

Berri Barmera COUNCIL

Building a Better Community

Development Applications

What is a Development Application?

Development is defined under the Development Act 1993, a state legislation that refers to a range of activities associated with building work, changes in land use and land division. The Act specifies what development must receive planning approval, and where applicable, a building approval, prior to work commencing. A single application can cover each development approval, unless it is for land division, for both Development Plan consent and Building Rules consent. This form is available from Council offices in Berri and Barmera.

The approval is issued by the relevant planning authority, which is either the Berri Barmera Council or the Development Assessment Commission, a Government body set up under the Act largely to determine proposals which have State significance (these being specified by Regulation). In rare cases, the planning authority may in fact be the Minister or even the Governor.

A statutory application and approval system regulating development activity is therefore in place and must be followed. The actual Development Application and the Approval forms are prescribed by the legislation as are the procedures by which an application is handled and a decision ultimately made.

Anyone who wishes to undertake development is obliged to go through this process.

When is an application required?

The Development Act advises that no development can be undertaken unless it has approval from the relevant planning authority. Therefore, an application must be lodged every time a person wishes to undertake development. Development is defined in the legislation and refers to a wide range of activities associated with building work, changes in land use, advertising displays, and land and community title division. It can be a quite simple domestic structure or a

complex major commercial project, but an application is necessary in either case.

Some forms of minor activity and structures are actually exempt from this definition of development and consequently do not require approval. These, however, are the exception rather than the rule and the situation can change depending upon geographic location or the actual nature of the work being undertaken. The best way to find out if an approval is needed is to enquire at the Council office and clarify what is involved. You may also wish to engage your own independent advice from a planning consultant to assist you through this process.

No development can be commenced without written Development Approval.

Why is an application necessary?

Responsible planning is needed to help satisfy the many varied and often competing demands of the community in a way that makes sound and fair use of our available resources and in the best interests of the environment and our quality of life. This objective involves not only creating the strategic and policy framework defining our future desired vision for an area but also controlling development so that the framework is not undermined and can be achieved. Obviously, these sorts of strategies and policies influence the kind of development that is acceptable, and where it should occur, or the kind of development that ought to be opposed.

An application therefore provides the planning authority with the opportunity to individually assess the development proposal against the stated planning policies affecting the locality in which it is situated and against the structural and technical standards set out in the Building Code.

The Berri Barmera Council Development Plan spells out the preferred character for different parts of the Council area concerned, the types of development favoured or to be resisted, and the

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policies and standards against which proposals are judged. Likewise, the Building Code assessment ensures that the specifications and structural integrity of buildings comply with set technical standards, including essential safety provisions, health and amenity, and public and disabled access.

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

- is an appropriate use of the land according to the zoning
- enhances and is in keeping with the environmental and visual qualities of the landscape
- is compatible with the orderly and proper planning of the area and is in keeping with surrounding development
- has minimal adverse impact on the form, character and amenity of the locality in which it is situated
- respects the living conditions of nearby residents
- results in structurally sound and safe buildings

How do you go about lodging an application?

You must complete in full the application form which covers all types of development proposals, including planning and building components. To avoid misunderstandings and possible time delays, it is always useful to contact the Council first for confirmation that an approval is necessary and for advice regarding the type of information that should be supplied with an application, how an application is likely to be handled, whether public notification or other Government Agencies will be involved and, of course, to check if the proposal is consistent with the Development Plan policies.

For major development proposals, it is strongly recommended that professional assistance be sought in preparing the application as this will help ensure that adequate and relevant information is available. Planning consultants who may be able to help in this task are listed in the Yellow Pages under *Town and Regional Planning*.

How will the decision be made?

The assessment of any application must be made on the basis of the planning policies contained in the Berri Barmera Development Plan, and a decision made accordingly. A Development Plan consent will not be granted if the authority believes

that the proposal is seriously at variance with the Development Plan. The relevant authority therefore determines the suitability of the development in terms of what the Plan says.

In respect to Building Rules assessment, the requirements of the Building Code of Australia have to be satisfied.

What if I don't like the decision?

If an applicant is unhappy with the decision of the authority, for example if the proposal is refused, or the conditions attached to a consent are unacceptable, then a right of appeal exists to the Environment, Resources and Development Court. Such an appeal must be lodged within two months of the receipt of the decision. Please note that no appeal rights exist against non-complying developments.

A person who makes representation against a Category 3 form of development also has a right of appeal through the Court.

For further information, please contact the Environmental Services department of the Berri Barmera Council on (08) 8582 1922.

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COUNCIL

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This information is advisory and is provided by the Council as a community service and as a guide only to key elements of the South Australian planning system. For a more thorough understanding of the system or for any specific enquiries concerning the use and development of land, professional advice should be sought or the Council officers be contacted for further assistance on 8582 1922.