

## Processing variations to development authorisations

Section 128 of the *Planning Development and Infrastructure Act 2016* (PDI Act) establishes that a person may seek the variation of a development authorisation previously given under the PDI Act (including by seeking the variation of a condition imposed with respect to the development authorisation).

A variation application may only be made if the relevant authorisation is still operative, and cannot seek to extend the period for which the authorisation remains operative (this can be done separately under section 126 of the PDI Act).

Variations to authorisations granted under the PDI Act are processed by lodging plans through the PlanSA portal.

Variations to development authorisations are processed in different ways depending on the nature of the variation.

### 1. Minor variations

If a person requests the variation of a development authorisation and the relevant authority is satisfied that the variation is minor in nature, regulation 65 of the *Planning, Development and Infrastructure (General) Regulations 2017* establishes that:

- the relevant authority may approve the variation; and
- the request is not treated as a new application for development authorisation.

However, the following administrative steps should be followed by the relevant authority:

- endorse the notice that was given for the original development authorisation, including by noting the date of the minor variation and the nature of the variation
- further endorse (e.g. stamp) any plans, drawings, specifications or other documents or information that were endorsed at the time that the original development authorisation was given, noting the date of the minor variation
- in the case of any new plans, drawings, specifications or other documents or information, note the minor variation and make an endorsement
- a minor variation fee may be charged as prescribed in the *Planning, Development and Infrastructure (Fees) Notice 2021*.

## 2. Variation application

A variation which is not minor in nature requires lodgement of a new development application to vary the original development authorisation. This should be lodged through the PlanSA portal in the same way as a regular development application, and fees apply accordingly depending on the cost/nature of the variation.

## 3. New application

Where a variation changes the essential nature of a development, it should be lodged as an entirely new development application.

### **What about variations to applications that were originally authorised under the former *Development Act 1993*?**

- Where a variation to an existing authorisation under the *Development Act 1993* is determined to be minor, the variation can be processed outside of the PlanSA portal exercising the same administrative steps as outlined in step one above.
- The relevant authority may charge the Minor Variation fee as prescribed in the Planning, Development and Infrastructure (Fees) Notice 2021.
- If the variation is determined not to be minor, a new variation application must be lodged (the same way that a new application was required for variation applications under the *Development Act 1993*), but it will be submitted via the PlanSA portal. Fees will be charged in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* and the Planning, Development and Infrastructure (Fees) Notice 2021, and a Decision Notification Form under the PDI Act will need to be issued.

Decision Notification Form template:

[plan.sa.gov.au/resources/forms/Decision\\_Notification\\_Form\\_DNF](http://plan.sa.gov.au/resources/forms/Decision_Notification_Form_DNF)

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