Practitioner’s Guide to implementing the new planning system

This guide outlines the fundamentals for implementation and delivery of the new planning system (the Planning, Development and Infrastructure Act 2016), outlining each phase for delivery and what it means for councils, practitioners and community.

More information will be released in the lead-up to each phase going live to ensure South Australians are ready for the new planning system.

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Implementation Fundamentals
This section outlines some of the fundamentals for implementing the new planning system. Over the coming months, the Department of Planning, Transport and Infrastructure (DPTI) will provide briefings to industry, council and local communities to ensure South Australians understand the implementation, what it will mean for them and when they may be impacted by changes.

If you have any questions about the reform program, please contact us on DPTI.PlanningReform@sa.gov.au.

**A phased implementation**

The new planning system will be delivered over three phases between mid-2019 and mid-2020. While the *PDI Act* will be operational state-wide from mid-2019, the conversation about Development Plans in relation to the Code (approved under Section 73 by the Minister) allows for this phased approach:

- **Phase 1** (mid-2019) – Land not within a Council Area
- **Phase 2** (late-2019) – Regional Councils
- **Phase 3** (mid-2020) – Greater Adelaide Councils

**What parts of the Act are operational (and when others will be)**

The *Planning, Development and Infrastructure Act 2016* (*PDI Act*) will be fully proclaimed and operational by mid-2019. The following section outlines parts of the Act that have already been proclaimed and sections that will be proclaimed throughout implementation.

**Operational now**

- Planning, Development and Infrastructure (General) Regulations 2017
- Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017
- Eastern Eyre Peninsula Regional Assessment Panel and Riverland Regional Assessment Panel - to Section 84 (1) (a) and Schedule 8, Clause 13 (1) (a)
- Codes of Conduct relating to the State Planning Commission, Assessment Panel Members, Infrastructure Scheme Coordinators (Schedule 3)
- Community Engagement Charter (Section 44, 45, 46 and 47)

**Early 2019**

Section 88 (the Accredited Professionals Scheme) of the *PDI Act* will be proclaimed in early 2019, along with the Regulations, to provide practitioners time to complete their accreditation by the end of 2019, when the Code will be operation in regional areas.

This will also provide time for Councils to adjust their internal processes in time for their Development Plan’s conversion to the Code.

**Mid-2019**

Phase one will see the proclamation of all remaining sections of the *PDI Act*. 
Transitional regulations will also be made that will specify development applications lodged in *Land not within a Council areas* will be assessed under the *PDI Act*. Any other development applications (lodged in Regional or Greater Adelaide council areas) will continue to be assessed under the *Development Act 1993* provisions.

More information on the *PDI Act* is explained within each phase description.

**The rationale of three phases**

The State Planning Commission will establish and lead conversion of Council Development Plans to the Code. There are several reasons for this approach:

- **Managing the change**: Turning on the Code simultaneously across the state would represent a major shift for councils, industry, practitioners and the community. Implementing the new planning system across three phases (and geographical areas), will allow us to better support people and practitioners in these areas.

- **Learning through implementation**: By switching on the Code progressively, we will be able to gain many insights on preparation and implementation, which will inform future phases.

- **Departmental resources**: The resources required to develop and implement the Code is significant. Phasing the release will help us use our resources effectively so we can better support councils, practitioners and local communities.

- **Meeting the legislative timeframes**: A Commission-led process to establish the first Code will provide for expedited process and allow us to talk with South Australians at the same time about what the new planning system means for them.

**Readiness for each phase**

DPTI will support councils, practitioners and the local community at each phase by providing a suite of readiness support tools to ensure we are ready to operate from day one of each phase.

Readiness support tools will include (but are not limited to):

- Organisational and practitioner readiness checklists
- Learning material on the new planning system
- Classroom and online training (ePlanning)
- Explanatory material (including videos) to assist South Australians (practitioner, councils, communities etc.) understand each phase and what it means for them
- Briefings for member organisations.

**Statutory consultation on the Code**
The Department has been undergoing regular consultations throughout the state as instruments have been developed and ideas posed to inform the new Code.

