

Respond to Deemed Consent

Version 2.2



Government of South Australia

Department for Trade
and Investment

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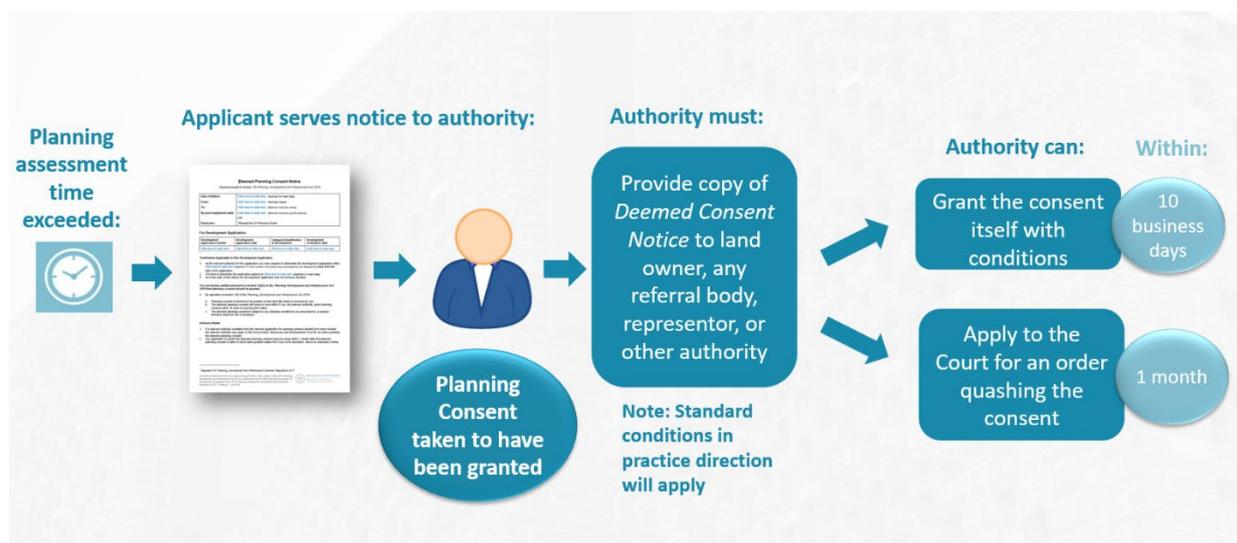
Overview of the Deemed Consent Notice

Where to look:

Act: Section 125

Regulations: Regulation 54

If a Relevant Authority does not decide an application within the time prescribed in respect of the provision of planning consent, the applicant may, before the application is decided, give the Relevant Authority a notice in the prescribed manner and form (a Deemed Consent Notice – [Deemed Planning Consent Notice](#)) that grants the planning consent.



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

- When the timeframe has not been met, the applicant may serve notice on the Relevant Authority by:
 - Notice lodged through the applicant's development application via the DAP system, or
 - 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.

Receive Deemed Consent Notice – Served Online

When the applicant serves the Deemed Consent Notice online through the DAP an email notification is received by the Relevant Authority and other relevant parties e.g. referral agency, and land owner(s).

1. Search for the application using the **ID** number.
2. Remove the **assigned to me** to show all applications.
3. Click on the ID number to open the development application.

The development application action is 'Process Deemed Consent' and the clock set to 10 (business days).

Development application processing



FOR YOUR ACTION (607)
ASSESSMENT IN PROGRESS (717)
WAITING (133)
UPCOMING (213)
COMPLETED (930)
BUILDING NOTIFICATIONS (42)
RE-INSPECTION NOTIFICATIONS (0)

1 results for: "21001157"

Assigned to me only

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged
21001157	A Chak	14 POPE ST ADELAIDE SA 5000	DP3-2306 , 2503 2612	City of Adelaide	5 Oct 2021

The Development Application Summary shows with the tasks requiring your action, includes the 'Process Deemed Consent' with 10 business day clock.

