allotment boundary; and
- (d) will be within a rural, farming, horticultural, primary industry or primary production zone, subzone or overlay identified under the Planning and Design Code for the purposes of this clause and within a part of the State outside the areas of the following councils:
 - (i) The Barossa Council

- (ii) District Council of Barunga West
- (iii) The District Council of Ceduna
- (iv) Clare and Gilbert Valleys Council
- (v) The Coorong District Council
- (vi) Town of Gawler
- (vii) Regional Council of Goyder
- (viii) District Council of Kapunda and Light
- (ix) The District Council of Mallala
- (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.

6—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.

7—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 square metres, no roof span (being the horizontal distance between supporting walls, posts or columns of the outbuilding) exceeding 3 metres, and no part of the building higher than 2.5 metres above the natural surface of the ground; or
 - (b) a fence not exceeding 2.1 metres in height, or 1 metre 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 metres 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 metres in height, or which is attached to a building and is not more than 4 metres 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 metre; 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 10 square metres; and
 - (iii) is located wholly above ground; and
 - (iv) has no part higher than 4 metres 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 constitutes *brush* for the purposes of XREF [old regulation 76C];

brush fence includes—

- (a) a fence that is predominantly constituted by brush; and
- (b) a gate that is predominantly constituted by brush.

8—Aquaculture

The construction of an offshore marine aquaculture structure that is embedded in the sea bed or moored from a mooring point embedded in the sea bed.

9—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 metres;
 - (b) in the case of prescribed infrastructure attached to a building—4 metres 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.

10—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.

Schedule 8—Plans

1—Plans for certain types of development

An application for planning consent that relates to an outbuilding, carport, garage, verandah or pergola must be accompanied by—

- (a) a site plan, drawn to scale, being a scale of not less than 1:500, including appropriate 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 approximate north point; and
 - (vii) 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
- (b) a plan drawn to scale, being a scale of not less than 1:200—
- (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, being a scale of not less than 1:200 (including appropriate 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 residential alterations, additions and new dwellings

An application for planning consent that relates to 1 or more proposed dwellings, or the alteration of or addition to an existing dwelling, must be accompanied by—

- (a) a site plan, drawn to scale, being a scale of not less than 1:500, including appropriate ratio scales, showing—
 - (i) the boundaries and dimensions of the site; and
 - (ii) the minimum distance between any proposed building and the front, side and rear boundaries of the site; and
 - (iii) 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
 - (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) the location and dimension of car parking spaces that are not fully enclosed or covered before and after completion of the proposed development; and
 - (vi) 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
 - (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) the amount and location of private open space that will exist on the site after completion of the development; and
 - (x) any areas of landscaping and areas finished with a hard surface; and

- (b) a floor plan drawn to scale, being a scale of not less than 1:200, showing the location and purpose of rooms and other areas at the completion of the development; and
- (c) elevation drawings, drawn to scale, being a scale of not less than 1:200 (including appropriate ratio scales), in relation to any relevant or proposed building, showing—
 - (i) the elevation 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
 - (C) a description of the materials comprising the roof; and
 - (vi) the dimensions of proposed eave overhangs; and
 - (vii) the dimensions of proposed internal doors and windows, including door and window head heights; and
 - (viii) roof materials and roof pitch; and
 - (ix) a description of the proposed materials and finishes of all external surfaces, including walls, doors and windows; and
- (d) in the case of an application within the ambit of proposing development involving the construction of 1 or more new dwellings—
 - (i) a declaration by or on behalf of the applicant indicating whether or not, to the best of his or her knowledge and belief, 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; and
 - (ii) if—
 - (A) the applicant has indicated; 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, a site contamination audit report (within the meaning of the *Environment Protection Act 1993*) which states—

- (C) that site contamination does not exist (or no longer exists) at the allotment; or
- (D) 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,

(unless the relevant authority is already in possession of such a report, or is otherwise satisfied that such a report is not required).

3—Plans for development for non-residential purposes

An application for planning consent that proposes a development that is not to be used for residential purposes (being a development for commercial, industrial, educational, recreational or other non-residential purposes) must be accompanied by—

- (a) a site plan, drawn to scale, being a scale of not less than 1:500, including appropriate ratio scales, showing—
 - (i) the boundaries and dimensions of the site; and
 - (ii) the minimum distance between any proposed building and the front, side and rear boundaries of the site; and
 - (iii) 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
 - (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) the location and dimension of car parking spaces that are not fully enclosed or covered before and after completion of the proposed development; and

- (vi) 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
 - (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) any areas of landscaping and areas finished with a hard surface; and
- (b) a floor plan drawn to scale, being a scale of not less than 1:200, showing the location and purpose of rooms and other areas at the completion of the development; and
- (c) elevation drawings, drawn to scale, being a scale of not less than 1:200 (including appropriate ratio scales), in relation to any relevant or proposed building, showing—
- (i) the elevation 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
 - (C) a description of the materials comprising the roof; and
 - (vi) the dimensions of proposed eave overhangs; and
 - (vii) the dimensions of proposed internal doors and windows, including door and window head heights; and
 - (viii) roof materials and roof pitch; and
 - (ix) a description of the proposed materials and finishes of all external surfaces, including walls, doors and windows; and

- (d) a description of the activities to be undertaken at 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) details of activities or operations to be undertaken that will generate noise, including details of machinery to be operated;
 - (ii) details of the number of persons proposed to be—
 - (A) employed or engaged on the site; and
 - (B) attending the site (as patrons or visitors), when operating at maximum proposed capacity;
 - (iii) details of external storage areas, including waste bin storage areas;
 - (iv) details of the type and volume of waste to be generated on the site, and arrangements for the management, storage and disposal of waste;
 - (v) 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;
 - (vi) the hours and days of operation or trading (including proposed hours of deliveries to and collections (including waste collections) from the site).

4—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 a scale of not less than 1:200 (including appropriate ratio scales), showing—

- (a) the dimensions of the swimming pool and swimming pool safety features; and
- (b) proposed setbacks from the boundaries of the site; and
- (c) the location of the pump and other equipment.

5—Plans for retaining walls

An application for planning consent that involves the construction or alteration of, or addition to, a retaining wall, must be accompanied by—

- (a) a site plan of the proposed retaining wall, drawn to a scale of not less than 1:500, including appropriate ratio scales, showing the location and dimensions of the proposed retaining wall and specifying the minimum and maximum height of the wall at relevant points; and

- (b) 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
- (c) a description of the material comprising the retaining wall.

