

Where a Private Certifier has issued Building Rules Consent, a copy of the building documentation and the consent must be provided to the Council who will then issue the Development Approval (provided the building documentation is consistent with the Planning Consent and all relevant planning conditions have been satisfied)

You have 12 months to commence the project once you have Development Approval, and then 3 years from the date of approval to reach a stage of practical completion.

How long does a Development Application take to be approved

Council will endeavor to deal with an application in a timely manner.

Applications lodged with the Council for concurrent full Development Approval (eg. both Planning Consent and Building Rules Consent) typically take approximately twelve weeks to be assessed. However applications that require referrals to government agencies or public notification may take longer (Council staff will advise if either of these scenarios apply to an application as further fees are also applicable).

Also, if additional information is required, Council will advise the applicant and the application will not be processed further until the requested information is received.

Where a Private Certifier issues Building Rules Consent, the Council will issue full Development Approval within five business days of receiving the documentation, if the Consent is found to be consistent with the Planning Consent and all relevant planning conditions have been satisfied.

How does Council make decisions on applications?

The Kangaroo Island Council acts as a 'Planning Authority' under the Development Act. This role is different from the Council's role of governing the community under the Local Government Act.

For most applications, the Council has delegated its power as the planning authority to staff in the Development Services Division (eg. staff will assess and make decisions on most Development Applications). Development Applications that are not dealt with by staff under delegated authority are determined by Council's Assessment Panel (CAP). The Council Assessment Panel is made up of a combination of Elected Members and independent professionals appointed by the Council.

It is recommended that if you are intending to undertake development, you seek professional advice or contact Council for any specific enquiries or for further assistance concerning the use and development of land.

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Development Planning Process

What is Development?

The Development Act and Regulations defines what is and what is not development.

Development includes (but is not limited to):

Construction, alteration, addition and /or demolition of buildings and/ or structures

- A change in use of the land (eg. from a shop to an office, or a retail shop to a restaurant etc)
- Some excavation and filling of land
- Land division
- Some advertising signs
- Some fencing and retaining walls

The Development Assessment Process

If you intend to carry out any form of development, you must first receive Development Approval. To receive Development Approval, you must lodge a development application (sometimes referred to as a "DA") with the Council responsible for the area where the land that you want to develop is located (with the exception of land divisions)

A Development Approval is made up of Development Plan Consent (Planning Consent) and Building Rules Consent (Building Consent)

Once both Planning Consent and Building Consent are given, the Council is able to give a Development Approval.

An Application may be made for planning consent only in the first instance, followed by building rules consent once planning consent is obtained. This is referred to as a staged application. Alternatively, an applicant can lodge all relevant details and seek both consents and full Development Approval all at once.

Why do we plan?

State Government legislation (the 'Development Act' and the 'Development Regulations') gives Council the power to require Development Application to be lodged for development that is being proposed within the Council area.

Council needs to control and plan for development within the Council area to make sure that the development that occurs is in the long term interests of the community and is a sustainable use of land. Planning tries to:

- Set a direction and work towards it
- Encourage suitable development in desired locations
- Improve urban and rural areas and protect the natural environment
- Balance conflicting demands
- Make use of limited resources

What is the Development Plan?

Councils and the State Government prepare details policies for an area so that Planning Strategy – the State's development vision – can be implemented. These policies become legal documents called Development Plans.

Development Plans:

- Provide a vision and structure to guide development
- Provide the rules for the assessment of individual development applications

Planning Consent and the Development Plan

An application for Planning Consent will be assessed against the policies contained in Council's Development Plan.

An assessment typically involves consideration of the development site and surrounding land, and issues such as the proposed appearance, setbacks, car parking, overlooking and overshadowing. In making an assessment, the 'pros' and 'cons' of an application will be weighed up and in some cases a proposed development may receive Planning Consent despite not meeting all the relevant Development Plan policies. A planning consent is valid for 12 months from date of approval.

By issuing Planning Consent, the Council has been satisfied that a proposed development is appropriate for the development site, in the context of the local area and the Development Plan policies.

Building Rules Consent and the Building Code of Australia

An application for Building Rules Consent is assessed against the Building Code of Australia and relevant Australian Standards.

Either Council or a 'Private Certifier' can assess an application for Building Rules Consent. A Private Certifier is an independent person who is registered by the State Government to carry out assessment of an application for Building Rules Consent and where appropriate, grant Building Rules Consent.

By issuing Building Rules Consent, the Council or the Private Certifier, has been satisfied that the development is appropriate with regard to issues such as structural adequacy, safety of occupants, health protection and fire prevention.

Full Development Approval

Once both Planning Consent and Building Rules Consent are obtained, Council can issue a Development Approval.

