Streamlining Planning Assessment

Guide to complying development, (Residential Code), exempt development and development requiring building consent only

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31 May 2012
Guide to Complying development, exempt development and development requiring building consent only (Residential Code)

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While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of South Australia, its agencies and employees, disclaim any and all liability to any person in respect to anything or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

Readers are advised to refer to the Development Act 1993 and Development Regulations 2008 for a detailed understanding of the planning system in South Australia.

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Government of South Australia
Department of Planning, Transport and Infrastructure
The State Government is committed to ensuring South Australia is one of the most attractive places in the world to live, work and do business.

The constant aim is to have the most competitive planning and development system in Australasia, while also enhancing the outstanding lifestyle of our people and the sustainability of our state. In particular, we have sought to streamline the assessment processes for matters that could reasonably be expected to be approved in a residential area.

In March 2009 a series of changes were introduced to make it easier for homeowners to improve their properties, while at the same time protecting our valuable heritage and character.


The new assessment processes for these types of proposal represented a direct attempt to achieve our aims for the State.

Upon listening to feedback from local councils, the development industry and the public, the Code has been updated to create greater certainty and reduce risk for applicants.

The updated Code maintains all special protections for heritage and character areas.

The refinement of the Code will assist in enabling as many as 50 per cent of all development applications received in the State to be processed faster and more consistently, saving South Australians time, money and worry.

This guide explains how the system works as of 1 August 2012.

John Rau
Minister for Planning
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This is a guide only to the operation of the South Australian planning system regarding complying residential development, exempt residential development and residential development requiring building consent only.

While all care has been taken to ensure it is an accurate reflection of the Development Regulations, readers should refer to the appropriate sections of the Development Regulations 2008 for complete legal definitions.

This guide is in six sections:

1. Introduction to the assessment and approvals system
2. Exempt development
3. Development requiring building consent only
4. Complying development: Sheds, verandahs and carports
5. Complying development: Alterations and additions to existing detached and semi-detached homes

You are encouraged to read all of section 1 for a basic understanding of the system, and then whichever section is relevant to your development proposal for further detail.

You are strongly advised to contact your local council’s planning department for advice in the first instance.

Please note

This guide does not cover the ‘merit assessment’ system.

It also does not cover land division, detail of which can be found in an online guide at www.sa.gov.au/planning

There are other limitations on the application of many of the matters detailed in this Guide. In particular, there are other requirements for:

- Damage to or removal of a regulated tree
- Building over an easement
- Any additional restrictions on development of your land, such as
  - An encumbrance or Land Management Agreement registered on the certificate of title
  - Strata Corporation Rules
  - Community Title Scheme descriptions
  - Consents required from State Government agencies
- Any other matters controlled by legislation.
Exempt development

An exempt development does not require development assessment or approval. It includes minor residential developments that homeowners commonly undertake to improve their property and lifestyle. Examples include:

- Sheds up to 15 square metres in area (with some conditions)
- Pergolas (with some conditions, including not having a hard roof)
- Decks no more than 50 centimetres above the ground (with some conditions)
- Shade sails to 20 square metres and no higher than 3 metres (m) (with some conditions)
- Water tanks to 10 square metres (with some conditions)
- Roller doors (with some conditions)
- Fences to 2.1 metres in height (with some conditions)

Exempt development applies in most areas of South Australia, with some exceptions including Flood Zones, the Hills Face Zone and heritage areas.

See section 2 of this guide for details.

Development requiring building consent only

The category of ‘development requiring building consent only’ refers to some residential development which for safety reasons requires building consent, but not planning assessment or consent. These matters should be approved no more than 25 working days from application lodgement. Examples include:

- Carports to 40 square metres (with some conditions)
- Sheds of 15 – 40 square metres (with some conditions)
- Verandahs (with some conditions)
- Swimming pools and spas (with some conditions)
- Shade sails of 20 – 40 square metres and no higher than 3 metres (with some conditions)
- Solar panels (with some conditions).

Development requiring building consent only applies in most areas of South Australia, with some exceptions including the Hills Face Zone and heritage areas. In some cases (subject to the Development Plan and building design) these developments can be constructed in Flood Areas.

See section 3 of this guide for details.
Complying development: Alterations and additions to existing detached or semi-detached homes

Changes have been introduced to increase complying development (compliance with design standards only is required) for single-storey alterations and additions to existing detached or semi-detached dwellings (e.g. the addition of a family room or bedrooms). These matters should be approved no more than 35 working days from application lodgement if all conditions are met.

Complying development for single-storey alterations and additions to existing detached and semi-detached dwellings applies in most residential areas of South Australia, with some exceptions including the Hills Face Zone and heritage areas. In some cases (subject to the Development Plan and building design) these developments can be constructed in Flood Areas.

See section 5 of this guide for details.

Complying development: Sheds, verandahs and carports

Changes have been introduced to increase complying development (compliance with design standards only is required) for some sheds, verandahs and carports. These matters should be approved no more than 35 working days from application lodgement if all conditions are met.

Complying development for sheds, verandahs and carports applies in most residential areas in South Australia, with some exceptions including heritage areas. In some cases (subject to the Development Plan and building design) these developments can be constructed in Flood Areas.

See section 4 of this guide for details.

Complying development: New detached and semi-detached homes

Changes have been introduced to achieve increased complying development (compliance with design standards only is required) for new detached and semi-detached dwellings. In the first instance residential code complying development applies to determined areas within local councils, subject to some exceptions including Hills Face Zone and heritage areas. In some cases (subject to the Development Plan and building design) these developments can be constructed in Flood Areas. Residential code complying development does not apply to battleaxe allotments.

These matters should be approved no more than 35 working days from application lodgement if all conditions are met.

See section 6 of this guide for details.
What is ‘development’?

In South Australia ‘development’ is formally defined in the Development Act 1993 and includes:

- Building work (including construction, demolition, alteration and associated excavation/fill)
- A change in the use of land or buildings
- Cutting, damaging or felling of significant trees
- Specific work in relation to State and local heritage places
- Land division.

The complete definition is contained in section 4 of the Development Act (the Act can be found on the South Australian Legislation website at www.legislation.sa.gov.au).

With some exceptions, development cannot be undertaken without an appropriate Development Approval being obtained from the relevant authority after an application and assessment process.

In the vast majority of residential development cases the ‘relevant authority’ will be a local council; in a small number of cases it may be the independent Development Assessment Commission.

It is advisable to contact your local council’s planning department in the first instance for residential development queries where you are not sure of the process and assessment criteria.

Development assessment processes

IMPORTANT NOTE: Land division is not considered in the following descriptions.¹

The Development Act 1993 and Development Regulations 2008 detail the processes for making and assessing development applications and issuing Development Approvals.

An application for a Development Approval must be made using a standard application form for all development except residential code complying development applications relating to new dwellings and dwelling additions. In this case a unique application form applies.

Applications are lodged for assessment with the relevant authority (for residential developments, this is usually the local council).

A residential Development Approval is usually made up of two separate consents – a planning consent (Development Plan Consent) and a building consent (Building Rules Consent). Applications for planning and building consents can be lodged concurrently or separately, but any application for building consent must be consistent with the planning consent. Building consents can be obtained from a private certifier or the council, but only the council can issue a planning consent and final Development Approval.

Please note that other consents may be required for specific sorts of development, including land division.

¹ In South Australia, Development Approval must be gained before land titles can be obtained for a land division. This applies whether it is a boundary change between neighbours, one or more allotments being created, or a large-scale development of numerous allotments. If you are seeking to divide or subdivide please visit www.dpti.sa.gov.au to download a guide regarding land division.
Exceptions to the requirement for building and planning consents are:

→ Exempt development. Matters listed in the Development Regulations as ‘exempt development’ do not require development assessment, consent or approval. They include (within certain limits) small sheds, decks, pergolas and fences. The exemptions may not apply in some areas, such as Flood Zones (if specific finished floor levels are not defined in the Development Plan or not satisfied by the proposed building when levels are specified), the Hills Face Zone or heritage areas.

See section 2 of this guide for details.

→ Development requiring building consent only. Some residential development matters require building consent but not planning consent. They include (within certain limits) larger sheds, carports and swimming pools. Development requiring building consent only may not apply in some areas, such as Flood Zones (if specific finished floor levels are not defined in the Development Plan or not satisfied by the proposed building when levels are specified), the Hills Face Zone or heritage areas.

See section 3 of this guide for details.

Residential development that is not mentioned in the Development Regulations as ‘exempt development’ or ‘development requiring building consent only’ will generally require both a planning consent and building consent to gain a Development Approval.

Planning consent

The Development Act and Regulations provide the processes for assessing residential development applications that require planning consent (Development Plan Consent).

Some applications for planning consent are assessed using ‘merit assessment’ processes while others follow a ‘complying development’ path.

Merit assessment

Development of a kind not listed as either ‘complying’ or ‘non-complying’ in the Development Plan for a council area or in the Development Regulations 2008 is subject to a merit assessment by the relevant authority (usually the council). Such applications are assessed against all of the relevant policies in the local Development Plan.2 Merit assessment processes are not described in this guide.

Complying development

Complying development essentially provides for an assessment of only quantitative design standards as they apply to a proposal.

Planning consent (Development Plan Consent) will be granted if the proposal:

→ is listed as ‘complying’ in either the Development Plan or Schedule 4 of the Development Regulations 2008, and

→ is in a zone where complying development applies, and

→ meets all the required standards (‘design standards’) for that sort of complying development.

Complying development assessment should take 10 business days, which is generally much faster than a merit assessment process. Complying development is also deemed to be a ‘Category 1’ development under Schedule 9 of the Development Regulations and is therefore exempt from public notification and third-party appeal rights.

See sections 4, 5 and 6 of this guide for an explanation of the processes for assessing complying development.
**Building consent**

Building Rules Consent may be granted by the local council or by a qualified private certifier of building work. Applications for building consent are assessed against the provisions of the Building Rules as they apply in South Australia (that is, an edition of the Building Code of Australia published by the Australian Building Codes Board, as modified by the variations and additions for South Australia contained in the appendix).

