Planning - Land Division - Building Consent

Appeal a Decision

Version 4.0



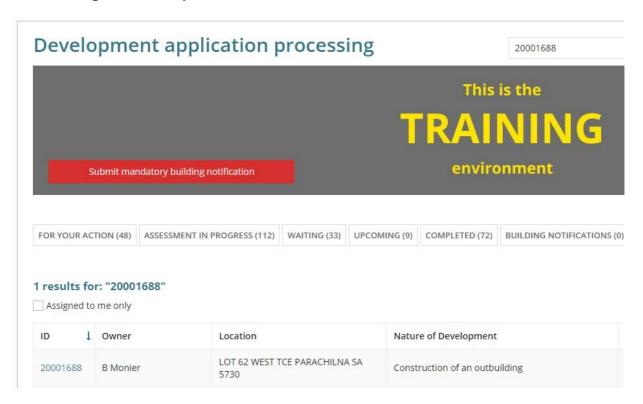
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1. Receive and Record Appeals

Locate the development application consent or development approval

1. Search for the application by 'location' or 'ID' when provided and remove the **Assigned to me option**.

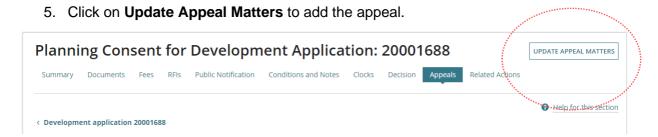


- 2. Click on the **application record** not the ID to view the consent details.
- 3. Click on the consent or development approval being appealed.



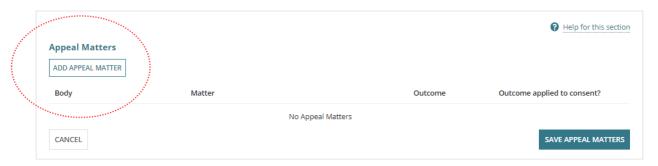
Add an appeal against the Consent

4. Click on Appeals tab.

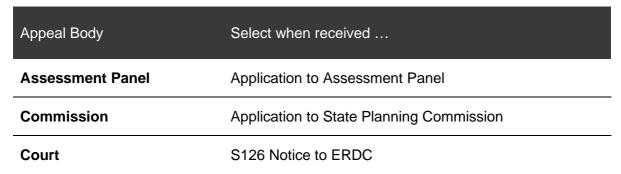


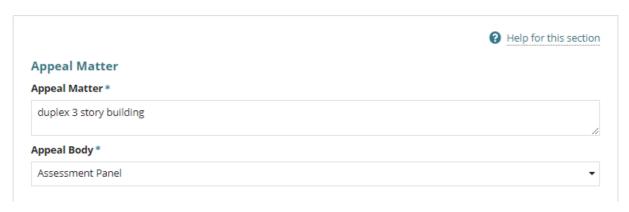
Part 1: Complete the Appeal Matter

6. Within the Appeals Matters page select Add Appeal Matter to capture the details.



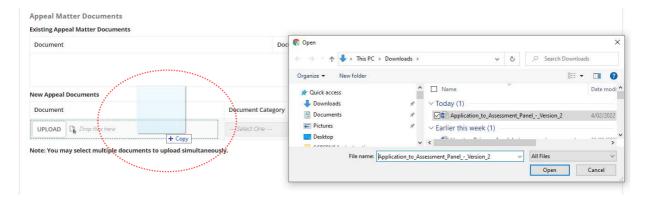
- 7. Leave default Appeal Matter (nature of development) or make edits as required.
- 8. Select the applicable **Appeal Body** from the table below.



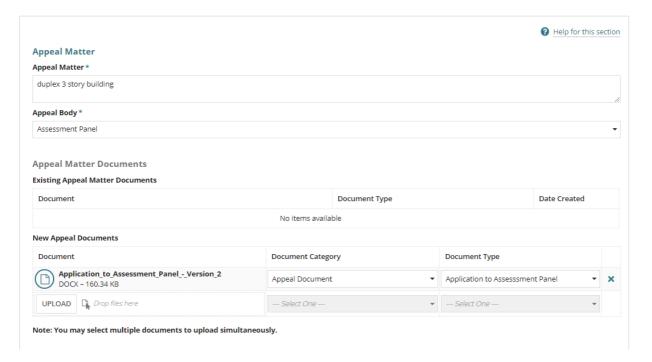


Upload Appeal Matter Documents

- 9. Click on **Upload** located under **New Appeal Documents** section.
- 10. Drag-and-drop from the **Open** window the appeal document, emails, correspondence, meeting minutes etc. to assist in an audit trail.
- 11. Click Cancel to close the Open window.



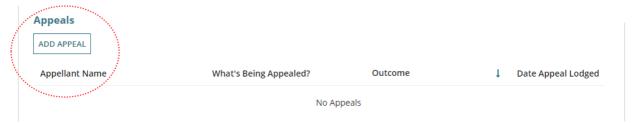
12. Select the applicable document 'Category and 'Type' for each document uploaded.