6—Plans for application for consent for tree-damaging activity

An application for planning consent that relates to a proposed tree-damaging activity must be accompanied by—

- (a) a site plan, drawn to scale, being a scale of not less than 1:500, including appropriate 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 location of any affected regulated tree; and
 - (iv) the approximate north point; and
- (b) if the tree-damaging activity involves tree pruning, photographs of the tree showing the branches to be removed, the location of cuts to be made and the reasons for the pruning; and
- (c) details of the species of tree and trunk circumference measured at 1 metre above ground level (or, in the case of a tree with multiple trunks, the circumference of each trunk measured at 1 metre above ground level).

7—Plans for development involving advertising signs

An application for planning consent in respect of a proposed development that involves an advertising display must be accompanied by—

- (a) a site plan, drawn to scale, being a scale of not less than 1:500, including appropriate ratio scales, showing—
 - (i) the boundaries and dimensions of the site; and
 - (ii) the position of the proposed advertising display, including the minimum distance between the proposed sign and the boundaries of the site to which the sign will be closest; and
 - (iii) 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
 - (iv) the north point; and
- (b) elevation drawings, drawn to scale, being a scale of not less than 1:200 (including appropriate ratio scales), in relation to any relevant or proposed building, showing—

- (i) the front, side and rear elevation of the display (where relevant), nominating the maximum height of the display and supporting structure (where relevant); and
- (ii) if the proposed advertising display would involve any form of illumination, the proposed colours, text and graphics on the advertisement display; and
- (c) a description of the materials comprising the advertising display, any form of illumination proposed and the method of construction or attachment of the display.

8—Additional requirements for certain development in designated historic or conservation zone, subzone or overlay

An application for the assessment of development within a designated historic or conservation zone, subzone or overlay consisting of or involving—

- (a) the construction of a new building; or
- (b) —
 - (i) an addition to an existing building; or
 - (ii) an alteration in the form or appearance of an existing building,

that—

- (iii) affects the front facade of the building; and
- (iv) is visible from a street frontage,

must be accompanied by—

- (c) a report describing the prevailing character attributes and design elements within the locality of the site and the extent to which the proposed development is consistent with these attributes and elements with particular reference to the desired characteristics identified in the Planning and Design Code; and
- (d) drawings demonstrating how the proposed development relates to the buildings on adjoining sites (other than any site to the rear of the site of the proposed development) by providing an elevation and site plan, drawn to a scale of not less than 1:200, that shows the proposed development on the site within the context of the buildings on those adjoining sites and includes information showing—
 - (i) topography (according to existing and proposed ground levels); and
 - (ii) the form, scale, height and floor levels of all relevant buildings; and

- (iii) spacing between buildings; and
- (iv) materials and colours of all relevant buildings; and
- (v) driveways (as they will exist after the development); and
- (vi) fences (as they will exist after the development);
and
- (vii) landscaping (as it will exist after the development);
and
- (viii) visible services and street furniture.

9—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

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- (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 5 list of roof truss information—the details relating to the truss required by the Minister's Schedule 5 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.

Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019

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

- (2) An application for the building rules 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 rules 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 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 subclauses (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 subclauses (1)(b), (c) and (d).
- (5) If a development involves—
 - (a) the construction of a fence closer than 3 metres 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 metres 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 metres 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 5 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.

10—Requirements for development near the coast

If a development is to be undertaken on a site any part of which is adjacent to the coast, 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 metres, together with a written description of the nature of the exposed surface along that profile.

11—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 Minister and published in the Gazette.

**12—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

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- (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 hectare 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 hectare, a scale of not less than 1:2 500;
 - (iii) if the area of the smallest allotment is 1 hectare or over, a scale so that such allotment or block will be delineated by no less than 3 square centimetres 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;
 - (iii) the positions and construction of new permanent marks; 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.

13—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 the proposed scheme description of the relevant community scheme (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.

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.

14—Land division certificates—final plan

- (1) 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.

15—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 ?? of Schedule 9.

Drafting note—

The item number will be specified when Schedule 9 is settled.

- (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 Schedule 17 or Schedule 18 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 in Schedule 17 or Schedule 18, 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 in Schedule 17 or Schedule 18; 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 metres 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.

16—Water resources requirements

- (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 *Natural Resources Management Act 2004* under item ?? of Schedule 9.

Drafting note—

The item number will be specified when Schedule 9 is settled.

- (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.

17—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 ?? of Schedule 9.

Drafting note—

The item number will be specified when Schedule 9 is settled.

- (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 under Schedule 9 is to be carried out; and
- Drafting note—**
- The item number may be specified when Schedule 9 is settled.
- (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 metres 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*.

18—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 ?? of Schedule 9.
- Drafting note—**
- The item number will be specified when Schedule 9 is settled.
- (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.

19—Additional requirements for bushfire protection areas

An application for planning consent, building consent or consent under section 102(1)(c) or (d) of the Act that relates to development in a bushfire protection area identified under the Planning and Design Code must be accompanied by, or incorporate, the plans, drawings, specifications and other documents or drawings required under any relevant Ministerial building standard, insofar as they are relevant in the circumstances of the particular case.

20—Additional requirements for certain electricity generators

- (1) An application in respect of a proposed development for which the Development Assessment Commission is the relevant authority in accordance with Schedule 6 clause 10 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*.

Schedule 9—Referrals

Drafting note—

This Schedule is subject to review.

1—Interpretation

- (1) In this Schedule—
coastal land means—
 - (a) land situated in a zone, subzone or overlay identified under the Planning and Design Code where the name of the zone or area includes the word "Coast" or "Coastal", or which indicates or suggests in some other way that the zone or area is situated on the coast;
 - (b) if paragraph (a) does not apply—
 - (i) land that is situated in an area that, in the opinion of the relevant authority, comprises a township or an urban area and that is within 100 metres of the coast measured mean high water mark on the sea shore at spring tide; or
 - (ii) land that is situated in an area that, in the opinion of the relevant authority, comprises rural land and that is within 500 metres landward of the coast from mean high water mark on the sea shore at spring tide,

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if there is no zone or area of a kind referred to in paragraph (a) between the land and the coast;

- (c) an area 3 nautical miles seaward of mean high water mark on the sea shore at spring tide;

prescribed area means any part of the coast within the meaning of the *Coast Protection Act 1972*, or any other waters of the sea within the State.