Each phase will undergo statutory consultation, where all South Australians can make a formal submission. Following consultation, DPTI will:

- make all submissions publicly available
- release a ‘What We Have Heard Report’
- record all submissions and report how they informed the final document.

You can read more about our closed, current and future statutory consultations in Appendix A.

**Development Plan Amendments**

Throughout implementation, DPTI will continue to assess council-initiated Development Plan Amendments (DPA’s) that support the state’s ongoing economic performance and Ministerial DPA’s that respond to issues of state importance.

In-progress DPA’s must be completed by, or, at minimum, have had undergone public consultation at least 6 months prior to the relevant phase (mid-2019 for Regional Councils and late 2019 for Metropolitan Councils). This will provide sufficient time to enable the transition of amendments into the Code.

To consider a new Development Plan amendment, it must meet the following requirements:

- to amend or introduce policies that apply to a local area and/or resolve an outstanding issue that cannot reasonably be deferred until introduction of the Code
- demonstrate a clear and present – albeit unrealised – economic benefit
- use the current South Australia Planning Policy Library to enable practical transition into the Code, thereby avoiding any delays to rezoning proposals or implementation of the Code
- infrastructure impacts must be examine and resolved, and
- the amendment should be the best, and most cost-effective and time-efficient, mechanism for unlocking development opportunities.
Phase one:
Land not within a council Area Code – mid 2019

The first phase will be the Land not within a Council Area Code. These areas are predominantly managed by the State Government and therefore will not greatly impact the broader community, council or development network. This phase will see the Code spatially applied in paper-based PDF format and available on the SA Planning Portal.

The details of the phase one package will describe the mechanics of the Code and how it will operate. DPTI will involve practitioners prior to statutory consultation to help them better understand these fundamentals and to seek informal feedback.

Section 88 (the Accredited Professionals Scheme) of the PDI Act will be proclaimed in early 2019, along with the Regulations, to provide practitioners time to complete their accreditation by end of 2019, when the Code is operation in regional areas.

Planning, Development and Infrastructure Act in phase one

Phase one will see the proclamation of all remaining sections of the Planning, Development and Infrastructure Act 2016 and therefore will be operational state-wide.

Transitional regulations will also be made that will specify development applications lodged in Land not within a Council Areas will be assessed under the PDI Act. Any other applications (lodged in a Regional or Greater Adelaide council areas) will continue to be assessed under the Development Act 1993 provisions.

What will phase one mean for council, practitioners and developers?

The implementation of phase one will have no impact on the way development assessments are assessed in Councils; however other elements within the PDI Act will need to be considered e.g. Accredited Professional Scheme.

For DPTI, new applications in these areas, will be assessed under the PDI Act and practitioners working in these areas will need to have completed their accredited professional requirements.

What ePlanning elements will be available in phase one?

The Land not within a Council Area Code will be paper-based and spatially applied. South Australians will be able to find zones and overlay information relating to their property in these areas (in PDF documents) on the SA Planning Portal.
What will phase one mean for local communities in these areas?

For local communities living in these areas, they will now access the Code instead of the now revoked Development Plans via the SA Planning Portal to find out what applies to their property or land. Development assessment forms will be accessible via the Planning Portal for preparation and lodgement.

What will phase one mean for planning practitioners?

The Accredited Professionals Scheme will be operational from early 2019. However, most planning practitioners will have until mid-2019 to complete their accreditations (to support the commencement of the Code in Regional Council areas). Checklists, guidelines, registration details and dates will be provided following the finalisation of the Regulation, so practitioners understand what they need to do, and when.

Building Certifiers that are recognised under the Development Act 1993 can operate as if accredited, until their certification is due for renewal. At this time, they will need to become accredited under the PDI Act.

Checklists, guidelines, registration details and dates will be provided following finalisation of the Regulations so practitioners understand what they need to do, and when.

What will this mean for development applications in this area?

In-progress development applications
Development applications lodged before the conversion of the ‘Land not within a Council Area’ Development Plans will continue to be assessed against the Development Act 1993.

New development applications
New development applications will be assessed using the PDI Act provisions. The lodgement and assessment process will continue to be paper-based. Information on the new process will be available on the SA Planning Portal.

