

# The Development Application Process



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## Introduction

This brochure is about the Development Application Process. It explains:

- what “development” is
- the development assessment process
- why we plan
- what the Development Plan is
- Planning Consent and the Development Plan
- Building Rules Consent and the Building Code of Australia
- full Development Approval
- how long it will take for a Development Application to be approved
- how the City of Marion makes decisions on Development Applications

## What is Development?

The Development Act defines what is and what is not development.

Development includes (but is not limited to):

- Construction, alteration, addition and/or demolition of buildings and/or structures
- A change in use of the land (e.g. from a shop to an office)
- Some excavation and filling of land
- Land division
- Advertising signs
- Specific work in relation to State and Local Heritage Places
- Damaging activities to a regulated/significant tree including removal, pruning, and trimming
- Some fencing and retaining walls

## The Development Assessment Process

If you intend to carry out any form of development, you must first receive Development Approval. To receive Development Approval, you must lodge a development application (sometimes referred to as a “DA”) with the Council (with the exception of land divisions - refer to separate brochure titled “Land Division”).

**Planning Consent + Building Consent =  
Development Approval**

A Development Approval is made up of Development Plan Consent (Planning Consent) and Building Rules Consent (Building Consent). Once both Planning Consent and Building Consent are granted, the Council is able to issue a Development Approval.

An application may be made for planning consent in the first instance, followed by building rules consent once planning consent is obtained. Alternatively, an applicant can lodge all relevant details and seek both consents and full Development Approval all at once.

## Why do we plan?

State Government legislation (the “*Development Act*” and the “*Development Regulations*”) gives Council the power to require Development Applications to be lodged for development that is being proposed within the Council area.

Council wants to control and plan for development within the Council area to make sure that the development that occurs is in the long term interests of the community and is a sustainable use of land.

Planning seeks to:

- set a direction and work towards it;
- encourage suitable development in desired locations;
- improve urban and rural areas and protect the natural environment;
- balance conflicting demands; and
- make use of limited resources.

## What is the Development Plan?

Councils and the State Government prepare detailed policies for an area so that the Planning Strategy - the State’s development vision - can be

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implemented. Collectively, these policies become documents called Development Plans.

Development Plans:

- provide a vision and structure to guide development; and
- provide the details for assessment of individual development applications.

Each Council's Development Plan establishes the desired character, the types of preferred development and the criteria against which development applications will be assessed for specific zones or policy areas within council areas.

## Planning Consent and the Development Plan

An application for Planning Consent will be assessed against the policies contained in Council's Development Plan.

An assessment typically involves consideration of the development site and surrounding land, and issues such as the proposed appearance, setbacks, carparking, overlooking and overshadowing. In making an assessment, the 'pros' and 'cons' of an application will be weighed up and, in some cases, a proposed development may receive Planning Consent despite not meeting all the relevant Development Plan policies.

By issuing Planning Consent, the Council has been satisfied that a proposed development is appropriate for the development site, in the context of the local area and the Development Plan policies.

## Building Rules Consent and the Building Code of Australia

An application for Building Rules Consent is assessed against the Building Code of Australia and relevant Australian Standards.

Either Council or a "private certifier" can assess applications for Building Rules Consent. A private certifier is an independent person who is registered by the State Government to carry out assessment of

applications for Building Rules Consent and, where appropriate, to grant Building Rules Consent.

By issuing Building Rules Consent, the Council or the Certifier has been satisfied that the development is appropriate with regard to issues such as structural adequacy, safety of occupants, health protection and fire prevention.

## Full Development Approval

Once both Planning Consent and Building Rules Consent are obtained, the Council can issue a Development Approval.

Where a Certifier has issued Building Rules Consent, a copy of the building documentation and the consent must be provided to the Council who will then issue the Development Approval (provided the building documentation is consistent with the Planning Consent and all relevant planning conditions have been satisfied).

**Development cannot commence until the Council has issued full Development Approval.**

## How long does a Development Application take to be approved?

Council will endeavour to deal with an application in a timely manner.

Applications lodged with the Council for full Development Approval (i.e. both Planning Consent and Building Rules Consent) take approximately twelve weeks to be assessed. However applications that require referrals\* to government agencies or public notification\*\* may take longer (Council staff will advise if either of these scenarios apply to an application as further fees are also applicable).

Also, if additional information is required, Council will advise the applicant and the application will not be processed further until the requested information is received.

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Where a Private Certifier issues Building Rules Consent, the Council will issue full Development Approval within five business days of receiving the documentation and the Consent. Council will however only issue full Development Approval when the documentation and the Consent are found to be consistent with the Planning Consent and all relevant planning conditions have been satisfied.

*\* some applications require referral to State Government Agencies such as the Department for Planning, Transport and Infrastructure (if the proposed development is located on main road) or Heritage SA (if a State Heritage Place is affected by the proposed development)*

*\*\* some applications must be publicly notified, that is, Council must send letters to owners and occupiers of adjacent land and/or place advertisements in The Messenger newspaper*

## How does the City of Marion make decisions on applications?

The City of Marion acts as a *planning authority* under the Development Act. This role is different from the Council's role of governing the community under the Local Government Act.

For most applications, the Council has delegated its power as the planning authority to staff in the Development Services Division (i.e. staff will assess and make decisions on most Development Applications). Development Applications that are not dealt with by staff under delegated authority are determined by Council's Development Assessment Panel (DAP). The Development Assessment Panel is made up of a combination of Elected Members and independent professionals appointed by the Council.

Building Rules assessments are carried out by Council's Building staff.

## Want to know more?

The above information is advisory only. It is intended to provide a guide and a general understanding of the key points associated with the development application process. It is not a substitute for reading the relevant legislation or the Development Plan.

It is recommended that if you are intending to undertake development, you seek professional advice or contact Council for any specific enquiries or for further assistance concerning the use and development of land.

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