- (2) In relation to each item in the table in clause 2—
- (a) a form of development referred to in column 1 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 period referred to in column 3 is prescribed for the purposes of section 122(1)(b) of the Act; and
- (d) the following term or terms, when specified in column 4, have (subject to any qualification referred to in the relevant item) the meanings assigned to them as follows:
- (i) ***Concurrence***—this means that the relevant authority cannot consent to or approve the development without the concurrence of the prescribed body (which concurrence may be given by the prescribed body on such conditions as it thinks fit);
- (ii) ***Direction***—this means that the prescribed body may direct the relevant authority—
- (A) to refuse the relevant application; or
- (B) if the relevant authority decides to consent to or approve the development—(subject to any other Act) to impose such conditions as the prescribed body thinks fit,
- (and that the relevant authority must comply with any such direction).

- (3) Despite the provisions of these regulations and, in particular, items 19, 20 and 21 of this Schedule, 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 Referral Fee under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*).

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.

- (4) The Planning and Design Code may identify a zone, subzone or overlay as a prescribed zone, subzone or overlay for the purposes of item 19.
- (5) Despite the provisions of these regulations, a reference to a class of development in items 24, 25 and 25A of the table in clause 2 does not include a reference to a variation of an application referred to in section 119(9)(a) of the Act if the development has previously—
- (a) been referred to the Government Architect or Associate Government Architect under section 122 of the Act; or
 - (b) been given development authorisation under the Act.
- (6) For the purposes of this Schedule—
- (a) a reference to—
 - (i) the ***River Murray Floodplain Area***; or
 - (ii) the ***River Murray Tributaries Area***,is a reference to the River Murray Protection Area so designated under the *River Murray Act 2003*; and
 - (b) a reference to the ***River Murray system*** is a reference to the River Murray system within the meaning of the *River Murray Act 2003*; and
 - (c) native vegetation will be taken to be cleared if it is cleared within the meaning of the *Native Vegetation Act 1991*; and
 - (d) a reference to ***substantially intact native vegetation*** is a reference to a stratum of native vegetation that is to be taken for the purposes of the *Native Vegetation Act 1991* to be substantially intact vegetation (see *Native Vegetation Act 1991* section 3A).

2—Table

Drafting note—

The table is the subject of review.

Schedule 10—Work that affects stability of other land or premises

FIGURE 1

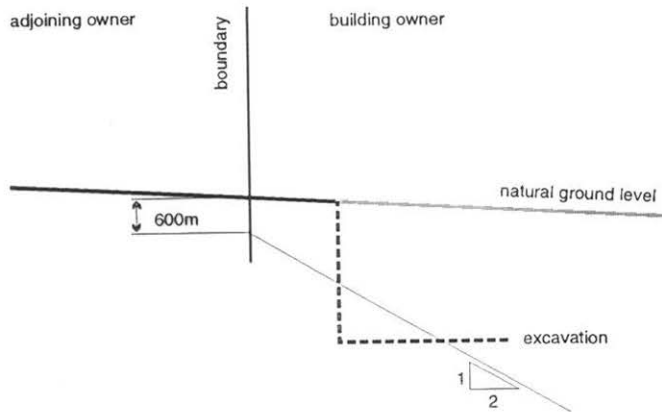
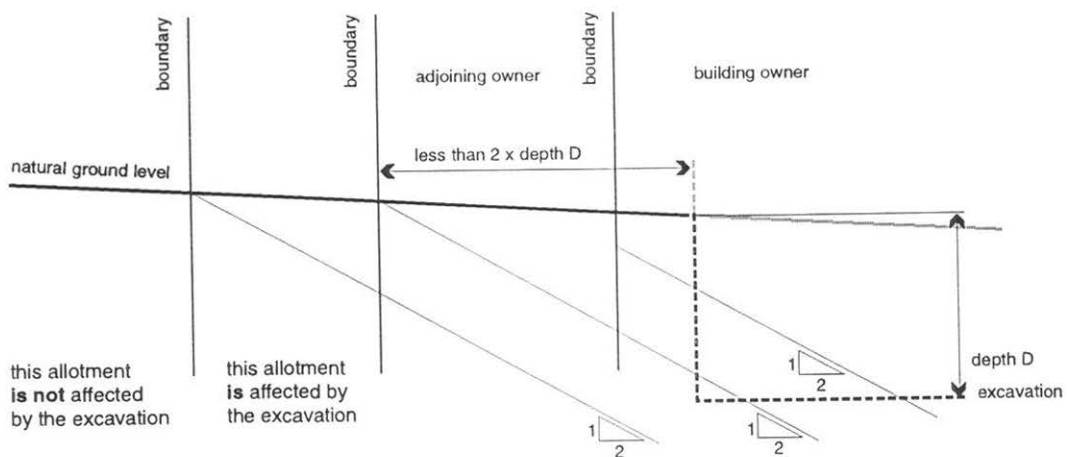


FIGURE 2



Schedule 11—Form of endorsement of scheme description—community titles

Form 1—Endorsement of scheme description

Planning, Development and Infrastructure Act 2016

(regulation 72)

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 95)

Approved in accordance with the requirements of section 138 of the *Planning, Development and Infrastructure Act 2016*.

Signed:

Description of signatory:

Date:

Schedule 13—Statement of compliance

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

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(regulation 109)

Note—

Pursuant to section 216(1) of the *Planning, Development and Infrastructure Act 2016*, a person must not perform building work, or cause it to be performed, except in accordance with technical details, particulars, plans, drawings and specifications approved under the Act.

- 1 This statement relates to the building located at the following address or location:
- 2 Description of building work to which this statement relates:
- 3 Date of approval of building work to which the statement relates:
- 4 Development number:

This statement must be accompanied by any certificates, reports or other documents specified by the relevant authority for the purposes of regulation 109 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Part A—Builder's statement

This part of the statement must be signed by the 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.

I certify the following:

- (a) The building work described above (disregarding any variation of a minor nature that has no adverse effect on the structural soundness or safety of the building, or on the health of the occupants of the building, or any variation undertaken with the consent of the relevant authority) has been performed in accordance with the documents referred to in Part B.
- (b) All service connections have been made in accordance with the requirements of the relevant supply authority.*
- (c) All requirements under regulation 100 of the *Planning, Development and Infrastructure (General) Regulations 2017* relating to essential safety provisions have been satisfied.*
- (d) All notifications required under section 146 of the *Planning, Development and Infrastructure Act 2016* have been given in accordance with that Act and the requirements of the *Planning, Development and Infrastructure (General) Regulations 2017*.*

**Strike out any item that is not relevant*

Date:

Signed:

Name:

Status:

Licence Number:

Address and contact telephone number:

Part B—Owner's statement

This part of the statement must be signed by the owner of the relevant land, or by someone acting on his or her behalf.