Applications involving complex building work will require technical plans of footings and structures and specifications prepared by a qualified person. Your local council will explain any requirements.

An assessment for building consent should occur within 20 working days of lodgement of a complete application.

**Development Approval**

Your local council must issue Development Approval within five working days of building consent being granted.

**Complying development assessment for planning consent**

**IMPORTANT NOTE:** The changes introduced that became operative on 1 August 2012 do not affect the allowable size of a site on which a new semi-detached dwelling can be built in any area – the minimum site size (and frontage) for each dwelling is still determined locally by the Development Plan zoning for each area.

However, if two or more new detached dwellings sites are sought on an allotment - the minimum site size allowable is also the semi-detached area (and frontage) a determined locally by the Development Plan zoning for each area.

On 1 March 2009 the State Government introduced changes to the Development Act and Development Regulations to expand the matters that can be quickly assessed for planning consent as ‘complying development’.

Residential code complying development essentially provides an assessment of a proposal against a series of criteria (for example, location, height, setback, site coverage, private open space, car parking and driveways). These requirements are detailed in the Development Regulations and reproduced in sections 4, 5 and 6 of this guide.

If a proposal is of the right type and in the right area, and meets the measurable design standards of the Development Regulations, it is a complying development and planning consent must be issued within 10 working days of the application lodgement. This is generally much faster than a merit assessment process.

Updates to residential code complying development on 1 August 2012 require the council to inform an applicant of whether or not they consider the status is relevant to a lodged application within 5 business days. If the residential code complying development status is questioned, the council must describe why the proposal is inconsistent with the Development Regulations.
Building consent will still be needed and, provided the proposal meets the Building Code requirements, will be issued within 20 working days. A final Development Approval must be issued within five working days of building consent being granted.

Therefore, a proposed home alteration/addition or a new home in the right zone that meets the complying development and building rules requirements will be approved within 35 working days of the application lodgement.

A relevant authority has the discretion under the Development Act to accept any minor departures from the design standards and treat them as if they achieve the complying development requirement. Advisory Notice Planning 25 provides guidance as to when minor variations could continue to be considered “minor”. The Advisory Notice can be found at:


Also, where an application fails to meet only one design standard (which the relevant authority does not accept as minor) and defaults to a merit assessment, the assessment will only be on the sole departing aspect. (See under the heading ‘Limited assessment’)

The applicant is responsible for providing all supporting plans and documentation to fully demonstrate how the proposed development satisfies each design standard. Please refer to the Information requirements in this guide for each type of development.

**Limited assessment**

If your development meets “all but one” of the design standards to be a complying development, it will be considered under a ‘limited assessment’ process. This means the assessing authority will assess that non-conforming aspect as ‘merit’ development.

This could mean that your application will need to be notified to third parties, and could mean that it will be refused. It will also take longer for a decision to be made on your application.

**Other matters to consider**

Applicants should also note that other requirements outlined in the Development Act 1993 are still applicable and may require a merit assessment. These include but are not limited to:

- development that results in the removal of, or damage to, a significant tree
- development required to be referred by the Development Regulations 2008 to a government agency for advice, for example, development on main roads, near the River Murray or in a high bushfire risk area.

You should also note there may be other requirements if:

- you propose to build over an easement (you may need the approval of the easement holder)
- you have any additional restrictions on development of your land, such as:
  - an encumbrance or Land Management Agreement registered on the certificate of title
  - Strata Corporation Rules
  - Community Title Scheme descriptions
  - Consents required from State Government agencies
- your development involves any other matters controlled by other legislation.

You should check your certificate of title for any easements or other restrictions.

Landowners are responsible for ensuring they do not build over easements without approval or breach any other restrictions registered on the certificate of title. An approval under the Development Act does not give the owner the right to build over an easement or not comply with any other restrictions registered on the certificate of title.

It is the landowners’ responsibility to build in accordance with the approved plans. If you change your mind after approval, you must obtain a new approval for the changes.
Making an application for a complying development assessment

Who can apply for a complying development assessment?

Any person may apply but if you are not the landowner and do not have the expressed approval of the landowner, you will not be able to implement any approval.

How is an application for complying development made?

An application for a Development Approval must be made using a standard application form for all development except residential code complying development applications relating to new dwellings and dwelling additions. In this case a unique application form applies. A copy of the residential code complying development application form can be found at www.sa.gov.au/planning/rescode.

Applications are lodged for assessment with the relevant authority (for residential developments, this is usually the local council).

Applications for development on land that is not within a council area, or for land divisions anywhere in South Australia, must be submitted to the Development Assessment Commission.

The application should meet the information requirements outlined in this guide relevant to the type of development; the requirements are also specified in Schedule 5 of the Development Regulations 2008.

Your local council will be able to further explain the requirements. Failure to provide the required information could lead to delays in processing your development application, or even development refusal.

How long does it take to process an application for complying development?

If a proposal meets the requirements of Schedule 4 of the Development Regulations 2008, as identified in this guide, a Development Plan Consent must be issued by the relevant authority within 10 business days of the application being lodged.

Within the first 5 business days of the 10 business days mentioned above the relevant authority (generally the council) is to inform an applicant of whether or not they consider the status is relevant to a lodged application.

If the residential code complying development status is questioned, the council must describe why the proposal is inconsistent with the Development Regulations.

Where an application for Building Rules Consent has been made concurrently with the application for planning consent, a building rules assessment must be made within 20 working days (building consent can be sought from the council or from a qualified private building certifier).

However, if an application is found not to be a complying development, a merit assessment process will be used.

Public notification

Complying development is deemed to be a Category 1 development under Schedule 9 of the Development Regulations and is therefore exempt from public notification and third-party appeal rights.

Advice to intending applicants

The development application process will generally involve the lodgement of:

- an application form and fees (which will vary according to the type of development and consent being sought)
- plans and details that describe the proposed development
- (in the case of building work) technical plans of footings and structures and specifications prepared by a qualified person for assessment against the Building Code of Australia or other appropriate standards.

These are further outlined in the Information requirements in this guide for each type of development.
Introduction to the assessment and approvals system

Summary – steps to follow

What do I need to do to get a Development Approval for my residential development proposal?

**Step 1**
Check if the type of development is on the 'exempt development' list (see section 2 of this guide). If it is, you will not require any assessment or Development Approval and can proceed with your development.

**Step 2**
Check if the type of development is on the 'development requiring building consent only' list (see section 3 of this guide). If it is, you will be required to apply for a building consent (but not a planning consent) and a Development Approval.

**Step 3**
If the proposal is not on the lists named in steps 1 and 2, check to see whether your land is located within the "determined area". If none of the exceptions apply proceed to step 4. If not contact your council regarding assessment.

**Step 4**
Check if the type of development is on the 'complying development' list (see sections 4, 5 and 6 of this guide). If so, proceed to step 5. If not, contact your Council regarding assessment.

**Step 5**
Check your proposal against the Design Standards (see section 4, 5 or 6 of this guide). If the development satisfies all the Design Standards, it will be assessed as a complying development. If not, it will require a merit assessment (or alteration of the proposal).

**Step 6**
Lodge your residential code specific application with Council, including detailed plans and a description of the development as required in the relevant information requirements in this guide.

**Step 7**
If the application for planning consent is complying, the relevant authority will issue the applicant with a Development Plan Consent within 10 working days. If it is not complying, a merit assessment will need to be undertaken before a Development Plan Consent can be issued. If an application for a building consent has been lodged concurrently with the application for planning consent, the Council may proceed with the building rules assessment and issue a final Development Approval rather than individual consents, if the application meets both planning and building rules requirements.

If an application for Building Rules Consent is lodged with a private certifier, the certifier or applicant must forward a copy of the building consent to the Council, which will issue a final Development Approval to allow the development to proceed.
Introduction

Most building work requires development assessment and approval. ‘Exempt development’, however, does not.

The exempt development list includes minor residential development matters which are commonly undertaken by homeowners to improve their property and their lifestyle.

The list of exempt development includes:

- Small sheds
- Pergolas
- Decks
- Small shade sails
- Solar panels
- Small water tanks
- Fencing
- Retaining walls

All of these types of development are subject to conditions (described under the heading ‘Conditions’), including conditions related to their location (see ‘Where does it apply?’).

You should check with your local council to determine if your development is an exempt development.

If not, it may require both planning and building consents.

Where does it apply?

Exempt development applies in relation to all types of homes, including detached homes, semi-detached homes, townhouses and even apartments.

Generally, exempt development is not available for development in a Historic Conservation Zone/Area, Hills Face Zone, a Flood Management Zone/Area, a River Murray Zone and some selected zones in the City of Tea Tree Gully and the City of Charles Sturt.

It is important to note, that where strata titles or community titles exist (such as with many townhouses or group dwellings, like retirement villages) special approval may need to be obtained from the body corporate to undertake any development.

You should check with your local council to determine if your development will be located in any of these areas. See under the heading ‘Conditions’ for more specific information.

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Readers are advised to refer to the Development Act 1993 and Development Regulations 2008 for a detailed understanding of the planning system in South Australia.
Conditions

The following acts or activities are excluded from the definition of development (other than in respect of a State heritage place, or as otherwise indicated below).

Advertising displays

The commencement of an advertising display containing an advertisement:

- that is displayed for the purposes of identification, direction, warning or other information in relation to a detached, semi-detached, row or multiple dwelling or residential flat building, subject to the following conditions
  - that the advertisement area is not more than 0.2 square metres; and
  - that the advertising display
    > does not move, and
    > does not flash, and
    > does not reflect light so as to be an undue distraction to motorists, and
    > is not internally illuminated; and
  - that not more than two such advertisements are displayed in relation to the same building.

