

OUR  
NEW  
SYSTEM



## South Australia's new planning system

# OUR NEW ASSESSMENT SYSTEM

August 2018

South Australia's new planning system will modernise planning and development across our State.

This summary outlines how a new system for assessing development applications is being developed.





# A NEW PLANNING SYSTEM FOR SOUTH AUSTRALIA

**South Australia's planning and development system is changing. New legislation is being introduced in stages to encourage better development, stimulate our economy and secure jobs for the future, while also protecting assets we value, like our heritage and character, unique environments and premium agricultural production areas.**

The State's new, more efficient planning system aims to modernise the way planning and development outcomes are delivered. The new system is being created with input from the community, planners, developers and other interested parties.

At the heart of the new system is better planning policy for assessment of development applications. A state-wide Planning and Design Code (the Code) will consolidate complex, often inconsistent, planning policies currently contained in the State's 72 development plans into one electronic Code. Coupled with an electronic system that extracts the legal guides for individual projects online, the Code will make it easier for everyone to access planning policies and understand what to do, creating a more useable, efficient planning system.

The Code will be developed in consultation with communities, and in accordance with the principles of the Community Engagement Charter. The Charter has been prepared by the State Planning Commission to promote more creative and innovative ways of engaging communities at an early stage.

Once the planning policies for the Code are in place, our new system will provide assessment pathways that give certainty, consistency and timeliness where development outcomes satisfy all the rules established during early engagement.

**'Assessment Pathways' refers to the processes a development application will go through when lodged under the *Planning, Development and Infrastructure Act 2016* (the Act).**

Requirements for public notification for the assessment of development applications will be set out in the Regulations and will be clear and certain for all involved.

Where public notification is required, property owners or occupiers within 60 metres of the development site will be directly notified. A notice will also be placed on the site.

Decisions will also be made by 'accredited professionals' who are suitably qualified and experienced. A new electronic system will mean applications can be lodged 24/7.

## **Have your Say – The Assessment Pathways Discussion Paper**

The Department of Planning, Transport and Infrastructure has released three key documents for consultation that together help to build a picture of our new assessment system:

- **Assessment Pathways Discussion Paper**
  - describes the new assessment pathways and how they will operate in the new system.
- **Accredited Professionals Scheme**
  - ensures decision makers in development assessment are qualified to the appropriate level for the decisions they make.
- **Performance Indicators Discussion Paper**
  - describes options for how our system could be monitored in the future.

The Assessment Pathways Discussion Paper has been prepared to improve understanding about what the Act requires. It raises critical questions about how the detailed aspects of the assessment pathways should work.

Your feedback will help inform our future assessment system, which will include Regulations, Practice Directions, and policy framework within the Planning and Design Code.

Further engagement will be undertaken over coming months as details of the new assessment pathways are developed. These assessment pathways will be in place when the State's new Planning and Design Code is implemented.

We invite you to participate and share your opinions on how development will be assessed, approved and monitored in our new system.



## What's new?

Our new assessment system has some new features:

### Better assessment pathways

*Pathways to effectively manage simple and complex projects.*

Improved pathways will effectively manage all applications in a scaled approach, from simple to complex projects, with more professional input and scrutiny for significant projects that have greater impact on a local area or the State.

There will be new pathways which deal with simple applications for homeowners more quickly and easily whilst larger projects will be assessed and dealt with in a transparent way in line with their level of complexity.

Overall, the system will be more efficient, with fewer assessments and people involved – the system will assess according to need.

### Better public notification

*Public notification has been improved with clearer and more certain processes.*

Local communities will be notified of major developments in their area through a better system of public notifications. Where public notifications are required, this will be obvious and more prominent, such as a sign on the land, rather than the current system of advertising in newspaper public notices or classifieds.

A sign on land that will be seen by people who regularly interact with the site will target those most affected and involve direct notification of homeowners, residents or landowners within 60 metres of the site.

Development which has state-wide significance will have more tailored assessment and consultation processes applied, including the need for Environmental Impact Statements to be completed before approval can be granted.

