

Record management requirements

Under the new planning system, the way in which planning documents are stored and accessed has changed.

Important changes to record management

The new planning system sets out how planning documents will be managed, stored and accessed as outlined by the *Planning, Development and Infrastructure Act 2016 (the Act)*. Under the new system:

- the Chief Executive of the Attorney-General's Department is required to maintain a website (the PlanSA portal) for the purposes of the Act which includes the online delivery of services and information, other information or documents specified by the Commission or that are required to be published on the PlanSA portal by the regulations. The PlanSA portal is also required to have a facility that allows members of the public to make submissions and provide feedback in relation to matters involving consultation or notification.
- the Minister may issue a direction (after taking into account the advice of the Commission) prohibiting, restricting or limiting access to any document, instrument, or material on the PlanSA portal on the grounds of confidentiality or privacy, commercial value or sensitivity, safety or security (including building security) or any other matter prescribed in the regulations. A Minister's direction may provide access subject to conditions specified in the direction.
- the Commission may prepare and publish standards and specifications that may include requirements as to the accessibility of the PlanSA portal and requirements as to the recording, management, preservation, storage archiving and (if appropriate) disposal of any document.
- councils will no longer be required to maintain a register of development applications, or provide public access to inspect or provide copies. The requirement under the corresponding PDI regulation 120 is for the register to be housed and accessible via the PlanSA portal.
- councils will no longer be required to retain or provide access to or copies of building plans and details. Building plans and details will be lodged on the PlanSA portal under section 53 of the Act.
- private certifiers are no longer required to provide an authorised officer documents relating to any building consent, or provide council with any documents relating to a development plan consent issued by a private certifier. Development applications, associated plans and details will be lodged on the PlanSA portal under section 53 of the PDI Act.
 - there is still a requirement under PDI Regulation 121 for accredited professionals to ensure that they are able on request to provide an authorised officer documents relating to an application they have dealt with as there was for private certifiers under Developments Regulation 102.

- the *State Records Act 1997* does not apply to or in relation to a record (within the meaning of that Act) that is received, created or held under Part 4 Division 2 of the Act.
- the *Freedom of Information Act 1991* does not apply to or in relation to a document (within the meaning of that Act) that is received, created or held under Part 4 Division 2 of the Act.
 - Requests for council documents under the *Freedom of Information Act 1991* should be made directly with council.
- the Chief Executive may, with the approval of the Minister, impose fees and charges with respect to or gaining access to, or obtaining, information or material held under Part 4 Division 2 of the Act.
- the Minister, the Commission or the Chief Executive, acting for the services of the State are authorised to publish any material for which copyright exists. However they may refuse to accept any agreement not covered by a copyright agreement or where the issue of copyright has not been dealt with appropriately or adequately.

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