



## Factsheet

# Statutes Amendment (Planning, Infrastructure and Other Matters) Bill 2025

## Legislation to be amended

The Statutes Amendment (Planning, Infrastructure and Other Matters) Bill 2025 passed Parliament on 13 November 2025. The Bill will amend the following Acts:

- *Architectural Practice Act 2009*
- *Land and Business (Sales and Conveyancing) Act 1994*
- *Law of Property Act 1936*
- *Planning, Development and Infrastructure Act 2016*
- *Real Property Act 1886*
- *Residential Tenancies (Miscellaneous) Amendment Act 2023*
- *State Development Coordination and Facilitation Act 2025*

## **Architectural Practice Act 2009**

Section 7(2) of the *Architectural Practice Act 2009* currently provides that a member of the Architectural Practice Board (the Board) may not hold office for consecutive terms that exceed 9 years in total. This limitation will be removed for public sector employees to allow the Government Architect to remain on the Board in circumstances where they hold that position for longer than 9 years.

## **Land and Business (Sales and Conveyancing) Act 1994**

A rent-to-buy scheme is an arrangement where the purchase price is paid across multiple instalments and once the final payment has been made, settlement then takes place.

Rent-to-buy schemes are prohibited in South Australia through section 6 of the *Land and Business (Sales and Conveyancing) Act 1994*, other than in relation to contracts for the sale of land by the South Australian Housing Trust or to a contract for the sale of land by a body specified by regulation (with nothing currently having been specified).

Section 6 will be amended so that it will not apply to contracts of a kind prescribed by regulation, which would allow the use of rent-to-buy schemes to be broadened to the private sector should it be appropriate.

## ***Law of Property Act 1936***

The *Law of Property Act 1936* is being amended to:

- enable modern methods of execution for deeds (i.e. electronic signing rather than wet ink).
- enable the Minister to declare a body capable of holding easements in gross by notice in the Government Gazette (rather than this needing to be done by proclamation of the Governor with the advice and consent of the Executive Council).

## ***Planning, Development and Infrastructure Act 2016***

The key amendments to the *Planning, Development and Infrastructure Act 2016* are:

- reduce the circumstances where the Minister needs to obtain the advice from the State Planning Commission (the Commission) to reduce administrative burden and to create efficiencies (noting the Minister may still seek their advice if it is appropriate to do so).
- require landowners to consent to development applications made over their land other than in prescribed circumstances (such as if the applicant is a builder).
- making the Chief Executive of the Department responsible for preparing the Assessment Report for impact assessed development (rather than the Commission).
- clarifying that, where appropriate, water infrastructure must be in place, or there must be a binding agreement in relation to the provision of water infrastructure, before new titles may be obtained.
- Changes to infrastructure scheme provisions to:
  - more closely align the requirements to initiate a basic infrastructure scheme with the requirements to initiate a primary infrastructure scheme.
  - broaden the definition of 'primary infrastructure' to include land to be used for emergency services facilities, schools and hospitals.
  - clarify that the costs associated with the preparation and ongoing management of an infrastructure scheme and costs associated with acquiring land for infrastructure may be recouped through an infrastructure scheme.
  - allow the Minister to terminate (with the approval of relevant Ministers and local councils) agreements, such as deeds, when an infrastructure scheme is adopted that makes the existing agreements redundant.
  - allow a basic infrastructure scheme to be varied to include primary infrastructure.
- new provisions to facilitate automated assessment of development applications.

- a requirement for councils to prepare local area plans, being a pathway and strategy as to how they will achieve their housing targets set through the relevant regional plan.

Given the substantial amendments proposed to the *Planning, Development and Infrastructure Act 2016*, a detailed summary is outlined in Appendix A.

## **Real Property Act 1886**

The Housing Roadmap contained a commitment to enable electronic lodgement of division dealings. To facilitate this, the *Real Property Act 1886* will be amended to enable the execution of land division dealings via client authorisation.

In addition to enabling electronic lodgement of division dealings, the following amendments will also be made:

- expanding the definition of 'executed' to provide clarity for stakeholders and to facilitate the electronic signing of documents.
- enabling the Minister to approve an application or instrument to be lodged by electronic means despite section 7 of the *Electronic Conveyancing National Law* (which mandates electronic lodgements to only be facilitated through an Electronic Lodgement Network).
- a new requirement to provide an email address for service when lodging a caveat and removing exceptions (relating to when the caveat is lodged by a settlor or a beneficiary under a will or settlement) to when a caveatee may apply to the Registrar-General to have a caveat removed.
- expanding access to historical records pertaining to bringing land under the *Real Property Act 1886* at the discretion of the Registrar-General or where the record has been held by the Registrar-General for more than 80 years.
- ensuring consistency across execution of instruments that register, transfer and discharge mortgages and encumbrances.
- updating obsolete legislative and gendered references.