### Bringing our system on-line

*A central, interactive online platform will facilitate more efficient development application submission and assessment processes.*

ePlanning will provide an electronic platform to provide faster, simpler application lodgement and assessment, accessible 24 hours a day, seven days a week. The SA Planning Portal will be the repository for all development information, legislation, publications, spatial maps and data which will assist in monitoring and reporting on the overall performance of the planning system.

This means more transparency and accountability, with ePlanning making development statistics available online, enabling South Australians to see what's happening in their local area or across the State. The new online system will also offer significant savings, in both costs and time, for applicants and for councils.

### A focus on design

*Design review process for prescribed development will provide better design outcomes for future generations.*

Good design is about more than aesthetic appeal, what a building or structure looks like and whether it has been created by an architect.

Design is about purpose and function too, whether a development is energy efficient and works well with others in its location, and whether it is constructed with the best materials and is safe for occupants.

A review of design in the planning system is currently being undertaken by industry professionals, in consultation with the public, for all development in our State. It will provide guidelines for better design outcomes for proposed development, now and in future.

### Professional decision making

*An accreditation scheme for planning professionals will ensure all decisions are being made by qualified and experienced practitioners, while more complex applications will be determined by a panel of experts.*

A new Accredited Professionals Scheme will enhance the professionalism of decision-makers to ensure they are appropriately qualified and experienced to undertake development assessment, giving greater confidence to users of the system and the community more broadly.



## THE NEW ASSESSMENT PATHWAYS

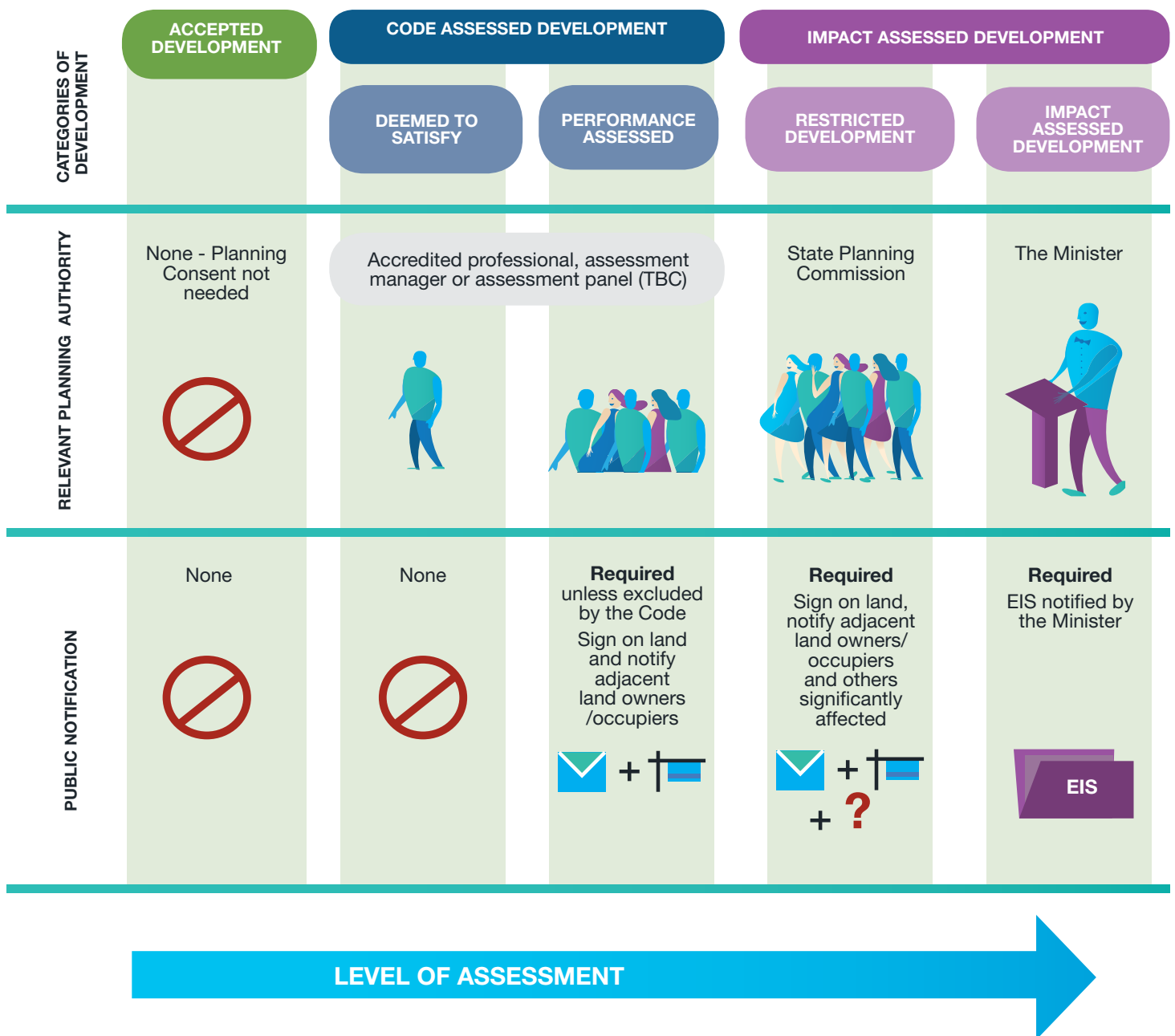
There are three main assessment categories which guide the assessment pathway that development applications will follow:

