



Guide for Applicants: Crown and Essential Infrastructure Development Applications

Version: October 2023



Photo: Angle Vale School, Department of Education

CROWN AND ESSENTIAL INFRASTRUCTURE DEVELOPMENT APPLICATIONS

Introduction

This guide has been created to assist applicants with the lodgement of Crown and Essential Infrastructure development applications under Sections 130-131 of the *Planning, Development and Infrastructure Act 2016* (PDI Act). This includes:

- » Development undertaken by or on behalf of a State Agency under s.131.
- » Essential Infrastructure undertaken by a State Agency (in conjunction with a private entity) under s.131.
- » Essential Infrastructure sponsored by a State Agency under s.131.
- » Essential Infrastructure undertaken by a 'Prescribed Person' for the purposes of s.130. A Prescribed Person is defined in Regulation 3CA of the Planning, Development and Infrastructure (General) Regulations 2017.

Essential Infrastructure is defined in Part 1(3) of the *PDI Act* and includes infrastructure for the generation and supply of electricity and water, transport networks and facilities, coast protection, health, education, community facilities, police, justice and emergency service facilities.

Crown and Essential Infrastructure development is expected to conform to the same policies and standards as private sector development. Therefore, a State Agency or Prescribed Person wishing to undertake development must first gain approval from the Minister administering the *PDI Act*. A State Agency does not include the Commonwealth Government, the South Australian Housing Trust or a local Council.

The term "development" is defined by legislation and refers to acts and activities associated with, but not limited to:

- » building work
- » a change in the use of land
- » land division
- » activities affecting a State Heritage Place
- » any tree damaging activity for regulated or significant trees
- » prescribed mining operations.



Photo: Whyalla Secondary College, Department of Education

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Pre-lodgement and Design Review

The Planning and Land Use Services division of the Department for Trade and Investment (PLUS-DTI) offers a confidential pre-lodgement service where the merits and technical requirements of a project are considered before formal lodgement. This allows preliminary feedback to be provided from PLUS-DTI, State Agencies and Council to an applicant. This service can also incorporate an independent design review process overseen by the Office for Design and Architecture South Australia (ODASA).

The pre-lodgement and design review services are recommended for significant public sector, Crown sponsored and Essential Infrastructure developments that have important design, heritage, environmental and public space considerations.

The benefits of this process are:

- » Supports high-quality design outcomes
- » Early identification of key planning issues and technical requirements
- » Preliminary feedback from referral bodies, local councils and the assessment authority early in the process
- » Facilitates collaboration between allied professionals
- » Provides progressive certainty to Applicants in preparing their application

For further information on the pre-lodgement service contact PlanSA at PlanSA@sa.gov.au

Further information on the Design Review process is available on the [ODASA](#) website.

Lodging a Crown or Essential Infrastructure Development Application

To undertake a Crown or Essential Infrastructure Development, an application must be lodged with the State Planning Commission (the Commission) by the relevant State Agency or Prescribed Person through the online PlanSA lodgement system.

For applications lodged online, there is no need to print and complete any forms as these are built into the system.

To use the PlanSA lodgement system, you will need to first register for an online account:

plan.sa.gov.au/development_applications/lodge_an_application/create_an_online_account

If you already have an account, you can lodge your development application online:

plan.sa.gov.au/development_applications/lodge_an_application/lodge_online

The Development Application should also be accompanied by supporting documentation (where relevant) which may include but is not limited to:

- » Certificates of Title
- » Covering statement or Planning report
- » Plans and elevations (to scale)
- » Locality plan
- » Environmental and technical reports (including traffic, parking and access; acoustic; vibration; landscaping; site history; stormwater management, waste management; arborist; materials and finishes; environmental sustainability).

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Where a private sector developer is sponsored for the purposes of essential infrastructure, or a State Agency proposes to undertake a development in a partnership or joint venture for a similar purpose the application must be prepared and lodged by the State Agency in accordance with the requirements of the PDI Act, including a copy of the sponsorship letter. All applicants lodging for *Crown Development under section 131* of the PDI Act must be lodged with the Commission for assessment as a Crown Application.

Please refer to **Figure 1** on page 6 for a flowchart of the Crown Development Assessment Process.

Development Exempt from Approval

In certain cases, a development - whole or part - may not require formal development approval due to exemptions within the Regulations. These exemptions generally relate to minor works. Please refer to Schedules 3, 4, 5 and 13 of the Regulations.

Fees and Charges

All applicants lodging Crown Development applications are required to pay lodgement, advertising (where applicable) and assessment fees. Current assessment fees are available on the [Plan SA portal](#).

Public Notification

Crown Development and Essential Infrastructure applications exceeding \$10 million in development cost require public notification for a minimum period of 15 business days. This includes a notice in a newspaper, publication on the PlanSA portal and a sign on the land (if required).

Members of the public are invited to make a written representation during the notification period and can request to provide a verbal submission to the State Commission Assessment Panel (SCAP).

All written representations are provided to the applicant for their consideration and inform the further assessment of the application.

Further information on notification can be found in [Practice Direction 13 - Notification of Crown and Essential Infrastructure Development Applications 2023](#).

Council and Agency Referral

The local Council and relevant State Agencies will be given notice of the application and invited to provide comment on the application. The timeframe to comment is 4 weeks and 6 weeks respectively.

The applicant may be requested to provide a response to Council and State Agency comments to address or resolve outstanding issues.

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Assessment

Following the completion of the referral and notification steps, and if no further information is required from the applicant, a Planning Assessment Report is prepared by a PLUS-DIT planning officer for the consideration of the SCAP (or straightforward applications may be considered under delegation). The SCAP provides advice to the Minister for Planning (the Minister) on the proposal.

SCAP Hearing

Where a representor wishes to be heard by the SCAP or where significant planning issues or concerns are raised by a council or referral body, SCAP will convene to consider the application and provide advice to the Minister.

Decision

The Minister (or delegate) is the decision maker for all Crown and Essential Infrastructure Development Applications.

The Minister may approve all or part of a development, impose conditions or refuse the proposal. There are no appeal rights against the Minister's decision.



Photo: Taillem Bend 1 Solar Farm, Vena Energy

Figure 1: Crown and Essential Infrastructure Development Assessment Pathway



**when there is outstanding information the application will be put on hold*

Proponent Department State Commission Assessment Panel Minister



Photo: Whyalla Secondary College, Department for Education

For further information visit
plan.sa.gov.au



Government of South Australia
Department for Trade
and Investment