

Fact Sheet

Development Information Guide



Development Approval

What is development?

The Development Act, 1993 establishes legal control over the use and development of land throughout South Australia. Certain types of activities are defined as 'development' in the Development Act, and require an approval. These include:

- the construction, addition to, or alteration of buildings and structures (including signs);
- the demolition of buildings;
- a change of use in the land;
- any internal or external alteration of a listed heritage item;
- the division of land into allotments or community titles, or the adjustment of allotment boundaries; and
- any work that is building work (staff in the Development and Environmental Services Section can assist in determining which work is classified as building work).

When is development approval required?

An application for development approval is required when you wish to undertake anything that is defined as development. Development approval involves the granting of one or more consents, such as:

- Development Plan Consent
- Building Rules Consent
- Land Division (Allotment) Consent
- Land Division (Community Title) Consent

The number of consents required in order to obtain Development Approval depends on the nature of the proposed development. Typically, for the construction, alteration or addition to buildings or structures, an application will be assessed against the provisions of The Barossa Council Development Plan (known as the Development Plan Consent) and the technical standards set out in the National Construction Code (known as the Building Rules Consent). Together, these two consents amount result in a formal Development Approval which is required in order to proceed with the actual development proposal.

The Approval is issued by the "relevant authority" which generally will be Council or in some circumstances, the Development Assessment Commission, which is the State Government's planning authority.

The Development Regulations may exempt certain types of development from requiring approval, depending upon certain criteria which are outlined in Schedule 3 of the Development Regulations. For further clarification please seek advice from Council's Development and Environmental Services Section.

Please contact the Development and Environmental Services Section for assistance in determining whether a proposal requires approval. **Please note that no development can be commenced without written approval from the relevant authority.**



More detail about the consents required that constitute development approval are described below:

Development Plan Consent

Development Plan Consent involves the assessment of plans and associated information against the Council's Development Plan. It is important to understand that the purpose of this process is to ensure development that:

- is an appropriate use of the land according to the relevant zone;
- enhances and is in keeping with the environmental and visual qualities of the area;
- is compatible with the orderly and proper planning of the area and compatible with surrounding development;
- has minimal adverse impact on the form and character of the locality in which it is situated; and
- respects the living conditions of nearby residents.

Building Rules Consent

Building Rules Consent involves the assessment of details for compliance with the Development Act and Regulations, the National Construction Code and other relevant Australian Standards. In general, the Building Rules cover structural adequacy, fire safety, health and amenity and, where required, access for the disabled. The assessment can be undertaken by either the relevant authority or a registered private certifier (a private certifier is an independent person who can assess and grant consent for a Building Rules application). Please note, issuing of a Building Rules Consent by a private certifier does not mean that a Development Approval will automatically be granted by Council. There may be other matters such as encroachment over a public place and stormwater disposal that have to be considered by the relevant authority before the Development Approval can be issued.

Land Division Consent

Information relating to Land Divisions and the Land Division process is outlined in a Land Division Guide published by the Department of Planning, Transport and Infrastructure. Visit their website at www.saplanningportal.sa.gov.au

The Development Application Process

A Development application may require various consents before final approval can be issued. An applicant can lodge either a single application for Development Approval or lodge an application for individual consents.

Step 1: Preliminary Discussion with Council:

- in most instances, it is appropriate to have preliminary discussions with Council staff regarding a proposed development prior to the lodgement of the application;
- discussions at the pre-application stage will generally allow Council staff to confirm whether the application is complete thus avoiding any unnecessary delays in the processing of the application.

Step 2: Lodgement of Application:

- an application must be lodged with a Development Application form, which is available from Council. The applicant must nominate on the form which consents are sought. A single application form can be used for all consents required;
- an application which is submitted to Council must include plans and documentation of a sufficient standard to enable the application to be assessed (refer to The Barossa Council's Development Application Requirements Development Information Guide);
- the application can then be lodged at any one of The Barossa Council Offices.

Step 3: Assessment of Application:

- referrals, including public notification, may be undertaken as part of the assessment process (refer to The Barossa Council's Public Notification and Your Role Development Information Guide);
- the application is assessed against the relevant provisions relating to the consents requested.

Step 4: Decision by Council:

Depending on the kind of development, a decision is made by a Council Officer or by Council's Development Assessment Panel, who may:

- approve the application;
- approve the application with conditions; or
- refuse the application.