I certify the following:

- (a) The documents (including all contract documents, amendments, attachments, instructions, annotations, variations and clarifying correspondence) issued for the purposes of the building work described above (disregarding any variation of a minor nature that has no adverse effect on the structural soundness or safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the relevant authority) are consistent with the relevant development approval issued on *(date to be inserted)*.
- (b) Any conditions of approval relating to the building work have been satisfied.

Date:

Signed:

Name:

Address and contact telephone number:

Schedule 14—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) —

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- (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 private 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 113 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 construction, reconstruction or alteration of any of the following items of infrastructure or works if only of a local nature, namely, a water treatment station, pressure regulating station, pumping station, desalination plant, waste water pumping station, water filtration plant, water storage tank, pump-out facility or sewerage works; or
 - (iii) the construction, reconstruction or alteration of any works or infrastructure that is ancillary to works or infrastructure 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
 - (v) the construction, reconstruction or alteration of electricity generating plant—
 - (A) that is of a temporary nature; and
 - (B) that has a generating capacity of more than 50 MW,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) or (v), 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
- (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 set back distance of the allotment prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 millimetres of a boundary of the allotment); or
 - (C) where the relevant work would affect a local heritage place; or
- (xiii) the construction, reconstruction or alteration of, or addition to, a classroom or covered outdoor educational area within the area of an existing school, other than—

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- (A) where the building exceeds 1 storey in height; or
 - (B) where the classroom or covered outdoor educational area is not being constructed, added to or altered so that any part of the classroom or covered outdoor educational area is situated within the set back distance of the area (of the school) prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 millimetres of a boundary of the area); or
 - (C) where the building work would affect a local heritage place; or
- (xiv) 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 car parks on the site; or
 - (B) where the work will result in the building being situated within the set back distance of the area (of the school) prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 millimetres of a boundary of the area); or
 - (C) where the building work would affect a local heritage place; or
- (xv) building work associated with the alteration of, or addition to, any other building, other than—
- (A) where 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 set back distance of the allotment prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 millimetres of a boundary of the allotment); or

- (C) where the building work would affect a local heritage place; or
- (xvi) the alteration, repair or maintenance of, or addition to—
 - (A) a wall of an existing dam for the purpose of increasing the water storage capacity of the dam; or
 - (B) 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 metres above ground or floor level (depending on where it is situated); or
- (xx) the installation or alteration of a telecommunications facility, if the facility is for the purposes of supporting communication by persons or bodies involved in the provision of emergency services;
- (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
 - (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;

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- (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 cubic metres 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 cubic metres 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 a beacon related to the provision of global position system services;

- (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;
- (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;
- (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* subject to the following limitations:
 - (i) the fence must not exceed a height of 3.2 metres (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 mesh fence; or
 - (B) in any other case—the fence must be a palisade or open metal fence, a chain mesh fence or a fence clad in pre-colour treated sheet metal;
- (v) the construction, reconstruction or alteration of—

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- (i) a 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 such a correctional institution or training centre;
- (w) tree-damaging activity in relation to a regulated tree—
 - (i) that is on any land—
 - (A) on which a school, within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*, is located or is proposed to be built; and
 - (B) that is under the care, control or management of the Minister responsible for the administration of that Act; or
 - (ii) that is on any land—
 - (A) on which a road is located or is proposed to be built or widened; and
 - (B) that is under the care, control and management of the Commissioner for Highways; 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.
- (2) Paragraphs (a), (b)(ii), (b)(xi)—(xv) and (c) 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) Subparagraph (v) of subclause (1)(b) expires on 1 July 2020.

3—Certain development in part of City of Mitcham

The following forms of development in the 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 private 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 113 for the purposes of section 131 of the Act)—
 - (i) the alteration of a local water treatment station, pressure regulating station or pumping station; or
 - (ii) 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
 - (iii) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or
 - (iv) 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
 - (v) without limiting subparagraph (iv), 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 square metres and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 metres; and
 - (D) which will not result in a material change to the existing landform at the site of the development; or
- (vi) 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 metres of a boundary of the area of the school; or
 - (C) where the building work would affect a local heritage place; or
- (vii) tree-damaging activity in relation to a regulated tree—
- (A) that is on land—
 - on which a school, within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*, is located or is proposed to be built; and
 - that is under the care, control or management of the Minister responsible for the administration of that Act; or
 - (B) that is on land—
 - on which a road is located or is proposed to be built or widened; and

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- 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 metres or a pipe with a diameter exceeding 1.5 metres;
- (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 15—Mining production tenements

1—Adelaide and Environs

The areas of the Adelaide Hills 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 District Council of Kapunda and Light, The District Council of Mallala, 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 metres of the coast measured from mean high water mark on the seashore 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 hectares. (No 2)

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- (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 hectares. (No 5)
- (iv) Cortlinye Water Conservation Reserve—flora and fauna. Approximately 490 hectares. (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 hectares. (No 8)
- (vi) Yalanda Tanks—Water Conservation Reserve, hundred of Yalanda. Native flora, including acacia, cassia and orchids. Approximately 240 hectares. (No 9)
- (vii) Darke Peake Range—Area of geological interest and scenic beauty. Approximately 2 100 hectares. (No 13)
- (viii) Minbrie Range—Varying mallee, salt bush, blue bush associations and scenic views. Approximately 2 200 hectares. (No 15)
- (ix) Cleve Water Reserve—Sections 327, 328, 329, hundred of Mann. A catchment area with variety of fauna. Approximately 3 300 hectares. (No 17)
- (x) Moody Tanks—Railway Reserve—Section 48, hundred of Moody. A heavily timbered area. Approximately 77 hectares. (No 25)
- (xi) Sections 415, 416, 417, hundred of Louth—Sugar gum heath with abundance of orchid species. Approximately 535 hectares. (No 33)
- (xii) Section 99, hundred of Wanilla—Uncleared sand dune vegetation. Includes mallee, acacias and banksia. Approximately 430 hectares. (No 34)
- (xiii) Caraleu Bluff—Native pines, picnic area. Approximately 90 hectares. (No 43)
- (xiv) Tcharkulda Hill—Granite outcrop. Mallee, native pine, cassia. Picnic area. Approximately 195 hectares. (No 44)
- (xv) Pillawarta Creek—Sugar and blue gums, wildflowers. Approximately 80 hectares. (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 hectares. (No 48)
- (xviii) Corrobinnie Hill—Rock outcrop with unusual erosion. Mallee broom and acacias. Approximately 40 hectares. (No 49)
- (xix) Minnipa Hill—Suitable for recreation and picnic area. Approximately 75 hectares. (No 50)
- (xx) Talia Caves—Approximately 220 hectares. (No 53)
- (xxi) Waddikee Rocks—Monument to explorer Darke. Approximately 85 hectares. (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 hectares. (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 & 8, hundred of Borda, adjacent to Cape Torrens Conservation Park. Includes high and spectacular cliffs. Natural vegetation largely in original state. Approximately 150 hectares. (No 3).
 - (iv) Part Section 14, hundred of McDonald. South coast, at mouth of South West River. Suitable for general recreation. Approximately 12 hectares. (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 and 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 hectares of existing open space depicted on Map 11, and lying approximately 10 kilometres 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 16—Civil penalties

1—Form of notice of right to elect to be prosecuted (regulation 120)

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 17—Activities of environmental significance

Drafting note—

This Schedule is subject to review.

