

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
Telephone (08) 8832 0000
ALL CORRESPONDENCE TO:
PO Box 57, MAITLAND, SA 5573
Fax (08) 8853 2494
Email: admin@yorke.sa.gov.au
Website: www.yorke.sa.gov.au



SUBMITTING A DEVELOPMENT APPLICATION

IS006
Responsible Officer: DS
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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:

- Building work (the construction, addition to, alteration, demolition, or removal of a building or structure);
- A change in the use of land;
- The division of an allotment (including by community plan under the Community Titles Act 1996; strata plan under the Strata Titles Act 1988; alteration of the boundaries of an allotment; or a lease or licence which results in a right to occupy part of an allotment for a period exceeding six years. Refer to development information guide IS009 Land Division);
- Any work that could materially affect the heritage value of a State Heritage Place (including the demolition, removal, conversion, alteration, addition to or external painting of the place);
- Prescribed mining operations;
- Prescribed earthworks.

When is Development Approval required?

An application for Development Approval is required when you wish to **undertake development**.

Development Approval consists of the granting of one or more of the following consents:

- Development Plan Consent
- Building Rules Consent
- Land Division (Allotment) Consent
- Land Division (Community Title) Consent
- Public Space Encroachment Consent.

The number of consents required 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 Yorke Peninsula Council Development Plan (Development Plan Consent) and the technical standards set out in the Building Code of Australia (Building Rules Consent). Collectively, these two consents amount to the formal Development Approval.

The approval is issued by the relevant authority, which generally will be the Council, or in special circumstances, the State Commission Assessment Panel (SCAP), the State Government planning authority.

Please contact Council's Planning and Building staff if any assistance is required in determining whether a proposal requires Development Approval.

No development can be commenced without written Development Approval.

Development Plan Consent

Development Plan Consent involves the assessment of the plans and associated information against the provisions of the Development Plan (refer to development information guide IS008 Yorke Peninsula Council Development Plan).

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 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 the submitted application details for compliance with the Development Act and Regulations, the Building Code of Australia and other relevant Australian Standards. In general, the Building Rules cover:

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

Either the relevant authority or a registered private certifier (an independent person who can assess and grant consent for a Building Rules application) can undertake the assessment. It should be noted that the issuing of Building Rules Consent by a private certifier does not mean that Council will automatically grant a Development Approval. There may be other matters such as encroachment over a public place, waste control system approval and stormwater disposal which have to be considered by the relevant authority before Development Approval can be issued.

Further Information

For any queries regarding submitting a Development Application please contact Council's Development Services Department on (08) 8832 0000.