- Accepted,
- Code Assessed, or
- Impact Assessed.

Most applications lodged are straight forward and will be Accepted or Code Assessed.

The figure opposite shows how the assessment categories will work.



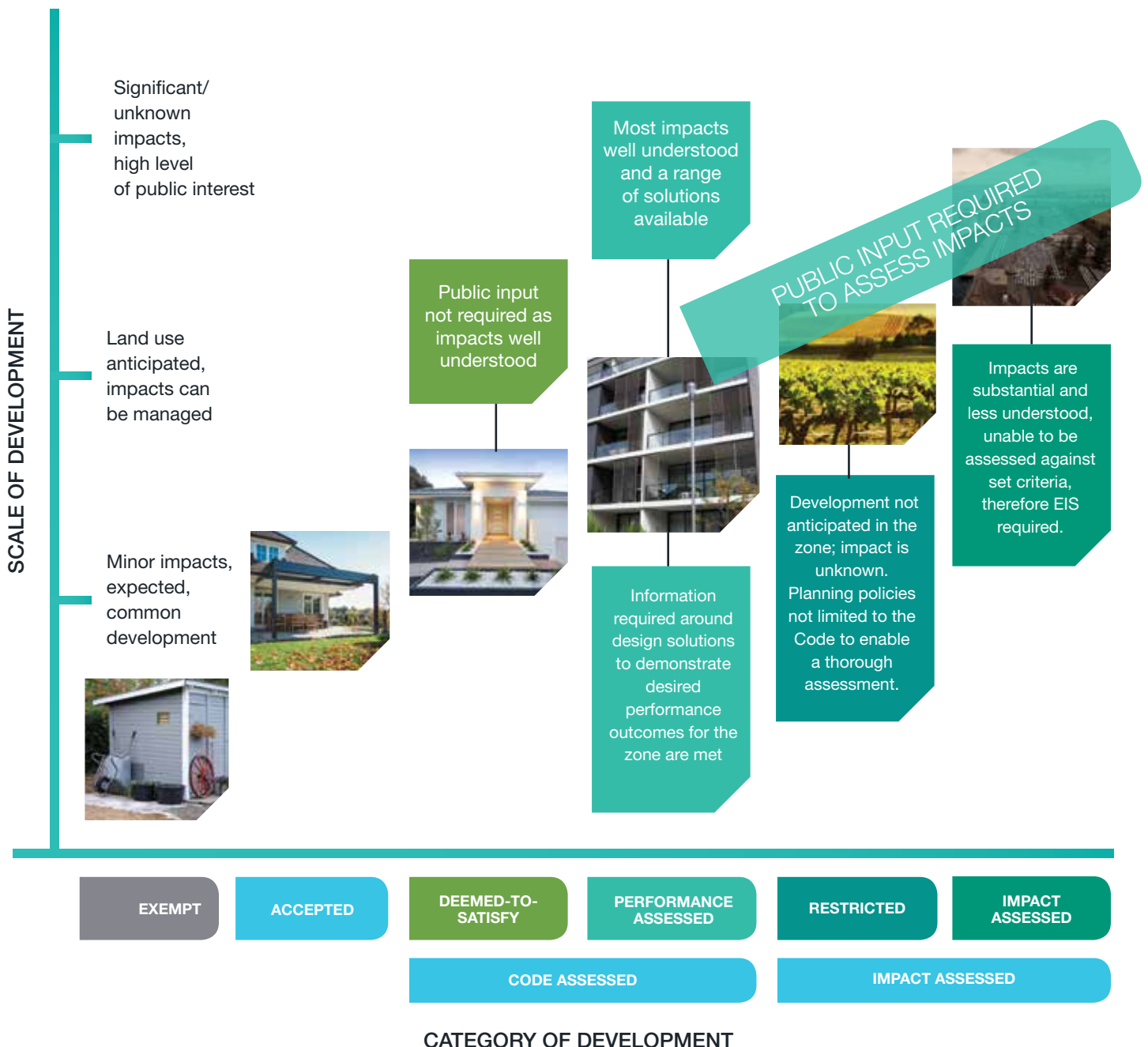




# SCALABLE CATEGORIES OF DEVELOPMENT

This figure demonstrates the relationship between the complexity of a project and the way it is assessed (i.e. the category of development).

More complex proposals require a more rigorous assessment process, with greater community input. Simple projects will have a more streamlined process to follow with less red tape.





# PUBLIC NOTIFICATION – WHAT WILL BE DIFFERENT?

Public notification of development applications will be considerably different from the current practices. Notification requirements will be clearer. Currently, public notice categories are prescribed in each council development plan, as well as the regulations, whereas under the new system, public notification requirements for ‘performance assessed’ development will be prescribed in one centralised Planning and Design Code. ‘Deemed-to-satisfy’ development will not be notified. ‘Impact assessed’ development will always be notified. These changes form part of the many changes under the new Act that will make the planning system easier to understand for everyone.

DEVELOPMENT ACT 1993						
COMPLYING	MERIT			NON COMPLYING		MAJOR DEVELOPMENT
Category 1	Category 1	Category 2	Category 3	Category 1	Category 3	N/A
No Public notification	No Public notification	<ul style="list-style-type: none"> <li>Notify adjacent land owners/ occupiers</li> </ul>	<ul style="list-style-type: none"> <li>Notify adjacent land owners/ occupiers</li> <li>Any others significantly affected</li> <li>Advert placed in a newspaper circulating in the area</li> </ul>	No Public notification	<ul style="list-style-type: none"> <li>Notify adjacent land owners/ occupiers</li> <li>Any others significantly affected</li> <li>Advert placed in a newspaper circulating in the area</li> </ul>	EIS consulted by the Minister
