Planning is the act of researching, analysing, anticipating and influencing change in our society. In urban areas planners guide and manage the way suburbs and regions develop, making sure that they are good places in which to live, work and play. Planners are involved in making decisions about land use proposals and other types of developments. In making decisions, planners have to balance the needs of communities and the environment. Planners have a tertiary qualification and work in a variety of fields.

These fields include:
- Development assessment planning
- Policy planning
- Strategic planning
- Land use planning
- Social planning
- Regional and rural planning
- Urban design
- Environmental planning
- Heritage conservation
- Transport planning
- Natural resources management
- Place, project and major events planning

What do development assessment planners do?

As developments such as buildings can stand for many years, the role of Development Assessment Planning is important. Development Assessment Planning is the process which development needs to go through to determine if it can be granted Development Approval. Development Assessment Planners are the people who manage this process. Development Approvals regulate development in an attempt to:
- enhance the conservation, use and management of land and buildings
- enhance the amenity of buildings
- provide for the health and safety of people who use buildings
- ensure efficient and uniform technical requirements for buildings
- advance the public interest

Development Assessment Planners are responsible for assessing a Development Application to determine whether it is an appropriate development in its location. The Development Assessment Planner will review the environmental and visual qualities of the area and assess whether the development is compatible with the surrounding area. As part of this process the Development Assessment Planner will also check that the proposed development complies with the relevant Development Plan (See Fact Sheet 16 – What is the Development Plan?). In doing their job Development Assessment Planners will review and interpret policy, liaise with a range of professionals and balance the need for development with the aspirations of the community.
Do I Need Approval?

If you undertake “development” you may require Development Approval.

Some examples of development are:
- building or extending a house
- shed or garage
- verandah
- carport
- dependant accommodation/Granny flat
- demolition
- retaining wall
- fence over 2m high
- signs
- swimming pools
- significant tree pruning or removal
- change of use of land

According to the Development Act 1993, development can be any of the following:
- building work
- a change in the use of the land, e.g. an office to a retail shop or change of crop from wheat to almonds
- the division of an allotment
- the construction or alteration of a road
- the creation of fortifications
- In relation to a State heritage place – the demolition, removal, conversion, alteration of, or addition to, or any other work that could materially affect the heritage value of the place
- Any significant tree removal or tree-damaging activity (a significant tree has a circumference of 2m when measured at a height of 1m above ground level)
- prescribed mining operations on land

Undertaking development may require a Development Application depending in the type, scale and location of the development. If development requires Development Approval, it is illegal to undertake the development without first obtaining Development Approval. If you do not obtain Development Approval when it is needed you may face prosecution or be fined.

If you are unsure whether the activity you wish to undertake is development you should check with your local Council.

The Development Act can be viewed via the Development Act link at www.planning.sa.gov.au
Why do I need approval?

Development can affect you, your neighbour and the community now and in years to come.

Development approval is required to ensure that the development is consistent with the local policy envisaged for the area which would normally be set out in your Council’s Development Plan, (See Fact Sheet 16 for information about Development Plans). Development Approval is a legal requirement which has been put into place to protect individuals, the community and the environment. Undertaking development without an approval is illegal and potentially dangerous. Should some damage or an accident occur your insurance may not be valid and you and/or your builder could be liable for damage caused to other people’s property.

Development Approvals regulate development in an attempt to:

- enhance the conservation, use and management of land and buildings
- enhance the amenity of buildings, the streetscape and local areas
- provide for the health and safety of people who use buildings
- ensure efficient and uniform technical requirements for buildings
- advance the public interest

A planning approval aims to ensure that the development will not look out of place in the area and to maximise the positive impacts and minimise the potential negative impacts on the community around it. It is essential that a development be right for an area and community because it may exist for decades.

A wide variety of activities are classified as development. This could include anything from a verandah to a manufacturing shed. It is important for these developments to have the approval of the relevant authority, this may be local government (Council) or State government (Development Assessment Commission).

For more forms of development view Fact Sheet 2
What is a Development Approval?

Development Approval is a legal document that allows you to undertake a development. Development Approvals specify the design and other documents that the development must follow – i.e. plans for the location and design of the buildings and the structural details for the building such as the depth of footings. The Development Approval will also specify the timeframe that the development should occur within – i.e. how long you have to start work on the development and how long you have to finish the development.

Development Approval can not be granted until each of the different types of Consent that are required for a development have been obtained.

Types of Consent

The type of consent needed depends on the type of development.

**Development Plan Consent (planning consent)**
- Development that may impact on others or of an area generally requires Planning Consent eg. new homes, changing use of a premises eg. from an office to a shop, or changing the use of land eg. from pasture to vineyards.
- Planning Consent is dealt with by a planner who assesses the application against the Development Plan, the Development Act and the Development Regulations.

**Building Rules Consent**
- Development that involves construction or buildings and structures generally requires Building Rules Consent eg. building a house, garage or other building.
- Building Consent is dealt with by a building surveyor who assesses the application against the technical requirements of the Building Code of Australia or the South Australian Housing code and other relevant Australian standards. In general this covers issues such as:
  - Structural adequacy
  - Fire Safety
  - Health and amenity
  - Equitable access for people with disabilities, and
  - Energy efficiency.

Building consent can be issued by either Council or a "private certifier". A private certifier is an independent practitioner registered by the State Government to carry out Building Rules Consent assessment of applications, and issue Building Rules Consent.

