# DEEMED PLANNING CONSENT NOTICE

## Issued pursuant to section 125 *Planning, Development and Infrastructure 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. *[Relevant authority postal address]*  OR |
| **Electronic:** | Through the PlanSA website |

### For Development Application:

|  |  |  |  |
| --- | --- | --- | --- |
| **Development application number** | **Development application date** | **Category/classification of development** | **Development verification date** |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |

#### Timeframes Applicable to this Development Application

1. 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]](#footnote-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.

#### You are hereby notified pursuant to section 125(2) of the Planning Development and Infrastructure Act 2016 that planning consent should be granted

1. By operation of section 125 of the *Planning, Development and Infrastructure Act 2016*:
2. Planning consent is deemed to be granted on the date this notice is received by you.
3. The deemed planning consent will cease to have effect if you, the relevant authority, grant planning consent within 10 days of receiving this notice.
4. The deemed planning consent is subject to any standard condition(s) as prescribed by a practice direction issued by the Commission.

#### Advisory Notes:

1. 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.
2. 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.
3. 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.

Standard Conditions of Deemed Planning Consent

|  | **Column 1 – Development** | **Column 2 – prescribed condition(s)** | |
| --- | --- | --- | --- |
| **Conditions imposed by a referral agency** | | | |
| 1. | Where the application is required to be referred to a prescribed body for the purposes of section 122 of the *Planning, Development and Infrastructure Act 2016.* | Any condition imposed by the prescribed body pursuant to section 122(5)(b)(ii) of the *Planning, Development and Infrastructure Act 2016.* | |
| **Ancillary buildings/structures** | | | |
| 2. | Where the application is for or includes an outbuilding, carport, verandah or pergola that is clad in sheet metal, to which General Development Policies – Design in Urban Areas Performance Outcome or Deemed-to-satisfy criteria 16.1 applies. | The structure must be pre-colour treated or painted in a non-reflective colour. | |
| **Noise** | | | |
| 3. | Where General Development Policies – Interface Between Land Uses Performance Outcome or Deemed-to-satisfy criteria 4.1 apply. | Noise affecting sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria. | |
| 4. | Where the application is for or includes a swimming pool to which the General Development Policies – Interface Between Land Uses Performance Outcome or Deemed-to-satisfy criteria 4.3 of the Planning and Design Code apply. | Any swimming pool pump and/or filtration system ancillary to a dwelling erected on the same site is:   1. enclosed in a solid acoustic structure located at least 5m from the nearest habitable room located on an adjoining allotment, or 2. located at least 12m from the nearest habitable room located on an adjoining allotment. | |
| 5. | Where General Development Policies – Interface Between Land Uses Performance Outcome 4.6 or Deemed-to-satisfy Criteria 4.6 of the Planning and Design Code apply. | Development incorporating music includes noise attenuation measures that will achieve the following noise levels:   |  |  | | --- | --- | | **Assessment location** | **Music noise level** | | Externally at the nearest existing noise sensitive location | Less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum (LOCT10,15 < LOCT90,15 + 8dB) | | |
| **Privacy** | | | |
| 6. | Where:   1. the application proposes a building exceeding 1 storey; and 2. the proposed building is sited adjacent to or within a neighbourhood-type zone[[2]](#footnote-2); and 3. General Development Policies – Design Performance Outcome or Deemed-to-satisfy Criteria 14.1 of the Planning and Design Code applies to the proposed development. | | Upper level windows facing side or rear boundaries shared with another residential allotment/site must:   1. be permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 200mm or 2. have sill heights greater than or equal to 1.5m above finished floor level or 3. incorporate screening to a height of 1.5m above finished floor level. |
| 7. | Where:   1. the application proposes a building exceeding 1 storey incorporating a balcony; and 2. the proposed building is sited adjacent to or within a neighbourhood-type zone[[3]](#footnote-3); and 3. General Development Policies – Design Performance Outcome or Deemed-to-satisfy Criteria 14.2 of the Planning and Design Code applies to the proposed development. | | All sides of balconies or terraces on upper building levels must be permanently obscured to a height of 1.7m above finished floor level prior to occupation of the building, other than where the longest side of the balcony will face a road (including any road reserve) or reserve (including land held as open space) that is at least 15m wide in all places faced by the balcony. |
| **Car Parking and Vehicle Access** | | | |
| 8. | Where the application is for or includes a new car parking area or vehicle access point and to which the General Development Policies – Transport, Access and Parking Performance Outcome or Deemed-to-satisfy criteria 5.1 of the Planning and Design Code applies. | All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009) | |
| **Landscaping** | | | |