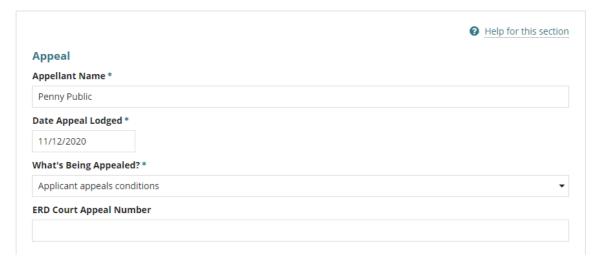
Part 2: Add the Appeal

The purpose of the two-part process is to enable the ability to record multiple appeals against the one matter, for example:

- multiple third party appeals on a single matter, or
- · applicant's appeal against conditions, or
- Third-party appeal against the decision.
- 13. Click on Add Appeal to provide appellant name and what is being appealed.



14. Complete the **Appeal** fields as follows.



- Appellant Name* person making the appeal.
- Date Appeal Lodged* with the assessment panel or court.
- What's being appealed?* Make selection from list of options.

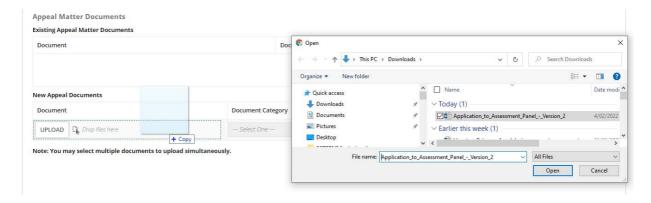
What's being appealed?	Reason required
Applicant appeals conditions	No
Applicant appeals consent refusal as a result of referral agency direction	No
Applicant appeals regarding process	Yes

What's being appealed?	Reason required
Applicant appeals refusal	No
Other, and provide a Reason	Yes
Relevant Authority appeals deemed consent	No
Third Party appeals regarding process	Yes
Third Party appeals consent granted	No

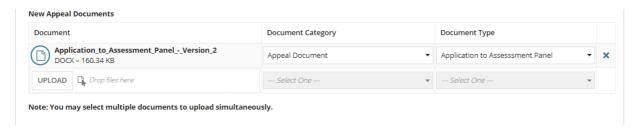
- Reason provide details when shown.
- ERD Court Appeal Number enter if relevant.

Upload Appeal Documents

- 15. Click on Upload.
- 16. Drag-and drop appeal documents into the **Drop files here** field.
- 17. Click Cancel in the Open window.



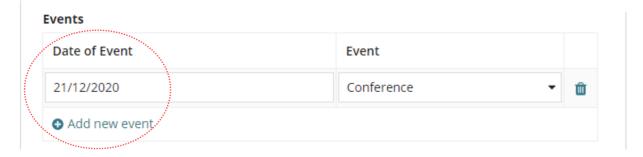
18. Select the applicable document 'Category and 'Type' for each document uploaded.



Record an Appeal Event

An event may include meeting minutes, phone conversations or similar, to assist in keeping an audit trail for the outcome.

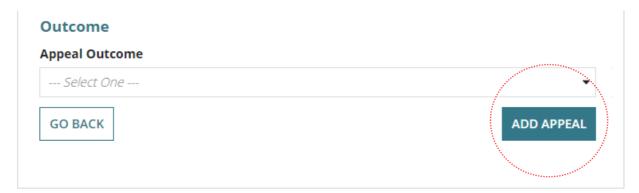
- 19. Click on Add new event.
- 20. Enter date of the event and then select the Event type.



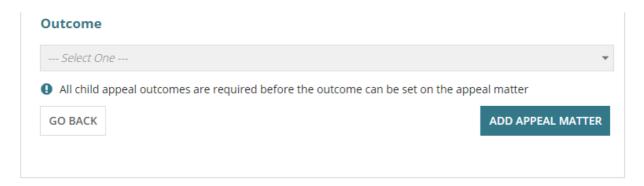
Outcome

Leave the **Appeal Outcome** this field is completed upon receiving the court documents.

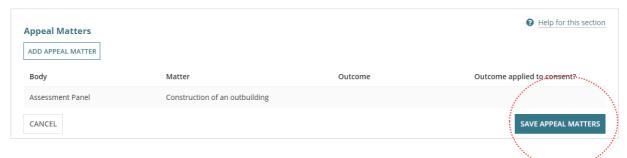
21. Click on Add Appeal to complete.



22. Click Add Appeal Matter to create.



23. Select **Save Appeal Matter** to complete the recording of the appeal matter.



The created appeal shows in the **Appeal Matters** screen, with an option to Update Appeal Matters.

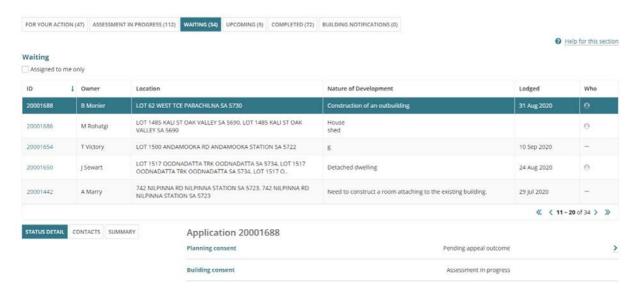
Generate Panel Assessment Report only shows when?

For appeals made against a 'planning consent' the Panel Assessment Report is generated from the Appeals tab or the Documents tab.