**Land Division Consent**
- Development that involves the movement of boundaries between properties eg. the amalgamation or creation of new allotments, generally requires Land Division Consent.
- Land Division Consent is dealt with by a planner after referring the application to other professionals for assessment such as transport and civil engineers.
- Land Division Consent is assessed by both the State Government and the local Council.

Why are there different types of consent?

Development often involves two and sometimes all three types of consent. There are different types of consent because different professionals need to assess different types of development.

The most frequent form of development approval requires both Development Plan consent and Building Rules consent. For example, for a new garage the Development Plan Consent will assess the location of the garage, its appearance, remaining open space, setback from the street and other relevant issues contained within the Council’s development plan (See Fact Sheet 16 – What is the Development Plan?). However, the Building Rules Consent is required to make sure the building will be structurally sound and safe, and it is assessed against the Building Code of Australia.
What do I need to lodge an application?

A range of information is needed to assess applications, with some applications needing more information than others. All the required information should be submitted when the application is lodged otherwise assessment of the application will be delayed.

The following minimum information is required for all applications:

- Completed development application form and three copies of each of the following
- Certificate of title (to check for easements or encumbrances on the land)
- Application fee list
- Building floor plan to an appropriate scale (such as 1:100 or 1:200) with dimensions
- Building elevations to an appropriate scale (such as 1:100 or 1:200) with dimensions
- Completed Electricity Act Declaration
- Details of proposed materials and finishes
- A site plan showing
  - all boundaries of the site and their measurements
  - a north point
  - scale (please use a common scale such as 1:100, 1:200 etc)
  - any easements on the land
  - location of all current buildings on the allotment
  - location of all proposed buildings and structures
  - dimensions identifying setbacks of any new structures to the property boundary
  - location of existing vegetation, particularly significant trees or native vegetation

All plans should be numbered accordingly
What else do I need to lodge an application?

In addition to the minimum information listed in Fact Sheet 5 – What do I need to lodge an application? the following information may also be required.

- Demolition proposal form – a form from your Council which requires you to outline the buildings and structures you are proposing to remove.
- Neighbour’s comment or consent – Council may ask you to talk to your neighbor about your proposed development and provide Council with their written comment or consent.
- Streetscape plan – this would generally show the front elevations of the proposed development and the adjoining developments.
- Site survey – this would generally be undertaken by an engineer or surveyor and would include the site boundaries, site levels and the existing buildings or trees.
- Locality plan – this would generally show the proposed development and the surrounding land uses.
- Stormwater drainage plan – The plan would generally be prepared by an engineer and would show the proposed plan to manage stormwater on the site.
- Water efficiency – a plan showing the measures included in the development for water efficiency.
- Significant tree plan – this would show the location of any significant trees on the site, or very close to the site.
- Arborist report - a report prepared by a qualified arborist which would usually be for a significant tree on the site.
- Structural engineers report – report from a qualified structural engineer which could be regarding the stability of a building or retaining walls.
- Advice from an architect.
- Advice from a Heritage expert – this could be required for development to a heritage building or located on a site next to a heritage building.
- Site history & assessment – information on the previous activities that have occurred at the site or previous works that have been done to the site.
- Site works – the physical works you are proposing to do such as earthworks, building or demolition.
- Landscape plan – a plan showing the proposed landscaping for the development including the species and location of the plants.
- Land use description & processes / machines / activities – this would be a detailed description of what you are proposing to do as part of the development.
- Hours of operation / number of employees.
- Overshadowing diagram – generally shows the shadowing that would be created by the development on the surrounding properties at 9am, noon and 3pm on the shortest day of the year (21 June).
- Overlooking diagram – generally shows potential views from the new development to the surrounding properties.
- Wastewater management plan – This would generally need to be prepared by a professional and would demonstrate how you are going to deal with wastewater generated by your development.
- Car parking survey – This could include the number of car parks that are currently located on the site or in the surrounding area and how often they are used.
- Traffic report – this make include traffic likely to be generated by the development, internal vehicle circulations and car parking demand.
- Signage details – information on any signs that you want to have as part of your application.
- Method of waste disposal – information on how you are going to deal with waste.
- Existing / previous use details – what is currently happening on the site, or what used to be located on the site?

If you are unsure about whether your application requires any of this information ask your Planning Consultant or contact your Local Council for more information.
Where do I get help preparing my application?

Preparing a good quality application will improve the processing of the application and will often result in a better outcome. Preparing all of the information at the start of the process can also help you to resolve any possible problems with the proposal before you lodge your application. This will save you time and possibly money, as it will reduce the possibility of you having to amend your plans later on.

The Application checklist (See Fact Sheets 5 and 6) will help you to work out what information you need to prepare your Development Application. It is a good idea to speak to Council’s planning staff while you are preparing your application.

If your proposal is complicated or you are not confident in preparing an application yourself you could employ a Planning Consultant to help you put together your application and to help you throughout the process.

Planning Consultants are qualified professionals who understand Council Development Plans and processes (See Fact Sheet 16 – What is the Development Plan?). They will be able to advise and assist you throughout the process of your application, from helping you to design your proposal and putting your application together, to liaising with Council and responding to any issues raised during Public Notification.

Using a Planning Consultant to prepare your application can save you time and money in the long run – both in the application process and the development outcomes.