What does it mean for Development Plan Amendments?

There are no Development Plan Amendments currently being progressed in Land not within a Council Area.
Phase two: Regional Council Code (late 2019)

Phase two will see the Regional Code and the ePlanning solution operational. Phase two will include a broader suite of General Modules, Overlays, Zones and Sub-zones as applicable to regional councils.

The Regional Council Code will be spatially applied and accessible via the SA Planning Portal. Applicants will be able to prepare, lodge and track their development applications (in regional areas) online and council can assess them via the Portal.

The Regional Council Code will be subject to statutory consultation prior to commencing. A number of readiness tasks will need to be completed by Regional Councils and practitioners prior to this implementation.

The PDI Act becomes operational in Regional Council areas

Phase two will see conversion of the Regional Council Development Plans to the Code (Section 73, Ministerial approval).

Transitional regulations will ensure that, as Development Plans are converted to the Code, development applications will be assessed under the PDI Act provisions. Development applications lodged in Greater Adelaide Council areas (at this time) will continue to be assessed under the previous Development Act provisions.

What will phase two mean for Regional Councils?

For Regional Councils, the Code is operational and previous Development Plans are now revoked. Planning teams or consultant planners will now reference the PDI Act and associated regulations and use the ePlanning solution to progress development applications through to decision.

What will phase two mean for planning practitioners?

Practitioners working in (or for) Regional Councils will need to have completed their Accredited Professional requirements to undertake their role. They will now access development applications referencing the PDI Act via the SA Planning Portal.

Private planning, building and development practitioners working in Regional and Greater Adelaide Council areas, will (for a short period of time) be assessing applications under two pieces of legislation. DPTI will ensure the private consultant industry sector is fully informed, in order to support correct decision-making.

DPTI will ensure this is communicated broadly to support good decision-making.
What will it mean for development applications?

**In-progress development applications**
As outlined in the Transitional Regulation, development applications lodged before the conversion of Council’s Development Plan will continue to be assessed against the Development Act 1993.

Applicants may choose to cancel their application and re-submit via the ePlanning solution and have their development application assessed under the *PDI Act*.

**New development applications**
Applicants can now prepare, lodge and track their development application in Regional Council areas using the SA Planning Portal. All functions will be online via ePlanning, including payments. Applications will be assessed using the *PDI Act* provisions. Paper-based lodgement will continue to be available (details to be confirmed).

What does it mean for Development Plan Amendments?
Regional Councils will need to have completed any in-progress Development Plan Amendments, or to at least have finished public consultation by mid-2019, so it can be incorporated into the Code.

What will it mean for communities in Regional Council Areas?
For the local community living in the Regional Council areas, they will be the first to enjoy the benefits of the new planning system.

Community and local developers will no longer need to read through (what can be) complicated Development Plans, but can easily search their property and understand what policies apply and what development can be undertaken, with or without an assessment or approval process.

Having the ability to search properties quickly, and then prepare, lodge and track an application will benefit both community members and councils by expediting the ‘query’ process, which can be time consuming and frustrating.

The community will be empowered to drive their own developments, allowing them to find information presented in a format that is easy to understand, and this will be a game-changer for our state.
What elements of the SA Planning Portal will be available?

The SA Planning Portal in regional areas will allow:

- searches of property addresses to find out what policy applies and the types of development that can be undertaken with or without an assessment
- applicants to prepare, lodge and track their development application
- Regional Councils to receive, assess and decide on development applications
- Accredited Professionals to be able to register and lodge, or simply submit their documents, to ensure compliance.

NOTE: The EDALA system will continue to operate in order to complete existing land division applications under the Development Act 1993. Any new land division applications will be lodged, assessed and decided upon from the ePlanning solution.
Phase three: Greater Adelaide Council Code (mid-2020)

Phase three will see the Greater Adelaide Council Code and ePlanning operational. The Greater Adelaide Council Code will be spatially applied and accessible via the SA Planning Portal, with online preparation and lodgement of development applications.