24. Return to the **Assessment** dashboard.



25. Click on **Waiting** tab to locate and view the development application with a status of 'pending an appeal outcome'.



2. Update Appeals and Appeal Matter Outcomes

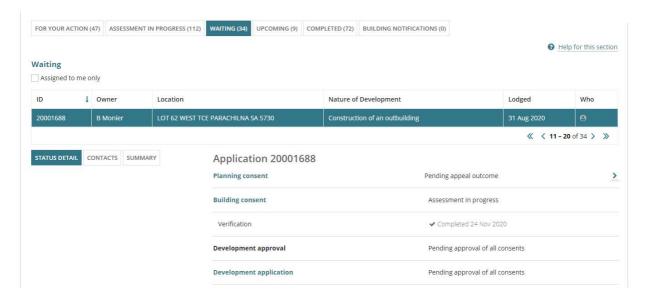
You will need to update an appeal or an appeal matter when notified of an outcome and can including uploading supporting documentation and recording a meeting or phone call.

Locate the development application with a pending appeal outcome

1. Search for the application by 'location' or 'ID' when provided and remove the **Assigned to me option**.

Alternatively, locate within the Waiting tab.

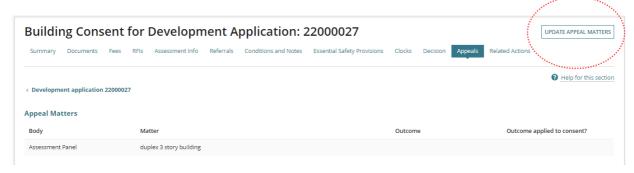
- 2. Click on the **application record** not the ID to view the consent details.
- 3. Click on the **consent** or **development approval** being appealed.



Record Outcome: Appeal

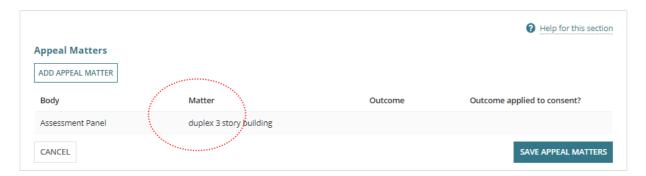
First the outcome of the appeal is added to the appellant's appeal and then followed by adding the outcome to the Appeal Matter.

- 1. Click Appeals tab.
- 2. Click **Update Appeal Matters** to add a new appeal document/s or add an event.



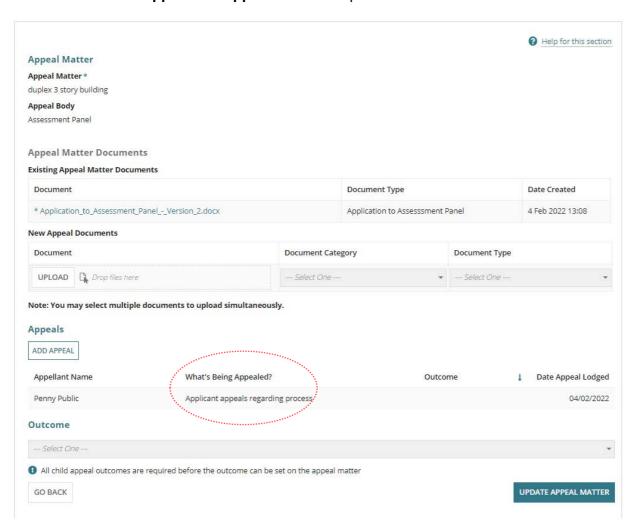
The Appeal Matters screen shows.

3. Click on the Appeal Matter record to edit.

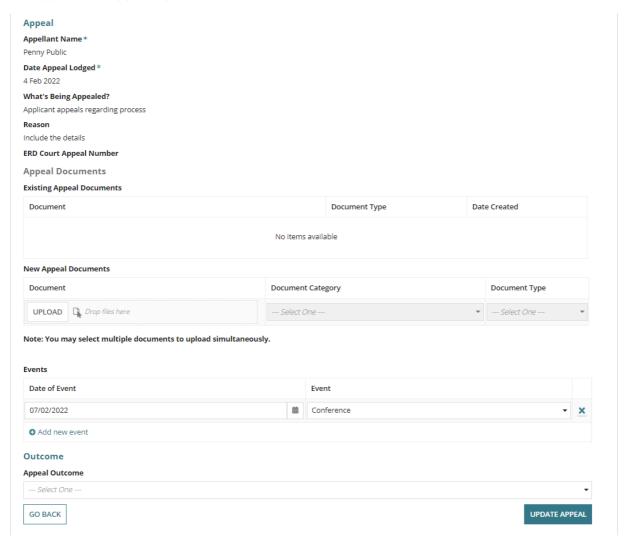


The Appeal Matter and Appeals details are shown.

4. Click on the Appellant's appeal record to open.

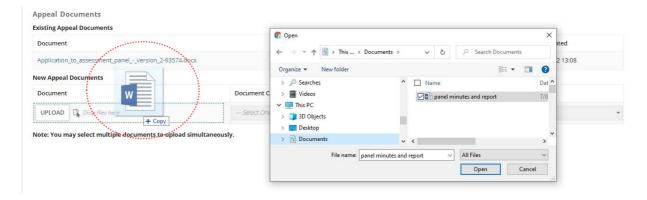


The appellant's appeal opens.

