



Planning Law in South Australia

Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice on a public interest environmental or planning law issue, please visit our [website](#).

While every effort has been made to ensure the information is accurate, the EDO does not accept any responsibility for any loss or damage resulting from any error in this factsheet or use of this work.

This factsheet was last updated on 13 June 2025

What is this factsheet about?

This factsheet explains land-use planning, the public's right to participate in land-use planning in South Australia (**SA**), and the strategic importance of public engagement. It will be useful for anyone who wants to understand how development is assessed, comment on a development application or challenge a decision made under the planning laws.

Outline

What is this factsheet about?	1
Overview	2
Which developments require a development application?	3
Code assessed development – deemed-to-satisfy development	4
Impact assessed development	4
Impact assessed development – ‘restricted development’	5
Offences under the PDI Act	5
How can I participate in development applications in my community?	6
Evaluate this resource	7

Overview

Land-use planning regulates the types of developments and activities that can occur on land. Land-use planning is regulated by planning laws and codes which specify which land is suitable for development (and the kinds of developments that can occur) and which land should be set aside for environmental or other purposes.

The regulation of development is an important part of our legal framework, and serves a variety of functions including:

- Maintaining the character and design of areas
- Ensuring developments meet minimum standards
- Keeping different types of areas (e.g. residential and industrial) separate
- Ensuring infrastructure like roads will remain adequate for the communities that use them
- Facilitating developer's contributions to the costs of infrastructure
- Allowing certainty for what developments can be done and where
- Providing rights for communities to comment on inappropriate development
- Providing a way to challenge decisions that may not be properly made

In SA, the main law regulating land use is the [*Planning, Development and Infrastructure Act 2016 \(SA\)*](#). (**PDI Act**). The main objective of the PDI Act is to “*support and enhance the State’s liveability and prosperity*” in an ecologically sustainable way by creating an “*effective, efficient and enabling planning system*” that “*promotes and facilitates development*” and provides for “*community participation in relation to the initiation and development of planning policies and strategies.*”¹

The PDI Act also:

- Outlines the types of development and the rules that apply to them
- Sets up other regulations and instruments that govern the specific rules for developments
- Provides opportunity for public comment on major projects that may affect your community
- Creates the government bodies that make decisions about ongoing changes to planning law

Planning Instruments form a large part of the planning framework. Some planning instruments are principally policy documents. Whereas others, like the [*Planning and Design Code*](#) (**the Code**) detail the policies, rules and classifications for development. The Code, along with its associated maps, are where you may identify what level of assessment might apply to development, and what criteria it will be assessed against.

¹ *Planning, Development and Infrastructure Act 2016* s 12 (**PDI Act**).

Visit: PlanSA's [SA Property and Planning Atlas](#) to explore the SA zoning areas.

What is development?

It is important to understand what 'Development' means in the PDI Act. The term is defined in the Act to include:

- A change in use of land
- building work
- division of land into separate lots
- construction or alteration of a road, street, or thoroughfare on land
- work relating to local or State heritage places
- painting of buildings within designates areas
- activities that damage regulated trees
- prescribed mining operations
- prescribed earthworks.²

Which developments require a development application?

The three main categories of development under the PDI Act are:

1. Accepted development
2. Code assessed development
3. Impact assessed development

Accepted development does not require a Development Application (**DA**).³ Code and impact assessed developments do require DAs, though different processes to each.

The categorisation of a development will depend on the location of the proposed development. Each location will have a different set of rules and criteria depending on what zone, subzone, or overlay it is within i.e. accepted development requirements for residential zones are different to those for industrial zones, and requirements may differ within a residential zone because an overlay applies to only part of it.

While the Code and [SA Property and Planning Atlas \(SAPPA\)](#) are the source of how a development will be categorised for a specific location, PlanSA (SA's website for resources relating to the planning system - linked below) provides an online 'wizard' tool that makes it much easier to find out the category of development, and what matters must be considered.

² PDI Act s 3.

³ PDI Act s 104(2).

The wizard tool on PlanSA categorises proposed development as one of the following:

- Accepted Development
- Code assessed development – deemed-to satisfy-development
- Code assessed development – performance assessed development
- Impact assessed development
- Impact assessed development – restricted development

- Visit:
- PlanSA's [Find Out If You Need Approval](#) wizard tool to determine whether a DA is required for a proposed development.
 - PlanSA's [Planning and Design Code](#) portal to input an address and find out which development rules apply.

Code assessed development – deemed-to-satisfy development

This type of development assessment generally applies to standard DAs, with no risk of impact to surrounding areas, environments or the community. Development that is 'deemed-to-satisfy development' will be assessed by an Accredited Professional or Assessment Manager directly against the provisions within the Code.⁴ If it meets the applicable criteria in the Code, it must be accepted.⁵

The public does not have a right to be notified or a right to comment on code assessed development.⁶

Code assessed development - performance assessed development

This generally applies to larger projects that are more complex in nature, but are located in the appropriate zone. Performance assessed developments are assessed on their merit against the policies within the Code.⁷ Public notification is required for performance assessed development unless it is exempt by the Code or Practice Directions issued by the State Planning Commission.⁸ Notice must be given to adjacent owners and occupiers, and members of the public are to be notified by placing of a notice (sign) on the relevant land.

