# FREQUENTLY ASKED QUESTIONS
## Access to Development Application Plans and Documents

Council often receives requests to view plans and documentation submitted in association with development applications. Council has adopted the *Access to Documents Relating to Development Applications Policy* and this FAQ should be read alongside that Policy.

### 1. Can I get a copy of plans and documents in relation to development that has occurred on the land that I own?

In certain cases, you can view plans and documents, but what you can access depends on what year the development application was lodged.

***Applications lodged before 19 March 2021***
If the development application was lodged with Mid Muray Council prior to 19 March 2021 and was assessed under the *Development Act 1993*, then these documents are Council records and are held in Council's archives. You can submit a **Request to View or Copy Development Application Documents** to either view the documents or to receive a copy.

If you would like a copy of the plans and documents, then permission from the copyright holder will need to be obtained before copies can be made and provided. This permission will be sought by Council staff.

***Applications lodged on or after 19 March 2021***
In accordance with Regulation 116A of the *Planning, Development and Infrastructure (General) Regulations 2017*, property owners are entitled to inspect or obtain copies of development related documents. However, Council is not required to provide documents if doing so would jeopardise security or infringe copyright. There is no fee for a landowner to view plans however photocopying charges apply. You can submit a **Request to Inspect Development Application Documents** to either view the documents or to receive a copy.

If you would like a copy of the plans and documents, then permission from the copyright holder will need to be obtained before copies can be made and provided. This permission will be sought by Council staff.

### 2. Can I see what has been approved on the land next to my property?

Yes, you are able to request to view the site plan and elevations. As above, your access to the plans will depend upon when the application was lodged.

### 3. The Policy says that I cannot take photographs of plans and documents when I am viewing them. Why not?

You are not able to take photographs of plans and documents as they are subject to copyright legislation. You can however take notes and make sketches.

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Mid Murray Council

**4. I have concerns that the application I am interested in should have been publicly notified but it wasn't. Can I view the plans that were lodged/approved?**

In this situation, we suggest that you speak with a member of the Development and Regulatory Services Team. They can assist by explaining how the application was processed and why notification did not occur. If you are an adjoining owner or occupier of adjoining land, then you can view the site plan and elevations that were submitted as part of the application.

**5. I have concerns that the application I am interested in should have been publicly notified but it wasn't. I have asked a legal professional to assist with a review. Can they view the plans that were lodged/approved?**

Yes, as above, if you have concerns, we suggest that the legal representative contacts our Development and Regulatory Services Team to discuss the proposal.

**6. I have concerns about a proposal and want to view more than just the site plan and elevations. What other documents can I view?**

We understand that viewing the site plan and elevations may not assist with your enquiry. If you have legitimate concern and there are other planning documents in relation to that concern, we can show you other relevant documentation. For example, if you have concerns regarding noise impacts and an acoustic report was submitted as part of the planning application, then we can show you that report. This also applies to other technical reports such as traffic assessment reports and overshadowing diagrams. If the application was lodged before 19 March 2021, then you will need to lodge a **Request to View or Copy Development Application Documents**.

**7. What does the Policy mean when it refers to not providing access to document that would 'unreasonably jeopardise the present or future security of a building'?**

Planning legislation restricts access to documents where there might be a security risk to a building. For example, documentation in relation to a police station or bank would not be released to protect the security of those buildings. We also limit access to most floor plans to protect the security of occupants. For example, if you wish to view the plans of a neighbouring property, floor plans will not be provided to protect the occupants of that dwelling.

**8. I previously viewed development application documentation that was on the SA Planning Portal when the application was on notification. Can I get access to those documents from Council?**

No, we are unable to provide you with a copy even though they were previously available online. This is because they are subject to copyright and were online as part of the statutory public notification process. You can however view some of the documentation if the application was lodged after 19 March 2021 at the Cambrai Office. You can submit a **Request to Inspect Development Application Documents** to view the documents.

**9. I want to submit a Freedom of Information (FOI) request for application documentation. What is the process?**

The *Planning, Development and Infrastructure Act 2016* states that the *Freedom of Information Act 1991* does not apply to any documentation that is received, created or stored in the SA Planning Portal. We are unable to assist with FOI applications that relate to development applications lodged after 19 March 2021. If you query relates to a development application lodged before 19 March 2021 and assessed under the *Development Act 1993*, you can discuss access to documents with our Freedom of Information Officers.