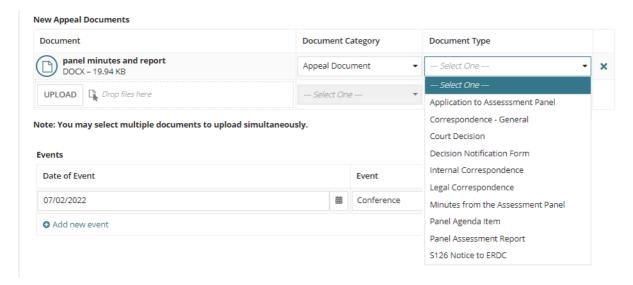


Upload Supporting Documentation

- 5. Click on **Upload** to attach relevant and supporting outcome documentation.
- 6. Drag-and-drop file into the **Drop files here** field.
- 7. Click Cancel to close the Open window.



8. Categorise the Document for example, select **Category** 'Appeal Document' and **Type** 'Minutes from the assessment panel'.



Choose outcome of the appeal

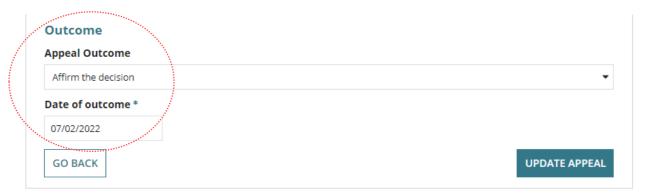
Chose the **Appeal Outcome** from the list of options in the table below and enter the date of the outcome.

Appeal Outcome	Select when decision made by the
Affirm the decision	Assessment Panel, or Court
Confirm the decision	Court
Vary the decision	Assessment Panel, or Court
Set Aside the decision	Assessment Panel
Reverse the decision	Court
Appeal Withdrawn	Appellant

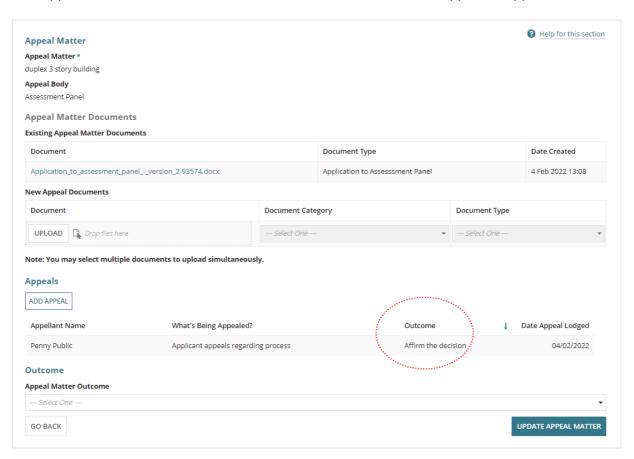
10. Provide a withdrawn reason when the appeal outcome is 'Appeal Withdrawn'.



11. Click on **Update Appeal** to complete.



The Appeal Matter screen shows with the added 'outcome' for the appellant appeal

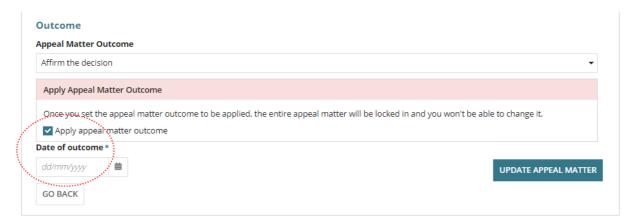


Record Outcome: Appeal Matter

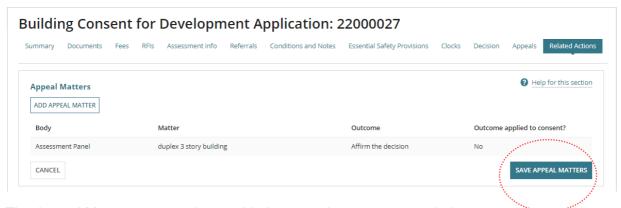
Affirm the Decision and Confirm the decision

For appeal outcomes that are Affirm or Confirm a Decision Notification Form (DNF) is not generated and the consent status updates from 'Under Appeal' to the original decision e.g. 'Granted'.

- 1. Chose **Appeal Matter Outcome** from the list of outcome options, e.g. Affirm the decision.
- 2. Leave the Apply appeal matter outcome flagged.
- 3. Type or select from the calendar the **Date of outcome**.
- 4. Click **Update Appeal Matter** to apply the outcome.



5. Click Save Appeal Matters to complete the outcome



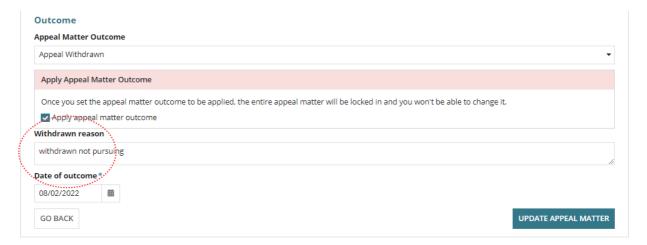
The Appeal Matters screen shows with the appeal outcome recorded.