No third party appeal rights	No third party appeal rights	No third party appeal rights	Third party appeal rights	No third party appeal rights	Third party appeal rights	No third party appeal rights

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016				
	CODE ASSESSED		IMPACT ASSESSED	
Deemed-to-satisfy	Performance assessed – no notification	Performance assessed – notification required	Restricted	Impact assessed by Minister
No Public notification	No Public notification	<ul style="list-style-type: none"> <li>Notify adjacent land owners/ occupiers</li> <li>Notice placed on the subject land</li> </ul>	<ul style="list-style-type: none"> <li>Notify adjacent land owners/ occupiers</li> <li>Any others significantly affected</li> <li>Notice placed on the subject land</li> </ul>	EIS consulted by the Minister
No third party appeal rights	No third party appeal rights	No third party appeal rights	Third party appeal rights	No third party appeal rights



## CATEGORIES OF DEVELOPMENT

### Exempt

No approval is required. Examples include small garden sheds, water tanks or fences.



### Accepted

'Accepted' development does not need planning consent, but may require building consent. Accepted development covers standard or expected development for its location, because it does not have impacts beyond the site. Examples of this low impact level of development would include a veranda or carport. No public notification is required.







## Code Assessed

Where an application is neither 'Accepted' nor 'Impact Assessed', it defaults to 'Code Assessed'.

The two pathways for this category are 'Deemed to Satisfy' and 'Performance Assessed'.

### Deemed to Satisfy

A development is 'Deemed to Satisfy' when it meets the prescriptive requirements of the Code.