Minor building work

The construction or alteration of, or addition to, any of the following (including any incidental excavation or filling), other than in respect of a local heritage place:

- an outbuilding (other than in the Hills Face Zone, a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, in the Golden Grove Residential Zone or in the Golden Grove Residential D Zone, or in Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt) in which human activity is secondary, and which –
  - is detached from and ancillary to another building which is erected on the site, or for which consent has been granted by the relevant authority, or which is expressed as complying development in respect of the Development Plan; and
  - has a total floor area not exceeding
    > in the case of an outbuilding in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone – 10 square metres;
    > in any other case – 15 square metres; and
  - has no span exceeding 3 metres, and no part of the building being higher than 2.5 metres above the natural surface of the ground; and
  - is not being constructed, added to or altered so that any portion of the building is situated
    > in front of any part of the building line of the building to which it is ancillary that faces the primary street; or
    > within 900 millimetres of a boundary of the land with a secondary street (if the land has boundaries on two or more roads); and
  - is not within 6 metres of the intersection of two boundaries of the land where those boundaries both face a road, other than where a 4 metre x 4 metre corner cut-off has already been provided (and is to be preserved).
Exempt development

- A **windmill**, other than a windmill in Area A or Area C described in a map entitled Airport Building Heights if that map is contained in the relevant Development Plan.

- A **flagpole**, which is not attached to a building and is not more than 10 metres in height, or which is attached to a building and is not more than 4 metres in height above the topmost point of attachment to the building, exclusive of guy wires.

- A **swimming pool** (other than in the Hills Face Zone, a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan) which is constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which –
  - does not have a depth exceeding 300 millimetres; or
  - in the case of an above-ground or inflatable swimming pool, does not incorporate a filtration system.

- A **spa pool** which is constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which does not have a maximum capacity exceeding 680 litres.

- A **detached incinerator** not exceeding 0.5 cubic metres overall volume.

- A **fence** not exceeding 2.1 metres in height (measured from the lower of the two adjoining finished ground levels), other than –
  - a fence in
    - the Hills Face Zone, a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or
  - a Regional Centre Zone, or in any Centre Zone in the area of The Corporation of the City of Campbelltown; or
  - the Golden Grove Residential Zone or in the Golden Grove Residential D Zone; or
  - Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt; or
  - a Streetscape (Built Form) Zone in the area of The Corporation of the City of Unley if the fence is situated between the building line of the main face of a building and the road on to which the building faces; or
  - a fence in the Residential Historic (Conservation) Zone in the City of Charles Sturt that is situated on the boundary of the relevant allotment with a road (other than a laneway); or
  - a fence that exceeds (or would exceed) 1 metre in height within 6 metres of the intersection of two boundaries of land where those boundaries both face a road, other than where a 4 metre x 4 metre corner cut-off has already been provided (and is to be preserved); or
  - a masonry fence that exceeds (or would exceed) 1 metre in height (measured from the lower of the two adjoining finished ground levels); or
  - a fence that is (or is to be) a safety fence for a swimming pool which is approved for construction, or requires approval for construction, on or after 1 July 1993; or
  - a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the Building Code, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the Building Code) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence.
Exempt development

- a fence not exceeding 2.1 metres in height (measured [if relevant] from the lower of the two adjoining finished ground levels) in the North Adelaide Historic (Conservation) Zone in The Corporation of the City of Adelaide, other than –
  - a fence situated on the boundary of the relevant allotment with a road
    - if there is no adjacent building facing the same road on to which the building faces – a fence situated between the building line of the main face of a building and the road on to which the building faces;
    - if there is an adjacent building facing the same road on to which the building faces – a fence situated between a notional line drawn between the nearest front corner of each building to the other building and the road on to which the buildings face (and for the purposes of this subparagraph buildings separated only by a laneway will still be taken to be adjacent).
  - a masonry fence that exceeds (or would exceed) 1 metre in height (measured [if relevant] from the lower of the two adjoining finished ground levels).
  - a fence that is (or is to be) a safety fence for a swimming pool approved for construction, or requires approval for construction, on or after 1 July 1993.
  - a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the Building Code, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the Building Code) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence.
  - a post and wire fence, other than a chain mesh fence, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan.

- a retaining wall (other than in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, or within 100 metres of the coast measured from the mean high water mark on the sea shore at spring tide) which retains a difference in ground levels not exceeding 1 metre.
  - a water tank (and any supporting structure) which –
    - is part of a roof-drainage system; and
    - has a total floor area not exceeding 10 square metres; and
    - is located wholly above ground; and
    - has no part higher than 4 metres above the natural surface of the ground.

- a deck (other than in a Coastal Zone, a Coastal Conservation Zone, the Hills Face Zone, a Historic [Conservation] Zone, a Historic [Conservation] Policy Area, a Residential Historic [Conservation] Zone, a Historic Conservation Area or a Historic Township Zone or in a bushfire prone area under regulation 78[1]) which is used (or to be used) in association with an existing dwelling and which –
  - will not have any point on the floor of the deck that is higher than 500 milimetres above the natural surface of the ground; and
  - will not have any portion of the deck situated within 900 milimetres of a boundary of the land.
■ other than in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, the installation of a garage or carport door (of any kind or style) if the garage or carport –

→ already exists on the site; and
→ is ancillary to another building which is erected on the site or for which consent has been granted by the relevant authority; and
→ does not have any portion in front of any part of the building line of the building to which it is ancillary that faces the primary street.

■ other than in respect of a local heritage place or in a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, the construction of a shade sail if –

→ the shade sail is to consist of permeable material; and
→ the area of the sail will not exceed 20 square metres; and
→ no part of the sail will be more than 3 metres above ground or floor level (depending on where it is to be situated); and
→ no part of the sail will be in front of any part of the building line of the building to which it is ancillary that faces the primary street.

■ other than in respect of a local heritage place, the repair, maintenance or internal alteration of a building –

→ that does not involve demolition of any part of the building (other than the removal of fixtures, fittings or non-load-bearing partitions); and
→ that will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and
→ that is not inconsistent with any other provision of this Schedule.

Other than in respect of a local heritage place –

■ the installation of, or any alteration of or addition to, a building that is necessary for, or incidental to, the installation of –

→ an individual air handling unit mounted on a wall, window or domestic floor; or
→ a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms and installed within the ceiling space; or
→ an exhaust fan, where the item being installed does not encroach on a public street or affect the ability of the building to resist the spread of fire.

■ the installation or alteration of a building or the making of any excavation or filling that is necessary for, or incidental to, the installation of any electrical, gas, water, sewage and sullage, or telecommunications service (including appliances and fittings), and which does not affect the ability of the building in which it is installed to resist the spread of fire.

→ the construction of a pergola associated with an existing dwelling (whether attached to the building or freestanding) –

→ which does not have a roof; and
→ each freestanding side of which is open; and
→ no part of which is higher than 4 metres above the ground; and
→ which is not being constructed so that any part of the pergola will be in front of any part of the building line of the dwelling to which it is ancillary that faces the primary street.

■ any work undertaken solely for the purposes of fitting a smoke alarm in accordance with the requirements under regulation 76B.

Extract from the Development Regulations 2008, Schedule 3 – Acts and activities which are not development.
Definitions

**brush** means –
- broombrush (Melaleuca uncinata); and
- any other form of dried vegetation material that constitutes brush for the purposes of regulation 76C;

**brush fence** includes –
- a fence that is predominantly constituted by brush;
- a gate that is predominantly constituted by brush;

**road** has the same meaning as in the Local Government Act 1999 but does not include an alley, lane or right of way;

**swimming pool** includes a paddling pool.

*Note: There may be other definitions that are relevant, please see the Development Act 1993 and Development Regulations 2008 for more information.*

Further information

You should talk to your local council about your proposal and what type of approval you might need.

Please refer to Section 1 of this guide if you require more general information about the planning system for residential development.
Introduction

Some residential development matters require building consent but not planning consent (‘development requiring building consent only’).

The types of development requiring building consent only are:

- Outbuildings (sheds)
- Carports
- Verandahs
- Swimming pools and spas
- Shade sails
- Above and below ground water tanks
- Solar photovoltaic panels
- Internal building works
- Building demolition

All these types of development are subject to conditions (described under the heading ‘Conditions’), including conditions related to location (see ‘Where does it apply?’).

You should check with your local council to determine if your development requires building consent only.

If not, it may require both planning and building consent.

Where does it apply?

Development requiring building consent only can occur in a large number of residential areas; however, there are some limitations. This type of development is not permitted within a Historic Conservation Zone/Area, Hills Face Zone, a River Murray Zone and some selected zones in the City of Tea Tree Gully and the City of Charles Sturt.

The following development is also not permitted in a Flood Management Zone/Area:

- Swimming pools and spas
- Internal building works

Within a Flood Management Zone/Area, if specific finished floor levels are not defined in the Development Plan, the following development is also not permitted:

- Outbuildings (sheds)
- Carports
- Verandahs
- Shade sails.

Within a Flood Management Zone/Area, if specific ARI or AHD levels are defined in the Development Plan, subject to the proposed building finished floor level being greater than or equal to specified ARI or AHD levels, these developments can be assessed as building rules consent only.

- Outbuildings (sheds)
- Carports
- Verandahs
- Shade sails.

You should check with your local council to determine if your development will be located in any of these areas. See under the heading ‘Conditions’ for more specific information.

Additional exclusions

This section is not applicable to you if:

- the development is in relation to a site where a State heritage place or a local heritage place is situated; or
- the development falls within a class of development prescribed under Schedule 8 of the Development Regulations 2008 (a development requiring referral to another agency); or
- the development would be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of South Australia, its agencies and employees, disclaim any and all liability to any person in respect to anything or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

Readers are advised to refer to the Development Act 1993 and Development Regulations 2008 for a detailed understanding of the planning system in South Australia.
Conditions

For your development to fall into this category, you need to meet all the conditions that are relevant to your development.

If you are not sure, you should speak with your local council.

Outbuildings (sheds)

The construction or alteration of, or addition to, an outbuilding, other than where the outbuilding is in a Historic Conservation Zone/Area, the Hills Face Zone, a River Murray Zone, the Golden Grove Residential Zone or Golden Grove Residential D Zone, or Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt, in which human activity is secondary, and which:

- is detached from and ancillary to a dwelling erected on the site; and
- is not being constructed, added to or altered so that any part of the outbuilding is situated –
  - in front of any part of the building line of the building to which it is ancillary; or
  - within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads); and
- in the case of a garage – is set back at least 5.5 metres from the primary street; and
- complies with the following requirements as to dimensions –
  - a total floor area not exceeding 40 square metres;
  - a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);
  - a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
  - if situated on a boundary of the allotment – a length not exceeding 8 metres; and
- if situated on a side boundary of the allotment –
  - will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
  - will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure;
- if ancillary to –
  - a detached or semi-detached dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
  - any other kind of dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and
- in the case of a garage –
  - will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and
  - is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and
  - is located so that vehicle access—
    A) will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
    B) will use a driveway that—
      - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
      - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
    C) will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
      - is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average; and
if clad in sheet metal – is pre-colour treated or painted in a non-reflective colour; and

- does not involve—
  i) excavation exceeding a vertical height of 1 metre; or
  ii) filling exceeding a vertical height of 1 metre, and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres.