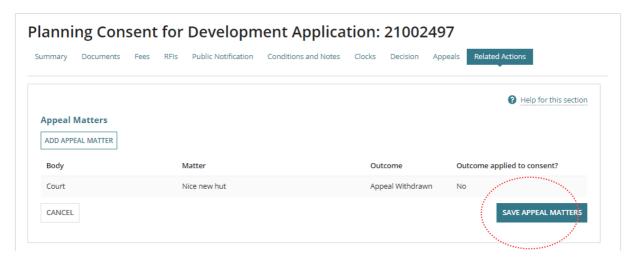
Performed upon request by the appellant.

A Decision Notification Form (DNF) is not generated, and the consent status updates from 'Under Appeal' to the original decision e.g. 'Granted'.

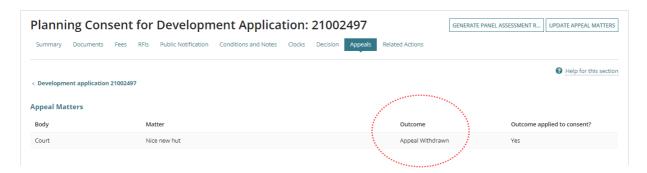
- 1. Chose **Appeal Matter Outcome** from the list of outcome options, e.g. Appeal Withdrawn.
- 2. Leave the Apply appeal matter outcome flagged.
- 3. Provide a withdrawn reason.
- 4. Type or select from the calendar the **Date of outcome**.
- 5. Click **Update Appeal Matter** to apply the outcome.



6. Click Save Appeal Matters to complete the outcome



The Appeal Matters screen shows with the appeal 'outcome' and the 'outcome applied to the consent'.

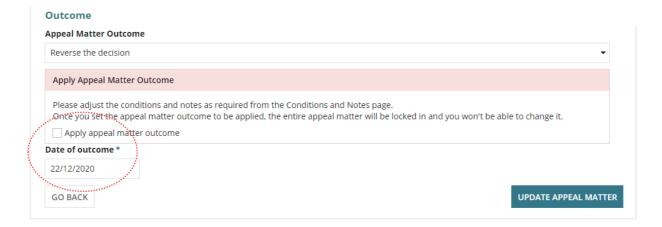


Vary the Decision, Set Aside or Reverse the Decision

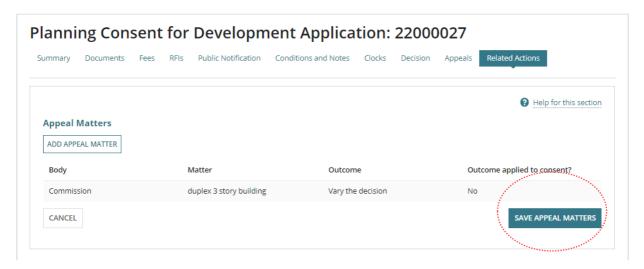
Complete Update Conditions and Notes and then return to the Appeals tab to record the outcome.

- 1. Chose Appeal Matter Outcome from the list of outcome options, e.g. Set Aside
- 2. Leave the **Apply appeal matter outcome** un-flagged.
- 3. Type or select from the calendar the **Date of outcome**.

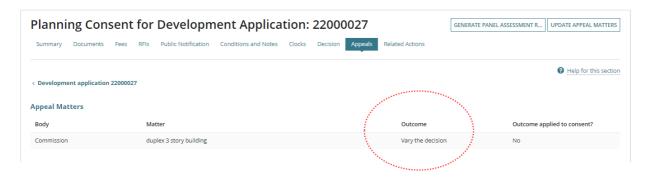
4. Click **Update Appeal Matter** to save the updates and not apply.



5. Click **Save Appeal Matters** to keep the changes.



The Appeals screen shows the outcome of the appeal and 'No' for the outcome applied.



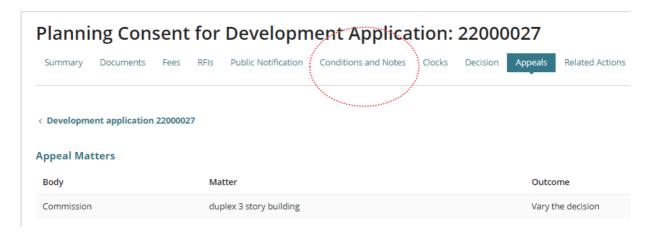
Update Conditions and Notes

Depending on the Appeal decision made the conditions and/or Notes will need to be updated or new condition / note added. The decisions that affect the conditions include:

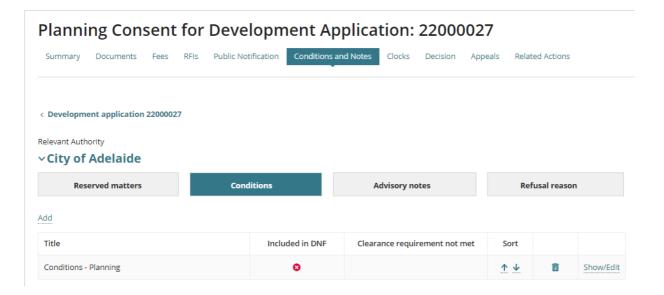
- Vary the decision
- · Set aside the decision
- · Reverse the decision

Upon completion of updating the conditions and notes continue to Update Appeals and Appeal Matter Outcomes.