Development application: 21001157

Summary
Documents
Event History
Inspection
Related Actions



This application currently requires 2 actions from you

- Start Verification
🕒 5
- Process Deemed Consent
🕒 10

Development Location(s)
14 POPE ST ADELAIDE SA 5000

Title Ref: CT 5796/10 **Plan Parcel:** C20630 FL3

Additional Location Information:
Council: Adelaide City Council

- Click on the Planning consent from the **Assessment status** table.

The serving of the Deemed Consent Notice has automatically 'Granted' the consent.

Assessment status				
Consent / Stage / Dev. Approval	Relevant Authority	Allocated Assessor	Status	Days
✓ Planning Consent	Assessment Panel at City of Adelaide	Type to select the user	Granted	
▶ Building Consent	City of Adelaide	Type to select the user	Awaiting Verification	🕒 5
Development Approval for: Planning Consent Building Consent	City of Adelaide	No assessor assigned Edit	Awaiting Precursor Consent	

> View team workload [Help for this section](#) [SAVE USER ALLOCATION](#)

- Click on the **Documents** tab to view the served 'Notice of Deemed Consent' document.
- Click on the **document file name** of the Notice of Deemed Consent to download.

Planning Consent for Development Application: 21001157

Summary **Documents** Fees RFIs Public Notification Conditions and Notes Clocks Decision Appeals Related Actions

< Development application 21001157

Document search

Search by Name

Search by Category

Search by Type

Where was the document uploaded?

Application

Planning Consent

Building Consent

Additional document filters

Decision Documents System Generated Emails

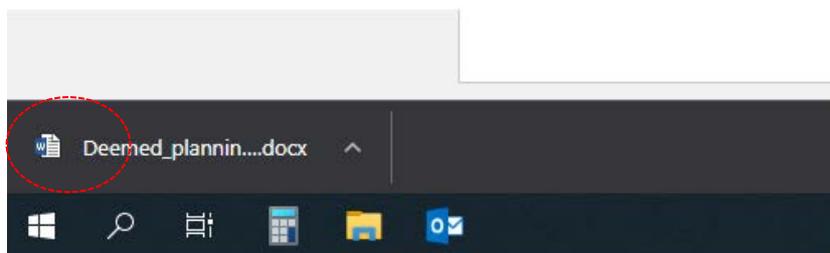
P&D Code Rules Plans

Snapshots Public Notification

Invoices

	Document	Type	Date Created	Supers
<input type="checkbox"/>	* Consent awaiting verification for application with ID 21001157 _ Address_ 14 POPE ST ADELAIDE SA 5000.html	Email	18 Mar 2022 9:23	
<input type="checkbox"/>	* Deemed consent notice for application ID 21001157 _ Address_ 14 POPE ST ADELAIDE SA 5000.html	Email	18 Mar 2022 9:22	
<input checked="" type="checkbox"/>	* Deemed consent notice for application ID 21001157 _ Address_ 14 POPE ST ADELAIDE SA 5000.html	Email	18 Mar 2022 9:22	
<input type="checkbox"/>	Deemed_planning_consent_notice-84964.docx	Notice of Deemed Consent	18 Mar 2022 9:22	

- Click on the file download (unless opened automatically) to open and print as required.



Receive Deemed Consent Notice – Served by Registered Post

When the applicant serves the Deemed Consent Notice by registered post, scan the notice to upload whilst completing the serving of the Deemed Consent Notice on-behalf of the applicant.

On completion an email is received by the Relevant Authority, applicant, land owner(s), and referral agencies advising a Deemed Consent Notice has been served; as documented in [Receive Deemed Consent Notice – Served Online](#).