**Carports and verandahs**

The construction or alteration of, or addition to, a carport or verandah (a structure), other than in a Historic Conservation Zone/Area, the Hills Face Zone, or a River Murray Zone, which:

- is ancillary to a dwelling erected on the site; and
- is not being constructed, added to or altered so that any part of the structure is situated in front of any part of the building line of the building to which it is ancillary; and
- is set back at least 5.5 metres from the primary street; and
- complies with the following requirements as to dimensions –
  → a total floor area not exceeding 40 square metres;
  → if situated so as to abut, or to have any part of the structure on, a boundary of the allotment, or so as to have any part of the structure within 900 millimetres of a boundary of the allotment – a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground);
  → a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
  → if situated so as to abut, or to have any part of the structure on, a boundary of the allotment – a length not exceeding 8 metres; and
  → if situated so as to abut, or to have any part of the structure on, a side boundary of the allotment – will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and

- if ancillary to –
  → a detached or semi-detached dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
  → any other kind of dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and

- in the case of a carport –
  → will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and
  → is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and
  → is located so that vehicle access—
    A) will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
    B) will use a driveway that—
      > is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
      > will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
    C) will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
  → is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average; and
  → if any part involves cladding in sheet metal – will have cladding which is pre-colour treated or painted in a non-reflective colour.
Swimming pools
The construction or alteration of, or addition to, a swimming pool, other than in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, or a River Murray Zone, which:

- is ancillary to a dwelling erected on the site; and
- is not being constructed, added to or altered so that any part of the pool is within 1 metre of a boundary of the allotment; and
- is not being constructed, added to or altered so that any part of the pool is situated in front of any part of the building line of the building to which it is ancillary; and
- does not have a filtration system located –
  → in the case of a filtration system enclosed in a solid structure that will have a material impact on the transmission of noise – within 5 metres of a dwelling located on an adjoining allotment; or
  → in any other case – within 12 metres of a dwelling located on an adjoining allotment.

Spa pools
The construction or alteration of, or addition to, a spa pool, other than in a Historic Conservation Zone/Area, the Hills Face Zone, a Flood Management Zone/Area, or a River Murray Zone, which:

- is ancillary to a dwelling erected on the site; and
- is not being constructed, added to or altered so that any part of the spa pool is within 1 metre of a boundary of the allotment; and
- is not being constructed, added to or altered so that any part of the spa pool is situated in front of any part of the building line of the building to which it is ancillary; and
- does not have a filtration system located –
  → in the case of a filtration system enclosed in a solid structure that will have a material impact on the transmission of noise – within 5 metres of a dwelling located on an adjoining allotment; or
  → in any other case – within 12 metres of a dwelling located on an adjoining allotment.

Shade sails
The construction of a shade sail, other than in a Historic Conservation Zone/Area, the Hills Face Zone, or a River Murray Zone, if:

- the shade sail is to consist of permeable material; and
- the area of the sail will not exceed 40 square metres; and
- no part of the sail will be –
  → 3 metres above ground or floor level (depending on where it is situated) at any place within 900 millimetres of a boundary of the allotment; or
  → 5 metres above ground or floor level (depending on where it is situated) within any other part of the allotment; and
- no part of the sail will be in front of any part of the building line of the building to which it is ancillary; and
- in a case where any part of the sail will be situated on a boundary of the allotment – the length of the sail along the boundary will not exceed 8 metres; and
- in a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment – the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.

Water tanks (underground)
The construction or alteration of, or addition to, a water tank (and any associated pump) if:

- the tank is ancillary to a dwelling erected on the site; and
- the tank (and any associated pump) is located wholly below the level of the ground.
Water tanks (above ground)
The construction or alteration of, or an addition to, a water tank (and any supporting structure), other than in a Historic Conservation Zone/Area, or the Hills Face Zone, if:
- the tank is part of a roof drainage system; and
- the tank has a total floor area not exceeding 15 square metres; and
- the tank is located wholly above ground; and
- no part of the tank is higher than 4 metres above the natural surface of the ground; and
- no part of the tank will be in front of any part of the building line of the building to which it is ancillary; and
- in the case of a tank made of metal – the tank is pre-colour treated or painted in a non-reflective colour.

Internal building work
Work undertaken within a building, other than in a Historic Conservation Zone/Area, a Flood Management Zone/Area, a River Murray Zone, or the area of The Corporation of the City of Adelaide, if:
- there will be no increase in the total floor area of the building; and
- there will be no alteration to the external appearance of the building to any significant degree.

Demolition
The partial or total demolition of a building and associated structures, other than in:
- a Historic Conservation Zone/Area; or
- the area of The Corporation of the City of Adelaide; or
- a designated area.

Any demolition for the purposes of any complying development within a designated area will not fall within the exemption.

(A designated area is an area declared by the Minister on the application of the relevant council to be a designated area.)

Brush fences
The construction or alteration of, or addition to, a brush fence that constitutes development by virtue of (and only by virtue of) the operation of:
- Schedule 3 clause 4(1)(f)(vi) or (g)(v); or
- Schedule 3A clause 4(1)(f)(v)


Extract from the Development Regulations 2008, Schedule 1A – Development that does not require Development Plan Consent
Definitions

**AHD** in relation to the potential for inundation, means Australian height datum;

**ARI** means average recurrence interval of a flood event;

building line in relation to a building on a site, means a line drawn parallel to the wall on the building closest to the boundary of the site that faces the primary street (and any existing projection from the building such as a carport, verandah, porch or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building);

**brush** means broombrush (Melaleuca uncinata) and any other form of dried vegetation material that constitutes brush for the purposes of regulation 76C of the Development Regulations 2008;

**brush fence** includes –

- a fence that is predominantly constituted by brush;
- a gate that is predominantly constituted by brush;

**Flood Management Zone/Area** means a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or any other zone or area delineated as such a zone or area in a map in the relevant Development Plan, or otherwise indicated by requirements in the relevant Development Plan for minimum finished floor levels expressed by reference to ARI or AHD;

**Historic Conservation Zone/Area** means a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone;

**natural surface of the ground** means existing ground level before the development is undertaken (disregarding any preparatory or related work that has been or is to be undertaken for the purposes of the development);

**relevant wall or structure** means any wall or structure that is due to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence or retaining wall between the relevant allotment and an adjoining allotment;

**River Murray Zone** means the River Murray Flood Zone or the River Murray Zone with the exception of the Primary Production Policy Area within that zone;

road has the same meaning as in the Local Government Act 1999 but does not include an alley, lane or right of way;

the **primary street** in relation to an existing or proposed building on a site is—

- in the case of a site that has a frontage to only 1 road—that road; or
- in the case of a site that has a frontage to 2 roads -
  - (a) if the frontages are identical in length—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; or
  - (b) in any other case—the road in relation to which the site has a shorter frontage; or
- in any other case—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; and

a **secondary street** in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated.

Note: There may be other definitions that are relevant, please see the Development Act 1993 and Development Regulations 2008 for more information.

Further information

You should talk to your local council about your proposal and what type of approval you might need.

Please refer to Section 1 of this guide if you require more general information about the planning system for residential development.
Information requirements – Building

Extract from the Development Regulations 2008,
Schedule 5 – Requirements as to plans and specifications

1 Plans for building work – general
An application for Building Rules Consent must be accompanied by:

☐ a site plan, drawn to a scale of not less than 1:500, showing –
  → the boundaries and dimensions of the site and any relevant easements; and
  → the positions and dimensions of any proposed building and its relationship to the boundaries of the site
  and any other features such as other buildings or trees on the site or on adjoining land or public places
  that might be affected by the work or affect the work proposed to be performed; and
  → the purpose for which any existing building on the site is used and for which any proposed building on
  the site is intended to be used; and
  → the levels of the site and of the floors of the proposed building in relation to any street drainage channel
  or council drain; and
  → the method of drainage and services proposed to be used; and
  → the location and gradient of any driveway or proposed driveway and, if relevant its location in relation to
  an existing or proposed vehicle access point under section 221 of the Local Government Act 1999; and
  → the amount and location of the private open space to remain on the site; and
  → the location of any regulated tree on the site or on adjoining land; and
  → the approximate north point; and
  → the location of any existing or proposed tanks proposed for an on-site sewerage or waste disposal
  system installed or to be installed (as the case may be) in compliance with the Public and Environmental
  Health Act 1987; and

☐ drawings showing –
  → a dimensioned plan of each floor level, drawn to a scale of not less than 1:100; and
  → dimensioned elevations and sections of any proposed building, drawn to a scale of not less than 1:100;
  and
  → the sizes and locations of footings and other structural components, drawn to a scale of not less than
  1:100; and
  → such other details as may be necessary, drawn to a scale of not less than 1:20; and

☐ specifications describing materials and standards of work, and such other information as may be necessary
  to show that the building work will, if performed in accordance with the specifications and drawings, comply
  with the Development Act 1993 and provide satisfactory levels of safety on or about the site; and

☐ calculations or reports to show that the building work will, if performed in accordance with the calculations
  and reports, comply with the Act; and

☐ details in writing of any foundation investigations that have been carried out; and

☐ if a vehicle access point is to be established — if relevant, documentary evidence that it has been authorised
  under section 221 of the Local Government Act 1999; and
information about the material and colour of any cladding that is to be used.

a copy of the certificate of title, deposited plan or other instrument evidencing title in relation to the land.