You can find Planning Consultants listed under “Town Planning” in the Yellow Pages, or you can find local consultants who have committed to high standards of professionalism and competency via the PIA Website Consultants Directory. The Consultants Directory is an online directory which you can search to find a suitable consultant for your area and type of development. The Directory is available by visiting www.planning.org.au and following the link to the Consultants Directory. Planning Consultants in the Directory are members of the Planning Institute of Australia and are committed to delivering high quality, professional planning advice.
Applications lodged by builders

Information for builders
If you are a builder preparing or lodging a development application on behalf of a client you need to ensure that you provide all of the information required for the application. Some of this information may be beyond the scope of your contract services in which case you should liaise with the owner to get this information to lodge with the application, (see Fact Sheet 5 – What Do I need to lodge an application? and Fact Sheet 6 – What else do I need to lodge and application?), an information checklist is available. It is important to talk to your client about who will be nominated as the applicant and contact person on the development application form lodged with Council, as Council will only contact the nominated person during the assessment process. You should also ensure that you communicate regularly with the owner to keep them informed of the applications progress. Council may only deal with the nominated person – having several parties contacting Council regarding one application is distracting and can slow down the assessment process. If you are lodging a complex application it is recommended that you seek the services of a Planning consultant and also check with your Local Council to ensure that you have provided all of the information required.

Information for owners
If you have engaged a builder to prepare and/or lodge a development application on your behalf you need to ensure they have all of the information required for approval. Some of the information required may be beyond the scope of your contracted services with the builder, so please discuss this with them and be clear on who is providing which information. Applications lodged without all the required information take longer to process, so your approval may be delayed, (see Fact Sheet 5 – What Do I need to lodge an application? and Fact sheet 6 – What else do I need to lodge and application?) The development application form that is submitted with the application asks for the name of the applicant and for the contact person for the application. If your builder is managing the process for you, please ensure that you communicate with your builder about the progress of your application. Council may only deal with the nominated contact person for the application – having several parties contacting Council regarding one application is distracting and can slow down the assessment process.
What are the types of development?

All development requires approval, however as different developments have different levels of impacts, developments are grouped into 3 kinds. The 3 kinds of developments are:

- Complying;
- Merit; and
- Non-Complying.

Each of the different kinds of development has a different assessment process. The assessment process is shorter and simpler for development that has a low level of impact compared to the assessment process for development that may have a higher level of impact.

What is Complying development?

A complying development is one which is listed in the Development Plan or specified in the Development Regulations 1993 as complying. Complying development will generally only have a low level of impact on the surrounding area. A planning authority cannot withhold approval for complying developments.

What is Non-Complying development?

Non-Complying developments are listed in the Development Plan and are land uses which are not envisaged or encouraged within a particular area. These uses will generally be inconsistent with the objectives and principles of the zone or policy area that they are in, for example industrial developments in a residential zone or a new high rise building in a heritage policy area. Non-Complying development is not usually approved unless it is a special circumstance. See Fact Sheet 10 – Can I apply for a Non-Complying development?

What is Merit development?

Merit development is development that is categorised as neither Complying or Non-Complying as stated in the Development Plan, Development Act 1993 and Development Regulations 1993. Merit development must be individually assessed on its merit having regard to the policies in the Development Plan.
**Can I apply for a Non-Complying development?**

**What is Non-Complying development?**

Non-Complying developments are listed in the Development Plan and are land uses which are not envisaged or encouraged within a particular area. These uses will generally be inconsistent with the objectives and principles of the zone or policy area that they are in, for example industrial developments in a residential zone or a new high rise building in a heritage policy area. Non-Complying development is not usually approved unless it is a special circumstance.

**Can I apply for a Non-Complying development?**

An application can still be made to Council for a Non-Complying development if the applicant believes that it has significant merit. The lodgement of a Non-Complying application incurs a number of expensive fees. You should seek the advice of your local Council before preparing your application.

**What process will my Non-Complying application follow?**

The assessment process for a Non-Complying development application involves a number of steps.

The first step when a Non-Complying application is made is for the Council staff to undertake a preliminary assessment. From this, they will decide to either refuse the application or proceed with a full assessment. If the application is refused at this time the applicant has no right of appeal against the decision. If the application is allowed to continue there is no guarantee that it will be approved.

If Council agrees to proceed with full assessment of the application a report called a Statement of Effect is required to be submitted. This must be prepared by a qualified planner.

The second step, if the Council decides to proceed with the application, is for the Council planner to undertake a full assessment of the development. After Council planners have assessed the application they will write a report recommending either approval or refusal of the application to the Council Development Assessment Panel.

The third step is for the application, staff recommendation and report to go to a Council Development Assessment Panel meeting, where a decision will be made to support or refuse the application. Should Council refuse the development, the applicant has no right to appeal the decision. If Council supports the application then the Development Assessment Commission, the state planning authority, must also make a decision on the development.

The forth step is for the Development Assessment Commission to assess the application. If the Development Assessment Commission does not support the application it will be refused. If the application is refused, the applicant has no right of appeal. If the Development Assessment Commission approves the application, a Decision Notification Form will be sent to the applicant informing them of the approval and any conditions placed upon the development.
How are applications assessed?

Applications for Development Plan Consent (Planning Consent) and Land Division Consent are assessed using a document called a Development Plan. Each Council has its own Development Plan containing the policies that apply to that area.

