How to... Serve a Deemed Consent Notice



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Background

A Deemed Consent Notice is used to obtain a 'deemed planning consent' for a development application. This notice may be served on a Relevant Authority by an applicant when a Relevant Authority fails to make a decision within the time prescribed in the regulations.

A Deemed Consent Notice does not apply in relation to Impact Assessed development where the Minister is the Relevant Authority.

Attached to this notice is State Planning Commission Practice Direction 11 (Deemed Planning Consent Standard Conditions) 2020, which specifies the standard condition(s) for the purpose of the deemed planning consent. The Deemed Consent Notice is to be in the prescribed manner and form that is available on the PlanSA portal (a Deemed Consent Notice – <u>Deemed Planning Consent Notice</u>)



The process for issuing a deemed planning consent is, as follows:

- When the timeframe has not been met, the applicant may serve notice on the Relevant Authority by:
 - \circ $% \ensuremath{\mathsf{Notice}}$ lodged through the applicants development application via the DAP system, or
 - o Registered post.
- On receipt the Relevant Authority will be taken to have 'granted' the consent.
- The Relevant Authority has up to **10 business days** to issue its own consent with or without conditions, which if issued supersedes the deemed consent.
- If the Relevant Authority fails to issue its own consent, the standard conditions specified by a practice direction will apply to the deemed consent.

The Relevant Authority then has **one month** within which to apply to the court for an order quashing the consent. The ability for an authority to apply to the court for the consent to be quashed will guard against administrative mistakes that could lead to undesirable outcomes.

Serving a Deemed Consent Notice on planning consent

- 1. Search for the application.
- 2. Click on **ID number** to open the development application.

		the		A DATE TO
Start a ne	w application	Access	an application submitted by	Submit mandatory buildin
	198 m	eres I	someone else	
		DRAFT (A)	LAND DIVISION CERTIFICATES (0)	CERTIFICATE OF OCCUPANCY (6)

	ID	t	Owner	Location	Nature of Development
2	23000903		P Public	56 ROBE ST ROBE SA 5276	Land division (1 allotment into 2)

The Development application summary screen is shown.

Summary Documents Event History Sharing access Inspection Related Action	ins	UPLOAD ADDITIONAL DOCUMEN
31 20 21 23 13 11 0 7 0 3 42 31 20 21 13 17 15 13 14 3 3 14 3 3 14 3 3 10 14 10 26 20 20 20 20 20 20 20 20 20 20 20 20 20 20 24 20 20 24 20 20 24 24 20 20 24 20 20 24 24 20 24 20 24 20 24	Application Status: Lodged Fees Outstanding: No Development Location(s)	

3. Click on 'Planning consent' within the Status detail view.

	> Zoning Information	
South Australian Property and Planning Atlas (SAPPA) in a new n	Your actions	
	Apply for next consent	
	Status detail	
3	Planning consent	Assessment in progress

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4. Click on Related Actions and then Serve Deemed Consent Notice.

Summar	y Documents	Fees	Related Actions			
Ø	Serve Deemed C	onsent	Notice	4		

Serving a deemed consent notice on a combined planning & land division consent

The option to 'Service Deemed Consent Notice' with the **Related Actions** tab is not available for a combined planning and land division consent, instead follow the alternate instructions below and send the notice by 'registered post'.

- a. Download the Deemed Consent Notice from PlanSA on page 5.
- b. Complete the Deemed Planning Consent Notice on page 6.
- c. Send the notice by 'registered post' to the relevant authority.
- 5. Click on Deemed Consent Notice Template.

Advisory	Notes
By subm	itting the deemed consent notice, the relevant authority associated with the consent will be notified
lf a relev apply to	ant authority considers that the relevant application for planning consent should have been refused the relevant authority may the Environment, Resources and Development Court for an order quashing the deemed planning consent.
Any appl	ication to quash the deemed planning consent must be made within 1 month after the deemed planning consent is taken to have
been gra	inted unless the Court, in its discretion, allows an extension of time.
been gra	eemed Consent Notice*
been gra Ipload De UPLOAD	emed Consent Notice*
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- 6. The PlanSA **Deemed consent notice** page shows with the current version of the Deemed Consent Notice form.
- 7. Download the form and then:
 - a. Complete the Deemed Planning Consent Notice instructions on page 6, and
 - b. Save Deemed Consent Notice on page 9.