2 Statement relating to electricity infrastructure – all developments

An application relating to development that would involve the construction of a building may be accompanied by a declaration by or on behalf of the applicant to the effect that the erection of the building would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

3 Plans for building work – demolition

An application for Building Rules Consent for development consisting of or involving the demolition or removal of a building (or part of a building) must be accompanied by:

- a description in writing of the construction of the building (or relevant part) to be demolished or removed;
- a site plan showing the location of the building in relation to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and
- if only part of a building is to be demolished or removed, calculations or other information in writing to show that the remainder of the building will comply with the Development Act 1993, either as the building remains after the proposed demolition or removal takes place, or after other building work is performed; and
- a description in writing of the demolition procedure, including details of the measures to be taken to provide satisfactory levels of safety on or about the site.
Introduction

Some types of development (such as sheds, garages, carports and verandahs) that are associated with an existing home must be granted planning approval if they meet certain conditions (see under the heading ‘Conditions’). This is known as ‘complying development’ and is part of the Residential Code.

If your development falls within this category, a planning consent must be issued by the relevant authority (usually the council) within 10 working days of the application being lodged.

Your application must contain all the information required for this type of development (see under the heading ‘Information requirements’). Failure to provide the information could lead to delays in processing your development application.

If your development does not comply with the conditions, then it is not classified as complying development and requires assessment through the traditional merit assessment process (unless it is listed as ‘complying’ in the relevant Development Plan).

If your development complies with the conditions, but you fail to meet one design standard, only the element that does not comply will be assessed against its merits. This is called ‘limited assessment’.

Building Rules Consent will also need to be granted before a Development Approval can be issued and you can commence work.

Where does it apply?

Development falling within this category can occur in a large number of residential areas; however, there are some limitations. Generally, this type of development is not permitted within a Historic Conservation Zone/Area, Hills Face Zone, or a River Murray Zone and in some other selected areas. It does not apply to State or local heritage places.

Within a Flood Management Zone/Area, if specific finished floor levels are not defined in the Development Plan the following development is also not permitted:

- Outbuildings (sheds)
- Carports
- Verandahs.

Within a Flood Management Zone/Area, if specific ARI or AHD levels are defined in the Development Plan, subject to the proposed building finished floor level being greater than or equal to specified ARI or AHD levels these developments can be assessed as building rules consent only.

- Outbuildings (sheds)
- Carports
- Verandahs.

You should check with your local council to determine if your development will be located in any of these areas. See under the heading ‘Conditions’ for more specific information.

Additional exclusions

This section is not applicable to you if:

- the development affects a State heritage place; or
- the development is in the River Murray Flood Zone or the River Murray Zone with the exception of the Primary Production Policy Area within that zone.

Please note that pursuant to Section 35(1a) of the Development Act 1993, this section is not applicable to you if your application would be the subject of a referral to another agency. If you are unsure about this, you should discuss it with your local council.

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of South Australia, its agencies and employees, disclaim any and all liability to any person in respect to anything or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

Readers are advised to refer to the Development Act 1993 and Development Regulations 2008 for a detailed understanding of the planning system in South Australia.
Conditions

Outbuildings (sheds, garages)

Other than in relation to a local heritage place, the Hills Face Zone, a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, the construction or alteration of, or addition to, an outbuilding, in which human activity is secondary, if:

- the outbuilding is detached from and ancillary to a dwelling erected on the site; and
- the outbuilding is not being constructed, added to or altered so that any part of the outbuilding is situated
  - in front of any part of the building line of the building to which it is ancillary; or
  - within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads); and
- in the case of a garage – the garage is set back at least 5.5 metres from the primary street; and
- the outbuilding complies with the following requirements as to dimensions –
  - a total floor area not exceeding 60 square metres;
  - a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);
  - a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
  - if situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street) – a length not exceeding 8 metres; and
- if situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street) – the development will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
- will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure; and
- in the case of an outbuilding that is ancillary to –
  - a detached or semi-detached dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
  - any other kind of dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and
- in the case of a garage –
  - if facing the primary street – the garage will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and
  - if designed or located so as to provide vehicle access from an alley, lane or right of way – the alley, lane or right of way is at least 6.2 metres wide along the boundary with the allotment; and
  - is located so that vehicle access—
    - A) will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
    - B) will use a driveway that—
      - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
      - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
    - C) will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
  - is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average; and

Complying development:
Sheds, verandahs and carports

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the outbuilding, if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour; and

— does not involve—
  (i) excavation exceeding a vertical height of 1 metre; or
  (ii) filling exceeding a vertical height of 1 metre, and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres.

### Carports and verandahs

Other than in relation to a local heritage place, the Hills Face Zone, a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone, the construction or alteration of, or addition to, a **carport or verandah (a structure)** if:

- the structure is ancillary to a dwelling erected on the site; and
- the structure is not being constructed, added to or altered so that any part of the designated structure is situated—
  - in front of any part of the building line of the building to which it is ancillary; or
  - within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads); and
- in the case of a carport – the carport is set back at least 5.5 metres from the primary street; and
- the designated structure complies with the following requirements as to dimensions—
  - a total floor area not exceeding 60 square metres;
  - a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground); and
  - a roof height where no part of the roof is more than 5 metres above the natural surface of the ground; and
  - if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment (not being a boundary with a primary street or a secondary street) – a length not exceeding 8 metres; and
  - if situated so as to abut a boundary of the allotment (not being a boundary with a primary street or a secondary street) – the development will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
- in the case of a structure that is ancillary to –
  - a detached or semi-detached dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
  - any other kind of dwelling – the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and
- in the case of a carport –
  - if facing the primary street – the carport will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and
  - if designed or located so as to provide vehicle access from an alley, lane or right of way – the alley, lane or right of way is at least 6.2 metres wide along the boundary with the allotment; and
  - is located so that vehicle access—
    - **A)** will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
    - **B)** will use a driveway that—
      - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
      - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
    - **C)** will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and

Complying development:

**Sheds, verandahs and carports**
is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average; and

- does not involve—
  - i) excavation exceeding a vertical height of 1 metre; or
  - ii) filling exceeding a vertical height of 1 metre, and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres.

Fencing

Other than in relation to the City of Adelaide, a local heritage place, a Residential Historic (Conservation) Zone, a Historic (Conservation) Zone, a Historic Conservation Area, a Historic Township Zone or a Historic (Conservation) Policy Area, the construction of a fence not exceeding 2.1 metres in height (measured from the lower of the two adjoining finished ground levels), other than:

- a fence in:
  - the Hills Face Zone, a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or
  - a Regional Centre Zone, or in any Centre Zone in the area of The Corporation of the City of Campbelltown; or
  - the Golden Grove Residential Zone or in the Golden Grove Residential D Zone; or
  - Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt; or
  - a Streetscape (Built Form) Zone in the area of The Corporation of the City of Unley if the fence is situated between the building line of the main face of a building and the road on to which the building faces; or
  - a fence within 6 metres of the intersection of two boundaries of the land where those boundaries both face a road, other than where a 4 metre x 4 metre corner cut-off has already been provided (and is to be preserved); or
  - a masonry fence that would exceed 1 metre in height (measured from the lower of the two adjoining finished ground levels); or
  - a fence within 10 metres landward of the coast measured from the high water mark on the sea shore at spring tide; or
  - a fence which extends seaward from the high water mark on the sea shore at spring tide.
**Water tanks**

Other than in relation to The City of Adelaide, a local heritage place, a Residential Historic (Conservation) Zone, a Historic (Conservation) Zone, a Historic Conservation Area, a Historic Township Zone or a Historic (Conservation) Policy Area, the construction of a **water tank** having a floor area not exceeding 10 square metres and a height not greater than 4 metres above the ground, other than in the Hills Face Zone, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan;

**Swimming pools**

Other than in relation to The City of Adelaide, a local heritage place, a Residential Historic (Conservation) Zone, a Historic (Conservation) Zone, a Historic Conservation Area, a Historic Township Zone or a Historic (Conservation) Policy Area –

- the construction of a **swimming pool** associated with a dwelling and intended primarily for use by the occupants of that dwelling, other than:
  - a swimming pool in the Hills Face Zone, in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan; or
  - a swimming pool within 10 metres of a boundary with a road on to which the relevant dwelling fronts, or within 3 metres of any other boundary of the relevant allotment; or
  - a swimming pool that would have a finished height, or that would have any associated structure (other than a fence) with a finished height, exceeding 1.5 metres (measured from ground level); or
- the construction of a swimming pool associated with a dwelling and intended primarily for use by the occupants of that dwelling, and which is not designed to be permanently in place or to be fixed in any way when in use.

Extract from the Development Regulations 2008, Schedule 4 – Complying development
Definitions

AHD in relation to the potential for inundation, means Australian height datum;

ARI means average recurrence interval of a flood event;

building line in relation to a building on a site, means a line drawn parallel to the wall on the building closest to the boundary of the site that faces the primary street (and any existing projection from the building such as a carport, verandah, porch or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building);

Flood Management Zone/Area means a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or any other zone or area delineated as such a zone or area in a map in the relevant Development Plan, or otherwise indicated by requirements in the relevant Development Plan for minimum finished floor levels expressed by reference to ARI or AHD;

natural surface of the ground means existing ground level before the development is undertaken (disregarding any preparatory or related work that has been or is to be undertaken for the purposes of the development);

relevant wall or structure means any wall or structure that is due to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence or retaining wall between the relevant allotment and an adjoining allotment;

road has the same meaning as in the Local Government Act 1999 but does not include an alley, lane or right of way;

swimming pool has the same meaning as in regulation 76B of the Development Regulations 2008;

the primary street in relation to an existing or proposed building on a site is—

■ in the case of a site that has a frontage to only 1 road—that road; or

■ in the case of a site that has a frontage to 2 roads -

(a) if the frontages are identical in length—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; or

(b) in any other case—the road in relation to which the site has a shorter frontage; or

in any other case—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; and

a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated.

Note: There may be other definitions that are relevant, please see the Development Act 1993 and Development Regulations 2008 for more information.

Further information

You should talk to your local council about your proposal and what type of approval you might need.

Please refer to Section 1 of this guide if you require more general information about the planning system for residential development.
Information requirements – Planning

You are required to submit the information detailed below with your application. If you fail to do so, there may be delays in processing the application.