For more information on the Development Plan see Fact Sheet 16

Council officers assess applications against the policies in the Development Plan that are relevant to the location and type of development proposal. All of the relevant policies in the Development Plan are considered and a decision or recommendation is made after balancing the range of different policies and aspects of the proposal. The policies which the application is assessed against include:

- Council Wide (Applies across the entire council area)
- Zone (specific to that area)
- Policy area (specific to that area – is a sub-area within a zone)
- Tables (Council wide or area specific - such as car parking requirements or road setbacks)

The assessment will also need to consider the provisions of the Development Act 1993 and the Development Regulations 1993. Some applications may also need to incorporate State government agency requirements, (See Fact Sheet 15 – What are referrals?)

The assessment will be done by a Planning Officer. Planning Officers are skilled professionals with university qualifications in planning, and trained in Development Assessment. More minor applications may be assessed by a less experienced Planning Officer or Planning Assistant, overseen by a more experienced Planning Officer.

Applications for Building Consent are assessed against the Building Code of Australia and the South Australian Housing Code. Assessment of building applications can either be done by a Council Building Officer or by a Private Certifier.
What process will my application follow?

Depending on their complexity and the range of impacts, development applications for development plan consent (planning consent) and building rules consent follow different paths and are assessed by different Council staff members. Generally, the more complicated the development, the more complicated the assessment process.

Land division applications are lodged with the Development Assessment Commission who then forwards it to the relevant Council for assessment.

What are the different assessment stages?

The general stages in the assessment of a development application that requires both development plan consent and building rules consent for Development Approval are listed below. Referrals, public notification and appeals will not be relevant for some types of development.

- **Lodgement of development plan consent application** – see fact sheet 5 for what information is required for lodging an application.
- **Council may ask for more information** – Council can request further information from the applicant to assist in the assessment. Council will also specify a time period that the applicant has to provide the information to Council. If you don’t provide the information in the specified time Council can refuse the application.
- **Referrals** – some applications may require Council to refer the application to an external body or to an internal department in Council for assessment. See Fact Sheet 15 for more information.
- **Public Notification** – If required, Council will undertake public notification for the development application. See Fact Sheet 13 for more information.
- **Planning Assessment** – the Council planning officer will assess the application. See Fact Sheet 11 for more information.
- **Planning Decision** – For applications where representations have been received and have not been resolved, Council’s Development Assessment Panel will decide the application.
- **Appeals (depending on appeal rights)**
- **Lodgement of building rules consent**
- **Building rules assessment** – This can be undertaken by a Council Building Officer or by a “Private Certifier”, See Fact Sheet 11 for more information.
- **Building rules decision**
- **Appeals (depending on appeal rights)**

How do the stages fit together?

The following flow chart demonstrates the general assessment process for a Consent or Merit, Category 1 Application (refer to Fact Sheets 9 & 13).

```
Category 1 Application

Lodgement ↓
Information request (if required) ↓
Referrals (if required) ↓
Planning Assessment ↓
Development Plan Consent (approval/refusal) ↓
Building Assessment ↓
Building Rules Consent (approval/refusal) ↓
Development Approval (approval/refusal)
```

What process will my application follow?
Some applications may follow a different path depending on their complexity.

The following flow chart demonstrates the general assessment process for a Consent or Merit Category 2 or 3 Application (refer to Fact Sheets 9 and 13).

**Category 2 or 3 Application**

- Lodgement
  - Information Request (if required)
    - Referrals (if required)
      - Public Notification
        - Any representations forwarded to applicant for response
          - Planning Assessment
            - Planning Decision
              - Application decided under delegation (if no representations)
              - Application decided by Council Development Assessment Panel (if representations have been received and can not be resolved)
                - Appeal (depending on appeal rights)
                  - Building Rules Assessment
                    - Building Rules Consent (approval/refusal)
                      - Development Approval (approval/refusal)
                        - Appeal (depending on appeal rights)
Some types of development will require Public Notification. Public Notification means that neighbours and other interested parties must be advised that an application for development has been lodged and that they have the opportunity to comment on the application.

Public Notification is an important part of the Planning system as it gives the public an opportunity to influence outcomes on development that may impact them or the community and environment more generally. There are several categories of public notification that apply to different types of development. The Development Act 1993 and Development Regulations 1993, and some Council Development Plans list types of development for each category of Public Notification.

For more information on the Development Plan see Fact Sheet 16

The categories each represent different levels – both in the amount of consultation and in the rights of the people notified. Category 1 has no Public Notification while Category 3 has the maximum amount of Public Notification. Council will undertake the public notification process and will require the applicant to pay an appropriate fee to cover the cost.

The key elements of each category are:

**Category 1**
- does not require any form of public notification.

**Category 2**
- additional fees are required for this type of application.
- a letter notifying of the proposed development must be sent to an owner or occupier of each piece of adjacent land.
- if an owner or occupier wishes to make a representation of support or objection they must respond via letter within 10 working days of the date on the notifying letter.
- the applicant will also be given opportunity to respond to the representations.
- if a representation is received regarding a category 2 development and the issues cannot be resolved, a decision regarding assessment of the application will be made by the Council Development Assessment Panel.
- the Council Development Assessment Panel is not required to hear representors or the applicant. However, some Councils do hear representors and applicants (Please contact your Council for more information).