Deemed consent notice	
This form can be given to a relevant authority to obtain planning consent for a development application where the assessment time has been exceeded.	Related Documents
Versions	
Current Deemed Consent Notice form - Version 1 (18 June) 2020) (MS Word Document 214.2 KB) Published 18 June 2020	



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8. Return to Serve Deemed Consent Notice.



9. Click **Upload** to locate the saved notice and then drag-and-drop into the *Drop files here* field.

erve Deemed Consent Notice			
Advisory Notes			
By submitting the deemed consent notice, the relevant authority associated	with the consent will be notified		
f a relevant authority considers that the relevant application for planning co quashing the deemed planning consent.	Open ← → ✓ ↑ ↓ > This PC > Downl	loads > → ♂ ♂ P Search Downloads	
my application to quash the deemed planning consent must be made within me.	Organize - New folder		
Ioad Deemed Consent Notify 9	This PC Desktop Cocuments Downloads	Name V Today (1) Deemed Planning_Consent_Notice Vesterday (2) Vesterday (2)	3
ANCEL	File name: Deemed_	Planning_Consent_Notice V All Files Open Ca	incel

10. Click Submit to complete and serve the notice to the Relevant Authority.



On submission of the Deemed Consent Notice you will receive an email notification advising 'the notice has been served' including a link to view the development application.



Download the Deemed Consent Notice from PlanSA

- 1. Open PlanSA
- 2. Type 'Deemed Consent' in the Find something field and search.

🖣 PlanSA		Online Payments	Register ,Q Login Optio	ns -Đ	nt Q	1
Development applications 🔻	State snapshot 🔻	Have your say 🔻	Our planning system 🖣	Resources *	News	
		100	A State of the		ka	

3. Select the top result Deemed Consent Notice | PlanSA showing PUBLICATION.

deemed consent	Q
howing 1 – 10 of 73 search results for deemed consent	
Results	
Results	
Results	PUBLICATION

- 4. The PlanSA **Deemed consent notice** page shows with the current version of the Deemed Consent Notice form.
- 5. Download the form and then:
 - a. Complete the Deemed Planning Consent Notice instructions on page 5, and
 - b. Save Deemed Consent Notice on page 8.



How to... Serve a Deemed Consent Notice



Complete the Deemed Planning Consent Notice

1. Click Enable Editing to complete the notice.

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FILE HOME	INSERT DESIGN PAGE LAYO	UT REFERENCES MAIL	INGS REVIEW	VIEW	DEVELOPER	ADD-INS DM	1	ľ,
PROTECTED VIE	W Be careful—files from the Internet c	an contain viruses. Unless you r	eed to edit, it's safer	to stay in Prot	tected View.	Enable Editing		1 🔸
L 1-1		. 5 6 7 8	9 · · · 10 · · · 11 · · ·	12 · · · 13 · · ·	14 · · · 15 · · · 1	16 · · · 17 · · · .	19	
2								
-		EEMED PLANNIN		NOTICE				
-	Issued pursu	ant to section 125 Planning,	Development and	l Infrastructur	re Act 2016			
-								
	Date of Notice:	Click here to enter text.	Applicant to insert	date]				
	From:	Click here to enter text.	Applicant name]					
-	To:	Click here to enter text. [Relevant authority	name]				
- -	By post (registered mail):	Click here to enter text. [OR	Relevant authority	postal addre	ess]			
- - 4	Electronic:	Through the PlanSA web	site					
- -								
-	For Development Appl	ication:						
7 - 1 - 6	Development application number	Development application date	Category/classi of development	ification	Development verification d	t late		
-	Click here to enter text.	Click here to enter text.	Click here to ent	er text.	Click here to e	enter text.		

Locate Information to Complete the Development Application Section

Return to **Served Deemed Consent Notice** screen to complete the following fields within the *Deemed Planning Consent Notice* template.

For Development Application:



a. Development application number

The application number is located in the consent screen.

F	Planni	ng and	Lanc	l Divisio	n Consent for	Develop	ment Ap	olication: 2	21001476
	Summary	Documents	Fees	Related Actions					a
	Serv	e Deem	ned C	onsent N	Notice				
	Advisor	y Notes							
	By subn	nitting the deem	ned consen	t notice, the releva	ant authority associated with	the consent will be	notified		
	lf a relev quashin	vant authority cong the deemed p	onsiders th blanning co	at the relevant ap nsent.	plication for planning consen	t should have been	refused the relevant	t authority may apply t	o the Environment,

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The **Development application date** is the date the lodgement fee advice is paid. To source this date, go to the **Fees** screen and the 'paid on date' is visible from the lodgement fee advice record.