Schedule 18—Activities of major environmental significance

Drafting note—

This Schedule reflects the existing Schedule in the *Development Regulations 2008*.

Part 1—Activities

1—Petroleum and Chemical

- (1) **Chemical Storage and Warehousing Facilities:** the storage or warehousing of chemicals or chemical products that are, or are to be, stored or kept in bulk or in containers having a capacity exceeding 200 litres at facilities with a total storage capacity exceeding 1 000 cubic metres.
- (2) **Chemical Works:** the conduct of—
 - (a) works with a total processing capacity exceeding 100 tonnes per year involving either or both of the following operations:
 - (i) manufacture (through chemical reaction) of any inorganic chemical, including sulphuric acid, inorganic fertilisers, soap, sodium silicate, lime or other calcium compound;

- (ii) manufacture (through chemical reaction) or processing of any organic chemical or chemical product or petrochemical, including the separation of such materials into different products by distillation or other means; or
 - (b) works with a total processing capacity exceeding 5 000 tonnes per year involving operations for salt production.
- (3) **Coke Works:** the production, quenching, cutting, crushing and grading of coke.
- (4) **Oil Refineries:** the conduct of works at which crude petroleum oil or shale oil is refined, or where lubricating oil is produced.
- (5) **Petroleum Production, Storage or Processing Works or Facilities:** the conduct of works or facilities—
 - (a) at which petroleum products are stored in tanks with a total storage capacity exceeding 2 000 cubic metres; or
 - (b) with a total petroleum production rate exceeding 20 tonnes per hour.
- (6) **Wood Preservation Works:** the conduct of works for the treatment or preservation of timber by chemicals (including chemicals containing copper, chromium, arsenic or creosote), but excluding the treatment or preservation of timber by primary producers for their own primary production purposes and not for supply to others.

2—Manufacturing and Mineral Processing

- (1) **Abrasive Blasting:** the cleaning of materials by the abrasive action of any metal shot or mineral particulate propelled in a gaseous or liquid medium (otherwise than solely by using blast cleaning cabinets less than 5 cubic metres in volume or totally enclosed automatic blast cleaning units).
- (2) **Hot Mix Asphalt Preparation:** the conduct of works at which crushed or ground rock aggregates are mixed with bituminous or asphaltic materials for the purposes of producing road building mixtures.
- (3) **Cement Works:** the conduct of works for the use of argillaceous and calcareous materials in the production of cement clinker or the grinding of cement clinker.
- (4) **Ceramic Works:** the conduct of works for the production of any products such as bricks, tiles, pipes, pottery goods, refractories, or glass that are manufactured or are capable of being manufactured in furnaces or kilns fired by any fuel, being works with a total capacity for the production of such products exceeding 100 tonnes per year.

- (5) **Concrete Batching Works:** the conduct of works for the production of concrete or concrete products that are manufactured or are capable of being manufactured by the mixing of cement, sand, rock, aggregate or other similar materials, being works with a total capacity for production of such products exceeding 0.5 cubic metres per production cycle.
- (6) **Drum Reconditioning:** the conduct of drum reconditioning works, including associated storage facilities.
- (7) **Ferrous and Non-ferrous Metal Melting:** the melting of ferrous or non-ferrous metal in a furnace or furnaces that alone or in aggregate have the capacity to melt in excess of 500 kilograms of metal during the normal cycle of operation.
- (8) **Metallurgical Works:** the conduct of works at which ores are smelted or reduced to produce metal.
- (9) **Mineral Works:** the conduct of works for processing mineral ores, sands or earths to produce mineral concentrates.
- (10) **Pulp or Paper Works:** the conduct of works at which paper pulp or paper is manufactured or is capable of being manufactured, being works with a total capacity for production of such products exceeding 100 tonnes per year.
- (11) **Scrap Metal Recovery:** the conduct of works at which scrap metals are treated in any type of fuel burning equipment or electrically heated furnaces or are disintegrated by mechanical means for recovery of metal, but excluding commercial printing establishments at which type metal is melted or re-melted in thermostatically controlled pots for the purpose of type casting.
- (12) **Surface Coating:** the conduct of—
 - (a) works for metal finishing, in which metal surfaces are prepared or finished by means of electroplating, electrolyse plating, anodising (chromating, phosphating and colouring), chemical etching or milling, or printed circuit board manufacture, being works producing more than 5 kilolitres per day of effluent; or
 - (b) works for hot dip galvanising; or
 - (c) works for spray painting and powder coating with a capacity to use more than 100 litres per day of paint or 10 kilograms per day of dry powder.
- (13) **Wood Processing Works:** the conduct of works (other than works at a builders supply yard or a home improvement centre) at which timber is sawn, cut, chipped, compressed, milled or machined, being works with a total processing capacity exceeding 4 000 cubic metres per year.

- (14) **Maritime Construction Works:** the conduct of works for the construction or repair of ships, vessels or floating platforms or structures, being works with the capacity to construct or repair ships, vessels or floating platforms or structures of a mass exceeding 80 tonnes.
- (15) **Vehicle Production:** the conduct of works for the production of motor vehicles, being works with a production capacity exceeding 2 000 motor vehicles per year.

