

South Australia

## **Development (Public Health Emergency) Variation Regulations 2020**

under the *Development Act 1993*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Development (Public Health Emergency) Variation Regulations 2020*.

#### **2—Commencement**

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

#### **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 *Development Regulations 2008*

### 4—Insertion of regulation 3A

After regulation 3 insert:

#### 3A—Public inspection—public health emergency

- (1) For the purposes of these regulations, a requirement applying to a person or body to keep prescribed information at, or to make prescribed information available for inspection at, a principal office, will be taken to be satisfied if the prescribed information is kept in a manner accessible to the public, or made available to the public for inspection, on a website determined by the person or body (as the case requires).
- (2) In this regulation—  
*prescribed information* means a document, register or any other information or material.
- (3) This regulation expires on 30 September 2020.

### 5—Variation of regulation 5—Application of Act

Regulation 5—delete subregulation (4a) and substitute:

- (4a) Pursuant to section 7(3)(b) of the Act, section 34 of the Act applies with the following prescribed variations during the period from the commencement of this subregulation until the designated day:
  - (1) Section 34(1)(b)—after subparagraph (xi) insert:
    - (xii) where the proposed development falls within a class of development designated by the Minister by notice published on the SA planning portal (kept under the *Planning, Development and Infrastructure Act 2016*),
  - (2) Section 34(1a)—delete subsection (1a)
  - (3) Section 34—after subsection (1a) insert:
    - (1ab) If the Minister publishes a notice under subsection (1)(b)(xii), the State Planning Commission in acting as the relevant authority in relation to a proposed development to which the notice applies may, as it thinks fit, do either or both of the following:
      - (a) adopt any assessment, finding or determination that was made by a relevant authority that has been acting in relation to the proposed development;

- (b) continue to assess the proposed development from the stage reached immediately before the Minister acted under that subsection.
- (4b) Pursuant to section 7(3)(b) of the Act, section 37 of the Act applies with the following prescribed variations during the period from the commencement of this subregulation until the designated day:
  - (1) Section 37(3)(a)—after "time" insert:
    - (of a maximum of 5 business days)
  - (2) Section 37—after subsection (3) insert:
    - (3a) A prescribed body may only make a request under subsection (2) in relation to an application referred to it under this section on 1 occasion.
- (4c) Pursuant to section 7(3)(b) of the Act, section 44 of the Act applies with the following prescribed variation during the period from the commencement of this subregulation until the designated day:
  - Section 44—after subsection (4) insert:
    - (4a) Subsection (4) does not apply to prevent—
      - (a) a person who operates a shop used primarily for the sale of foodstuffs by retail from—
        - (i) loading or unloading goods at the shop at any time; or
        - (ii) opening the shop to the public at any time; or
      - (b) a person who owns, controls or operates premises of a kind specified by the Minister by notice published on the SA planning portal (kept under the *Planning, Development and Infrastructure Act 2016*) from loading or unloading goods at the premises at any time.

## **6—Variation of regulation 12—Public meeting**

Regulation 12—after subregulation (4) insert:

- (5) Despite subregulations (3) and (4), the body responsible for convening a public meeting held under section 25(11)(b) or 26(5c)(b) of the Act may conduct the meeting remotely by using audio-visual technology or other electronic means so that interested persons are able to observe the meeting and are given an opportunity to make representations on the proposed amendment or any submission on the amendment at an appropriate time.
- (6) Subregulation (5) expires on 30 September 2020.

**7—Variation of regulation 24—Referrals**

Regulation 24(1)(b)—delete paragraph (b) and substitute:

- (b) must not make its decision until it has received a response from that body in relation to the matter or matters for which the referral was made (but if a response is not received from the body—
  - (i) in the case of an application referred after the commencement of the *Development (Public Health Emergency) Variation Regulations 2020* and before 30 September 2020—within 20 business days of the referral; or
  - (ii) in any other case— within the period prescribed by Schedule 8, it will be presumed, unless the body notifies the relevant authority within that period that the body requires an extension of time because of section 37(3) of the Act, that the body does not desire to make a response, or concurs (as the case requires)).

**8—Variation of regulation 38—Determination of Commission as relevant authority**

Regulation 38—after subregulation (5) insert:

- (5a) Despite a preceding subregulation, subregulation (2)(b) does not apply from the commencement of the *Development (Public Health Emergency) Variation Regulations 2020* until 30 September 2020.

**9—Variation of regulation 63C—EIS process—specific provisions**

Regulation 63C—after subregulation (2) insert:

- (2a) Nothing in this regulation prevents a public meeting from being conducted remotely by using audio-visual technology or other electronic means, provided that interested persons must be able to observe the meeting and the meeting must be conducted in a way that assists interested persons to make submissions under the Act.
- (2b) Subregulation (2a) expires on 30 September 2020.

**10—Variation of regulation 63D—PER process—specific provisions**

Regulation 63D—after subregulation (2) insert:

- (2a) Nothing in this regulation prevents a public meeting from being conducted remotely by using audio-visual technology or other electronic means, provided that interested persons must be able to observe the meeting and the meeting must be conducted in a way that assists interested persons to make submissions under the Act.
- (2b) Subregulation (2a) expires on 30 September 2020.

**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 9 April 2020

No 44 of 2020

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