



**Planning & Land Use Services**

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## **Additional Advice for Councils and Industry groups**

### **Emergency Planning Powers enabling the Minister to designate classes of development to be assessed by the State Planning Commission**

Due to the current COVID-19 pandemic, variations to the Development Regulations 2008 under the Development Act 1993 were made on Thursday 9 April 2020.

One of the key measures introduced as part of these variations is a provision that enables the Minister, by notice placed on the SA Planning Portal, to designate a class or classes of development that are to be assessed by the State Planning Commission through its assessment body, the State Commission Assessment Panel (SCAP).

The provision further provides that where such a development is designated in a notice, the State Planning Commission may:

- adopt any assessment, finding or determination that was made by a relevant authority that has been acting in relation to the proposed development, and
- continue to assess the proposed development from the stage reached immediately before the Minister designated the development in the notice

These regulation variations have been made following evidence of some delays in processing applications due to the increased number of councils temporarily reducing or shutting core functions or through reduced staff numbers. The Minister's powers will only be exercised where there is a clear and demonstrated delay to development applications, particularly where applications are of economic importance or significance. In particular, Councils are encouraged to contact the Department should they experience increasing work pressures or delays due to reduced staff levels during the current public health emergency.

While the regulation variations also remove the requirement for developments called in by the Minister, or otherwise assessed by the SCAP, to be referred to the relevant Council for advice, the Department will ensure that where technical or key planning information is required from a Council that will still be sought.

Other changes made through these regulations, include

- Amending the provisions relating to development applications referred to Government Agencies to require advice to be provided within 20 business days and requests for further information to be made within 5 business days.
- Ensuring that public meetings relating to development matters can be held by audio or audio-visual means.
- Ensuring that where required public inspection of development applications can be via the internet.
- Temporary removal of conditions of planning consent that limit the hours in which goods can be delivered to any premises specified in a notice on the SA Planning Portal by the Minister. These could include, for example, restaurants providing take-away meals, chemists or bottle shops.

The Government and Department are committed to ensuring that all partners in the development approval system can receive support and assistance where required to ensure that the continued flow of construction work is not unduly disrupted. In particular this will ensure there are sufficient numbers of approval ready projects that can commence when the current social distancing and working restrictions are relaxed or lifted.