3—Waste Treatment and Disposal

- (1) **Incineration:** the conduct of works for incineration by way of thermal oxidation using fuel burning equipment, being—
 - (a) works for the destruction of chemical wastes (including halogenated organic compounds); or
 - (b) works for the destruction of medical wastes produced by hospitals, or by pathology, medical, dental or veterinary practices or laboratories, or of cytotoxic wastes, or for the destruction of quarantine wastes; or
 - (c) works for the cremation of bodies; or
 - (d) works for the destruction of solid municipal waste; or
 - (e) works for the disposal of solid trade waste with a processing capacity exceeding 100 kilograms per hour.
- (2) **Sewage Treatment Works or Septic Tank Effluent Disposal Schemes:** the conduct of—
 - (a) works that involve the discharge of treated or untreated sewage or septic tank effluent to marine waters; or
 - (b) works that involve the discharge of treated or untreated sewage or septic tank effluent to land or waters in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*), being works with a peak loading capacity designed for more than 100 persons per day; or
 - (c) works that involve the discharge of treated or untreated sewage or septic tank effluent to land or waters (other than land or waters referred to in paragraph (a) or (b)), being works with a peak loading capacity designed for more than 1 000 persons per day.
- (3) **Waste or Recycling Depots:** the conduct of a depot for the reception, storage, treatment or disposal of waste other than—
 - (a) temporary storage at the place at which the waste (not being tyres or tyre pieces) is produced while awaiting transport to another place; or
 - (b) storage, treatment or disposal of domestic waste at residential premises; or

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- (c) a depot that the Environment Protection Authority is satisfied will be conducted for such limited purposes that a referral is not necessary and has provided written confirmation of this to the relevant authority.
- (4) **Activities Producing Listed Wastes:** an activity in which any of the substances or things listed in Part 2 of this Schedule are produced as or become waste other than any of the following activities:
- (a) a domestic activity;
 - (b) an activity in which the waste produced is lawfully disposed of to a sewer;
 - (c) an activity consisting only of storing or distributing goods;
 - (d) building work;
 - (e) carpentry or joinery;
 - (f) retail pharmacy;
 - (g) film processing;
 - (h) dental practice;
 - (i) plumbing or gas fitting;
 - (j) dry cleaning;
 - (k) primary or secondary school education;
 - (l) agriculture or horticulture;
 - (m) french polishing;
 - (n) manufacturing jewellery;
 - (o) medical practice, not being the practice of pathology;
 - (p) painting or decorating;
 - (q) panel beating and associated spray painting;
 - (r) operation of a nursing home;
 - (s) veterinary practice;
 - (t) operation of an immunisation clinic;
 - (u) operation of a hospital with a capacity of less than 40 beds;
 - (v) an activity producing waste oil at a rate of less than 50 000 litres per year;
 - (w) an activity authorised by a lease or licence under the *Mining Act 1971*, the *Petroleum Act 2000* or the *Roxby Downs (Indenture Ratification) Act 1982* where the waste is disposed of to land and contained within the area of the lease or licence;

- (x) an activity authorised by a lease under the *Mining Act 1971* where the waste is disposed of to land and contained within the area of a miscellaneous purposes licence under that Act adjacent to the area of the lease;
 - (y) an activity that the Environment Protection Authority is satisfied will involve the production of waste in such quantities or circumstances that a referral is not necessary and has provided written confirmation of this to the relevant authority.
- (5) **Waste transport business (category A):** the collection or transport for fee or reward of—
- (a) waste substances or things listed in Part 2 of this Schedule; or
 - (b) liquid waste (not being such waste lawfully disposed of to a sewer) arising from any commercial or industrial premises or from any teaching or research institution.
- (6) **Waste transport business (category B):** the collection or transport for fee or reward of—
- (a) waste from domestic premises where the waste is collected or transported for or on behalf of a council; or
 - (b) solid waste from any commercial or industrial premises or from any teaching or research institution (other than building or demolition waste); or
 - (c) septic tank effluent; or
 - (d) waste soil containing substances or things listed in Part 2 of this Schedule in a concentration above that naturally occurring in soil in the area.

4—Activities in Specified Areas

- (1) **Brukung Mine Site:** the management of the abandoned Brukung mine site and associated acid neutralisation plant situated adjacent to Dawesley Creek in the Mount Lofty Ranges.
- (2) **Discharge of Stormwater to Underground Aquifers:** discharge of stormwater from a catchment area exceeding 1 hectare to an underground aquifer by way of a well or other direct means where the stormwater drains to the aquifer from—
 - (a) land or premises situated in the area of the City of Mount Gambier or the Western Industrial Zone of the area of the District Council of Mount Gambier (as defined in the relevant Development Plan), being land or premises on which a business is carried on; or
 - (b) a stormwater drainage system in the area of the City of Mount Gambier or the Western Industrial Zone in the area of District Council of Mount Gambier (as defined in the relevant Development Plan); or

- (c) a stormwater drainage system in Metropolitan Adelaide.

5—Animal Husbandry, Aquaculture and Other Activities

- (1) **Cattle Feedlots:** carrying on an operation for holding in a confined yard or area and feeding principally by mechanical means or by hand—
- (a) not less than an average of 500 cattle per day over any period of 12 months; or
 - (b) where the yard or area is situated in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*)—not less than an average of 200 cattle per day over any period of 12 months,
- but not including any such operation carried on at an abattoir, slaughterhouse or saleyard or for the purpose only of drought or other emergency feeding.
- (2) **Aquaculture or Fish Farming:** the propagation or rearing of marine, estuarine or fresh water fish or other marine or freshwater organisms, but not including—
- (a) the propagation or rearing of molluscs or finfish in marine waters; or
 - (b) the propagation or rearing of other marine or freshwater organisms in an operation resulting in the harvesting of less than 1 tonne of live fish or organisms per year.
- (3) **Saleyards:** the commercial conduct of yards at which cattle, sheep or other animals are gathered or confined for the purpose of their sale, auction or exchange, including associated transport loading facilities, being yards with a throughput exceeding 50 000 sheep equivalent units per year [sheep equivalent units: 1 sheep or goat = 1 unit, 1 pig (< 40kg) = 1 unit, 1 pig (> 40kg) = 4 units, 1 cattle (< 40kg) = 3 units, 1 cattle (40—400kg) = 6 units, 1 cattle (> 400kg) = 8 units].
- (4) **Piggeries:** the keeping or husbandry in confined or roofed structures of—
- (a) 5 000 or more pigs at any 1 time; or
 - (b) where the structures are situated in a water protection area (as declared under Part 8 of the *Environment Protection Act 1993*)—500 or more pigs at any 1 time.

