FAQs

Access to Development Records

PORT ADELAIDE ENFIELD

Should I submit an Access to Development Records request or a Freedom of Information request?

These are different requests as they follow different legislation and require different levels of training. You should submit an Access to Development Records request if you are seeking information listed below. Any other information is regarded as a Freedom of Information Request and can be lodged here: freedom-of-information Form (cityofpae.sa.gov.au) (see further information here: https://www.cityofpae.sa.gov.au/connect/get-in-touch under "Make a Freedom of Information (FOI) request"

What are the rules around viewing and requesting copies of development records?

The Development Act 1993, Development Regulations 2008, Planning Development and Infrastructure (PDI) Act 2016 and PDI General Regulations 2017 outline the documents that can be viewed or copied.

Viewing plans

You can view electronic documents for free at council's Civic Centre (163 St Vincent St, Port Adelaide) between 8:30am-5:00pm, Monday to Friday. We recommend you contact us first as there may not be any electronic plans available or there may be a reason we cannot show you the plans you want to view. If there are no electronic plans available, we can search our offsite warehouse for hard copy files. Please note, a $20 fee (per application) is applicable for this service.

To view some documentation, you must either be the landowner of the site or provide us with written approval from the landowner.

With the landowner's consent, the following documents may be viewed:

- all technical details, plans, drawings, specifications and other documents or information to building work and development
- all certificates, professional opinions and other documents submitted to the Council in connection with an application for approval of building work and development
- a copy of certificate of occupancy issued by, or provided to, the Council
- a copy of any schedule of Essential Safety Provisions issued by, or provided to, the Council
- a copy of any certificate submitted to the council under Regulation 76 during the preceding 6 years
- a copy of any other plan submitted to the Council under the Development Regulations 2008
- documents provided to Council by a Private Certifier

Without the landowner's consent, only documents deemed safe by council will be available for viewing. This will not include any commercial/industrial plans, residential floor plans and other plans which may jeopardize the security of a building.

A council officer will be present during the viewing process. You are not permitted to take copies of any documents (aside from Decision Notification Forms), including taking photos.

Council is not required to make documents available for inspection or for copying if:

- in the opinion of the Council, this would unreasonably jeopardise the present or future security of a building;
- constitute a breach of any other law.

Obtaining copies of plans

To obtain copies of plans, you will need to:
1 – Gain written approval from the landowner (if you are not the owner yourself)
2 – Gain written approval from the copyright holder(s) of any plans you are wanting copies of
3 - Pay associated fees (noted on the Application Form)

A general summary of the process is below. Each case can vary but a Development Services Officer will guide you through.

1 – Provide us with a completed Access to Development Records Application Form. This can be sent via email to service@cityofpae.sa.gov.au, given in person at any of our council offices or sent via post. If you are not the landowner, you must also provide written approval from the landowner to access plans relating to buildings on their property.
2 - Someone from our Development Services team will contact you. We initially provide you with any applications we can see on the current property, free of charge.
3 - If you want to investigate whether we have plans for any of those applications, or if you want us to do a more extensive search for other potential applications, you need to pay a Research Fee.
4 – Once that Research Fee is paid, we investigate if there are any other available applications and/or associated plans. Archive Retrieval Fees may be relevant at this stage.
5 – Once the plans of interest are located, the relevant copyright holder information is provided to you. You must contact the copyright holder(s) to seek their written approval and provide to council. Note: Council is unable to release any plans without written approval from the relevant copyright holder.
6 – Once the copyright holder information has been provided, you pay a Provision of Plans fee.
7 – Once the Provision of Plans fee has been paid, the plans are released to you.

What documentation is council unlikely to have and where else can I look for it?

Utility Plans

- SA Water (1300 729 283) – plumbing
- Office of the Technical Regulator (08 8226 5500) – plumbing & electrical
- Dial Before You Dig (03 8877 6600) – plumbing & electrical
- Department of Infrastructure (1800 075 001) – NBN

Survey Plans

You will need to enlist the services of a private surveyor.

Certificate of Title / information about easements on your property

You can order a Certificate of Title via SAILIS.

Easement details

If you are looking for further information regarding an easement on your property, you will need to contact whoever owns the easement. In some cases, this is council, but not always. You can find the easement owner on your Certificate of Title.

