



## **INFORMATION SHEET No 1**

### **DEVELOPMENT APPLICATIONS**

#### **What is a Development Application?**

The Development Act establishes a legal structure for controlling the use and development of land throughout South Australia. It does this firstly, by defining what development is and secondly, by specifying that such development must receive both a planning and, where applicable, building approval before being commenced. A single application can cover all development approvals relating to the Development Plan policies and to the Building Code of Australia (BCA) requirements.

Approvals are issued by the relevant planning authority, which in most cases is the local Council. Occasionally, the relevant authority could be the Development Assessment Commission, a Government body set up under the Act largely to determine proposals that have State significance (these being specified by regulation). In rare cases, the planning authority may in fact be the Minister or even the Governor.

A statutory application and approval system regulating development activity is therefore in place and must be followed. The actual Development Application and the Approval forms prescribed by the legislation are the procedures by which an application is handled and a decision ultimately made. Anyone who wishes to undertake development is obliged to go through this process.

#### **When is an application required?**

An application must be lodged **every** time you wish to undertake development. Development is defined in the legislation and refers to a wide range of activities associated with building work, changes in land use, advertising displays, and land and strata division. It could be a quite simple domestic structure or a complex major commercial project, but an application is necessary in either case.

Some forms of minor activity and structures are actually exempt from the definition of development and consequently do not require approval. These, however, are the exception rather than the rule and the situation can change depending upon geographic location or the actual nature of the work being undertaken. As a general rule, any structure that is within the prescribed setback distances, is more than 15 square metres in area, is over 2.5 metres in height, has a span greater than 3 metres, or adjoins an existing building, calls for an application.

The best way to find out if you need an approval for your proposal is to inquire at the local Council and seek clarification as to what may be involved.

**No development can be commenced without a written Development Approval from the relevant authority.**

#### **Why is an application necessary?**

Responsible planning is needed to help satisfy the many varied and often competing demands of the community in a way which makes sound and fair use of available resources in the best interests of the environment and our quality of life. This objective involves not only creating the strategic and policy framework defining the future desired vision for an area, but also controlling development so that framework is not prejudiced and can be achieved. Obviously, these sorts of strategies and policies influence the kind of development that is acceptable or to be opposed.

An application therefore provides the planning authority with the opportunity to individually assess the development proposal against the stated planning policies affecting the locality in which it is situated and against the structural and technical standards set out in the Building Code of Australia.

The Development Plan spells out the preferred character for the different parts (zones) of the Council area, the types of development favoured or to be resisted, and the policies and standards against which proposals are judged. Likewise, the Building Code assessment ensures that the specifications and structural integrity of buildings comply with set technical standards, including essential safety provisions, health and amenity, and public and disabled access.

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It is important to understand that the purpose of the development assessment process is to secure development which is an appropriate use of the land according to the relevant zoning; enhances and is in keeping with the environmental and visual qualities of the landscape; is compatible with the orderly and proper planning of the area and compatible with surrounding development; has minimal adverse impact on the form, character and amenity of the locality in which it is situated; and results in structurally sound and safe buildings.

## How do you go about making an application?

As stated above, to minimise misunderstandings it is always useful to contact the Council first for confirmation that an approval is necessary and for advice regarding the type of information that should be supplied with an application, how an application is likely to be handled, whether public notification or other Government Agencies will be involved, and of course, to check if the proposal is consistent with Council's Development Plan and policies.

For major development proposals, it is strongly recommended that professional assistance be sought in preparing the application as this will help ensure that adequate and relevant information is available thereby minimising time delays. **INFORMATION SHEET No. 2** provides a more detailed overview of the application process.

## Are there different types of applications?

All development proposals, including those for planning and building, are covered by the same standard application form that is used to seek a Development Approval. **Land Division Applications are different in the way they are lodged (see INFORMATION SHEET No 4).**

There are, however, three kinds or classes of development, which affect the way that the application is handled. These are:-

- **complying:** as specifically listed in the Development Plan or specified in the Development Regulations. An approval of a complying development cannot be withheld by the planning authority.

- **non-complying:** again, is specifically listed in the Development Plan and is *prohibited*, although the Development Act does provide for a process of application and assessment in special

cases where the proposal has substantial merit (see **INFORMATION SHEET No 6**)

- **consent on merit:** development not specified as either complying or non-complying is individually assessed on merit, while having regard to the Development Plan policies. The majority of Development applications are assessed as 'consent on merit'.

The above information is advisory and a guide only to give you a general understanding of the key points associated with the approval system. It is recommended that you seek professional advice or contact the Council office regarding any specific inquiries or for further assistance concerning the use and development of land. Being prepared can save you time and money in the long run.