



Q&A

COVID-19 EMERGENCY RESPONSE BILL

What are the changes?

For Crown development and public infrastructure applications the Council consultation period has been temporarily reduced to 15 business days under both the Development Act and the PDI Act. Under the Development Act the Crown Development threshold for public consultation has been raised from \$4 million to \$10 million.

These changes are temporary under the COVID-19 Emergency Response Act 2020 as they are only in place for as long as relevant declarations relating to the outbreak of the human disease named COVID-19 within South Australia have ceased or 9 October 2020 (whichever is the earlier).

Under the Development Act the concurrence process for non-complying development applications under section 35 has been removed permanently – noting that the Development Act will soon be repealed and replaced in full by the PDI Act which does not prescribe a concurrence process for development approvals.

Crown Development \$ Thresholds

Q – Why is the Crown development threshold being increased from \$4 million to \$10 million under the Development Act?

A – Many smaller to medium projects funded by the State Government and Local Councils are expected to be brought forward over the coming months as a response to COVID-19. These projects will be assessed

on a priority basis for funding and that same level of priority should be given to the planning processes. Given the impending roll out of the new planning system will not occur in metropolitan Adelaide until September it is important to ensure that Crown development projects can be assessed and progressed as quickly as possible. Raising the threshold to \$10 million under the Development Act matches the requirements under the PDI Act that will be fully introduced later this year. This will ensure that more of these projects, once funding is secured, can be assessed and commenced more quickly. The need to assess and approve such projects as quickly as possible, while still maintaining an assessment process, is critical to facilitating important stimulus projects to the State's economy.

Q – Is there an assurance that projects will still be subject to sufficient approval processes and oversight

A – Projects subject to these proposed changes will still be subject to a thorough assessment process.

The changes will ensure that a number of medium sized Crown development projects in the State can be assessed and commence more quickly than under the current provisions. The Government considers that increasing this threshold will enable larger projects, those that will provide significant economic stimulus, can be commenced more rapidly. It is worth noting that such projects will still be subject to the full Crown assessment process as well as, in many cases, being subject to referral to the Public Works Committee of Parliament.



Crown Development - reduced timeframe for council consultation

Q – Why are Council consultation requirements being reduced to 15 business days under these proposed changes?

A – These changes are only temporary under the COVID-19 Emergency Response Act 2020 and will not apply after the current public health emergency declarations have been removed or 9 October 2020 (whichever is earlier).

Removal of Concurrence for Non-Complying Development Applications

Q – Why is this change being made?

A – This requirement for concurrence does not exist in the PDI Act. By removing it, there will be a significant reduction in the time taken for developments that, after being assessed by the local council, are deemed appropriate. This is often due to outdated planning policy that does not envisage a particular project and after being assessed as worthy of planning consent, then require a further time consuming concurrence process. Removing this concurrence process will ensure that projects that are approved by the relevant Council can proceed to a development phase much more quickly. Getting projects approved and shovel ready as fast as possible is something that is critical as a means to facilitating continue construction activity in the State.

Q – Does this change to concurrence provisions affect the communities' right to appeal decisions?

A – No, appeal rights are unaffected by this proposed change. All persons who made submission on a non-complying application will continue to be notified of the decision and if approved, they have a right of appeal against that decision with the courts.

