

Information Guide 1 – Development Approval

What is Development?

The use and development of land throughout South Australia is guided by the *Development Act 1993*, the *Development Regulations 2008* and the *Building Code of Australia*.

The *Development Act 1993* defines development as including (but not limited to):

- Building work (including construction, addition to, or alteration of buildings and structures);
- Change in the use of land (including buildings);
- Division of land;
- Display or erection of outdoor advertisements (signs);
- Tree-damaging activity in relation to a significant tree; and
- Work affecting a State or Local Heritage Place.

What is Development Approval?

Development Approval is comprised of a number of different consents. The type of consents required depends on the nature of the development. The common consents include:

- Development Plan Consent (planning consent);
- Building Rules Consent (building consent); and
- Land Division Consent.

When is Development Approval required?

Development Approval is required whenever development is undertaken. It is a legal requirement which has been put in place to protect individuals, the community and the environment.

If development is undertaken without first obtaining Development Approval, you may face prosecution or be fined.

How do I obtain Development Approval?

Development Approval must be obtained from the relevant authority. Applications involving land division are lodged with the Development Assessment Commission. Almost all other applications are lodged with Council.

Do all activities need Development Approval?

The *Development Act 1993* and *Development Regulations 2008* exclude some minor activities from the need for development approval. Examples of which include:

- Domestic Outbuildings, that is garages, tool sheds and similar structures which are:
 - less than 15m² floor area (10m² in HCZ);
 - have no span greater than 3m;
 - are not higher than 2.5m above natural ground level;
 - are not located within 6m of a road junction other than where a 4 x 4 cut off has been provided; and
 - not located forward of any building to which it is ancillary.
- Pergolas which are:
 - open-sided;
 - do not have a solid roof cover;
 - not higher than 4m above ground level; and
 - not located forward of any building to which it is ancillary.
- Certain advertisements/advertising displays.
- Fences (measure from the lower of the two adjoining finished ground levels) which are:

- not in the Hills Face Zone, Watercourse Zone or Historic Conservation Zone,
- not higher than 2.1m (or 1m if masonry); and
- not higher than 1m if located within 6m of the intersection of two boundaries of land where those boundaries both face a road, other than where a 4m² corner cut-off has already been provided.
- Swimming Pools (other than in the Hills Face Zone or Watercourse Zone) which are:
 - not deeper than 300mm; and
 - do not incorporate a filtration system.
- Minor, non-structural repairs, maintenance or alterations to the interior or buildings, and the fitting of air conditioners, except in respect of State or Local Heritage Items or Places

However, these are the exceptions to the usual rules. If you have any doubts, you should seek advice from Council's City Development & Safety Department.

How do I make a Development Application?

1. For the use or development of land you **MUST** lodge a development application comprising the following:
 - Development Application Form and Information Checklist (available at City of Burnside's website – www.burnside.sa.gov.au), completed, dated and signed;
 - Information relevant to your proposal (as detailed in the checklist); and
 - Payment of the relevant fee.
2. Land division applications must be lodged with the Development Assessment Commission (State Government Planning Authority) at Department of Planning and Local Government, Dame Roma Mitchell Building, 136 North Terrace, ADELAIDE.

How is my Application assessed?

Once all relevant information has been received, Council's Development Officers will consider your application for planning consent against the provisions of the City of Burnside Development Plan.

The *Development Act 1993* requires that some development proposals are subject to public notification. The *Development Regulations 2008* also require the Council to refer some applications to government agencies for advice.

An application for Building Consent is assessed against the Technical Requirements of the Building Rules which includes the *Building Code of Australia* and relevant Australian Standards. These rules cover structural matters, safety of occupants, health protection and fire issues.

How long will Approval take?

Processing time will depend on the nature and complexity of the proposal.

Processing time can also be affected by the information you provide in support of your application. If additional information is required to make a thorough assessment of your application, Council will notify the applicant and not process the application until the requested information is received.

Please Note

The information contained here is offered as a guide only. While Council staff is on hand to assist, you may also wish to seek advice from a professional planning consultant.

If you need to make an application, time and money can be saved if you are thoroughly prepared.

Further Information

The above information is advisory and only a guide to give you a general understanding of the key issues associated with Development Approvals.

For further information or assistance, please contact Council's City Development & Safety Department on 8366 4244.