**Category 2A**
- additional fees are required for this type of application.
- a letter notifying of the proposed development must be sent to the owner or occupier of the adjacent land.
- if the owner or occupier wishes to make a representation of support or objection they must respond via letter within 10 working days of the date on the notifying letter.
- the applicant will also be given opportunity to respond to the representations.
- if a representation is received regarding a category 2 development and the issues cannot be resolved, a decision regarding assessment of the application will be made by the Council Development Assessment Panel.
- the Council Development Assessment Panel is not required to hear representors or the applicant. However, some Councils do hear representors and applicants (Please contact your Council for more information).
Category 3

- additional fees are required for this type of application, these include the cost of newspaper advertising.
- a letter notifying of the proposed development must be sent to an owner or occupier of each piece of adjacent land and any other owner or occupier of land which the relevant authority believes should be informed.
- in addition an advertisement that complies with the requirements set out in the Development Act and Regulations is placed in a statewide newspaper (usually The Advertiser) to inform anyone who is interested of the development.
- should anyone wish to make a representation of support or objection they must respond via letter within 10 working days of the date on the notifying letter or advertisement. It is important for the person making the representation to indicate if they want to speak at the Council Development Assessment Panel meeting.
- the applicant will also be given opportunity to respond to the representations.
- if a representation is received regarding a category 3 development the decision regarding assessment of the application will be made by the Council Development Assessment Panel.
- a representor has the right to speak at the Council Development Assessment Panel meeting in support of their written representation. If a representor is speaking at the meeting than the applicant also has the right to speak at the Council Development Assessment Panel meeting.
- Representors have the right to appeal an application if they are unhappy with the decision. The representor must lodge a notice of appeal within 15 days of when the decision was made.
**Representations – Objecting to an Application**

What should I put in my written representation?

If you have been notified of a development you can choose to prepare a Representation in support of or objection to the proposed development. Representations must be made in writing and should set out your case for supporting or opposing the proposed development.

As the proposed development can only be assessed against the Council’s Development Plan, to be effective your representation should only raise matters addressed in the Development Plan (See Fact Sheet 16 for information about the Development Plan). The representation must give reasons for the objections. It is not acceptable to simply say “I don’t want this next to my house”.

A written representation should detail the following:

- your name, address and the date
- the address of the proposed development and the development assessment number
- concerns with the proposed development
- how the proposed development affects your property or area
- if you are objecting to the proposed development include the reasons why planning approval should not be granted
- reference to the Development Plan

The representation can be in the form of a letter, report, dot points or your Council may have a standard form that you can fill out.

Some valid concerns with the development may be:

- type of land use is not appropriate
- appearance or character
- overshadowing eg. shadows cast by the proposed building onto the neighbor’s back yard or windows
- overlooking eg. potential views from upstairs windows and balconies into the neighbor’s back yard or windows
- traffic generated
- proposed development is at odds with the Development Plan

Representations must be lodged with Council within 10 business days of the date of the notice.

Where do I get help preparing my representation?

To prepare the most effective representation, especially for a complex application you can engage the services of a Planning Consultant. A Planning Consultant will be best equipped to assist you to prepare a representation or to prepare a Representation on your behalf. Planning Consultants will review the Development Plan and the proposed development and will identify appropriate issues to include in the Representation. Planning Consultants are professionals, they may not be able to assist you if they do not believe that there are any valid reasons for an objection.

Where can I find a planning consultant?

A planning consultant can be found by visiting www.planning.org.au and following the link to the Consultants Directory where you can search for a consultancy by name, location, or services offered. You could also look in the yellow pages under town planning. It is important that you make contact with a consultant as early as possible as it may take several days to prepare a Representation. The process for writing a Representation includes site visit, review of the proposal and Development Plan and preparing the Representation. The cost of this service will vary depending how complex the application is. You should ask the Planning Consultant about their rates and fees before you engage their services.
What is the process after my representation is lodged with Council?

After the representation is lodged Council will forward a copy of your Representation to the applicant for their reviews and response. Council will also send you a confirmation letter. The applicant has the opportunity to respond to Council in writing addressing the issues raised in the Representations and they may choose to send an amended application to address the issues. Council and/or the applicant may contact you to try to resolve any concerns and to try to get the Representation withdrawn if all of the issues are satisfactorily addressed.

If the reasons for representation cannot be resolved the Council Planning Officer will prepare a report about the development and make a recommendation to Council Development Assessment Panel (CDAP) to either approve or refuse the application. If the Representation is made as part of a Category 3 public notification you will be given the opportunity to make a 5 minute verbal presentation to the CDAP. Some Council’s will also give people who have made a representation as part of a Category 2 public notification the opportunity to speak at the CDAP. You can also get a planning consultant to speak at the CDAP for you.

After considering the application, the CDAP will then make a decision regarding the development.
What are referrals?

External Referrals

Some developments are in locations or involve activities that require the application to be sent to government agencies or other bodies – this is called a Referral. Referrals are required when the development proposed may impact on or may be affected by services or matters that other authorities have control over or an interest in. Referrals typically relate to important matters that have a broader impact on the health and safety of the community and the environment.

Referrals are set out in the Development Regulations and require the applicant to pay additional fees for Council to send the application on for a referral. Referrals inform and in some cases, direct the assessment and outcome of the development application.

External referrals are made to a range of organisations. The organisation that the application is referred to will depend on the type of issue. It is possible for an application to need to go to more than one different organisation for referral. Some examples of organisations and the issues they consider are:

- Coast Protection Board for coastal land issues
- Commissioner of Highways (Transport SA) for development on main roads
- Environmental Protection Agency for development that needs careful consideration of the potential environmental impacts
- Country Fire Service for new dwellings or dwelling alterations in bushfire prone areas
- Liquor & Gambling Commissioner for development that involves a gaming area

If your development application is required to be referred, the assessment process for the application will take approximately 6 to 10 weeks longer than an application with no referrals.