## **Residential Tenancies (Miscellaneous) Amendment Act 2023**

Schedule 1 of the *Residential Tenancies (Miscellaneous) Amendment Act 2023*, which contains an amendment to the *Real Property Act 1886*, will be revoked. This revocation will mean an exception to indefeasibility of title will remain a lease of not more than one year (rather than it being amended to a lease of not more than three years).

A change in reference from one to three years would have made section 69(h) of the *Real Property Act 1886* inconsistent with sections 116 and 119 of the *Real Property Act 1886* (which both reference one year leases). As such, Schedule 1 of the *Residential Tenancies (Miscellaneous) Amendment Act 2023* will be revoked so that the change to reference three years is not made.

## State Development Coordination and Facilitation Act 2025

The amendment to the *State Development Coordination and Facilitation Act 2025* is consequential to the amendment to the *Planning, Development and Infrastructure Act 2016* that makes the Chief Executive of the Department responsible for the preparation of the Assessment Report for impact assessed development applications.

### Commencement

Subject to its successful passage through Parliament, it is anticipated that the Statutes Amendment (Planning, Infrastructure and Other Matters) Bill 2025 will commence in line with the following:

Act being Amended	Commencement
<i>Architectural Practice Act 2009</i>	As soon as possible after assent.
<i>Land and Business (Sales and Conveyancing) Act 1994</i>	As soon as possible after assent.
<i>Law of Property Act 1936</i>	As soon as possible after assent.
<i>Planning, Development and Infrastructure Act 2016</i>	As soon as possible, subject to any necessary changes to systems being in place.
<i>Real Property Act 1886</i>	As soon as possible, subject to any necessary changes to systems being in place.
<i>Residential Tenancies (Miscellaneous) Amendment Act 2023</i>	As soon as possible after assent.
<i>State Development Coordination and Facilitation Act 2025</i>	As soon as possible after assent.

### Further questions?

If you have any questions, please email [PlanSA@sa.gov.au](mailto:PlanSA@sa.gov.au) or call the PlanSA Service Desk on 1800 752 664.

## Appendix A – Amendments to the *Planning, Development and Infrastructure Act 2016*

Clause	Proposed Amendment
Clause 8	Clarification that the definition of allotment is taken from Part 19AB of the <i>Real Property Act 1886</i> as amended by 223LC of that Act.
Clause 9	Amendment to the objects to include reference to First Nations persons.
Clause 10	Amendment to make it clear members of Commission subcommittees must also disclose financial interests.
Clause 11	Consequential amendment related to clause 36.
Clause 12	A technical amendment as more Acts of Parliament refer to the SA planning portal.
Clause 13	Remove the need for the Commission to provide advice to the Minister regarding restriction of access to protected information on the SA planning portal.
Clause 14	Consistent with other designated instruments, allow Regional Plans to provide that any matter or thing is to be determined, dispensed with or regulated according to the discretion of the Minister, the Commission, the Chief Executive or any other specified body or person.
Clause 15	Allow circumstances to be prescribed by regulation that would enable the Minister to initiate amendments to designated instruments without seeking the advice of the Commission. Require any advice from the Commission to the Minister as to whether an amendment should be adopted to be published once the amendment has commenced operation.
Clause 16	Clarify that the Minister is responsible for providing a report to the Environment, Resources and Development Committee of Parliament rather than the Commission.
Clause 17	Remove the need for the Commission to provide advice on complying changes to the Code. Increase the scope of complying changes to the Code to included changes of a prescribed kind, which would allow for changes to concept plans to then be prescribed.
Clause 18	Allow designated instruments to be amended through section 76 to ensure consistency with a Commonwealth Act (as opposed to just State Acts). Remove the need for consultation to occur with the Commission in relation to amendments under section 76.

Clause	Proposed Amendment
Clause 19	Remove the need for consultation to occur with the Commission on amendments to the Code that go on early commencement. Allow development applications to be assessed and determined against the version of the Code on early commencement.
Clause 20	Remove the need for the Commission to be consulted on the making and varying of Ministerial Building Standards.
Clause 21	Consequential amendment related to clause 53.
Clause 22	Remove the need to consult with the Commissioner for Consumer Affairs on amendments to the Accredited Professionals Scheme.
Clause 23	Consequential amendment related to clause 53.
Clause 24	Amendments to sections 102(1)(c) and 102(1)(d) to allow further land division requirements relating to the provision of water to be prescribed by regulation. Clarifying that open space and offset scheme requirements are considered as part of either planning or land division consent rather than as their own standalone consent. Allowing the regulations to specify circumstances in which consents may need to be granted in a particular order or when planning consent for different elements may need to be considered together.
Clause 25	Clarify the application of design standards in relation to deemed-to-satisfy development.
Clause 26	Clarify that performance assessed development is assessed against the planning rules (which includes design standards) and not just the Code. Clarify that the Code may modify the requirements as to who may be notified of performance assessed development (ie only a neighbouring property in relation to development on the boundary).
Clause 27	Remove the need to maintain hard copies of documents associated with impact assessed (declared) development. Require the Chief Executive to prepare the Assessment Report for the Minister going forward rather than the Commission having to prepare it.
Clause 28	Consequential amendment related to clause 27.
Clause 29	Require landowners to consent to applications being made over their land other than in prescribed circumstances.
Clause 30	Confirm that an application for outline consent may be granted with reserved matters in the same way planning consent may have reserved matters.
Clause 31	Allow advice from referral bodies to be published once decisions have been made on an application rather than when the advice has been received by the relevant authority.