The Greater Adelaide Council Code will be subject to statutory consultation prior to commencement. A number of readiness tasks will need to be completed by Greater Adelaide Councils and practitioners prior to this implementation.

The PDI Act is operational in Greater Adelaide Council areas

Phase three will see conversion of the Greater Adelaide Council Development Plans to the Code (Section 73, Ministerial approval) and all new development applications will be assessed under the PDI Act provisions.

What will phase three mean for Greater Adelaide Councils?

For Greater Adelaide Councils, the Code is operational and previous Development Plans are now revoked. Planning teams or consultant planners will now reference the PDI Act and associated regulations and use ePlanning system to progress new development applications through to decision.

What will phase three mean for planning practitioners?

Practitioners working in (or for) Greater Adelaide Councils will need to have completed their Accredited Professional requirements. They will now access development applications referencing the PDI Act via the ePlanning platform.

What will phase three mean for development applications?

In-progress applications
As outlined in the Transitional Regulations, development applications lodged prior to Council’s conversion of Council’s Development Plan to the Code will continue to be assessed against the Development Act 1993. In-progress development applications will continue to be progressed via Council’s IT system and/or existing processes.

Applicants may choose to cancel their application and re-submit via the SA Planning Portal and have their development application assessed under the PDI Act.

New applications
All applications in Greater Adelaide councils will now be lodged and assessed under the PDI Act. Applicants will prepare, lodge and track their application via the SA Planning Portal. Paper-based lodgement will continue to be available (details to be confirmed).
Phase three: Greater Adelaide Council Code

What does phase three mean for in-progress Development Plan Amendments?

Greater Adelaide Councils will need to have completed any in-progress Development Plan Amendments, or to at least have finished public consultation by late-2019 so it can be incorporated into the Code.

What will phase three mean for communities in Greater Adelaide Council areas?

After seeing regional communities experience the benefits of new planning processes, communities in Greater Adelaide will no longer have to wait to enjoy the same benefits.

Community members and local developers will no longer need to read through (what can be) complicated Development Plans, but can easily search their property and understand what policies apply and what development can be undertaken with or without an assessment or approval process.

Having the ability to search properties quickly, and then prepare, lodge and track an application will benefit both community and councils by expediting the ‘query’ process which can be time-consuming and frustrating.

The community will be empowered to drive their own developments, allowing them to find information presented in a format that is easy to understand, and this will be a game changer for our state.

What elements of the ePlanning solution will be available?

The SA Planning Portal in Greater Adelaide Council areas will allow:

- searches of property addresses to find out what policy applies and the types of development that can be undertaken with or without an assessment
- applicants to prepare, lodge and track their development application
- Greater Adelaide Councils to receive, assess and decide on development applications
- Accredited Professionals to be able to register and lodge, or simply submit their documents, to ensure compliance.

NOTE: The EDALA system will continue to operate in order to complete existing land division applications under the Development Act 1993. Any new land division applications will be lodged, assessed and decided upon from the ePlanning solution.
Appendix A: Statutory Consultation

Consultation completed on:

- Community Engagement Charter Stage 2: closed 8 December 2017
- Car parking in Local Streets in Adelaide – closed 16 February 2018
- Discussion Papers on:
  - The Planning and Design Code – how will it work: closed 22 July 2018
  - Accredited Professionals Scheme – closed 30 April 2018
- State Planning Policies: closed 21 September 2018
- Performance Indicators – Monitoring Development: closed 17 October 2018
- Assessment Pathways Technical Discussion Paper: closed 17 October 2018
- Accredited Professionals Scheme Regulation: closed 17 October 2018

Currently on consultation:

- Discussion Papers – until 3 December
  - Integrated Movement Systems
  - Natural Resources and Environment

Upcoming consultations:

- Joint Planning Boards
- Infrastructure Schemes
- Discussion Papers on:
  - Productive Economy – on consultation until 8 February 2019
  - People and Neighbourhoods
  - Design in the Planning System
- Regulations
  - Fees and Charges
  - Referrals
  - Building Inspection
- Phase one Code – Land not within a Council Area
- Phase two Code – Regional Councils
- Phase three Code – Greater Adelaide Councils