Impact assessed development

Impact assessed development is development that:

⁴ *PDI Act* s 106; *PDI Regulation* regs 22 and 25.

⁵ *PDI Act* s 106(1).

⁶ *PDI Act* s 106(3).

⁷ *PDI Act* s 107(1).

⁸ *PDI Act* s 107(3).

- (a) is classified by the Code as ‘impact assessed development’
- (b) is classified by the PDI Regulation as ‘impact assessed development’
- (c) is declared by the Minister as being ‘impact assessed development’⁹

These types of developments require additional assessment by the Minister,¹⁰ as they are typically larger, industrial projects that may pose a high risk to the environment or infrastructure.

N.B. Public notification of the DA is required.¹¹ The Minister must notify the owner/occupier of any adjacent land and notify the public by placing a notice on the land to be developed, publishing the proposal and environmental impact statement to PlanSA and publishing the proposal in a well circulated local newspaper.

Impact assessed development – ‘restricted development’

Major projects can be categorised as ‘restricted development’ by the Code.¹² These require additional assessment against the Code by the State Planning Commission,¹³ as they are typically larger, industrial projects that may pose a high risk to the environment or infrastructure.

N.B. Public notification of the DA is required.¹⁴ The State Planning Commission must notify the owner/occupier of any adjacent or affected lands and notify the public by placing a notice on the land to be developed and publishing the proposal to PlanSA.

Offences under the PDI Act

It is an offence under the PDI Act to carry out development without all necessary approvals.¹⁵ A person who undertakes development without the necessary approval is liable to a maximum penalty of \$120,000. In certain circumstances, a direction may be

⁹ *PDI Act* s 108(1).

¹⁰ *PDI Act 2016* s 115.

¹¹ *PDI Act 2016* s 113.

¹² *PDI Act 2016* s 110.

¹³ *PDI Act* s 110(10).

¹⁴ *PDI Act* s 110(2).

¹⁵ *PDI Act* s 215.

given to the developer to cease the development and remove any work that has been conducted up to that point.¹⁶

How can I participate in development applications in my community?

Your right to comment

For developments that are categorised as performance assessed or impact assessed development, the PDI Act provides that the applicant must notify you of their proposed development so that you can make 'representations'.¹⁷ Representations are your views and concerns of a proposed development made in writing to the applicant. The applicant is then required to consider and respond to these representations if they meet the requirements of the PDI Act and PDI Regulations.

Representations must be made within the prescribed timeframe after the applicant gives public notice. Your representation must also;

1. Be in writing, using the approved form
2. Outline the reasons for the representation
3. Include your name and address
4. Include a statement if you wish to speak at the State Commission Assessment Panel hearing regarding the DA

Each DA on public notice (via the PlanSA website) will have an approved representation form available for public use.

N.B. It is important that a representation is made within the required timeframe,¹⁸ and contains all the required information. If it does not, it does not need to be considered by the relevant authority when making the decision.¹⁹ It can also mean that you are not entitled to appeal against a decision.²⁰

Visit: PlanSA's pages on:

¹⁶ PDI Act s 205.

¹⁷ PDI Act ss 107(3)(b), 110(2)(b).

¹⁸ 15 business days for performance assessed development, 20 business days for restricted development. This period starts 4 business days from when notice to the occupier or owner of adjacent land was posted.

¹⁹ PDI Act ss 107(5) and 110(5).

²⁰ PDI Act 2016 s 110(7).

- [How To Have Your Say](#) for guidance on how to prepare your representation
- [Current Public Notices](#) to view and have your say on DAs on public notice
- [State Developments](#) to view and have your say on Crown developments, major projects, impact assessed developments and restricted developments on public notice

Your right to challenge

Appeals can be made against the decision to approve a development by certain parties:

- For accepted and code assessed developments - owners or occupiers of adjacent land that can demonstrate an interest relevant to the determination of the DA²¹
- For impact assessed development (excluding assessment by the Minister) - a person who made a submission in relation to the application²²
- For impact assessed development assessed by the Minister - no one²³
- The appeal proceedings must be brought within 2 months of the decision to which the appeal relates, unless the ERD Court allows an extension of time.²⁴

Evaluate this resource

EDO welcomes feedback on this factsheet. Your feedback will help us ensure we are providing useful information.

If you have any concerns or suggestions regarding this factsheet, please fill out the Legal Resources evaluation form by clicking [here](#) or scanning the QR code below:



²¹ *PDI Act 2016* s 202(1)(d).

²² *PDI Act 2016* s 202(1)(g).

²³ Decisions made by the minister may be subject to judicial review of the decision in limited circumstance. However, consideration of this is outside the scope of this information sheet.

²⁴ *PDI Act 2016* s 204.