1. Within the showing **Appeal Matters** screen click on **Conditions and Notes** tab.

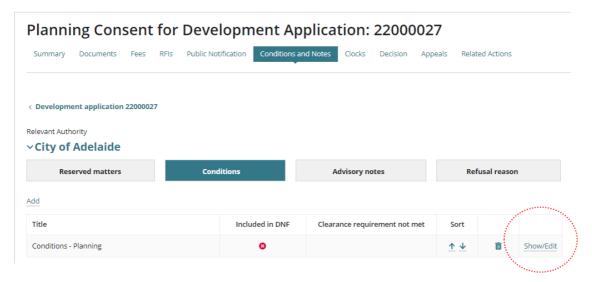


2. Click **Conditions** to view, add or edit the conditions.

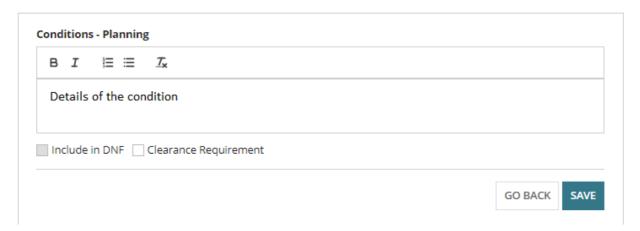


Edit a condition

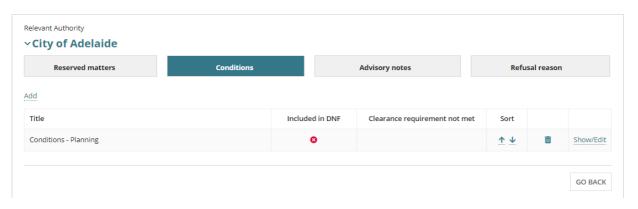
3. Click **Show/Edit** against the condition to amend.



- 4. Update the **Conditions** fields as follows and **Save Changes**.
 - Condition update the details of the condition.
 - Clearance Requirement indicate as required (if applicable).

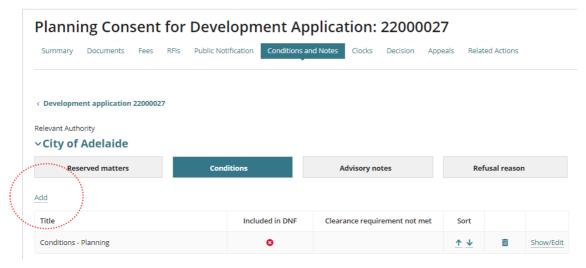


5. Click **Go Back** in the shown relevant authority conditions screen.

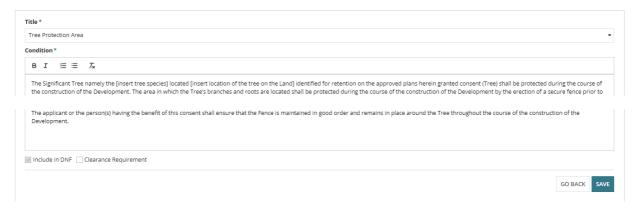


Add a condition

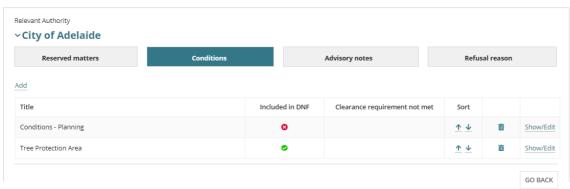
- 6. Click Conditions.
- 7. Click Add to add a new condition.



- 8. Select the **Title** to make a selection from the list of 'standard' conditions or create a new 'other' condition.
- 9. Click Clearance Requirement to flag (if applicable).
- 10. Click Save.



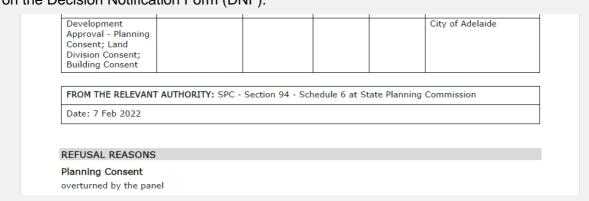
11. Click **Go Back** in the shown relevant authority conditions screen.



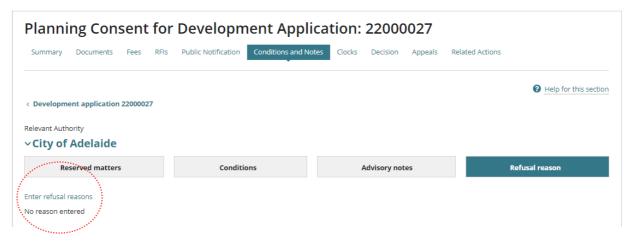
12. As required, repeat the steps for maintain the **Advisory Notes** and/or **Reserved Matters** or add a **Refusal reason**.

