

## Finalising ‘in-flight’ development applications

**The process for development applications lodged under the *Development Act 1993* - assessed against the relevant council’s Development Plan - that are still under assessment as of 31 July 2020, when the new planning system comes into effect in rural areas.**

-----

### Plan SA - a new planning system for rural South Australia

Effective 31 July 2020, a new planning system - PlanSA - applies across South Australia’s outback and rural areas\* that will help shape your community, both now and into the future.

PlanSA includes the new Planning and Design Code and associated ePlanning platform for South Australia, replacing hard copy council development plans and the manual processing of development applications.

If you are looking to build or renovate your home, subdivide your land, add a shed or carport to your property, you can now submit and track your application online at [www.plan.sa.gov.au](http://www.plan.sa.gov.au).

You will experience a simpler online planning system with everything in one place.

*\*The new planning system will be implemented in large regional towns and metropolitan areas later this year.*

-----

### What happens to lodged applications that are not yet approved?

From 31 July 2020, applications for rural areas are lodged and assessed under the new *Planning, Development and Infrastructure Act 2016* (PDI Act) that underpins PlanSA.

Applications lodged in rural areas before 31 July 2020 are lodged under the *Development Act 1993* and assessed against the relevant council’s Development Plan. If these applications are still under assessment when the system changes, they are ‘in-flight’ and will have their approval granted under transitional provisions.

An application originally lodged under the *Development Act 1993* that has not been finally determined before the relevant Development Plan is revoked, may be continued and completed under the provisions of the *Development Act 1993*, except that—

- A decision on the application will, once given, be taken to be a decision given under the PDI Act. The [Decision Notification Form under the PDI Act](#) will be completed and issued to the applicant by the Relevant Authority.
- Section 127 of the PDI Act will apply in relation to the application rather than section 42 of the *Development Act 1993* with respect to the imposition of conditions.
- If only planning consent has been granted prior to 31 July, the subsequent building consent lodgement would occur under the PDI Act and be lodged within PlanSA (unless that consent is lodged prior to 31 July).

## Major developments/projects

The *Development Act 1993* will continue to apply to and in relation to a development or project that is the subject of a 'major' declaration made under the *Development Act 1993* before the Development Plan was revoked (and that has not been the subject of a decision of the Governor under section 48 of the *Development Act 1993*). However:

- the Minister will be the Relevant Authority\* for such applications, not the Governor
- the Commission will prepare the Assessment Report, not the Minister.

*\*Relevant Authority - The organisation or individual who will be responsible for assessing the development application. This could be the assessment manager from council, an independent accredited professional, State Planning Commission or relevant panel.*

## Crown development

A Crown development application under section 49 or 49A that has not been finally determined before the relevant Development Plan is revoked may be continued and completed under the provisions of the *Development Act 1993*, except that a decision on the application will, once given, be taken to be a decision given under the PDI Act.

## Appeals

A right of appeal under the *Development Act 1993* may continue to be exercised in relation to an application made to a Relevant Authority under the *Development Act 1993* that has not been finally determined before the Development Plan is revoked.

## What's the latest date I need to have lodged my application in order to be assessed against the Council Development Plan?

You will need to lodge the development application on or before 30 July 2020 to be assessed against the relevant council's Development Plan. It is important to note however, that the fees must be paid in order to complete the lodgement. Any application which has not had fees paid by close of business (5.00pm) on 30 July 2020 will be relodged in the new planning system - PlanSA - and a new invoice will be issued (noting the fees are likely to be different).

## What if I need to vary my approved application (that is not a minor variation)?

An application to vary a development authorisation granted under the *Development Act 1993*, located in an area where a Development Plan has since been revoked and the PDI Act applies, will be treated as a new application and therefore will be assessed under the PDI Act and the Planning and Design Code (the Code). The extent of the variation will be categorised according to the provisions of the PDI Act and the Code.

## Need more help?

To find out more visit [www.plan.sa.gov.au](http://www.plan.sa.gov.au), email [DPTI.PlanSA@sa.gov.au](mailto:DPTI.PlanSA@sa.gov.au) or call the PlanSA Service Desk on 1800 752 664.