Extract from the Development Regulations 2008, Schedule 5 – Requirements as to plans and specifications

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**Plans for outbuildings, carports and verandahs**

An application for Development Plan Consent that relates to an outbuilding, carport or verandah that is complying development under this section must be accompanied by:

- a site plan, drawn to a scale of not less than 1:200, including bar and ratio scales, showing –
  - the boundaries and dimensions of the site; and
  - the position and dimensions of the minimum front and side setbacks of any existing or proposed building on the site; and
  - existing and proposed finished floor levels; and
  - the location of any regulated tree on the site or on adjoining land that might be affected by the work or that might affect the work proposed to be performed; and
  - if the proposed building is to be a garage or carport—the location and finished ground level at each end of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; and
  - the approximate north point; and
  - the location of any existing or proposed tanks and areas where the disposal of sewage may soak into the ground for an on-site sewerage or waste disposal system installed or to be installed in compliance with the Public and Environmental Health Act 1987; and

- if a vehicle access point is to be established – if required under Schedule 4 clause 1(2) or (3) documentary evidence that it has been authorised under section 221 of the Local Government Act 1999; and

- elevation drawings to a scale of not less than 1:100 including bar and ratio scales of any relevant of building heights in relation to any relevant or proposed building; and

- if relevant – a schedule of colours for any cladding.
Information requirements – Building

You are required to submit the information detailed below with your application for Building Rules Consent. You can lodge this information with the council or your private certifier for assessment. If you fail to do so, there may be delays in processing the application.

1 Plans for building work – general
An application for Building Rules Consent must be accompanied by:

- a site plan, drawn to a scale of not less than 1:500, showing –
  - the boundaries and dimensions of the site and any relevant easements; and
  - the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and
  - the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and
  - the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and
  - the method of drainage and services proposed to be used; and
  - the amount and location of the private open space to remain on the site; and
  - the location of any regulated tree on the site or on adjoining land; and
  - the approximate north point; and

- drawings showing –
  - a dimensioned plan of each floor level, drawn to a scale of not less than 1:100; and
  - dimensioned elevations and sections of any proposed building, drawn to a scale of not less than 1:100; and
  - the sizes and locations of footings and other structural components, drawn to a scale of not less than 1:100; and
  - such other details as may be necessary, drawn to a scale of not less than 1:20; and

- specifications describing materials and standards of work, and such other information as may be necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the Development Act 1993 and provide satisfactory levels of safety on or about the site; and

- calculations or reports to show that the building work will, if performed in accordance with the calculations and reports, comply with the Act; and

- details in writing of any foundation investigations that have been carried out.

2 Statement relating to electricity infrastructure – all developments
An application relating to development that would involve the construction of a building may be accompanied by a declaration by or on behalf of the applicant to the effect that the erection of the building would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.
Introduction

Single-storey alterations and additions that are associated with an existing home must be granted planning approval if they meet certain conditions (see under the heading ‘Conditions’). This is known as ‘complying development’ and is part of the Residential Code.

If your development falls within this category, a planning consent must be issued by the relevant authority (usually the council) within 10 working days of the application being lodged.

Your application must contain all the information required for this type of development (see under the heading ‘Information requirements’). Failure to provide the information could lead to delays in processing your development application.

If your development does not comply with the conditions, then it is not classified as complying development and requires assessment through the traditional merit assessment process (unless it is listed as ‘complying’ in the relevant Development Plan).

If your development complies with the conditions, but you fail to meet one requirement, only the element that does not comply will be assessed against its merits. This is called ‘limited assessment’.

Building Rules Consent will also need to be granted before a Development Approval can be issued and you can commence work.

Where does it apply?

Development falling within this category can occur in a large number of residential areas; however, there are some limitations. Generally, this type of development is not permitted within a Historic Conservation Zone/Area, Hills Face Zone, a River Murray Zone or a Watercourse Zone and in some other selected areas. It does not apply to State or local heritage places.

Within a Flood Management Zone/Area, if specific finished floor levels are not defined in the Development Plan additions and alterations to existing dwellings is also not permitted:

Within a Flood Management Zone/Area, if specific ARI or AHD levels are defined in the Development Plan, subject to the proposed building finished floor level being greater than or equal to specified ARI or AHD levels additions and alterations to existing dwellings can be assessed as residential code complying development.

You should check with your local council to determine if your development will be located in any of these areas. See under the heading ‘Conditions’ for more specific information.

Additional exclusions

This section is not applicable to you if:

- the development affects a State heritage place; or
- the development is in the River Murray Flood Zone or the River Murray Zone with the exception of the Primary Production Policy Area within that zone;
- the development is in relation to a local heritage place or in a Historic Conservation Zone/Area, the Hills Face Zone, or a Flood Management Zone/Area.

Please note that pursuant to Section 35(1a) of the Development Act 1993, this section is not applicable to you if your application would be the subject of a referral to another agency. If you are unsure about this, you should discuss it with your local council.

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of South Australia, its agencies and employees, disclaim any and all liability to any person in respect to anything or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

readers are advised to refer to the Development Act 1993 and Development Regulations 2008 for a detailed understanding of the planning system in South Australia.
Conditions

Single-storey additions and alterations

The alteration of, or addition to, an existing detached or semi-detached dwelling, other than where the dwelling is situated on a battle axe allotment if:

- the alteration or addition is at, or relates to, the ground floor level of the dwelling and does not involve the construction or alteration of a mezzanine floor or a second or subsequent storey; and

- the dwelling is not being altered or added to so that any part of the dwelling will be –
  - nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the relevant Development Plan in relation to any road or portion of a road that constitutes the primary street frontage; or
  - in front of the average setbacks of any existing dwellings on any adjoining allotments with the same primary street (or, if there is only one such dwelling, the setback of that dwelling), whichever provides the lesser of the two distances; or
  - within 900 millimetres of a boundary of the allotment with a secondary street or, if a dwelling on any adjoining allotment is closer to the secondary street than 900 millimetres, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the two distances); or

- if the size of the allotment does not exceed 300 square metres – within 3 metres of the rear boundary of the allotment (measured from the closest solid wall);

- if the size of the allotment exceeds 300 square metres – within 4 metres of the rear boundary of the allotment (measured from the closest solid wall); and

- if any side wall of the dwelling will exceed 3 metres in height when measured from the top of the footings as a result of the development – the wall will be set back at least 900 millimetres from the boundary plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 metres from the top of the footings; and

- in relation to any wall located on a side boundary associated with the development –
  - the wall will not exceed 3 metres in height when measured from the top of the footings; and
  - the wall will not exceed 8 metres in length; and
  - the wall, when its length is added to the length of any other relevant walls or structures located on that boundary
    > will not result in all such relevant walls and structures exceeding a length equal to 45% of the length of the boundary; and
    > will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure; and

- the dwelling is not being altered or added to so that –
  - any part of the dwelling will exceed 9 metres in height when measured from the top of the footings; or
  - any part of the dwelling will not exceed the height of any part of the dwelling before the commencement of the development; or
  - any wall height will exceed 6 metres when measured from the top of the footings; and

- the following minimum private open space requirements apply after the development has been completed (after including the areas of the dwelling and any outbuildings, carports or verandahs on the allotment) –

<table>
<thead>
<tr>
<th>Allotment size</th>
<th>Minimum area of private open space</th>
<th>Minimum width</th>
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</thead>
<tbody>
<tr>
<td>&gt; 500m²</td>
<td>80m²</td>
<td>4m</td>
</tr>
<tr>
<td>300 - 500m²</td>
<td>60m²</td>
<td>4m</td>
</tr>
<tr>
<td>&lt; 300m²</td>
<td>24m²</td>
<td>3m</td>
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</tbody>
</table>

and in any event at least 24 square metres of private open space at the rear or side of the dwelling with access directly from a habitable room within the dwelling must be provided; and
the development will not result in the dwelling not having a setback of at least 900 millimetres on at least one side boundary of the allotment; and

if the development involves or incorporates the construction or alteration of a garage or carport, the garage or carport –

→ is or will be set back at least 5.5 metres from the primary street; and

→ is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and

→ will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and

→ is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and

→ is located so that vehicle access—

  A) will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or

  B) will use a driveway that—

    > is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and

    > will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or

  C) will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and

→ is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average; and

the development will not result in the removal of a place for the parking of a car or cars unless –

→ in the case of a dwelling that will only have (or continue to have) one bedroom at the completion of the development – the dwelling will have at least one car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in this section in relation to garages and carports;

→ in the case of a dwelling that will have (or continue to have) two or more bedrooms at the completion of the development – the dwelling will have at least two car parking spaces, one of which is enclosed or covered, or able to be enclosed or covered, and both of which comply with the requirements set out in this section in relation to garages and carports; and

the circumstances are such that the total roofed area of buildings on the allotment will not exceed 60% of the total area of the allotment; and

the development will not alter the external appearance of the building when viewed from the primary street; and

does not involve—

  i) excavation exceeding a vertical height of 1 metre; or

  ii) filling exceeding a vertical height of 1 metre, and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres; and

the development will not be built, or will not encroach, on an area that is, or will be, required for a sewerage system or waste control system which complies with the requirements of the Public and Environmental Health Act 1987.

Extract from the Development Regulations 2008, Schedule 4 – Complying development

Definitions

AHD in relation to the potential for inundation, means Australian height datum;

ARI means the average recurrence interval of a flood event;
battle axe allotment means an allotment or site that comprises:
- a driveway (and any related open space) that leads back from a road to the balance of the allotment or site; and
- a balance of the allotment or site that is the principal part of the allotment or site and that does not have a boundary with a road;

building line in relation to a building on a site, means a line drawn parallel to the wall on the building closest to the boundary of the site that faces the primary street (and any existing projection from the building such as a carport, verandah, porch or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building);

Flood Management Zone/Area means a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or any other zone or area delineated as such a zone or area in a map in the relevant Development Plan, or otherwise indicated by requirements in the relevant Development Plan for minimum finished floor levels expressed by reference to ARI or AHD;

habitable room means a room used for domestic activities but does not include a bathroom, laundry, hallway, lobby or other service or access area or space that is not occupied for extended periods;

Historic Conservation Zone/Area means a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone;

natural surface of the ground means existing ground level before the development is undertaken (disregarding any preparatory or related work that has been or is to be undertaken for the purposes of the development);

relevant wall or structure means any wall of structure that is due to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence of retaining wall between the relevant allotment and an adjoining allotment;

road has the same meaning as in the Local Government Act 1999 but does not include an alley, lane or right of way;

the primary street in relation to an existing or proposed building on a site is—
- in the case of a site that has a frontage to only 1 road—that road; or
- in the case of a site that has a frontage to 2 roads—
  (a) if the frontages are identical in length—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; or
  (b) in any other case—the road in relation to which the site has a shorter frontage; or
- in any other case—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; and

a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated;

south means true south.