1. Record the **Development application number** provided on the notice.

Deemed Planning Consent Notice

Issued pursuant to section 125 *Planning, Development and Infrastructure Act 2016*

Date of Notice:	11 August 2020 <i>[Applicant to insert date]</i>
From:	D Public <i>[Applicant name]</i>
To:	Council Name <i>[Relevant authority name]</i>
By post (registered mail):	Click here to enter text. <i>[Relevant authority postal address]</i> OR
Electronic:	Through the PlanSA Portal

For Development Application:

Development application number	Development application date	Category/classification of development	Development verification date
21001157	5 October 2021	Performance Assessed	5 October 2021

2. Search for the application using the **ID** number.
3. Remove the **assigned to me** to show all applications.

Development application processing



FOR YOUR ACTION (607)
ASSESSMENT IN PROGRESS (717)
WAITING (133)
UPCOMING (213)
COMPLETED (930)
BUILDING NOTIFICATIONS (42)
RE-INSPECTION NOTIFICATIONS (0)

1 results for: "21001157"

Assigned to me only

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged
21001157	A Chak	14 POPE ST ADELAIDE SA 5000	DP3-2306 , 2503 2612	City of Adelaide	5 Oct 2021

4. Click on the application (not ID number) to view the status details.

The development application action is 'Process Deemed Consent' and the clock set to 10 (business days).

1 results for: "21001157"

Assigned to me only

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status	Days
21001157	A Chak	14 POPE ST ADELAIDE SA 5000	DP3-2306 , 2503 2612	City of Adelaide	5 Oct 2021	Lodged	🕒 5

STATUS DETAIL CONTACTS SUMMARY

Application 21001157
Planning consent

✔ Granted 18 Mar 2022

5. Click on **Related Actions** and then **Serve Deemed Consent Notice**.

Planning Consent for Development Application: 21001157

Summary Documents Fees Information Requests Referrals Public Notification Conditions and Notes Clocks Decision Appeals **Related Actions**

- Upload Documents**
Upload documents associated with consents for the DAP.
- Determine Additional Fees**
Determine if additional fees are required for a consent in the DAP
- Generate Assessment Report**
Generate an assessment report for the DAP
- Generate Panel Assessment Report**
Generate a Panel Assessment Report for the DAP
- Update Appeal Matters**
Add or Update Appeal Matters for the DAP
- Serve Deemed Consent Notice**
- Place On Hold**
- Reset Assessment Time-frame as per Reg 35.1**
- Generate File Notes**

6. Click on **Upload** in the **Serve Deemed Consent Notice** section and locate the scanned notice to open and attach.

Planning Consent for Development Application: 21001157

Summary Documents Fees Information Requests Referrals Public Notification Conditions and Notes Clocks Decision Appeals **Related Actions**

Serve Deemed Consent Notice

Advisory Notes
 By submitting the deemed consent notice, the relevant authority associated with the consent will be notified. If a relevant authority considers that the relevant application for planning consent should be quashed the deemed planning consent.
 Any application to quash the deemed planning consent must be made within 1 month of the deemed consent notice.

Upload Deemed Consent Notice *
 Drop file here

Deemed Consent Notice Template

The screenshot shows a file explorer window titled 'Open' with the path 'Downloads > DAP Assessment'. The file 'Deemed_Planning_Consent_Notice' is selected, and the file name is visible in the bottom bar.

7. Click on **Submit** to complete.

Serve Deemed Consent Notice

Advisory Notes

By submitting the deemed consent notice, the relevant authority associated with the consent will be notified

If a relevant authority considers that the relevant application for planning consent should have been refused the relevant authority may apply to the Environment, Resources and Development Court for an order quashing the deemed planning consent.

Any application to quash the deemed planning consent must be made within 1 month after the deemed planning consent is taken to have been granted unless the Court, in its discretion, allows an extension of time.

Upload Deemed Consent Notice *

Deemed Planning Consent Notice
DOCX - 183.38 KB

Deemed Consent Notice Template

CANCEL
SUBMIT

On return to the **Related Actions** screen go to [Save and Finalise Conditions](#).