Clause	Proposed Amendment
Clause 32	Clarify or specify that approvals granted under the essential infrastructure development assessment pathway may be varied, that applicants must provide a copy of certified building plans to the Minister and that the Minister may determine that development assessed under this section requires a certificate of occupancy.
Clause 33	Clarify that approvals granted under the Crown development assessment pathway may be varied, that applicants must provide a copy of certified building plans to the Minister and that the Minister may determine that development assessed under this section requires a certificate of occupancy.
Clause 34	Clarify that legislative instruments (such as Practice Guidelines and Practice Directions) to be used in assessment of applications are the versions in force at the time applications are made. Make section 132 subject to the regulations to allow circumstances to be prescribed where it would be appropriate for previous versions of the planning/building rules to be used in the assessment of an application.
Clause 35	Amendment to section 138 to clarify that all requirements relating to the division of land (rather than those just prescribed in regulation) must be satisfied prior to the issuing of the land division certificate. Prohibit the Commission from issuing its land division certificate unless: <ul style="list-style-type: none"> <li>• SA Water have confirmed water infrastructure has been constructed; or</li> <li>• SA Water have confirmed there is a binding agreement for the provision of water infrastructure; or</li> <li>• SA Water have confirmed they are not responsible for the provision of water infrastructure and other requirements of the regulations have been satisfied.</li> </ul>
Clause 36	Specify that temporary occupation of a building without a certificate of occupancy may only be granted where the requirements of a practice direction have been satisfied.
Clause 37	Consequential amendment related to clauses 32 and 33.
Clause 38	Consequential amendment related to clause 27.
Clause 39	Expand the definition of 'primary infrastructure' to include land to be used for emergency services facilities, schools and hospitals.
Clause 40	Amending the requirements to initiate a basic infrastructure scheme so that they are more aligned with the requirements to initiate a primary infrastructure scheme, as well as increase transparency regarding costs to finalise and manage an infrastructure scheme. Allow persons interested in the provision of basic infrastructure to initiate their own infrastructure scheme and present it to the Minister for approval. Remove the need for the basic infrastructure scheme to be published in the Gazette (with notice of the scheme required to be published instead).

Clause	Proposed Amendment
Clause 41	Consequential amendment related to clause 40.
Clause 42	A new power of delegation for the scheme coordinator.
Clause 43	Clarify that the costs associated with the preparation and ongoing management of an infrastructure scheme and costs associated with acquiring land for infrastructure may also be recouped from landowners through the infrastructure scheme itself.
Clause 44	A new provision allowing the Minister to terminate agreements (with council/Ministerial approval where appropriate), such as deeds, when an infrastructure scheme that make the agreements redundant has been adopted.
Clause 45	New provisions to allow a basic infrastructure scheme to be varied once it has been adopted to include primary infrastructure.
Clause 46	A new function of a scheme coordinator, which is to provide information to a person proposing to undertake development to confirm that their proposed development is consistent with an infrastructure scheme.
Clause 47	Amendment of section 169(1) to clarify that works 'in-kind' provisions relate to works identified in an infrastructure scheme rather than to 'other' works.
Clause 48	Clarifying the application of open space provisions are to be the same irrespective of whether the Commission or council are responsible for determining the contribution or accepting the vesting of land.
Clause 49	Clarify that assessment managers are appointed 'to' assessment panels rather than 'by' assessment panels.
Clause 50	Removing the need for the Commission to authorise councils to use civil penalties as an enforcement tool.
Clause 51	Removing the need for the Commission to authorise councils to use enforceable voluntary undertakings as an enforcement tool.
Clause 52	Amendments to facilitate automated assessment by the SA planning portal in line with the Housing Roadmap.
Clause 53	New requirement for local councils to prepare Local Area Plans that will provide a pathway as to how they will achieve and meet their housing targets specified in the Greater Adelaide Regional Plan.
Clause 54	Consequential amendment related to clause 10.
Clause 55	Clarifying that the Assessment Panel Members Code of Conduct applies to Commission assessment panels. Clarifying that the Joint Planning Boards Code of Conduct applies to a committee established by a Joint Planning Board.

Clause	Proposed Amendment
Clause 56	<p>Transitional provisions to clarify that:</p> <ul style="list-style-type: none"><li>• Amendments to section 113 apply to applications for impact assessed (declared) development that have been lodged but not yet determined; and</li><li>• Amendments to section 138 apply to existing applications.</li></ul>