Internal Referrals

In the assessment process the Planning Officer may make internal referrals to the Council’s various departments such as infrastructure, health and heritage. Internal referrals will generally be undertaken if the proposed development effects, or may be affected by, Council activities and infrastructure such as street trees and driveway placement, or if the development may have flooding issues or impact on heritage properties. These referrals do not require additional fees but are an important part of the assessment of the application.

Why does Council consider issues like stormwater and bushfire risk?

Referrals are made on a range of issues where the health and safety of the occupants, environment and structures may be at risk, or where the development itself may potential put the surrounding area at risk. Some of these risks include bushfires and flooding from stormwater.

In order to assess bushfire danger Council will refer an application to the Country Fire Service. This is to ensure that a dwelling is not built in areas where the risk of bushfire is too high. If a position is considered to be too dangerous to be built on an alternative area of an allotment may be less hazardous.

Stormwater is considered by Council to ensure that the water is safely disposed of. Issues can arise between neighbours if stormwater is flowing from one house into their neighbour’s yard, causing damage to property. Also, if stormwater is not properly managed it can harm your own property, for example the water may get under your house and damage your foundations.
What is the Development Plan?

The Development Plan is a document which provides planners with guidelines to follow during the development assessment process. Each Council area has a Development Plan that relates specifically to that area. The detail in Development Plans can differ greatly between Councils as it reflects the different types of areas such as coastal, suburbs, industry and so on.

The Development Plan separates land within each Council area into a number of different zones. For each of the particular zones (e.g., a Residential Zone or an Industrial Zone) the Development Plan will outline what sort of land uses are and are not envisaged for that zone (For more information on Zones see Fact Sheet 17). The Development Plan will also outline various objectives, principles and policies further controlling and affecting the design and other aspects of proposed developments. These policies can cover a range of social, environmental and economic matters. Development Plans can also spell out the desired character for different parts of the area they cover.

The basic structure of a Development Plan in South Australia is relatively consistent, but the policy content varies depending on local circumstances.

Development Plans contain:

• An Index
• General Provisions - Council wide policies which apply across the entire Council area
• Zone Provisions - Specific geographic area in which specific policy applies such as a residential zone or commercial zone.
• Policy areas - Area with specific attributes, is usually a sub-area within a zone such as heritage.
• Tables - Information that is usually of a technical nature and relates either to the whole Council area or may be land use or location specific, such as car park requirements, setbacks or heritage guidelines.
• Zoning maps

As the Development Plan is an assessment tool it is recommended that applicants review the Development Plan section which relates to their development before preparing a Development Application. This is important as developments that are consistent with the Development Plan will generally have a shorter assessment timeframe, as Council is less likely to ask for changes to the proposal.

All Development Plan’s are available to be viewed or downloaded over the internet at www.planning.sa.gov.au and a hard copy is available for viewing at your Local Council.
What is zoning and why are there different requirements in different areas?

Each Council area is divided into a number of smaller areas in the Development Plan, which are called “zones”. Zones are used as a way of grouping areas with similar characteristics such as land use together and setting outcomes for the area through policy. Zones are typically based on land uses such as residential, industrial and commercial. The policy that is included within each zone in the Development Plan then reinforces the type of zone. The way zones differentiate from one another includes defining the types of uses that are not envisaged or encouraged in the area, eg. in a residential zone housing will be encouraged but industrial developments will not and vice versa.

Zones can also be based on geographical or cultural features such as a Hills Face Zone or a Historic Conservation Zone.

The diversity between zones is important. Zones have different policies to maintain the diversity and unique character which each zone has. Differences in zones include not only the types of uses but also other development features such as setbacks, height, allotment size, building style etc.
How do I get the Development Plan changed?

The Development Plan is a tool to guide the assessment of Development Applications. Sometimes applicants may want to do a development which the Development Plan policies do not support – whether that is because of the location, type of development, or the scale of the development proposed. If the Development Plan policies do not support the proposed development then typically the application will not be approved. Changing the Development Plan to remove barriers to a particular form of development or add policy that supports a particular form of development is not a quick or simple process.

How are Development Plans changed?

In South Australia, changes to the Development Plan are made through a process called a “Development Plan Amendment” or DPA. This process usually takes at least one year from the initiation of the change to the amendment of the Development Plan. It is a fairly time consuming and expensive process for Councils and is not usually done to deal with “one off” issues.

The DPA process is a joint process between Council and the State Government and ultimately gets approval from the Minister for Urban Development and Planning.

Can I comment on a Development Plan Amendment?

The DPA process includes consultation with the community and this is an important opportunity for individuals to influence and have their say on the proposed outcome.

From time to time Councils undertake more general reviews and changes to the Development Plan and this can be an opportunity for private individuals to raise issues with Council during the investigations and consultation process that may lead to changes in the Development Plan.
The cost of a Development Application varies greatly depending on the type of development and the use of professional advice. In addition to Development Assessment fees charged by the relevant authority, Development Assessment costs may include the following:

- Planning Consultant fees
- Building Consultant fees
- Surveyor
- Draftsperson

While using professional advice is an additional cost, the resulting application is typically of a higher standard and may have a better chance of a fast approval. Good professional advice will also result in a better development outcome, so it is worth considering getting professional help to prepare your application, particularly if it is of a complex nature.

