



Coorong District Council Information Guide 4

Planning & Development

Development Application Process

Introduction

This development information guide describes the process involved in preparing and submitting an application for development and how Coorong District Council undertakes the assessment of that application.

What is Development?

The Development Act 1993, establishes a legal structure for controlling the use and development of land throughout South Australia.

The types of activities that are defined as development and require Development Approval include:

- The construction, addition to, or alteration of buildings and structures (including signs);
- The demolition or removal of buildings;
- A change in land use;
- Any internal or external alteration of a heritage listed item;
- The division of land into allotments or community titles, or the adjustment of allotment boundaries (refer to our Development Information Guide - Land Division).

Typically, for the construction, alteration or addition to buildings or structures, an application will be assessed against the provisions of Coorong District Council's Development Plan (Development Plan Consent) and the technical standards set out in the Building Code of Australia (Building Rules Consent). This process is to ensure that development fits within the desired character of the area, that neighbours rights such as privacy are protected, and that the buildings are safe. Collectively, these two consents amount to the formal Development Approval, which is required in order to proceed with the development proposal.

- Planning Consent**
- + Building Consent**
- + Septic Approval (if required)**
- = Development Approval**

The approval is issued by the relevant planning authority, which generally will be Coorong District Council, or in special circumstances, the Development Assessment Commission (DAC), which is the State Government Planning Authority.

Development Plan (Planning) Consent determines whether or not a proposal will be acceptable according to Coorong District Council's Development Plan. This is the document which outlines the

desired character for different parts of the Council area.

It is important to understand that the purpose of this process is to ensure the development proposal:

- Results in the 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, amenity and character of the locality in which it is situated; and
- Respects the living conditions of nearby residents.

Development Information Guides are available at Coorong District Council Civic Centre, Customer Service Centres and website (www.coorong.sa.gov.au), and provide a general guide to specific sections of the Development Plan. It is recommended that applicants refer to the actual Development Plan before making an application. The Development Plan is available for viewing at Council's website.

Building Rules (Building) Consent

When the proposal involves building, **Building Rules (Building) 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.

In general, the Building Rules cover:

- Structural adequacy;
- Fire safety;
- Health and amenity; and
- Access for the disabled.

Assessment is made against the Building Code of Australia and the South Australian Housing Code and also involves the assessment of the application details for compliance with the Development Act 1993 and Development Regulations 2008.

Building 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. Council may require assessment of further criteria. Seeking Building Rules Consent from Council will avoid such delays and double handling.

Applications can be made to obtain both consents at once, or separately (staged). An applicant may choose to stage the consents to avoid preparing detailed building plans and specifications until the



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application has been assessed in relation to the Development Plan, as design changes may be required to meet the rules of the Development Plan.

Full Development Approval

Once both Planning Consent and Building Rules Consent are obtained, 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 Council who will then issue Development Approval (provided the building documentation is consistent with the Planning Consent and all relevant planning conditions have been satisfied).

Submitting an Application

To submit an application for assessment, you will need a **Development Application Package** which includes the Development Application Form & Powerline Declaration Form. These forms must be completed and submitted with your supporting documentation. Included also is a planning and/or building consent checklist which specifies the documents and information which Council requires to assess an application. The completed forms along with lodgement fee can then be submitted to Council for assessment. The Development Application package can be found on Council's website www.coorong.sa.gov.au or alternatively from any of Council's offices.

If the need for further documents becomes evident during assessment, you will receive a letter of request. Full assessment of an application cannot be finalised until the complete set of required documents is provided.

If the complete set of requested documents is not supplied to Council within 30 days of the request, then Council is entitled to refuse the application in accordance with Section 39(3)(b) of the Development Act, 1993 and Regulation 19(1) of the Development Regulations 2008.

