

Development Information Sheet 01

The Development Approval Process

What is Development Approval?

Development Approval is required for:

- New buildings and structures
- Alterations to existing buildings and structures
- Changes to how a building or structure is used
- Demolition of existing buildings and structures
- Land division or boundary realignment
- Pruning or removal of regulated and/or significant trees
- Modifications or painting to a State Heritage Place
- Fortifications
- Demolition, conversion or external painting where the colour has changed to a Local Heritage Place

A Development Approval is a legal document that allows you to undertake a development. Development Approvals specify the conditions and other details that the development must comply with.

Development Approval can be made up of one or more types of Consents including:

- Development Plan Consent
- Land Division Consent
- Building Rules Consent

What is Development Plan Consent?

Development Plan Consent is assessed by a planner who considers the Development Application against the provisions of the relevant Development Plan and processes the Development Application in accordance with any procedural requirements set out in the *Development Act, 1993* and the *Development Regulations, 2008*.

It is recommended that applicants refer to the Development Plan before making an application. The Development Plan is available for viewing at Council's website <http://www.walkerville.sa.gov.au/>

What is Building Rules Consent?

Building Rules Consent is required to determine whether or not the proposal satisfies technical building requirements and will be structurally sound if built in accordance with the approved plans. Assessment is made against the Building Code of Australia (BCA) and other relevant Australian Standards. Generally, this covers issues such as structural adequacy, fire safety, health, amenity, equitable access for people with disabilities and energy efficiency.

Building Rules Consent may be undertaken by Council or by a Private Certifier. However it is important to note that consent from a Private Certifier does not automatically guarantee Development Approval, if changes have been made between Development Plan Consent and Building Rules Consent a new development application may be required.

What is Land Division Consent?

Development Approval is required to divide land into separate blocks or allotments or move boundaries. Further information in relation to land division applications may be sourced in the Information Sheet – Land Divisions.

How do I submit an application?

You will need to submit to Council the following:

- A completed Development Application Form*;
- The relevant documents/plans as outlined Development Application Checklist;
- Payment of the development application fee;
- A current Certificate of Title for the subject land (which Council can order on the applicants behalf for a fee if required);

* Forms are available from Council's website at <http://www.walkerville.sa.gov.au/developmentforms>

If the need for further documents becomes evident during assessment, you will receive written correspondence from the assessing officer requesting the provision of further information. Assessment of an application cannot proceed until the complete set of required documents is provided. If you do not provide the requested information your application will normally be refused.

Refer to the Development Application form for specific requirements for your application.

What are the different types of assessment processes?

For Planning Consent, each development application will fit into one of three classes which affect the way that the application is processed:

- **Complying** – if the proposed development meets the criteria listed as complying in the Development Plan or specified in the Development Regulations, 2008, Development Approval must be granted.
- **Merit** – if the proposed development is not specified as either complying or non-complying, it is individually assessed on merit having regard to the relevant Development Plan policies.
- **Non-complying** – if the proposed development is listed in the Development Plan as being a non-complying form of development, only in circumstances where the proposal does not compromise the intent of the Zone, the Development Act provides an opportunity for the assessment of an application. See Development Information Guide - Non-complying Development

How long does it take to get Development Approval?

There are set time limits in which councils are obliged to make decisions. The Town of Walkerville endeavours to process all applications in the quickest time possible. If the application must be referred on to other bodies, or additional information is required from the applicant, the decision will be delayed.

Thorough preparation before lodging your application will ensure efficient processing. Complying development usually takes 1-2 weeks. Merit applications typically take between 6-8 weeks depending on the complexity of the application. Non-complying development requires the concurrence of the Development Assessment Commission and will therefore take longer to process.

Type of Development	Statutory Time Requirements
Provisional Development Plan Consent Only - Complying	2 weeks
Provisional Development Plan Consent Only - Merit (No agency referral)	8 weeks
Provisional Development Plan Consent Only – Merit (Agency referral for report or directions only)	8 weeks + additional 6 weeks
Provisional Development Plan Consent Only – Merit (Agency referral requiring concurrence)	8 weeks + additional 10 weeks
Provisional Development Plan Consent Only - Non-Complying	8 weeks + additional 10 weeks
Combined Development Plan Consent and Building Rules Consent (Merit and Complying only with no agency referral)	12 weeks

Type of Development	Statutory Time Requirements
Building Rules consent only (for Class 1 or 10 building – pursuant to the Building Code)	4 weeks
If any application is referred to Building Rules Advisory Committee	2 weeks
A relevant authority must provide notification of its decision to an applicant	5 business days
Where representations are made by third parties (either Category 2 or 3) – relevant authority must provide its decision on the application to the third party	5 business days
Where relevant authority makes a decision on a Category 3 development, it must provide its decision to third party representors (including their appeal rights) and the names of representors and its decision to the ERD Court	5 business days

Does my application need to be referred to an agency?

Some applications are required to be referred to and assessed by external statutory bodies (ie if the subject land is adjacent to an arterial road, is a State Heritage property etc).

Can I appeal the decision of the relevant authority?

Yes, an applicant has the right to appeal to the Environment Resources and Development Court against a decision made by Council, or a condition attached to an approval (other than in relation to non-complying applications).

Such an appeal may be lodged with the court within two months of the application decision being made.

Environment Resources and Development Court

Web: www.courts.sa.gov.au/courts/environment

Phone: 8204 0300

Can I build first then obtain my approval?

No, Under Section 44 of the *Development Act 1993*, a fine of up to \$120,000 applies for undertaking work without Development Approval. In some cases you may be required to remove the structure if it has been built without Development Approval at your own cost.

Do my neighbours need to be notified of my development application?

Depending on the type of application Council may be obliged to give people likely to be affected by development an opportunity to make comment (also known as a representation).

The *Development Regulations 2008* and/or the Town of Walkerville Development Plan set out the types of development where people have this right available to them. The extent of the notification is determined by the *Development Act 1993*.

Further information in relation to land division applications may be sourced in the Information Sheet – Public Notification.

Development Information Guides are intended to help applicants to submit applications which are complete, well prepared, and can be processed efficiently. The information provided is intended as a general guide only and applicants are encouraged to refer to the Town of Walkerville Development Plan and to seek professional advice if necessary. This information is subject to frequent updates. This version last updated in January 2018.

Access the Development Plan and current versions of information guides at <http://www.walkerville.sa.gov.au/>

Should you have any further enquiries or wish to discuss this process, please do not hesitate to contact the Planning and Environment team via:

In Person: Planning and Environment, 66 Walkerville Terrace, Gilberton SA 5081

Post: Town of Walkerville, PO Box 55, Walkerville SA 5081

Phone: (08) 8342 7100

Facsimile: (08) 8408 1122

Email: walkerville@walkerville.sa.gov.au