

# Development Plan Amendments initiated by the Minister

## Summary of the Process



### information sheet

#### Development Plans

Development Plans (the Plans) are the key 'on-the-ground' development control documents in South Australia.

The Plans cover distinct and separate geographic areas of the state. In total there are 72 Development Plans across the State – one for each of South Australia's 68 local council areas, plus 4 Development Plans covering areas not situated within local government boundaries (eg the Land Not Within A Council Area Development Plans). All the Plans can be found online on the South Australian Government website

[www.sa.gov.au/developmentplans](http://www.sa.gov.au/developmentplans).

The Plans contain the rules that set out what can be done on any piece of land across the state, and the detailed criteria against which development applications will be assessed.

Development Plans outline what sort of developments/land use are and are not envisaged for particular zones (eg residential, commercial, industrial), and various objectives, principles and policies that planning authorities can apply to control and affect the design and other aspects of proposed developments.

#### Amending Development Plans

Development Plans are regularly amended to reflect updated local council or State Government policy (particularly the State Government Planning Strategy); to introduce changes to zoning; and/or to implement a new vision for the future development of a particular zone or area.

Amendments are made through the **Development Plan Amendment (DPA)** process. This process involves issuing a written draft of proposed changes for mandatory community consultation. The draft can be initiated either by a local council (this is the case for the substantial majority of DPAs) or by the Minister for Planning.

Ultimately, the Minister must approve all amendments to Development Plans. Once approved by the Minister, DPAs are also referred to the State Parliament's Environment, Resources and Development Committee for review.

## Minister-initiated amendments

The Minister for Planning can initiate an amendment under the following circumstances:

- the land is not within a council area
- a council has requested the Minister to initiate an amendment
- the amendment affects two or more development plans
- a council has taken too long to prepare an amendment
- the Minister considers the amendment necessary due to significant social, environmental or economic issues
- the amendment involves matters related to the State Heritage, River Murray, Adelaide Dolphin Sanctuary or Natural Resource Management acts
- the amendment is needed to reflect changes in the South Australian Planning Strategy or an approved major development or project.

The state planning agency undertakes the investigations for Minister initiated amendments, and consultation with the public is conducted by the Development Policy Advisory Committee (DPAC).

## What is the Development Plan Amendment Process?

The *Development Act 1993* describes the minimum steps that all DPAs must go through before any changes can be legally made to Development Plans.

While there are some differences between council-initiated DPAs and Ministerial DPAs, the key components of all DPA documents are:

- **The ‘Explanatory Statement’**

This statement, which is located at the beginning of the DPA document, provides a brief description of why the amendment is considered necessary, what area(s) would be affected by it, what policy changes are being proposed, and who has been consulted during the writing of the DPA.

- **The ‘Statement of Investigations’**

This is the main component of the DPA. It describes the factors that have given rise to the proposed changes and how the DPA fits with South Australia’s Strategic Plan, the Planning Strategy and other relevant policies. Finally it describes in detail the proposed changes and their justification.

- **The ‘Amendment Instructions’**

These instructions describe the changes required to the Development Plan resulting from the proposed DPA. To ensure the proposed changes are clearly understood it is necessary for the Development Plan to be read in conjunction with them. The proposed changes include both the technical instructions that need to be made as well as the policy and mapping changes.

Once a draft DPA has been written and agreed to by the Minister, it is released for consultation with government agencies and the public. Consultation with the public is generally undertaken for a period of **8 weeks** to allow for **written comments** to be submitted. In some instances a DPA can be released for public consultation for a lesser period of **4 weeks**, provided that the author of the DPA (ie the Minister or Council) gives written notice to:

- an owner or occupier of any land that is directly subject to the operation of the proposed amendment
- an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment.

At the conclusion of the consultation period a **public meeting** is held to allow people to make a verbal submission or comment on the written submissions (this hearing may not occur if no submitter requests to be heard).

The DPA then enters its final stage, during which all submissions about the draft DPA are reviewed, and changes possibly recommended to the document in response to the submissions. The DPA and any suggested changes are then submitted to the Minister for consideration and/or approval.