For the purposes of calculating private open space:
- any area at ground level at the front of the dwelling will not be included; and
- each area at ground level must have a width of at least 2.5 metres; and
- any balcony must have a width of at least 2 metres.

Note: There may be other definitions that are relevant, please see the Development Act 1993 and Development Regulations 2008 for more information.

Further information
You should talk to your local council about your proposal and what type of approval you might need.

Please refer to Section 1 of this guide if you require more general information about the planning system for residential development.
1 Plans for alterations and additions – complying development

An application for Development Plan Consent that relates to this section must be accompanied by:

- a site plan, drawn to a scale of not less than 1:200, including bar and ratio scales, showing –
  - the boundaries and dimensions of the site; and
  - the position and dimensions of the minimum front and side setbacks of any existing or proposed building on the site; and
  - existing and proposed finished floor levels; and
  - the location of any regulated tree on the site or on adjoining land that might be affected by the work or that might affect the work proposed to be performed; and
  - the location and dimension of car parking spaces that are not fully enclosed or covered before and after completion of the proposed development; and
  - if the proposed building is to be a garage or carport—the location and finished ground level at each end of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; and
  - the true north point; and
  - the location of any existing or proposed tanks and areas where the disposal of sewage may soak into the ground for an on-site sewerage or waste disposal system installed or to be installed in compliance with the Public and Environmental Health Act 1987; and

- if a new vehicle access point is to be established – if required under Schedule 4 clause 2A or 2B, documentary evidence that it has been authorised under section 221 of the Local Government Act 1999; and

- if relevant – a floor plan to a scale of not less than 1:100 showing the number and location of bedrooms and other habitable rooms at the completion of the development; and

- elevation drawings to a scale of not less than 1:100 including bar and ratio scales of any relevant or building heights in relation to any relevant of proposed building; and

- drawings showing how the proposed development generally relates to the closest walls of buildings on adjoining sites (other than any site to the rear of the site of the proposed development).
Information requirements – Building

You are required to submit the information detailed below with your application for Building Rules Consent. You can lodge this information with the council or your private certifier for assessment. If you fail to do so, there may be delays in processing the application.

1 Plans for building work – general

An application for Building Rules Consent must be accompanied by:

- a site plan, drawn to a scale of not less than 1:500, showing –
  - the boundaries and dimensions of the site and any relevant easements; and
  - the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and
  - the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and
  - the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and
  - the method of drainage and services proposed to be used; and
  - the amount and location of the private open space to remain on the site; and
  - the location of any regulated tree on the site or on adjoining land; and
  - the approximate north point; and
  - the location of all existing or proposed tanks proposed for an on-site sewerage or waste disposal system installed or to be installed (as the case may be) in compliance with the Public and Environmental Health Act 1987; and

- drawings showing –
  - a dimensioned plan of each floor level, drawn to a scale of not less than 1:100; and
  - dimensioned elevations and sections of any proposed building, drawn to a scale of not less than 1:100; and
  - the sizes and locations of footings and other structural components, drawn to a scale of not less than 1:100; and
  - such other details as may be necessary, drawn to a scale of not less than 1:20; and

- specifications describing materials and standards of work and, such other information as may be necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the Development Act 1993 and provide satisfactory levels of safety on or about the site; and

- calculations or reports to show that the building work will, if performed in accordance with the calculations and reports, comply with the Act; and

- details in writing of any foundation investigations that have been carried out.

2 Statement relating to electricity infrastructure – all developments

An application relating to development that would involve the construction of a building may be accompanied by a declaration by or on behalf of the applicant to the effect that the erection of the building would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.
Introduction

In some areas, new detached or semi-detached (duplex style) homes must be granted planning approval if they meet certain conditions (see under the heading ‘Conditions’). This is known as ‘complying development’ and is part of the Residential Code.

If your development falls within this category, a planning consent must be issued by the relevant authority (usually the council) within 10 working days of the application being lodged.

Your application must contain all the information required for this type of development (see under the heading ‘Information requirements’). Failure to provide the information could lead to delays in processing your development application.

If your development does not comply with the conditions, then it is not classified as complying development and requires assessment through the traditional merit assessment process (unless it is listed as ‘complying’ in the relevant Development Plan).

If your development complies with the conditions, but you fail to meet one requirement, only the element that does not comply will be assessed against its merits. This is called ‘limited assessment’.

Building Rules Consent will also need to be granted before a Development Approval can be issued and you can commence work.

Where does it apply?

This section applies to the areas designated by the “determined areas” by the Minister for Planning. The determined areas can be viewed at www.sa.gov.au/planning/rescode or by checking with your local council.

This section only applies in determined areas as designated by the Minister for Planning.

Land contamination

Land that may have been the subject of an activity that could have contaminated that land requires special consideration.

If you are in a determined area and you are building a home on an existing allotment which to the best of your knowledge and belief has the possibility that it may have been the subject to site contamination as a result of a previous use of or activity undertaken on the land you may only apply for a residential code approval if you supply to council a site contamination audit report prepared under Part 10A of the Environment Protection Act 1993 confirming that contamination no longer exists on site or that the site has been cleared to the extent necessary to enable unrestricted residential use.

Please note, if your allotment was created by a Land Division Consent that was granted after 1 September 2009 the declaration pertaining to site contamination is not required.

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of South Australia, its agencies and employees, disclaim any and all liability to any person in respect to anything or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

readers are advised to refer to the Development Act 1993 and Development Regulations 2008 for a detailed understanding of the planning system in South Australia.
Additional exclusions

This section is not applicable to you if:

- the development is to occur on a battle axe allotment; or
- the development affects a State heritage place; or
- the development is in the River Murray Flood Zone or the River Murray Zone with the exception of the Primary Production Policy Area within that zone; or
- the development is in relation to a local heritage place or in a Historic Conservation Zone/Area, or the Hills Face Zone.
- the development is within a Flood Management Zone/Area and specific finished floor levels are not defined in the Development Plan.

If the development is within a Flood Management Zone/Area and specific ARI or AHD levels are defined in the Development Plan, subject to the proposed building finished floor level being greater than or equal to the specified ARI or AHD levels detached and semi-detached dwellings can be assessed as residential code complying development.

Please speak with your local council if you are unsure.

Please note that pursuant to Section 35(1a) of the Development Act 1993, this section is not applicable to you if your application would be the subject of a referral to another agency. If you are unsure about this, you should discuss it with your local council.

Complying development: detached and semi-detached homes

Conditions

Insofar as this section applies to a site that does not comprise an entire allotment, the site, and any balance of the allotment, must each meet the minimum site area and any minimum frontage requirements prescribed in the relevant Development Plan (and if the relevant Development Plan prescribes different minimum site areas and minimum frontage requirements for detached and semi-detached dwellings respectively, the areas and frontage requirements that are lesser in size are to be taken to be the minimum site area and minimum frontage requirements).

If there is an existing dwelling on the allotment, the following conditions must be met:

- the following minimum private open space requirements will apply in relation to the site after the development has been completed (after including the areas of the dwelling and any outbuildings, carports or verandahs on the site):

<table>
<thead>
<tr>
<th>Allotment size</th>
<th>Minimum area of private open space</th>
<th>Minimum width</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 500m²</td>
<td>80m²</td>
<td>4m</td>
</tr>
<tr>
<td>300 - 500m²</td>
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</tr>
<tr>
<td>&lt; 300m²</td>
<td>24m²</td>
<td>3m</td>
</tr>
</tbody>
</table>

and in any event at least 24 square metres of private open space at the rear or side of the dwelling with access directly from a habitable room within the dwelling must be provided; and

- in the case of –
  
  - a dwelling that will only have one bedroom at the completion of the development – the dwelling will have at least one car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in this section in relation to garages and carports;
  
  - a dwelling that will have two or more bedrooms at the completion of the development – the dwelling will have at least two car parking spaces, one of which is enclosed or covered, or able to be enclosed or covered, and both of which comply with the requirements set out in this section in relation to garages and carports; and
Complying development: detached and semi-detached homes

- if the development involves or incorporates the construction or alteration of a garage or carport, the garage or carport –
  - is or will be set back at least 5.5 metres from the primary street; and
  - is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and
  - will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and
  - is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and
  - is located so that vehicle access—
    - **A)** will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
    - **B)** will use a driveway that—
      - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
      - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
    - **C)** will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
  - is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average; and

The construction of a new detached or new semi-detached dwelling, other than where the dwelling is to be situated on a battle axe allotment, if:

- the dwelling is not being constructed so that any part of the dwelling will be—
  - nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the relevant Development Plan in relation to any road or portion of a road that constitutes the primary street frontage; or
  - in front of the average setbacks of any existing dwellings on any adjoining allotments with the same primary street (or, if there is only one such dwelling, the setback of that dwelling), whichever provides the lesser of two distances; or
  - within 900 millimetres of a boundary of the allotment with a secondary street or, if a dwelling on any adjoining allotment is closer to the secondary street than 900 millimetres, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the two distances); or
  - if the size of the site does not exceed 300 square metres
    - in relation to the ground floor of the dwelling – within 3 metres of the rear boundary of the site (measured from the closest solid wall); and
    - in relation to any other storey of the dwelling – within 5 metres of the rear boundary of the site; or
  - if the size of the site exceeds 300 square metres
    - in relation to the ground floor of the dwelling – within 4 metres of the rear boundary of the site (measured from the closest solid wall); and
    - in relation to any other storey of the dwelling – within 6 metres of the rear boundary of the site; and