Add Refusal Reason

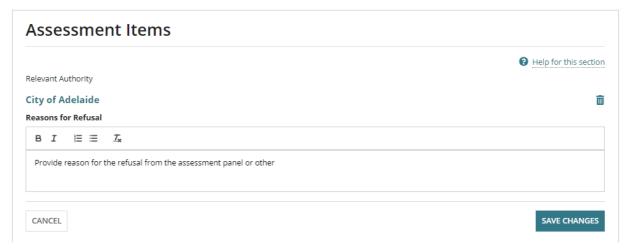
When changing the decision from 'granted' to 'refused' then add a refusal reason to show on the Decision Notification Form (DNF).



- 13. Click Refusal Reason.
- 14. Click Enter refusal reasons.



- 15. Provide the reasons for the refusal.
- 16. Click **Save Changes** to complete the addition.

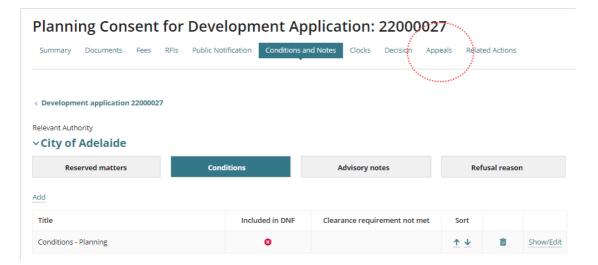


The relevant authority conditions and notes screen shows with 'Reserved Matters' shown by default.

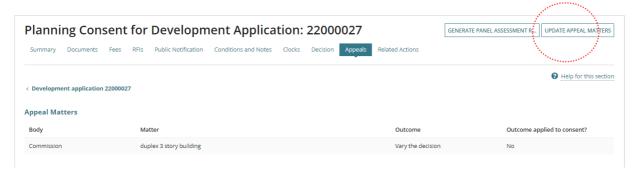
Apply Appeal Matter Outcome

The appeal matter 'outcome' is only updated on completion of Update Conditions and Notes. Upon recording the outcome of the appeal and based on the outcome a:

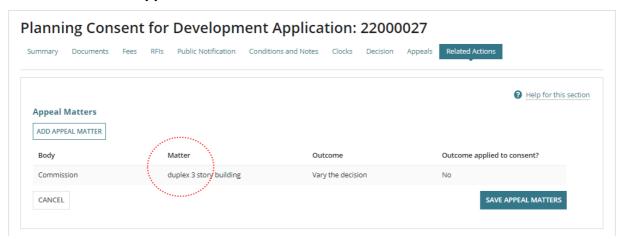
- Revised Decision Notification Form (DNF) is generated (for overturned decisions), and
- Email advising the outcome sent to the applications primary contact, referral bodies and consent relevant authorities.
- 1. Click on Appeals tab within the Conditions and Notes screen.



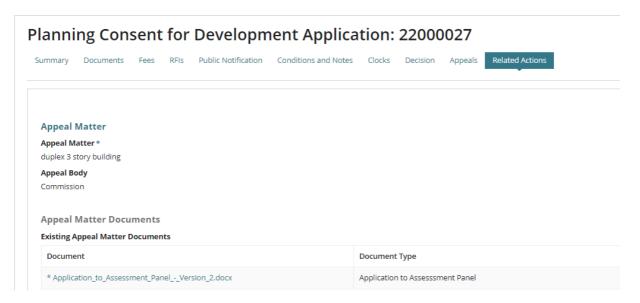
2. Click on **Update Appeal Matters** to view the appeal.



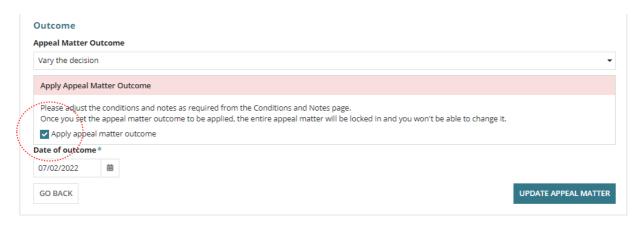
3. Click on the Appeal Matters record to show the details.



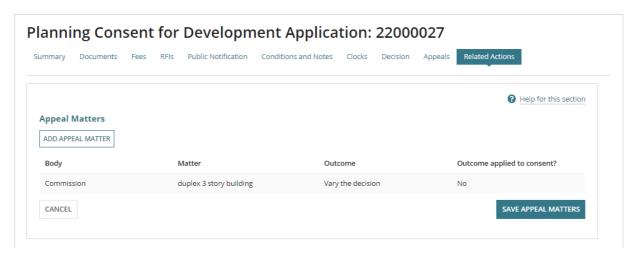
The Appeal Matter screen is shown.



- 4. Click Apply appeal matter outcome.
- 5. Click **Update Appeal Matter** to complete the appeal outcome.



6. Click on Save Appeal Matters to complete the updates.



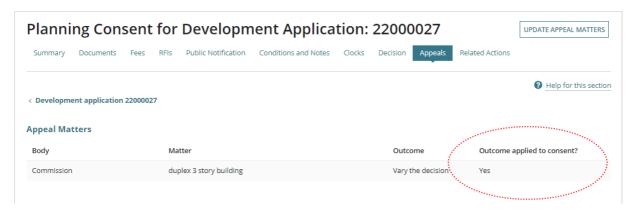
7. Click **OK CONTINUE** to acknowledge the appeal has been recorded and the Decision Notification Form (DNF) will be generated and distributed.