## What is the *Ministerial Development Plan Amendment Process*?

The Ministerial DPA process is as follows:

Step 1	The Minister for Planning (the Minister) agrees to initiate a draft Development Plan Amendment (DPA) and defines its scope.
Step 2	Investigations are undertaken and a formal draft DPA document is prepared for the Minister to consider.
Step 3	<p>The Minister decides whether to:</p> <ul style="list-style-type: none"><li>(i) consult with affected government agencies before consulting with affected councils and the public; or</li><li>(ii) concurrently consult with affected agencies, affected councils and the public for a period of 8 weeks; or</li><li>(iii) consult concurrently for the lesser consultation period of 4 weeks.</li></ul> <p>If option (i) is chosen, the Minister may choose to amend the draft DPA after receiving comments from the affected agencies, before releasing it for council and public consultation.</p>
Step 4	The public consultation period starts with a notice in the <i>Government Gazette and The Advertiser</i> . The independent Development Policy Advisory Committee (DPAC) conducts the public consultation process, receiving written submissions for the length of the consultation period.
Step 5	All public submissions are made available for viewing on the SA Government website at <a href="http://www.sa.gov.au/planning/ministerialdpas">www.sa.gov.au/planning/ministerialdpas</a> immediately after the closing date for receiving submissions.
Step 6	DPAC convenes a public meeting (this occurs if the author of a submission request to be heard at the public meeting).
Step 7	DPAC reviews written and verbal submissions and prepares a written report on the draft DPA for the Minister.
Step 8	<p>The Minister considers the DPAC report and decides whether to:</p> <ul style="list-style-type: none"><li>(i) approve the DPA (as released for public consultation);</li><li>(ii) approve the DPA with changes*; or</li><li>(iii) not approve the DPA.</li></ul>
Step 9	If the Minister decides to approve the DPA, it is gazetted and the relevant Development Plan is amended accordingly and consolidated.
Step 10	The DPA is reviewed by the Environment, Resources and Development Committee.

*\*NOTE: If substantial changes are needed following the consultation stage then a revised version of the draft DPA may have to be released for further formal consultation. A DPA may also be withdrawn at any stage of the process.*

## The role of the Development Policy Advisory Committee

This committee is independent of the State Government (including the Department of Planning, Transport and Infrastructure). The role of the committee is to provide the Minister with independent advice on the draft DPA and the issues raised in the consultation phase. More information about DPAC can be found at [www.dpac.sa.gov.au](http://www.dpac.sa.gov.au)

## The role of the Environment, Resources and Development Committee

This is a sub-committee of State Parliament and its role is to review the DPA once it has been approved by the Minister.

## Interim operation

From time to time there is a need to bring into effect changes to a Development Plan as a matter of urgency (eg protecting buildings that might need to be heritage listed).

In these circumstances, DPAs are given 'interim operation' status. This allows the proposed changes to take legal effect from the start of public consultation (or at any specified time after the consultation process has commenced). Interim operation status can last up to 12 months, but can be removed before 12 months if the DPA has gone through the required DPA process.

## Public comment on DPAs

The DPA process includes an opportunity for anyone to make written and verbal submissions.

To inform the public of their opportunity to comment on a DPA, notices of the release of draft DPAs and their public consultation periods are published in *The Advertiser* and the *Government Gazette*. These notices state the start and end dates of the public consultation period as well as the date and details of proposed public meetings.

Councils and the Department of Planning, Transport and Infrastructure are required to make copies of DPAs available to anyone who wants to review them during the public consultation period. The Department of Planning, Transport and Infrastructure places all Ministerial DPAs on its website during public consultation.

## Written Submissions

These must be made during the specified consultation period (ie, either 8 weeks or 4 weeks depending on the consultation option chosen). At the end of this period, all submissions are made available to the public so that everyone has the opportunity to see what others have said. This can be useful before the public meeting if issues need to be clarified. If authors of written submissions do not want their contact details made available this must be made clear in their submissions.

## Verbal Submissions

A public meeting must be held following the close of the public consultation period if there are people who have expressed a desire to be heard. This is not a public meeting where issues are debated, but an opportunity for those who have indicated in their written submission that they want to make a verbal submission. If no-one states in their written submission that they want to make a verbal submission then the public meeting may be cancelled.

## Current Ministerial DPAs

Detail on all current and recent Ministerial DPAs is available on the Department of Planning, Transport and Infrastructure website at [www.sa.gov.au/planning/ministerialdpas](http://www.sa.gov.au/planning/ministerialdpas)

### Further information:

Call: (08) 8303 0791

Email: [DPTI.PDDPACoordinator@sa.gov.au](mailto:DPTI.PDDPACoordinator@sa.gov.au)



**Government of South Australia**

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Transport and Infrastructure