6—Food Production and Animal and Plant Product Processing

- (1) **Abattoirs, Slaughterhouses or Poultry Processing Works:** the conduct of slaughtering works for commercial purposes for the production of meat or meat products for human or animal consumption, being—
- (a) in the case of poultry or poultry meat products—works with a rate of production exceeding 200 tonnes per year; or

- (b) in the case of any other animal meat or animal meat products—works with a rate of production exceeding 100 tonnes per year.
- (2) **Breweries:** the conduct of works for the production of beer by infusion, boiling or fermentation, being works with a beer production capacity exceeding 5 000 litres per day.
- (3) **Composting Works:** the conduct of works at which mushroom or other compost is produced or is capable of being produced at a rate exceeding 200 tonnes per year.
- (4) **Fish Processing:** the conduct of works for scaling, gilling, gutting, filleting, freezing, chilling, packing or otherwise processing fish (as defined in the *Fisheries Management Act 2007*) for sale, but excluding—
 - (a) works with a processing output of less than 100 tonnes per year where waste water is disposed of to a sewer or septic tank effluent disposal system; or
 - (b) works with a processing output of less than 2 tonnes per year where waste water is disposed of otherwise than to a sewer or septic tank effluent disposal system; or
 - (c) processing of fish only in the course of a business of selling fish by retail.
- (5) **Milk Processing Works:** the conduct of works at which milk is separated, evaporated or otherwise processed for the manufacture of evaporated or condensed milk, cheese, butter, ice cream or other similar dairy products, being works at which milk is processed at a rate exceeding 5 000 000 litres per year.
- (6) **Produce Processing Works:** the conduct of works for processing any agricultural crop material being—
 - (a) works for the processing of agricultural crop material by deep fat frying, roasting or drying through the application of heat with a processing capacity exceeding 30 kilograms per hour; or
 - (b) works at which more than 10 000 000 litres of waste water is generated per year and disposed of otherwise than to a sewer or septic tank effluent disposal system.
- (7) **Rendering or Fat Extraction Works:** the conduct of works at which animal, fish or grease trap wastes or other matter is processed or is capable of being processed by rendering or extraction or by some other means to produce tallow or fat or their derivatives or proteinaceous matter, being works with a total processing capacity exceeding 250 kilograms per hour.
- (8) **Curing or Drying Works:** the conduct of works at which meat, fish or other edible products are smoked, dried or cured by the application of heat or smoke with a total processing capacity exceeding 250 kilograms per hour.

- (9) **Tanneries or Fellmongeries:** the conduct of works for the commercial preservation or treatment of animal skins or hides being works processing more than 5 tonnes of skins or hides per year, but excluding—
- (a) the processing of skins or hides by primary producers in the course of primary production activities outside township areas; or
 - (b) the processing of skins or hides in the course of taxidermy.
- (10) **Woolscouring or Wool Carbonising Works:** the conduct of works for the commercial cleaning or carbonising of wool, but excluding cleaning or carbonising of wool in the course of handicraft activities where the wool is further processed for sale by retail.
- (11) **Wineries or Distilleries:** the conduct of works for the processing of grapes or other produce to make wine or spirits, but excluding—
- (a) works that are outside the Mount Lofty Ranges Water Protection Area, as declared under Part 8 of the *Environment Protection Act 1993*, at which 500 tonnes or less of grapes or other produce are processed per year; or
 - (b) works that are inside the Mount Lofty Ranges Water Protection Area, as declared under Part 8 of the *Environment Protection Act 1993*, at which 50 tonnes or less of grapes or other produce are processed per year; or
 - (c) works for bottling only.

7—Materials Handling and Transportation

- (1) **Bulk Shipping Facilities:** the conduct of facilities for bulk handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from any wharf or wharf side facility (including sea-port grain terminals), being facilities handling or capable of handling these materials into or from vessels at a rate exceeding 100 tonnes per day.
- (2) **Railway Operations:** the conduct of any of the following activities associated with a railway:
- (a) the construction or operation of rail infrastructure; and
 - (b) the operation of rolling stock on a railway; and
 - (c) other activities conducted on railway land,
- but excluding—
- (d) any activities associated with—
 - (i) a railway with a track gauge that is less than 600mm; or
 - (ii) a railway in a mine which is underground or predominantly underground and used in connection with the performance of mining operations; or

- (iii) a slipway; or
- (iv) a crane-type runway; or
- (v) a railway used solely for the purposes of horse-drawn trams; or
- (vi) a railway used solely for the purposes of static displays; or
- (vii) a railway at an amusement park used solely for the purposes of an amusement structure [currently "under Schedule 2 of the *Occupational Health, Safety and Welfare Act 1986*"]; or

Drafting note—

Cross reference to be updated.

- (e) an activity that the Environment Protection Authority is satisfied will be conducted for such limited purposes or which such limited impact that requirement of an environmental authorisation under Part 6 of the *Environment Protection Act 1993* would not be justified.

In this subclause—

rail infrastructure means infrastructure associated with the operation of a railway and includes (but is not limited to) railway track, associated track structures, over or under track structures, supports, tunnels, bridges, stations, platforms, train control systems, signalling systems, communication systems, electric traction infrastructure and buildings, but does not include any workshop or repair facility;

railway means a guided system designed for the movement of rolling stock which has the capability of transporting passengers, freight or both on a railway track, together with its infrastructure and associated sidings or crossing, or passing loops, and includes a railway in a marshalling yard or a passenger or freight terminal;

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 passes;

rolling stock means a vehicle (whether or not self-propelled) that operates on or uses a railway track, but does not include a vehicle designed to operate both on and off a railway track when the vehicle is not operating on a railway track.

Examples—

A locomotive, carriage, rail car, rail motor, light rail vehicle, train, tram, light inspection vehicle, road/rail vehicle, trolley, wagon.

Note—

Certain activities do not constitute development under the Act—see especially Schedule 4 clause 13—and therefore will not come within the operation of Schedule 9 and this subclause.

- (3) **Crushing, Grinding or Milling:** processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner) of—
- (a) chemicals or rubber at a rate in excess of 100 tonnes per year; or
 - (b) agricultural crop products at a rate in excess of 500 tonnes per year, but excluding non-commercial processing for on farm use; or
 - (c) rock, ores or minerals at a rate in excess of 1 000 tonnes per year, but excluding—
 - (i) processing on a mining lease area, or processing of material from a mining lease area on adjacent land subject to a miscellaneous purposes licence, under the *Mining Act 1971*; and
 - (ii) processing on the area of a private mine (within the meaning of section 19 of the *Mining Act 1971*), or processing of material from a private mine on adjacent land subject to a miscellaneous purposes licence under the *Mining Act 1971*; and
 - (iii) processing of sand, gravel, stone, shell, shale, clay or soil as authorised under any statute other than this Act or the *Mining Act 1971*; and
 - (iv) processing of wet sand.
- (4) **Dredging:** removing solid matter from the bed of any marine waters or inland waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.
- (5) **Coal Handling and Storage:** the handling of coal or carbonaceous material by any means or the storage of coal, coke or carbonaceous reject material at facilities with a total handling capacity exceeding 100 tonnes per day or a storage capacity exceeding 5 000 tonnes.
- (6) **Earthworks Drainage:** the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.
- (7) **Extractive Industries:** the conduct of operations involving extraction, or extraction and processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner), of sand, gravel, stone, shell, shale, clay or soil, being operations with an extraction production rate exceeding 100 000 tonnes per year.