Planning Consent for Development Application: 21001157

Summary
Documents
Fees
Information Requests
Referrals
Public Notification
Conditions and Notes
Clocks
Decision
Appeals
Related Actions

- Upload Documents**
Upload documents associated with consents for the DAP.
- Determine Additional Fees**
Determine if additional fees are required for a consent in the DAP
- Generate Assessment Report**
Generate an assessment report for the DAP
- Generate Panel Assessment Report**
Generate a Panel Assessment Report for the DAP
- Update Appeal Matters**
Add or Update Appeal Matters for the DAP
- Place On Hold**
- Reset Assessment Time-frame as per Reg 35.1**
- Generate File Notes**

Save and Finalise Conditions

On serving the ‘deemed consent notice’ – all reserved matters, conditions and advisory notes are removed and replaced by 18 Deemed Conditions that will be included in the Decision Notification Form (DNF). On saving and finalising the conditions, the DNF is generated.

If you choose to do nothing and let the 10 day period lapse, the Deemed Consent Notice becomes the DNF and is distributed to the Referral Agency, Relevant Authority and separately to the Land Owner, Court or Representatives.

1. Click on **Conditions and Notes** to view the added conditions.
2. Click on **Conditions** option.
3. Click on **SAVE & FINALISE** to confirm and generate the DNF.

Planning Consent for Development Application: 21001157

Summary Documents Fees RFIs Public Notification **Conditions and Notes** Clocks Decision Appeals Related Actions

< Development application 21001157 ? Help for this section

Relevant Authority

▼ **City of Adelaide**

Reserved matters **Conditions** Advisory notes Refusal reason

Add

SAVE & FINALISE

Title	Included in DNF	Clearance requirement not met	Sort		
1. Deemed consent - Conditions imposed by a referral agency	✓		↑ ↓	🗑️	Show/Edit
2. Deemed consent - Ancillary buildings/structures	✓		↑ ↓	🗑️	Show/Edit
3. Deemed consent - Noise	✓		↑ ↓	🗑️	Show/Edit
4. Deemed consent - Noise	✓		↑ ↓	🗑️	Show/Edit
5. Deemed consent - Noise	✓		↑ ↓	🗑️	Show/Edit
6. Deemed consent - Privacy	✓		↑ ↓	🗑️	Show/Edit
7. Deemed consent - Privacy	✓		↑ ↓	🗑️	Show/Edit
8. Deemed consent - Car Parking and Vehicle Access	✓		↑ ↓	🗑️	Show/Edit
9. Deemed consent - Landscaping	✓		↑ ↓	🗑️	Show/Edit
10. Deemed consent - Waste Storage/Collection	✓		↑ ↓	🗑️	Show/Edit

< 1 - 10 of 18 >

4. Click **OK, CONTINUE** to confirm the generation of the DNF message.

The DNF will be generated and distributed once this form is submitted. Please make sure that you have reviewed the conditions and notes before proceeding.

CANCEL

OK, CONTINUE

The **Conditions** are saved and no longer editable. Next, complete [Provide the Decision Notification Form](#).

Planning Consent for Development Application: 21001157

Summary
Documents
Fees
RFIs
Public Notification
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Clocks
Decision
Appeals
Related Actions

[? Help for this section](#)

< Development application 21001157

Relevant Authority

< City of Adelaide

Reserved matters

Conditions

Advisory notes

Refusal reason

Title	Included in DNF	Clearance requirement not met	
1. Deemed consent - Conditions imposed by a referral agency	✔		Show
2. Deemed consent - Ancillary buildings/structures	✔		Show
3. Deemed consent - Noise	✔		Show
4. Deemed consent - Noise	✔		Show
5. Deemed consent - Noise	✔		Show
6. Deemed consent - Privacy	✔		Show
7. Deemed consent - Privacy	✔		Show
8. Deemed consent - Car Parking and Vehicle Access	✔		Show
9. Deemed consent - Landscaping	✔		Show
10. Deemed consent - Waste Storage/Collection	✔		Show

< 1 - 10 of 18 >

Provide the Decision Notification Form

The Decision Notification Form (DNF) is generated on completing [Save and Finalise Conditions](#) or if you choose to do nothing and let the 10 days lapse, then the Deemed Consent Notice becomes the DNF and distributed to the Referral Agency, Relevant Authority and separately to the Land Owner, Court or Representatives.

