

## Restricted Development

### What is Restricted Development?

Restricted development is a category of development designated by the Planning and Design Code that is assessed by the State Planning Commission (the Commission) as the relevant authority.

A restricted classification generally applies to development that warrants consideration of strategic implications and impacts or requires detailed investigations and assessment beyond that provided through the Code Assessed - Performance Assessed pathway.

Each zone in the [Planning and Design Code](#) contains a table – Table 4 – which specifies types of development categorised as restricted development, subject to any exclusions.

### What matters are Restricted Development applications assessed against?

The Commission must take into account the relevant provisions of the Planning and Design Code but is not bound by those provisions. The Commission may also consider other guidelines, legislation, or documents as set out in [Practice Direction 4](#).

### Can I apply for a Restricted Development?

Yes, anyone can apply for a Restricted Development.

Prior to making an application for Restricted Development, you are encouraged to discuss your proposal, and the Restricted Development process, with the Commission duty planner by contacting the PlanSA Service desk on 1800 752 664 or email [PlanSA@sa.gov.au](mailto:PlanSA@sa.gov.au)

An application for Restricted Development is lodged through the PlanSA website like any other development application.

### What fees apply to a Restricted Development application?

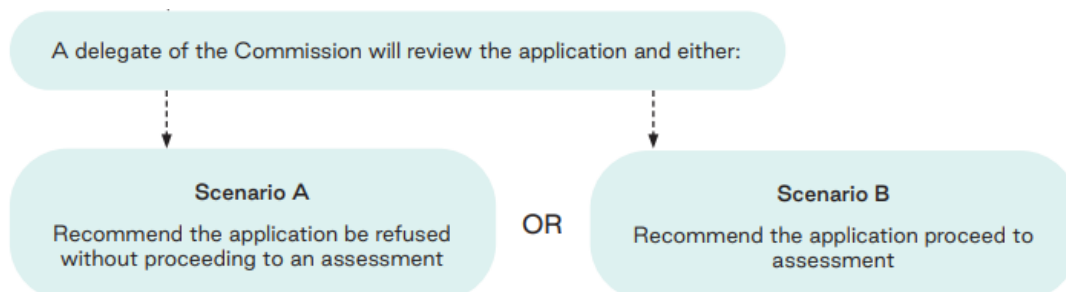
An application for restricted development incurs [fees as set out in the Ministerial fee notice](#) published in the Government Gazette.

### What is different about the Restricted Development application process?

An application for restricted development is lodged on the PlanSA portal like any other development application and distributed to the Commission as the Relevant Authority.

Upon receipt of the application, a Commission delegate will verify the application and invoice the initial fees. Once the initial fees have been received, the application is reviewed by a Commission delegate who may request further information.

Unlike other assessment pathways, Restricted Development proposals are then subject to an 'initial decision' by the Commission's delegate to proceed or not to proceed further to assessment (refer to the Restricted Development Flow Diagram).



The purpose of this initial step is to identify if a proposal has a 'fatal flaw' in terms of its planning merit. The Commission's delegate will proceed to assess an application for restricted development unless it is considered that there is no reasonable prospect of a favourable assessment.

### What should I provide initially in support of my proposal?

Restricted Development applications can vary greatly from one proposal to another (e.g., it could be a dwelling in a Conservation Zone, or a Renewable Energy Facility). As such, a one-size-fits-all approach does not apply to application submission documents. However, as the initial decision is based on a high-level review of the proposal and is made without an assessment of the application itself, full application documentation is not required at the initial stage.

In addition to concept plans and an outline of the proposal, you should consider providing a brief statement in support of your application, explaining why you believe the proposed development should be assessed. A template has been provided in **Attachment A** to assist with highlighting the reasons why you believe the proposal should proceed to an assessment.

Additional supporting information may be attached to your application and could relate to – but is not limited to – any of the following:

- the planning policies and rules that are relevant to the location of the proposed development;
- evidence of any social, economic or environmental benefits of the proposal;
- the need or demand for the proposed development in the locality or community;
- details of the context of the site, any existing buildings or infrastructure, and the current use of the land; and
- any other relevant documents such as Council Plans, Design Standards or expert advice.