Acknowledge DNF generated pop-up message

Only shows for a 'set aside' and 'Reverse' outcomes; not for 'vary the decision'.



The Outcome applied to consent? has updated to 'Yes' from 'No'.

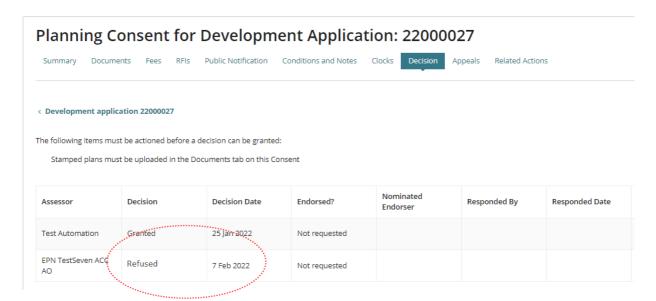


View the Decision

On applying the appeal matter outcome, a new decision record is created for the now 'refused' or 'granted' consent / development approval.

8. Click on **Decision** tab to view the applied outcome.

The **Decision** screen shows with the new 'refused' decision.



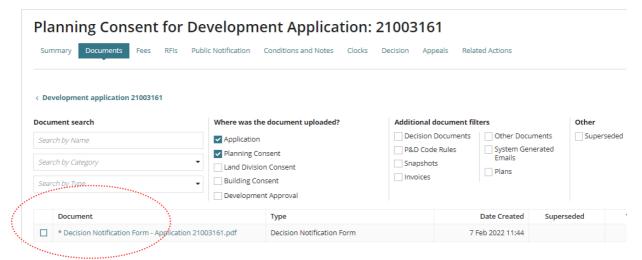
3. Provide the Decision Notification Form

On applying the appeal matter outcome, a Decision Notification Form (DNF) is generated, and an email notification sent to the applicant, primary contact, land owner(s) and relevant parties' e.g. relevant authority, referral bodies, representors etc. for the following appeal outcomes:

- Vary the decision
- · Set Aside the Decision, or
- Reverse the decision

When the applicant and primary contact's communication preferred method is 'post' the DNF will need to be printed and put in the post.

- 1. Click on **Documents** tab to locate the DNF.
- 2. Click on the **Decision Notification Form file name** to download.



3. Scroll to the bottom of the page and click on **download** to open or the opens immediately in Adobe Reader when open preferred method is set.

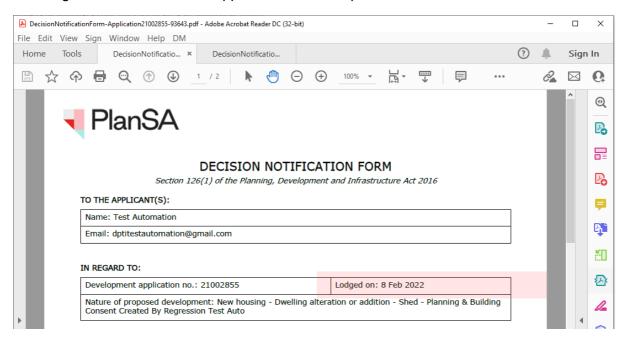


The Decision Notification Form (DNF) shows in a new browser tab and print as required.

Updates made to the re-issued Decision Notification Form

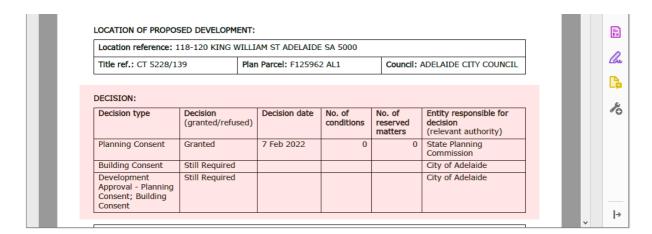
Lodged on Date

The Lodged-on date shows the appeal outcome completed date.



Decision

- **Consent appealed** decision reflects the outcome of the decision (e.g. Granted) when the outcome is 'Vary the decision', 'Set Aside the Decision', or 'Reverse the decision'.
- **Consents** shows 'Still required' when the consent decision changed from refused to granted.
- Development approval shows 'Still required' when the consent decision changed from refused to granted.
- **Decision Date** shows the appeal outcome completed date.
- No of Conditions shows the number of conditions



Refusal Reason

A 'refusal reason' added in the Conditions and Notes will show for the applicable consent when the appeal outcome results in the initial decision being reversed from granted to refused.

REFUSAL REASONS

Planning Consent

Decision handed down from the assessment panel

CONTACT DETAILS OF CONSENT AUTHORITIES

Name: State Planning Commission	Type of consent: Planning
Telephone: 0871097018	Email: troy@sa.gov.au

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning and Local Government for the purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017. Published: 16 December 2021.



Conditions and Advisory Notes

CONDITIONS

Planning Consent

None

ADVISORY NOTES

General Notes

No work can commence on this development unless a Development Approval has been obtained. If one
or more consents have been granted on this Decision Notification Form, you must not start any site
works or building work or change of use of the land until you have received notification that
Development Approval has been granted.

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning and Local Government for the purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017. Published: 16 December 2021.



For more information visit plan.sa.gov.au