| 9. | Where the following provisions of the General Development Policies of the Planning and Design Code apply to the application:   1. Bulk Handling and Storage Facilities Performance Outcomes or Deemed-to-satisfy criteria 2.1 or 2.2; 2. Design Performance Outcomes or Deemed-to-satisfy criteria 3.1, 7.5, 7.6, 9.2, 23.1 or 23.2; 3. Design in Urban Areas Performance Outcomes or Deemed-to-satisfy criteria 3.1, 6.5, 6.6, 8.2, 10.1, 10.2, 21.1, 34.1 or 34.2; 4. Resource Extraction Performance Outcome or Deemed-to-satisfy criteria 3.2; or 5. Tourism Development Performance Outcome or Deemed-to-satisfy criteria 2.2 or 2.4. | Landscaping must be designed, undertaken and maintained in accordance with the plans and details forming part of the development authorisation. | |
| **Waste Storage/Collection** | | | |
| 10. | Where:   1. the application is for or includes an industry, warehouse, store, retail fuel outlet, depot, or renewable energy facility; and 2. General Development Policies – Design Performance Outcome 30.1 or Design in Urban Areas Performance Outcome 42.1 of the Planning and Design Code applies. | Areas for activities including loading and unloading, storage of waste refuse bins in or wash-down areas used for the cleaning of vehicles, vessels, plant or equipment must be:   1. designed to contain all wastewater within a bunded and roofed area to exclude the entry of external surface stormwater run-off 2. paved with an impervious material 3. designed to drain wastewater to either:   i. a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme or  ii. a holding tank and its subsequent removal off-site on a regular basis. | |
| **Hours of Operation** | | | |
| 11. | Where:   1. the application is for or includes a consulting room, office or shop; and 2. the subject land is located adjacent to a site containing an existing sensitive land use or a neighbourhood-type zone[[4]](#footnote-4); and 3. General Development Policies – Interface Between Land Uses Performance Outcome or Deemed-to-satisfy criteria 2.1 of the Planning and Design Code applies to the proposed development. | Hours of operation are limited to the following:   |  |  | | --- | --- | | **Class of Development** | **Hours of operation** | | Consulting room | 7am to 9pm, Monday to Friday  8am to 5pm, Saturday | | Office | 7am to 9pm, Monday to Friday  8am to 5pm, Saturday | | Shop (other than a restaurant) | 7am to 9pm, Monday to Friday  8am to 5pm, Saturday and Sunday | | |
| **External Lighting** | | | |
| 12. | Where General Development Policies – Interface Between Land Uses Performance Outcomes 6.1 or 6.2 of the Planning and Design Code apply to the application. | All external lighting must be designed and constructed according to conform to Australian Standard (AS 4282-1997). | |
| 13. | Where:   1. the application includes car parking for 6 or more vehicles; and 2. the application does not limit access to the car park during daylight hours; and 3. General Development Policies – Transport, Access and Parking Performance Outcome 6.5 of the Planning and Design Code applies to the application. | Vehicle parking areas must be provided with floodlit entry and exit points which are operational between the hours of sunset and sunrise. | |
| **Transportable buildings** | | | |
| 14. | Where the application is for or includes a transportable building and General Development Policies – Design Performance Outcome or Deemed-to-satisfy criteria 19.1 of the Planning and Design Code applies to the proposed development. | The sub-floor space beneath the transportable building and ground level must be clad in a material and finish consistent with the building façade. | |
| **Temporary Development** | | | |
| 15. | Where an application seeks approval for a temporary development. | On cessation of the temporary development as specified in the application documentation—  i. the previous use of the land will revive and the use of the land subject to this development authorisation will cease; and  ii. any person who has the benefit of the development will restore the land to the state in which it existed immediately before the development. | |
| **Regulated and significant trees** | | | |
| 16. | Where the application is for or includes the killing, destruction or removal of a regulated or significant tree. | Either:   1. Replacement trees must be planted within 12 months of completion of the development at the following rates:   i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or  ii. if the development relates to a significant tree—3 trees to replace a significant tree; or; or   1. Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land. | |
| **Division of land in an Environment and Food Production Area** | | | |
| 17. | Where the application is for or includes the division of land in an Environment and Food Production Area | The additional allotments created will not be used for residential development. | |
| **Fortifications** | | | |
| 18. | Where the Commissioner of Police determines that a proposed development involves the creation of fortification pursuant to section 124 of the *Planning, Development and Infrastructure Act 2016*. | The creation of fortifications is prohibited. | |

1. Regulation 53, *Planning, Development and Infrastructure (General) Regulations 2017.* [↑](#footnote-ref-1)
2. Neighbourhood-type zone has the meaning defined in Part 8 of the Planning and Design Code [↑](#footnote-ref-2)
3. Neighbourhood-type zone has the meaning defined in Part 8 of the Planning and Design Code [↑](#footnote-ref-3)
4. Neighbourhood-type zone has the meaning defined in Part 8 of the Planning and Design Code [↑](#footnote-ref-4)