- if any side wall of the dwelling will exceed 3 metres in height when measured from the top of the footings – the wall will be set back at least 900 millimetres from the boundary of the site plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 metres from the top of the footings; and
if any side wall of the dwelling that faces south and the development includes building work in relation to an upper storey, other than where the boundary on that side of the building is with a secondary street – any upper storey component is to be set back at least to the distance required under this section plus 1 metre; and

in relation to any wall to be located on a side boundary of the site associated with the development –

- the wall will not exceed 3 metres in height when measured from the top of the footings; and
- the wall will not exceed 8 metres in length; and
- the wall, when its length is added to the length of any other relevant walls or structures located on that boundary
  - will not result in all such relevant walls and structures exceeding a length equal to 45% of the length of the boundary; and
  - will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure; and

the dwelling is not constructed so that –

- any part of the dwelling will exceed 9 metres in height when measured from the top of the footings; or
- any wall height will exceed 6 metres when measured from the top of the footings; and

the following minimum private open space requirements will apply in relation to the site after the development has been completed (after including the areas of the dwelling and any outbuildings, carports or verandahs on the site):

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</table>

and in any event at least 24 square metres of private open space at the rear or side of the dwelling with access directly from a habitable room within the dwelling must be provided; and

- the dwelling will have a setback of at least 900 millimetres on at least one side boundary of the site; and

- in relation to any upper storey window that will face a side or rear boundary of the site, other than in relation to any such boundary that adjoins a road (including any road reserve) or a reserve (including any land held as open space) that has a width exceeding 15 metres –
  - the sill height will be at least 1.5 metres above the finished floor level; or
  - the window will have permanently obscure glazing in any part of the window below 1.5 metres above the finished floor level and, if it is capable of being opened, the window will not be capable of being opened more than 200 millimetres; and

- the dwelling will not have a balcony or terrace on an upper storey, other than where the longest side of that balcony or terrace will face a road (including any road reserve), or reserve (including any land held as open space) that is at least 15 metres wide at all places to be faced by the dwelling; and

- in relation to any proposed garage or carport, the garage or carport –
  - will be set back at least 5.5 metres from the primary street; and
  - is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and
  - will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and
  - is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and
Complying development: detached and semi-detached homes

→ is located so that vehicle access—
  A) will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
  B) will use a driveway that—
    > is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
    > will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
  C) will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and

→ is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average; and

■ in the case of—
  → a dwelling that will only have one bedroom at the completion of the development – the dwelling will have at least one car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in this section in relation to garages and carports;
  → a dwelling that will have two or more bedrooms at the completion of the development – the dwelling will have at least two car parking spaces, one of which is enclosed or covered, or able to be enclosed or covered, and both of which comply with the requirements set out in this section in relation to garages and carports; and
  → the dwelling will have at least one habitable room window facing the primary street; and
  → the development will not result in the total roofed area of all buildings on the allotment exceeding 60% of the total area of the allotment; and
  → does not involve—
    i) excavation exceeding a vertical height of 1 metre; or
    ii) filling exceeding a vertical height of 1 metre, and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres; and
  → that the site is, for the purposes of a dwelling, capable of being connected to a sewage system or waste control system (being a system which complies with the requirements of the Public and Environmental Health Act 1987).

Extract from the Development Regulations 2008, Schedule 4 – Complying development

Definitions

AHD in relation to the potential for inundation, means Australian height datum;
ARI means the average recurrence interval of a flood event;
battle axe allotment means an allotment or site that comprises:
  a driveway (and any related open space) that leads back from a road to the balance of the allotment or site; and
  a balance of the allotment or site that is the principal part of the allotment or site and that does not have a boundary with a road;
building line in relation to a building on a site, means a line drawn parallel to the wall on the building closest to the boundary of the site that faces the primary street (and any existing projection from the building such as a carport, verandah, porch or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building):

Flood Management Zone/Area means a Watercourse Zone, a Flood Zone or Flood Plain delineated by the relevant Development Plan, or any other zone or area delineated as such a zone or area in a map in the relevant Development Plan, or otherwise indicated by requirements in the relevant Development Plan for minimum finished floor levels expressed by reference to ARI or AHD;

habitable room means a room used for domestic activities but does not include a bathroom, laundry, hallway, lobby or other service or access area or space that is not occupied for extended periods;

Historic Conservation Zone/Area means a Historic (Conservation) Zone, a Historic (Conservation) Policy Area, a Residential Historic (Conservation) Zone, a Historic Conservation Area or a Historic Township Zone;

natural surface of the ground means existing ground level before the development is undertaken (disregarding any preparatory or related work that has been or is to be undertaken for the purposes of the development);

relevant wall or structure means any wall of structure that is due to development that has occurred, or is proposed to occur, on the relevant allotment but does not include any fence of retaining wall between the relevant allotment and an adjoining allotment;

road has the same meaning as in the Local Government Act 1999 but does not include an alley, lane or right of way;

the primary street in relation to an existing or proposed building on a site is—

■ in the case of a site that has a frontage to only 1 road—that road; or

■ in the case of a site that has a frontage to 2 roads—

(a) if the frontages are identical in length—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; or

(b) in any other case—the road in relation to which the site has a shorter frontage; or

■ in any other case—the road that forms part of the street address of the building, as determined by the council for the relevant area when it is allocating numbers to buildings and allotments under section 220 of the Local Government Act 1999; and

a secondary street in relation to a building is any road, other than the primary street, that shares a boundary with the allotment on which the building is situated;

south means true south.

For the purposes of calculating private open space:

■ any area at ground level at the front of the dwelling will not be included; and

■ each area at ground level must have a width of at least 2.5 metres; and

■ any balcony must have a width of at least 2 metres.

For the purposes of this section:

■ a side wall faces south if the wall has an axis perpendicular to its surface orientated south 30° west to south 20° east;

■ the placing of a transportable dwelling will be taken to constitute the construction of a new dwelling.

Note: There may be other definitions that are relevant, please see the Development Act 1993 and Development Regulations 2008 for more information.

Further information

You should talk to your local council about your proposal and what type of approval you might need.

Please refer to Section 1 of this guide if you require more general information about the planning system for residential development.
1 Plans for new dwellings – complying development

An application for Development Plan Consent that relates to this section must be accompanied by:

- a site plan, drawn to a scale of not less than 1:200, including bar and ratio scales, showing –
  - the boundaries and dimensions of the site; and
  - the position and dimensions of the minimum front and side setbacks of any existing or proposed building on the site; and
  - existing and proposed finished floor levels; and
  - the location of any regulated tree on the site or on adjoining land that might be affected by the work or that might affect the work proposed to be performed; and
  - the location and dimension of car parking spaces that are not fully enclosed or covered before and after completion of the proposed development; and
  - if the proposed building is to be a garage or carport—the location and finished ground level at each end of any driveway or proposed driveway and, if relevant, its location in relation to an existing or proposed vehicle access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; and
  - the true north point; and
  - the location of any existing or proposed tanks and areas where the disposal of sewage may soak into the ground for an on-site sewerage or waste disposal system installed or to be installed in compliance with the Public and Environmental Health Act 1987; and

- if a new vehicle access point is to be established – if required under Schedule 4 clause 2A or 2B, documentary evidence that it has been authorised under section 221 of the Local Government Act 1999; and

- if relevant – a floor plan to a scale of not less than 1:100 showing the number and location of bedrooms and other habitable rooms at the completion of the development; and

- elevation drawings to a scale of not less than 1:100 including bar and ratio scales of any relevant or building heights in relation to any relevant of proposed building; and

- drawings showing how the proposed development generally relates to the closest walls of buildings on adjoining sites (other than any site to the rear of the site of the proposed development).

- a declaration by or on behalf of the applicant indicating whether or not, to the best of his or her knowledge and belief, the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land; and

- and if the indication is that the allotment is or may have been so subject to site contamination—a report that complies with the requirements of Schedule 4 clause 2B(4) (unless the relevant authority is already in possession of such a report, or is otherwise satisfied in accordance with Schedule 4 clause 2B(4) that such a report is not required).
Information requirements – Building

You are required to submit the information detailed below with your application for Building Rules Consent. You can lodge this information with the council or your private certifier for assessment. If you fail to do so, there may be delays in processing the application.

1 Plans for building work - General

An application for Building Rules Consent must be accompanied by:

- a site plan, drawn to a scale of not less than 1:500, showing –
  - the boundaries and dimensions of the site and any relevant easements; and
  - the positions and dimensions of any proposed building and its relationship to the boundaries of the site and any other features such as other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and
  - the purpose for which any existing building on the site is used and for which any proposed building on the site is intended to be used; and
  - the levels of the site and of the floors of the proposed building in relation to any street drainage channel or council drain; and
  - the method of drainage and services proposed to be used; and
  - the amount and location of the private open space to remain on the site; and
  - the approximate north point; and
  - the location of any regulated tree on the site or on adjoining land; and
  - the location of all existing or proposed tanks proposed for an on-site sewerage or waste disposal system installed or to be installed (as the case may be) in compliance with the Public and Environmental Health Act 1987; and

- drawings showing –
  - a dimensioned plan of each floor level, drawn to a scale of not less than 1:100; and
  - dimensioned elevations and sections of any proposed building, drawn to a scale of not less than 1:100; and
  - the sizes and locations of footings and other structural components, drawn to a scale of not less than 1:100; and
  - such other details as may be necessary, drawn to a scale of not less than 1:20; and

- specifications describing materials and standards of work, and such other information as may be necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the Development Act 1993 and provide satisfactory levels of safety on or about the site; and

- calculations or reports to show that the building work will, if performed in accordance with the calculations and reports, comply with the Act; and

- details in writing of any foundation investigations that have been carried out.

2 Statement relating to electricity infrastructure – all developments

An application relating to development that would involve the construction of a building may be accompanied by a declaration by or on behalf of the applicant to the effect that the erection of the building would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.
Guide to complying development, (Residential Code), exempt development and development requiring building consent only

Version – Gazetted Regulations
31 May 2012