The following Development Assessment fees came into effect on 1 July 2007. These fees will be updated and are generally only current for about 1 year. These fees may also vary from time to time. You should check with your Local Council prior to lodgement of your application if you want to be absolutely certain of the cost.
Where can I get plans drawn?

Quality information and plans are an important part of your development application. Having clear and accurate plans is vital. Accurate site and building plans in the early stages of a development can help prevent many problems later in the assessment process.

You should get a professional to assist you in preparing your application. The type of professional will depend on what you are proposing, but it may include an architect, building designer or draftsperson. You may also need to use a surveyor if your development is a land division or includes building on or near a boundary.

If you require the services of an Architect, Landscape Architect, Building Contractor or a Building Designer they can be found through the Yellow Pages under “Architect”, “Building Contractor” or “Building Designer”. A draftsperson can be found through the Yellow Pages under “Drafting Services”.

Where can I get plans drawn?
What is CDAP?

CDAP is the abbreviation for Council Development Assessment Panel. CDAP is a body of people who consider and make decisions on some development applications in their Council.

The role of CDAP is to make impartial and transparent development assessment decisions based on the policies in the Development Plan.

The CDAP consists of seven members appointed by the Council. A minimum of four members must be independent of the Council and up to three members can be Council elected members or Council staff. All members have voting rights and decisions are made on a majority basis.

CDAP members have to abide by the Code of Conduct under Section 21A of the Development Act 1993. Some important things in the Code of Conduct are that panel members can not:

- Talk to a representor or an applicant about a development that is going to be considered by the Panel, except at the CDAP meeting when the application is considered
- Enter a development site unless it is part of the assessment of the development such as a formal panel viewing

The independent members who are on the CDAP are experienced professionals, who have worked in development related fields. Some of the professions include planners, architects, engineers, heritage experts, environmental experts, urban designers and lawyers. This means that decisions made by CDAP will be informed by the Development Plan and what the Development Plan has envisioned for the area.

The Elected Members of Council as a whole has no role in decisions made by CDAP. The CDAP will weigh up the pros and cons of a proposal by referring to the relevant provisions of the Development Plan. Decisions are made on the ‘balance’ of the Objectives and Principles contained in the Development Plan. Decisions are not required to be endorsed or ratified by the elected Council. The mixture of Council representatives and independent members provides a balanced view on the CDAP combining local experience and technical expertise.
How long will my application take?

Application assessment times vary depending on the form of development being undertaken. Some applications are more complex and require referrals and/or public notification which can take additional time. The quality and accuracy of the information you include with your application can also affect the time taken to assess the application. An application which has all of the required information can generally be assessed faster than one which requires further information.

Resolving problems with the proposed development by getting professional advice in the preparation of the application can also improve the time taken to assess the application.

General Timeframes

Planning Assessment (Development Plan Consent):

Merit applications: 8 weeks
Complying applications: 2 weeks

– If referrals are required the statutory time limits increase by between 6 to 10 weeks depending on the agency. A full list of referral timeframes can be found in Schedule 8 of the Planning Regulations.

– These time frames do no include the time it takes for you to provide more information to Council or a referral agency if they request further information. This is likely to occur if you don’t provide all of the information required to assess the application. Generally you will have up to 12 weeks to provide the information required, during which time the assessment of the application is put on hold. When you have provided the required information the assessment process will recommence.

Building Assessment (Building Rules Consent):

4 Weeks

– If you don’t provide all of the information required to assess the application a request for further information will be made which increases the time allowed for assessment. You have 12 weeks to provide the information required, during which time the assessment of the application is put on hold. When you have provided the required information the assessment process will recommence.

Land Division: 12 Weeks

– However, more time can be taken if the assessment process is held up during the referral stages or more information is required from the applicant.

To reduce the amount of time taken for the assessment of an application, the applicant should ensure that all of the information required is provided when the application is first lodged. An application with all of the required information provided at lodgement is far more likely to be assessed quickly than one without. See Fact Sheets 5 and 6 for a list of information which may be required for applications.
What is the process for a Land Division? – Urban

Land Division typically involves either the creation of additional allotments or the realignment of boundaries.

There are various types of Land Division, these are:
- Community Title
- Strata Title
- Torrens Title
- Boundary Realignments
- Creation of Additional Allotments

Before applying to divide land you should review the key requirements of the Development Plan such as the:
- Zone in which the development is located
  - land division policies can vary between zones.
- Minimum and maximum allotment sizes allowed
  - the minimum and maximum land area for allotments can vary between zones. You should be aware of these sizes before designing your land division.
- Lot dimensions and configuration
  - some zones have minimum and maximum frontage widths and lot depths or may discourage some types of allotment configurations such as hammerhead or battleaxe allotments.
- Services requirements on the land, such as access to water, electricity, easements and any other relevant matters such as Land Management Agreements.

All Land Division applications must be lodged with the Development Assessment Commission (DAC). Plans are typically lodged electronically by your surveyor. You should also provide any additional information such as Planning Reports directly to DAC. DAC will then refer the application to relevant authorities such as Transport SA and SA Water. Those authorities then forward their requirements to the Local Council who will either include the requirements as conditions of the approval or, if the authorities have concerns with the land division, the issues will be provided to the applicant to address.

Council will assess the application against the Development Plan policies such as allotment size and dimensions, environmental factors, traffic considerations and other relevant matters. Council will then make a decision based on this assessment and information gathered from referrals. Council will issue a Decision Notification Form with conditions of the land division approval and advise DAC. If the application is approved, a Certificate of Approval from the Development Assessment Commission must be also issued.

