

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 for rural areas and 19 March 2021 for urban areas.

What happens to lodged applications that are not yet approved?

From 31 July 2020 for rural areas and 19 March 2021 for urban areas, applications are lodged and assessed under the *Planning, Development and Infrastructure Act 2016* (PDI Act).

Applications lodged in rural areas before 31 July 2020 and urban areas before 19 March 2021 were lodged under the *Development Act 1993* and assessed against the relevant council’s Development Plan. If these applications were still under assessment when the system changed, 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lodged under the *Development Act 1993* that has not been finally determined before the relevant Development Plan was revoked, may be continued and completed under the provisions of the *Development Act 1993*, except that—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 2020 for rural areas and 19 March 2021 for urban areas, the subsequent building consent lodgement would occur under the PDI Act and be lodged within PlanSA (unless that consent was lodged prior to 31 July 2020 for rural areas and 19 March 2021 for urban areas).

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project that is the subject of a ‘major’ declaration made under the *Development Act 1993* before the Development Plan was revoked (and that has not been the subject of a decision of the Governor under section 48 of the *Development Act 1993*).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 was not finally determined before the relevant Development Plan was 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 was not finally determined before the Development Plan was revoked.

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* 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, email PlanSA@sa.gov.au or call the PlanSA Service Desk on 1800 752 664.