Where the applicant and/or contact has nominated to receive communications by post (as indicated by an on-screen prompt – see image below), then complete these instructions to print the Decision Notification Form (DNF).

1. Click on **Documents** to view the document store.
2. Click on the document **file name** Decision Notification Form to download.

Planning Consent for Development Application: 21001157

Summary Documents Fees RFIs Public Notification Conditions and Notes Clocks Decision Appeals Related Actions

< Development application 21001157

Document search

Search by Name

Search by Category

Search by Type

Where was the document uploaded?

Application

Planning Consent

Building Consent

Additional document filters

Decision Documents

P&D Code Rules

Snapshots

Invoices

System Generated Emails

Plans

Public Notification

Other

Superseded

Document	Type	Date Created	Superseded
<input type="checkbox"/> * Decision Notification Form _DNF_ Granted for Planning Consent - Application ID 21001157 _ Address_ 14 POPE ST ADELAIDE SA 5000.html	Email	18 Mar 2022 10:54	
<input type="checkbox"/> DecisionNotificationForm-Application21001157-84968.pdf	Decision Notification Form	18 Mar 2022 10:54	

3. Click on the downloaded document to open (if not automatically opened) and print.

DecisionNotificationForm-Application21001157-84968.pdf - Adobe Acrobat Reader DC (32-bit)

File Edit View Sign Window Help DM

Home Tools DecisionNotificatio... x

1 / 5 93.5%

PlanSA

DECISION NOTIFICATION FORM
Section 126(1) of the Planning, Development and Infrastructure Act 2016

TO THE APPLICANT(S):

Name: Arthur Chak
Postal address: 14 POPE STREET ADELAIDE SA 5000
Email: arthur.chak@sa.gov.au

IN REGARD TO:

Development application no.: 21001157	Lodged on: 5 Oct 2021
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4. Click on the document type (not the file name) to view the document details.
5. Record the **Date Distributed** and then **Update Documents** to save the change.

Document	Document Type	Date Created	Date Distributed	Superseded	Edit
DecisionNotificationForm-Application20000486-26255.pdf	Decision Notification Form	3 Aug 2020 10:48	3 Aug 2020		
StampedSitePlan-26245.docx	Stamped Plans	3 Aug 2020 10:37			
PublicNotificationDocuments-17564.docx	Letter to Representor	12 Jul 2020 20:36			

Selected Document

Document
DecisionNotificationForm-Application20000486-26255.pdf

Document Type
Decision Notification Form

Date Created
3 Aug 2020 10:48

Date Distributed
03/08/2020

Superseded

UPDATE DOCUMENTS

Appeal the Deemed Consent

If the relevant application for planning consent should have been refused then apply to the Environment, Resources and Development Court for an order quashing the deemed planning consent.

Any application to quash the deemed planning consent must be made within **22 business days** from the date that deemed planning consent is taken to have been granted (e.g. 13 August 2020) unless the Court, in its discretion, allows an extension of time.

Refer to guide [Manage an appeal of a decision | PlanSA](#) for instructions on add and updating appeal matters.

Planning Consent for Development Application: 20000136 UPDATE APPEAL MATTERS

Summary Documents Fees RPIs Public Notification Conditions and Notes Clocks Decision **Appeals** Related Actions

[Help for this section](#)

< Development application 20000136

Regulations require that an appeal against a deemed consent must be lodged within 22 days of the deemed consent being granted. There are 22 days remaining (not including today) to appeal (13/08/2020 to 10/09/2020).

Appeal Matters

Body	Matter	Outcome	Outcome applied to consent?
No Appeal Matters			

For more information visit
plan.sa.gov.au



Government of South Australia
Department for Trade
and Investment