

## Fact Sheet 4

# WHAT IS A DEVELOPMENT APPROVAL

Development Approval is a legal document that allows you to undertake a development.

Development Approvals specify the design and other documents that the development must follow – i.e. plans for the location and design of the buildings and the structural details for the building such as the depth of footings. The Development Approval will also specify the timeframe that the development should occur within – ie. how long you have to start work on the development and how long you have to finish the development.

Development Approval can be made up of one or more types of Consent. There are three types of Consent which are:

- Development Plan Consent (planning consent)
- Building Rules Consent
- Land Division Consent

Development Approval can not be granted until each of the different types of Consent that are required for a development have been obtained.

### **Types of Consent**

The type of consent needed depends on the type of development.

#### Development Plan Consent (planning consent)

- Development that may impact on others or on an area generally requires Planning Consent eg. new homes, changing use of a

premises eg. from an office to a shop, or changing the use of land eg. from pasture to vineyards.

- Planning Consent is dealt with by a planner who assesses the application against the Development Plan, the Development Act and the Development Regulations.

#### Building Rules Consent

- Development that involves construction of buildings and structures generally requires Building Rules Consent eg. building a house, garage or other building.
- Building Consent is dealt with by a building surveyor who assesses the application against the technical requirements of the Building Code of Australia or the South Australian Housing code and other relevant Australian standards. In general this covers issues such as:
  - Structural adequacy
  - Fire Safety
  - Health and amenity
  - Equitable access for people with disabilities, and
  - Energy efficiency

Building consent can be issued by either Council or a "private certifier".

A private certifier is an independent practitioner registered by the State Government to carry out Building Rules Consent assessment of applications, and issue Building Rules Consent.

### Land Division Consent

- Development that involves the movement of boundaries between properties eg. the amalgamation or creation of new allotments, generally requires Land Division Consent.
- Land Division Consent is dealt with by a planner after referring the application to other professionals for assessment such as transport and civil engineers.
- Land Division Consent is assessed by both the State Government and the local Council.

### **Why are there different types of consent?**

Development often involves two and sometimes all three types of consent. There are different types of consent because different professionals need to assess different types of development.

The most frequent form of development approval requires both Development Plan consent and building rules consent. For example, for a new garage the Development Plan Consent will assess the location of the garage, its appearance, remaining open space, setback from the street and other relevant issues contained within the Council's development plan (See Fact Sheet 15 What is the Development Plan). However, the Building Rules Consent is required to make sure the building will be structurally sound and safe, and it is assessed against the Building Code of Australia.

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