Historical Plans (pre-1990)

Council is not legislated to keep files indefinitely so the file you are seeking may have been destroyed. We may have older development records, but it is unlikely for any development prior to the 1990's. For further information please see the General Disposal Schedule under the State Records Act 1997: https://www.archives.sa.gov.au/managing-information/general-disposal-schedules-gds

Historical photos

We don't hold photographs as part of the development approval process but you may find some photographs and historical information via our Libraries Department / Local History section. This service is located at the Port Adelaide Library. You can contact them on (08) 8405 6580 to enquire or search via the below links.

https://www.cityofpae.sa.gov.au/forms/local-history-enquirieshttps://www.cityofpae.sa.gov.au/explore/libraries/local-historyhttps://www.flickr.com/photos/paelocalhistory/sets/

I am not the landowner. Can I still view and obtain copies of plans?

If you are not the landowner, you must provide council with written evidence of the landowner's consent for you to view and/or obtain the documents. This may be a letter or an email. Without this, you can only obtain copies of Decision Notification Forms and view some residential plans (no residential floor plans and no commercial or industrial plans) This is for safety and security reasons.

I'm the owner of the property, why can't council just give me copies of the documentation?

Being an owner of a property does not give you rights to any development files lodged on the land. Rights to the documentation remain with the copyright holder (whoever produced the document).

How long will this process take?

Council has an initial response timeframe of 5 business days. The length of time before you can obtain copies of plans varies depending on the complexity of the request, availability of records and how long it takes you to obtain copyright consent.

Can I use obtained plans to submit a new application to council?

In most cases, no. Any copyright holder approval is for review purposes only, and cannot be reproduced, amended, or used for construction without appropriate engagement and permission for the relevant copyright holder. The plans also may not be suitable for new assessment due to changes in requirements.

Why do I need copyright approval and what do I do if they say no?

Council must adhere to the Copyright Act 1968. Pursuant to this Act, drawings, plans, engineering reports and other documents have copyright protection vested in their author. You must obtain written permission from the copyright holder(s) before copies of the requested documents can be released. Please note, if you are looking for a full set of approved plans, there will be multiple copyright holders as there are documents provided by various people for most applications.

If the copyright holder does not give their approval for the plans to be released, council will be unable to release the associated documents to you. Advise the officer handling your request If you can't get in contact with the copyright holder, as in some cases, the plans can still potentially be released.

Why would Council not be able to give me the documentation I've requested?

Council reserves the right to refuse the viewing or copying of any documents due to copyright, privacy or security reasons.
Council is not required to make documents available for inspection or for copying if:

- in the opinion of the Council, this would unreasonably jeopardise the present or future security of a building;
- constitute a breach of any other law.

If you have not provided the relevant copyright approval
Council must adhere to the Copyright Act 1968. Written permission is to be obtained from the copyright holder(s) before copies can be issued.

If we don't have any files
We may not be able to find the development records that you are seeking. No responsibility is taken by council if, following all relevant searches, the requested documents cannot be located.

If the files are held by State Records
We can sometimes see in our system if there are files held by State Records but do not have access to the actual files. If this is the case, we will provide you with the relevant details and you will need to contact State Records to retrieve these files yourself. You can contact them on 08 7322 7077 or staterecords@sa.gov.au

Why do I have to pay for council to give me copies of plans?

Providing you with copies of historical development plans is a service and therefore incurs fees. The Development Regulations 2008 and PDI General Regulations 2017 allow council to offer this service for a fee deemed fit by council.

Why are the fees non-refundable if you don't find the documentation I want?

The Research Fee is never refundable as this fee is for the time it takes the Council Officer to search for files, development documents and relevant information. Whether those files are found or not, there is still substantial work undertaken by our Council in searching for them.

Are there any documents I can have copies of for free?

The only document you can have for free and without copyright approval is a Decision Notification Form as it is a public document. All other documentation is subject to fees and copyright approval.

Why does Council need to search for files at an off-site warehouse and why do I have to pay for it?

Sometimes we have references to applications but have no electronic plans. In these cases, we can look for hard copy files that may still be in storage. This service requires council to travel to an off-site warehouse to search for the files**.** Though there is no guarantee any files will be found (and if they are found, the quality is also not guaranteed), this fee is non-refundable due to the work involved by council staff.