8—Other

- (1) **Aerodromes:** the conduct of facilities for commercial or charter aircraft take-off and landing, being facilities estimated to be used for—
 - (a) more than 200 flight movements per year but excluding facilities more than 3 kilometres from residential premises not associated with the facilities; or
 - (b) more than 2 000 flight movements per year in any case.
- (2) **Fuel Burning:** the conduct of works or facilities involving the use of fuel burning equipment, including flaring (other than flaring at petroleum production, storage or processing works or facilities that do not have a total storage capacity or total production rate exceeding the levels respectively specified in clause 1(5)) or incineration, where the equipment alone or in aggregate is capable of burning combustible matter—
 - (a) at a rate of heat release exceeding 5 megawatts; or
 - (b) at a rate of heat release exceeding 500 kilowatts and the products of combustion are used—
 - (i) to stove enamel; or
 - (ii) to bake or dry any substance that on heating releases dust or air impurities.
- (3) **Helicopter Landing Facilities:** the conduct of facilities designed for the arrival and departure of helicopters, but excluding—
 - (a) facilities that are situated more than 3 kilometres from residential premises not associated with the facilities; or
 - (b) facilities at the site of an activity authorised under the *Mining Act 1971*, the *Petroleum Act 2000*, the *Petroleum (Submerged Lands) Act 1982* or the *Roxby Downs (Indenture Ratification) Act 1982*.
- (4) **Marinas and Boating Facilities:** the conduct of—
 - (a) facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any 1 time; or
 - (b) works for the repair or maintenance of vessels with the capacity to handle 5 or more vessels at any 1 time or vessels 12 metres or more in length.
- (5) **Motor Racing or Testing Venues:** the conduct of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials, but excluding facilities that are situated more than 3 kilometres from residential premises not associated with the facilities.

(6) **Shooting Ranges:** the conduct of facilities for shooting competitions, practice or instruction (being shooting involving the propulsion of projectiles by means of explosion), but excluding facilities that are situated more than 3 kilometres from residential premises not associated with the facilities.

(7) **Desalination Plants:** the conduct of a desalination plant.
In this subclause—

desalination plant means a plant for the production of desalinated water that has a production capacity exceeding 200 kilolitres of desalinated water per day, and includes—

- (a) an underground desalination plant; and
- (b) a number of underground desalination plants within any 1 square kilometre area that, in aggregate, have a production capacity exceeding 200 kilolitres of desalinated water per day,

but does not include—

- (c) a plant that disposes of all of its wastewater to a wastewater management system that is the subject of a licence; or
- (d) a plant that produces 2 megalitres or less of wastewater per year;

underground desalination plant means a plant having a system comprised of a borehole, submersible pump and associated equipment for the desalination below the ground of underground water;

underground water means water occurring naturally under the ground or introduced to an aquifer or other area under the ground.

(8) **Discharges to Marine or Inland Waters:** the conduct of operations, other than a desalination plant referred to in subclause (7), involving discharges into marine waters or inland waters where—

- (a) the discharges—
 - (i) raise the temperature of the receiving waters by more than 2 degrees Celsius at any time at a distance of 10 metres or more from the point of discharge; or
 - (ii) contain antibiotic or chemical water treatments; and
- (b) the total volume of the discharges exceeds 50 kilolitres per day.

Part 2—Listed wastes

Acids and acidic solutions

Adhesives (excluding solid inert polymeric materials)

Alkali metals and alkaline earth metals

- Alkalis and alkaline solutions
- Antimony and antimony compounds and solutions
- Arsenic and arsenic compounds and solutions
- Asbestos
- Barium compounds and solutions
- Beryllium and beryllium compounds
- Boron and boron compounds
- Cadmium and cadmium compounds and solutions
- Calcium carbide
- Carbon disulphide
- Carcinogens teratogens and mutagens
- Chlorates
- Chromium compounds and solutions
- Copper compounds and solutions
- Cyanides or cyanide solutions and cyanide complexes
- Cytotoxic wastes
- Dangerous substances within the meaning of the *Dangerous Substances Act 1979*
- Distillation residues
- Fluoride compounds
- Halogens
- Heterocyclic organic compounds containing oxygen, nitrogen or sulphur
- Hydrocarbons and their oxygen, nitrogen and sulphur compounds (including oils)
- Isocyanate compounds (excluding solid inert polymeric materials)
- Laboratory chemicals
- Lead compounds and solutions
- Lime sludges or slurries
- Manganese compounds
- Medical waste consisting of—
 - (a) a needle, syringe with needle, surgical instrument or other article that is discarded in the course of medical^{*}, dental or veterinary practice or research and has a sharp edge or point capable of inflicting a penetrating injury on a person who comes into contact with it; or
 - (b) human tissue, bone, organ, body part or foetus; or
 - (c) a vessel, bag or tube containing a liquid body substance; or

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- (d) an animal carcass discarded in the course of veterinary or medical^{*} practice or research; or
- (e) a specimen or culture discarded in the course of medical^{*}, dental or veterinary practice or research and any material that has come into contact with such a specimen or culture; or
- (f) any other article or matter that is discarded in the course of medical^{*}, dental or veterinary practice or research and that poses a significant risk to the health of a person who comes into contact with it.
- (g) ***medical practice*** includes the practice of pathology and the operation of an immunisation clinic.

Mercaptans

Mercury compounds and equipment containing mercury

Nickel compounds and solutions

Nitrates

Organic halogen compounds (excluding solid inert polymeric materials)

Organic phosphates

Organic solvents

Organometallic residues

Oxidising agents

Paint sludges and residues

Perchlorates

Peroxides

Pesticides (including herbicides and fungicides)

Pharmaceutical wastes and residues

Phenolic compounds (excluding solid inert polymeric materials)

Phosphorus and its compounds

Polychlorinated biphenyls

Poisons within the meaning of the *Drugs Act 1908*

Reactive chemicals

Reducing agents

Selenium and selenium compounds and solutions

Silver compounds and solutions

Solvent recovery residues

Sulphides and sulphide solutions

Surfactants

Thallium and thallium compounds and solutions

Draft

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Vanadium compounds

Zinc compounds and solutions

Schedule 19—Map of initial part of designated Osborne area

Schedule 20—Map of additional part of designated Osborne area

9—Revocation of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules

Drafting note—

Schedules 1 and 2 are being remade by these regulations.

Note—

As required by section 10AA(2) of the *Subordinate Legislation 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 2019