The final step for a Land Division application is lodgement with the Lands Title Office. This can only be done after the Certificate of Approval has been issued. Once this is complete, new Certificates of Title are issued.

For more information about land division application process contact DAC.

For more information on Planning Consultants view Fact Sheet 7; For more information on the Development Plan view Fact Sheet 16
What is the process for a Land Division? – Regional

Land Division typically involves either the creation of additional allotments or the realignment of boundaries. There are various types of Land Division, these are:
- Community Title
- Strata Title
- Torrens Title
- Boundary Realignments
- Creation of Additional Allotments

Before applying to divide land you should review the key requirements of the Development Plan such as the:
- Zone in which the development is located
  - Land division policies can vary between zones.
- Minimum and maximum allotment sizes allowed
  - The minimum and maximum land area for allotments can vary between zones. You should be aware of these sizes before designing your land division.
- Lot dimensions
  - Some zones have minimum and maximum frontage widths and lot depths or may discourage some types of configurations such as hammerhead or battleaxe allotments.
- Services requirements on the land, such as access to water, electricity and effluent disposal.

All Land Division applications must be lodged with the Development Assessment Commission (DAC). Plans are typically lodged electronically by your surveyor. You should also provide any additional information such as Planning Reports directly to DAC. DAC will then refer the application to relevant authorities such as Transport SA and SA Water. Those authorities then forward their requirements to the Local Council who will either include the requirements as conditions of the approval or, if the authorities have concerns with the land division, the issues will be provided to the applicant to address.

Council will assess the application against the Development Plan policies such as allotment size and dimensions, environmental factors, traffic considerations and other relevant matters. Council will then make a decision based on this assessment and information gathered from referrals. Council will issue a Decision Notification Form with conditions of the land division approval and advise DAC. If the application is approved, a Certificate of Approval from the Development Assessment Commission must be also issued.

The final step for a Land Division application is lodgement with the Lands Title Office. This can only be done after the Certificate of Approval has been issued. Once this is complete, new Certificates of Title are issued.

For more information about land division application process contact DAC.

For more information on Planning Consultants view Fact Sheet 7; For more information on the Development Plan view Fact Sheet 16
Glossary – Key terms used in the planning process

**Applicant:** Person/Company who applies for development approval.

**Application:** The documents lodged with a relevant authority regarding a proposed development.

**Approval:** Legal document that allows you to undertake a development See Fact Sheet 4.

**Building Code of Australia:** The national technical document which sets the standards for building work within Australia

**Building Rules:** Any codes or regulations under the Development Act, 1993 that regulate the performance, standard or form of building work.

**Community Title:** A community title divides land into lots (of which there must be a least two) and common property. Community Title can be a community scheme or a community strata scheme.

**Complying Development:** A development which is listed in the Development Plan or specified in the Development Regulations 1993 as complying. Complying development will generally only have a low level of impact on the surrounding area.

**Council Development Assessment Panel:** Abbreviated to CDAP. Panel formed by Council to consider and make decisions on certain Development Applications. See Fact Sheet 21.

**Decision Notification Form:** Issued by relevant authority to inform applicant of approval or refusal for development.

**Development:** Any activity which is defined as development under the Development Act, 1993. See Fact Sheet 2.

**Development Act 1993:** Legal document which Governs planning in South Australia.

**Development Assessment Commission:** State Government authority for planning in South Australia.

**Development Plan:** Each Council area has a Development Plan that relates to that specific area. It is a document which provides guidelines for new development. Planners will assess a development application using the Development Plan. See Fact Sheet 16.

**Development Plan Consent:** Planning permission for a development, granted after a qualified planner or other relevant authority has assessed the application. See Fact Sheet 4.

**Electricity Act Declaration:** Declaration form which states that a proposed development will not be contrary to the regulations for section 86 of the Electricity Act 1996. These regulations contain minimum safe clearance distances between buildings and power lines.

**Gazetted:** An announcement in an official article.

**Land Division Consent:** Planning permission for a land division development. See Fact Sheet 4.
Lodgement: Providing information to the relevant authority for a development application which is then put into the system to be assessed.

Merit: Merit development is development that is not categorised as either Complying or Non-Complying as stated in the Development Plan, Development Act 1993 and Development Regulations 1993.

Non – Complying: Non-Complying developments are listed in the Development Plan and are land uses which are not envisaged or encouraged within a particular area.

Planning Consent: See Development Plan Consent and Fact Sheet 4.

Referral: When an application is sent by the relevant authority to government agencies or other bodies for assessment of a particular aspect of the development. See Fact Sheet 15.

Relevant Authority: The agency responsible for assessing an application.

Representor: A person or body who wishes to support or object to a proposed development which has been on public notification.

Representation: A written support or objection to a proposed development which has been on public notification. See Fact Sheet 14.

Significant Tree: A tree that is more than 2 metres in circumference when measured 1 metre above ground level.

South Australian Housing Code: The South Australian Housing Code is produced by Planning SA and sets out building provisions that will comply with the Building Code of Australia.

Strata Title: A sub division involving at least two units and a common area.

Torrens Title: An example of Torrens Title is a home on its own block of land. There is a separate Certificate of Title for each separate piece of land.

Zone/zoning: Zoning is the division of a Council area into defined areas with similar characteristics, particularly the type of landuse. See Fact Sheet 17.