

# Amendments based on consultation and post-consultation amendments

## Changes to the Miscellaneous Amendment Regulations based on consultation

Regulation subject of draft amendment submitted for consultation	Consultation submission	Outcome
22 – Prescribed Scheme	Accredited professional surveyors should only be able to grant planning consent where there is no vesting of land and no creation of a public road.	Amendment 7(2) precludes accredited professionals from issuing planning consent where land to be vested in another entity or a public road is created.
<p>New regulations - Complexity provisions - added an additional 10 business days to the assessment timeframe if an application met certain complexity criteria.</p> <p>(Draft for consultation regulations – clauses 31, 33 and 53)</p>	<p>While there was some support for the additional timeframe, the inherent difficulty is that someone must determine an application to be complex, requiring an additional step in the assessment process.</p> <p>There was also no consensus amongst councils as to what the complexity criteria should be, with one council suggesting extensions to dwellings should be deemed complex.</p>	Proposed complexity provisions removed.
65 – Variation of authorisation	Once final development approval is issued, where minor variations are sought to planning consents granted by an accredited professional, council should have oversight to ensure such variations are in fact minor.	Amendment 12 requires that any minor variation to a planning consent (after final development approval is issued) must be assessed by a council assessment manager.

Regulation subject of draft amendment submitted for consultation	Consultation submission	Outcome
Sch 4, cl 18(1)(da) – Exclusions from the definition of development – general	Many of the submissions were opposed to the removal of trees being exempt from private schools.	Despite some opposition to extend the exemption to private schools, this amendment has been maintained, albeit clause 18 is revised to refer to a “tree on land on which a <i>primary or secondary school that provides instruction in primary or secondary education is located or is proposed to be built</i> ”, following submissions that the initial clause provided a scope too broad.
Sch 4 – Exclusions from the definition of development – general  New clause 22 – Electric vehicle charging stations	There should be further situations where electric vehicle charging stations should still be considered development in some circumstances.	Amendment 18 now clarifies that the exemption from development does not extend to EV charging stations that: <ul style="list-style-type: none"> <li>- are underground or covered and are not in relation to a Class 1 building (i.e. residential garage)</li> <li>- where third party advertising exceeding 0.2 metres in size, involves illuminated or involves advertising other than for wayfinding.</li> </ul> <p>* Note that this regulation amendment commences on 1 July 2026.</p>

## Additional post-consultation changes to the Miscellaneous Amendments

Regulation	Additional post consultation amendments made
Various amendments related to engineering design standards	<ul style="list-style-type: none"> <li>• As a result of consultation on the engineering design standards all amendments relating to design standards have been removed:               <ul style="list-style-type: none"> <li>- 3 - Reg 3A(1a)</li> <li>- 15 - Reg 80(2)</li> <li>- 16 - Reg 85B</li> </ul> </li> </ul> <p>It was determined that further consultation will occur in connection with work on the draft Design Standards.</p>
19	<ul style="list-style-type: none"> <li>• r 19 amended to allow regional plans to be updated to reflect the documents made by Chief Executive. This will allow reference to two key Greater Adelaide Regional Plan documents published on the SA Planning Portal:               <ul style="list-style-type: none"> <li>- the Land Supply Dashboard; and</li> <li>- the Population Projections for South Australia and Regions.</li> </ul> </li> </ul> <p>(amendment regulation 5)</p>
Sch 4, cl 14(1)(c)	<ul style="list-style-type: none"> <li>• Excluding from development the construction, alteration, extension, repair, or maintenance of all railway culverts, drains or pipes regardless of their height or depth – this was the position under the former <i>Development Regulations 2008</i>.</li> </ul> <p>(amendment regulation 18)</p>
Prescribed Acts – reg 21	<ul style="list-style-type: none"> <li>• Prescribes the <i>Environment Protection Act 1993</i> under section 76(1)(c)(i) of the PDI Act               <ul style="list-style-type: none"> <li>- This will allow changes made under the prescribed Act to be in force as consequential changes to the Planning and Design Code without the need for a formal Code Amendment process.</li> </ul> </li> </ul> <p>(amendment regulation 6)</p>
Reg 19	<ul style="list-style-type: none"> <li>• r 19(ac) amended to remove the reference to regulation 19A (technical amendment).</li> <li>• Add “Austroads” as a prescribed body for the purposes of incorporating Austroads material into planning instruments made under the Act.</li> </ul> <p>(amendment regulation 5)</p>

Regulation	Additional post consultation amendments made
r 3F(4)(a)	<ul style="list-style-type: none"> <li>Amended to clarify that tree damaging activity that is exempt from the definition of development due to its proximity to a dwelling or swimming pool, the subject tree is required to be on the same allotment.</li> </ul> (amendment regulation 4)
53	<ul style="list-style-type: none"> <li>Amended to require fees be paid prior to final development approval – these fees include contributions to the Urban Tree Canopy and Regulated and Significant Tree Offset Fund.</li> </ul> (amendment regulation 10)
Reg 109(5)	<ul style="list-style-type: none"> <li>Amended to insert reference to the <i>Hydrogen and Renewable Energy Act 2023</i> (technical amendment to include new Act).</li> </ul> (amendment regulation 15)