Council Assessment of an Application

For planning consent, each development application will fit into one of four classes which affect the way that the application is handled:

- **Complying** – if the proposed development meets the desired character of a locality (listed in as complying in the Development Plan or specified in the Regulations), and relevant conditions are met, approval must be granted.
- **Development Plan Exempt** — May be assessed as not requiring Planning Consent but still requires Building Rules assessment.
- **Non-complying** – if the proposed development is inappropriate or inconsistent with the desired character of a locality as listed in the Development Plan, only in special cases where the proposal has

merit does the Development Act provide an opportunity for assessment of an application.

- **Merit** - if the proposed development is not specified as either complying or non-complying, it is individually assessed on merit having regard to the Development Plan policies.

Please note — Any application for Development Plan Exempt or Residential Code Complying require proof of meeting the requirements of these, including all supporting documentation.

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

Categories of Assessment and Public Notification

Before making a decision on some types of development proposals, Council may be obliged to give people likely to be affected by that development an opportunity to comment.

The Development Regulations and/or the Development Plan set out the situations where people have this right available to them. The extent of the notification depends upon the type of development. Generally, the larger or more important the development, the greater the scope for public involvement.

There are three categories of development:

- **Category 1:** development which does not require public notification.
- **Category 2:** development which requires personal notification to adjoining property owners only; and gives the right to lodge representations.
- **Category 3:** development which requires general public notification (advertised in local newspapers and on Council's website); gives the right to lodge representations; and a right for representors to appeal.

Representations

Representations (communicating a point of view seeking change or refusal) may be made to development applications classed as Category 2 or 3. Representations are not restricted to adjoining properties, and may be made by any person who wishes to do so.

Representations must be made in writing, and a Statement of Representation form must be completed and supplied. These forms are available from the Customer Service Centre and will be sent with a notification advice.



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The Statement of Representation form requires persons making a representation to describe the reasons for their representation and how the issues would be overcome.

The written statement is more likely to be effective if it refers to the provisions of the Development Plan. Coorong District Council's Development Plan can be accessed from Council's website, www.coorong.sa.gov.au.

Copies of representations are forwarded to the applicant, and the applicant is given the opportunity to respond in writing to the representation. It is not necessary to attend a Development Assessment Panel meeting, but you may choose to do so to provide verbal support of your written statement.

For Category 2 development, the council may determine to allow a representor to appear before council to present their representation. For Category 3 development, Council must allow a representor to appear to make their representations. The applicant is also allowed to appear in order to respond to any representations. Council advises representors with notice of its decision. In the case of a Category 3 development, representors have the right to lodge an appeal against the decision with the Environmental Resource and Development Court.

Referrals

Some applications are required to be referred to and assessed by further statutory bodies.

For example:

- Some development near the river must be referred to the Minister responsible for administering the River Murray Act.
- Some development adjacent to main roads must be referred to the Department of Planning, Transport & Infrastructure.

This process is undertaken under statutory time limits of up to 8 weeks. Referrals and concurrences are listed under Schedule 8 of the Development Regulations 2008.

Decision Makers

Most applications can be decided by Council officers under delegated powers from the Council.

Some applications, particularly those where representors request to be heard, are considered by Coorong District Council's Development Assessment Panel (DAP), which is made up of elected council members and independent members.

Members of the public are welcome at meetings; however there are general protocols for those wishing to observe the proceedings. Members of the gallery cannot take part in debate at meetings. On occasions parts of the meeting may be closed to the public when matters of a confidential nature are being discussed.

In some cases, applications may require concurrence or assessment by the State Government's Development Assessment Commission.

The Decision

Once the assessment is made, Council can issue unconditional approval, approval with conditions, or refuse the proposed development.

"How long will it take before I get approval"? - Decision Timeframes

There are set time limits in which councils are obliged to make decisions. Coorong District Council endeavours to process all applications in the quickest time possible. If the application must be referred on to other bodies, requires public notification or additional information is required from the applicant, a decision will be delayed.

Thorough preparation before lodging your application will ensure efficient processing. The greatest delay in decision of minor development is most often submission of incomplete documentation.

Right of Appeal Against the Decision

Except for non-complying development 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. Such an appeal may be lodged with the court within two months of the application decision being made.

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 Coorong District Council's Development Plan and to seek advice from our staff where necessary.