Planning and Land Division Consent for Development Application: 21001476		
Summary Documents Fees Related Actions		
< Development application 21001476	Help for this section	
All fees raised on this application		
Fees raised for this Consent		
Lodgement Fee Advice - Planning and Land Division Consent - 3607 - Paid on 03/06/2020	>	

c. Category/classification of development

The category of development is recorded in the **Summary** screen under the heading **Category of development for this consent**.

Summary Documents Fees Information	evelopment Application: 2 n Requests Public Notification Related Actions	21001476
< Development application 21001476		
Consent status: Under Assessment		
Development location(s)		Zoning information
21 WOODRUP RD WUDINNA SA 5652		Zones
Title ref CT 6108/237 Plan parcel D90948 AL22	Council Wudinna District Council	Neighbourhood
Nature of development		Overlays
New dwelling and garage		Native Vegetation
Proposed use		Technical Numeric Variations (TNVs)
Development cost (excluding fit-out) Category of development <u>edit</u>	\$300,000	Minimum FrontageMinimum Site Area
Telecommunications facility		
Telecommunications facility	Code Assessed - Deemed to Satisfy	
Category of development for this consent		
Development category Reason	Code Assessed - Deemed to Satisfy P & D Code	

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d. Development verification date

In the Summary screen, select the Development application link to view the details.

Planning Consent for Development Application: 21001476				
Summary Documents Fees Information Requests Public Notification Related Actions				
< Development application 21001476				
Consent status: Under Assessment				
Development location(s)	Zoning information			
21 WOODRUP RD WUDINNA SA 5652	Zones			

The 'verification date completed' is displayed under the Status detail section.

	> Zoning information	
South Australian Property and Planning Atlas (SAPPA) in a new n	Your actions Apply for next consent	
	Status detail	
	Planning consent	Assessment in progress
	Verification	d Completed 3 Jun 2020
	Fee Payable	✓ Payment received 3 Jun 2020

Working Out the Timeframes Answers

Timeframes Applicable to this Development Application

- As the relevant authority for this application you were required to determine the development application within Click here to enter text. [Applicant to insert number of business days prescribed by the Regulations] days from the date of the application.¹
- 2. The time to determine the application lapsed on Click here to enter text. [Applicant to insert date]
- 3. As of the date of this Notice the development application has not yet been decided.

Q 1 Working out the number of business days prescribed

Refer to section **Making the Decision – Assessment Timeframes** with the <u>Guide to</u> <u>Development Assessment – PDI Act</u> for more information.

When working out the number of business days, remember to deduct the following;

- Public holidays
- Request for information
- Christmas period 3 days between Christmas eve and new year's eve (as per Regulations)

Q 2 Working out the date the determination lapsed on

Using the timeframe calculated above to determine the date lapsed.

Save Deemed Consent Notice

2. Click **File** to save the documentation to a folder location on your computer and/or print if sending via registered post.

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FILE HOME	INSERT DESIGN PAGE LAYOUT	REFERENCES MAILINGS	REVIEW	VIEW	ADD-INS	DM
Paste	Arial \cdot 10 \cdot A [*] A B I U \cdot abc x_2 x^2 A^* abc	a •	€≣ ₱≣ ĝ↓ ≣ • ð• • ⊞	¶ • 11 B	aBb DP Hea	AaBbCc 1 Bullet 1
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3	Issued purs	Deemed Planni suant to section 125 Plannin 11 August 2020 [Applic D Public [Applicant nar	ng Conse g, Developme rant to insert o	ent Not ent and Ini date]	t ice frastructure	e Act 2016
	Issued purs Date of Notice: From: To:	Deemed Planni suant to section 125 Plannin 11 August 2020 [Applic D Public [Applicant nar Council Name [Releval	ng Conse g, Developme cant to insert o ne] nt authority na	ent Not ent and Ini date] ame]	t ice frastructure	e Act 2016
2	Issued purs Date of Notice: From: To: By post (registered mail)	Deemed Planni suant to section 125 Plannin 11 August 2020 [Applic D Public [Applicant nar Council Name [Releval : Click here to enter text. OR	ng Conse g, Developme ant to insert o ne] nt authority na [Relevant au	ent Not ent and Ini date] ame] ithority po	tice frastructure stal addres	e Act 2016

- 3. Click Save As to choose a specific folder location.
- 4. Once saved you are returned to the Deemed Planning Consent Notice as required, return to **File** to **Print** the notice.



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