This type of development meets established criteria, is measurable and is an appropriate land use in its zone.

- There is no public notification required because this development fits within the policy.
- Applications are not open to appeals by third parties.
- If there are any off-site impacts, these can be managed through known, precise criteria.



### Performance Assessed

The second pathway in this category is 'Performance Assessed' - assessment of a development on its own merit against the Code. This applies for developments which require more intensive assessment of their potential impacts, design, and how they fit within their neighbourhood. This could include residential apartments, or any development where design and impact need to be considered separate from numerical criteria.

This type of development can have impacts beyond the site's boundaries which can be managed and minimised in various ways. The aim is not to stifle innovation because it is anticipated that many concerns can be resolved through better design solutions.

- Public notification is required for these developments, including a sign on land and notification to owners/occupiers adjacent to the property, except in cases where an exemption is specifically applied.
- Anyone can make a submission.
- Third parties do not have a right of appeal once approval has been granted.





## Impact Assessed

Development proposals that are of a certain scale will need to be considered at the highest level, either by the State Planning Commission (the Commission) or directly by the Minister for Planning.

The two pathways in this category are 'Impact Assessed – Restricted' and a higher level of 'Impact Assessed', which requires an Environmental Impact Statement and Ministerial involvement. In many developments at this level, the Planning and Design Code may not have envisaged what could ultimately be good or desirable development strategy. The Code is not designed to rule out new or innovative development proposals, recognising that it is not able to always foresee new trends or technologies that may be beneficial in new development.

### Impact Assessed - Restricted

Development classified as 'restricted' by the Code will be impact assessed.

Examples of restricted development could include a winery in a water protection district, or a shop in a residential zone. In these examples, there may be merit in the development, but it was not originally envisaged when the planning policies were set. It is important for the planning system to provide a suitable assessment pathway for development that is unforeseen - because the impacts are unknown and the policy would not provide specific guidance, the restricted development pathway ensures a thorough assessment will be undertaken by the Commission.

- The Commission (by delegation to the State Commission Assessment Panel) will be the planning authority for all restricted development applications.
- Once lodged, the Commission will decide whether the development has enough merit to assess, and if not, will provide an early 'no' answer to the applicant to avoid time delays.
- If the Commission chooses to assess a restricted development proposal, adjacent neighbours will always be notified, as well as a sign placed on the development site.
- People who submit a response in the notification period will have a 'third party' right of appeal if they are unhappy with the decision.





## Impact Assessed - Not Restricted

This is the most rigorous assessment category which can be classified either by Ministerial declaration, or by regulation.

This tier of development requires whole-of-government assessment and an Environmental Impact Statement which considers environmental, social and economic effects. At this level, the Minister will always be the relevant authority.

An example of an impact assessed (not restricted) development could include a new marina or port, which may have impacts that are significant to the State.

For this major development type, there is no third-party appeals process; the responsibility for granting or refusing consent rests entirely with the Minister.

However, in accordance with the community engagement charter, there are avenues for community consultation about all significant development proposals of this size and complexity, and these are determined by the Minister.

## Next Steps

Please refer to the *Assessment Pathways: How will they work? Technical Discussion Paper* for further information and details on the new system proposed for assessing development applications. You may also choose to respond to more detailed questions in the paper with a written submission.

Visit [sapanningportal.sa.gov.au/have\\_your\\_say](http://sapanningportal.sa.gov.au/have_your_say)





## HAVE YOUR SAY

The Department of Planning Transport and Infrastructure is committed to genuine collaboration with the community in the development of South Australia's new planning system. Interested parties are invited to provide feedback on the [Assessment Pathways Discussion Paper](#).

For details about engagement activities and how to get involved, visit [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au)

Submissions can be lodged by any of the following means:

- SA Planning Portal: [www.saplanningportal.sa.gov.au/have\\_your\\_say](http://www.saplanningportal.sa.gov.au/have_your_say)
- YourSAy website: [www.yoursay.sa.gov.au](http://www.yoursay.sa.gov.au) where you can also complete the online survey or join the discussion forum
- Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)
- Post: PO Box 1815, Adelaide SA 5001



Government  
of South Australia

Department of Planning,  
Transport and Infrastructure