## What happens next?

A report will be prepared for the Commission's delegate with a recommendation. A recommendation that the application proceed to assessment is presented to the Manager Commission Assessment (Planning and Land Use Services) for a decision.

A recommendation that the application be refused without proceeding to assessment will be presented to the State Commission Assessment Panel (SCAP) for a decision. At the discretion of the SCAP, the applicant may be invited to attend the SCAP meeting to make a verbal presentation. The SCAP may resolve to concur with the recommendation not to proceed or may resolve to proceed with an assessment.

If it is decided to proceed with an assessment of the proposal, further information will be requested from the applicant in accordance with [Practice Direction 4](#).

If the decision is not to proceed with an assessment, a refusal decision is issued, and no further progress is made on the application.

## Review of decision not to proceed

An applicant may submit a request to have the SCAP's decision not to proceed to an assessment reviewed by the Commission, within one month of receiving notice of the decision. To apply for a review of the decision an applicant must:

- Complete an [Application to State Planning Commission for review of State Commission Assessment Panel's decision form](#); and
- Submit the form via the relevant application or email the State Planning Commission at [saplanningcommission@sa.gov.au](mailto:saplanningcommission@sa.gov.au)

A review fee is applicable and will be invoiced on receipt of the review request.

The application will be presented to the Commission at a scheduled Commission meeting ([Commission meetings and agenda reports | SA Planning Commission](#)).

The Commission will review the decision and either affirm the 'refuse to proceed' decision of the SCAP or refer the matter back to the Manager Commission Assessment with a direction that the application be assessed.

There is no right of appeal to the Environment Resource and Development Court (ERD) against the delegate's or the Commission's decision to not proceed.

## Questions?

If you have any questions regarding Practice Direction 4 Restricted Development, you can contact Troy Fountain, Manager Commission Assessment on 08 7133 2366 or via email at [troy.fountain@sa.gov.au](mailto:troy.fountain@sa.gov.au).

## INFORMATION TO THE STATE PLANNING COMMISSION FOR AN INITIAL DECISION WHETHER TO PROCEED TO ASSESSMENT

### Restricted Development Application

The following template can be used to outline the reasons why a proposal for a Restricted Development should proceed to an assessment.

Attach this completed template to your application for a Restricted Development along with any other documents or information that may assist the State Planning Commission in determining whether to proceed with an assessment of your proposal.

#### Applicant

[applicant name]

#### Location of the proposal

[street number, street name, suburb, postcode]  
[lot number, plan number, certificate of title number, volume and folio]

#### Description of the proposal

[briefly describe the development]

#### Intent of the Zone (Subzone and Overlay)<sup>1</sup>

Zone, subzone, overlay and general development policies in Planning and Design Code ([the Code](#)) are comprised of desired outcomes (DOs) and performance outcomes (POs). The desired outcome may inform the relevance of performance outcomes and assist in assessing the merits of the development.

[What does the desired outcome of the Overlay and Zone seek to achieve, what is the suitability of the site in this context.

Consideration might be given to specified factors including land use, site dimensions, built form, character and hazard risk minimisation]

#### Consideration of matters outside of the Code

A restricted development may demonstrate merit, despite it not being recognised by the Code.

[Where relevant, describe the

- existing use of land, or pattern of development in the locality that might not fit the intent of the Zone
- impacts the proposed development may have on adjacent properties, or on the locality, and how they be appropriately managed or mitigated
- aspects of the locality or existing land uses that should be considered in the context of the proposal
- aspects of the proposal that respond to a need or demand in the locality that is not recognised by the Code
- aspects of the proposal that provide social, economic or environmental benefit to the current or future community]

<sup>1</sup> The Zoning that applies to your property depends on where it is located. Refer to [Zoning for a property | PlanSA](#) for further information