



# Development Assessment Procedures Policy

<b>Responsible Officer</b>	Chief Executive Officer
<b>Relevant Delegations</b>	Manager Development & Community Services
<b>Legislation and References</b>	Development Act 1993, Development Regulations 1993

## Procedure

All actions, decisions and advice undertaken, made and given by Council and its delegates in relation to matters associated with the Development Act, 1993, shall be in accordance with the following policy:

### 1. Amendments to Approved Policy

If a written application is received by Council from the holder of a development authorisation issued pursuant to the Development Act, 1993 to amend or vary some part of condition(s) of the development, the request shall be assessed and action taken in accordance with the following:

#### 1.1. Very Minor Amendments

If the proposed amendment is assessed as being so minor that it would be generally regarded as insignificant the amendment shall be approved or refused in writing without the need for further authorisation pursuant to the Development Act 1993.

#### 1.2. Other Amendments

If the proposed amendment is assessed as being other than very minor, the applicant shall be advised that Council requires the applicant to lodge a new application for development authorisation(s) which shall be processed in accordance with the relevant provisions of the Development Act and Development Regulations 1993 and Council Policies.

### 2. Notification of Development Applications

General public notice of all applications for development assigned as Category 3 development pursuant to the Development Act, 1993 shall be published in the Northern Argus, Plains Producer, or as appropriate.

Where a development application is made for development assigned as Category 2 development pursuant to the Development Act, 1993, the owners and occupiers of adjacent land likely to be affected by the proposed development shall be notified of such development as follows:

- a) advising the nature of the proposed development and that plans are available for viewing;

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- b) that any comments may be lodged with the Chief Executive Officer within fourteen days of the date of the notice;
- c) that no legal right of representation and legal right of appeal against a Council decision exists with regard to such development;
- d) that all written comments received by the relevant date will be considered by Council or its delegate body at the same time as the proposed development is considered.

Copies of all notices of application for authorisation given pursuant to the policies herein shall be provided as follows:

- to owners/occupiers of adjacent land likely to be affected for purchase upon written application to Council (Reg 34(2)) at the applicable copying rate set by Council.

All applicants shall be made aware of Council's policy in respect of this matter.

### 3. Verbal Presentation

All persons and groups who make written representation to Council with respect to development applications of which they have been notified shall, upon written request, be given the opportunity to make verbal representations to Council or one of its delegate bodies, whether or not they have a legal right to make such a verbal representation.

Verbal representations shall be heard by the Development Assessment Panel and its delegate bodies in accordance with the following:

- all representatives should observe a five (5) minute limit; and
- questions from Panel Members to representatives and/or applicants are to be strictly overseen by the Presiding Member to be to the point and clear.

In any matter in which verbal representations are heard, the applicant shall be afforded the opportunity to verbally respond to the representations, subject to the same restrictions as representatives.

### 4. Notification of Decisions

At the time of advice of decisions pursuant to the Development Act, 1993, persons who are entitled to receive notice of the decision and who have rights of appeal pursuant to the Act shall be further advised as follows:

- a) Council officers can provide preliminary advice about the Environment, Resources and Development Control procedures;
- b) The taking of independent professional advice regarding appeal rights is strongly urged;
- c) Council will not act as a representative of other parties in the Environment, Resources and Development Court.

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## 5. Environment, Resources and Development Court

Upon receipt of notification of an appeal to the Environment, Resources and Development Court against a decision of Council or one of its delegates, Council's solicitor(s) shall be engaged to prepare the necessary evidence to represent Council in the appeal, if deemed necessary.

Council's solicitor(s) shall be instructed as to the names of suitable persons to be called as expert witnesses before the Environment, Resources and Development Court.

Where an appeal is referred to a conference to be held pursuant to the Environment, Resources and Development Court Act 1993, Council shall be represented at that conference.

Council's representative(s) at a conference held pursuant to the Environment Resources and Development Court Act 1993, shall be authorised to enter into binding agreements at the conference only insofar as they affect minor modifications of consent which will not in the representatives opinion significantly vary the intent of the control sought by the conditions of consent.

## 6. Prosecution

Where in the opinion of Council or one of its delegates an act or acts have occurred or are occurring such as to contravene the provisions of the Development Act 1993, or a notice of development authorisation given pursuant to the Act, the Council or its delegate shall;

- a) Issue any such letters or notices as are considered necessary to advise the relevant owners and occupiers of the subject land of the act or actions which are unsatisfactory and set a time by which the situation should be remedied; and
- b) Obtain advice from and brief Council's solicitors on any relevant matters.

The delegates shall report to the Council on any such matters which are not resolved.

## 7. Extension of Development Authorisations

Upon receipt of a written request approval shall be granted for extensions of time for development authorisation(s) pursuant to the Development Act, 1993, provided that such extensions shall be limited to only one period of twelve months (unless approved by the Assessment Manager) and that applicants shall satisfy the guidelines contained within any relevant Government Advisory Circular.

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## 8. Requirements for Certificate of Occupancy

Development Act 67 (1) (b) – A person must not occupy a building in contravention of a certificate of occupancy.

To obtain a Certificate the Applicant/owner must provide the following certificates to Council at the time of requesting a Certificate of Occupancy.

- a) Certificate that the external wall claddings have been completed in accordance with documents approved by Council.
- b) Certificate that the roof cladding, gutters and downpipes have been completed and connected to drains all in accordance with documents approved by Council.
- c) Certificate that internal wall linings and wet area ceramics have been installed all in accordance with documents approved by Council.
- d) Certificate that all plumbing fixtures, wastes, drains, vents and gully traps have been installed all in accordance with documents approved by the appropriate Authority.
- e) Certificate that the approved septic tank has been installed and connected to a Community Waste Water Management System or an approved effluent disposal system all as approved by the appropriate Authority.
- f) That the connections required to:
  - o public electric source, or
  - o public water supply, or
  - o public telecommunications system, or
  - o any other service or facility provided by a public authority or utility.
- g) In the case of a building to which regulation 76 applies
  - o a certificate of compliance for each essential safety provision, in the appropriate form under Schedule 17, signed by the installer of the safety provision or, where the installer is a company, signed by the manager responsible for the installation work; and
  - o a plan of the building that has marked on it the location of each essential safety provision installed in the building;
- h) If the application related to the construction or alteration of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the Council may reasonably require to show:
  - o In the case of a building more than one storey – that the requirements of Ministers Specifications SA83 have been complied with; or
  - o In any other case – that the building is safe for occupation.

All of these certificates and statements must be submitted to Council from the licensed Builder who was responsible for undertaking the building work, or

If there is no such licensed Builder – from a person who is a Building Surveyor, Reg 87(3) (a), Building Inspector Reg 87(4)(c) or a registered Architect 87 (5) (b).

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# Development Assessment Procedures Policy

## Review & Availability

This policy will be reviewed every four years, or as required.

The public may inspect a copy of this policy without charge at the Council offices during office hours and may obtain a copy for a fee fixed by Council

The policy is also available on Council's website [www.claregilbertvalleys.sa.gov.au](http://www.claregilbertvalleys.sa.gov.au)

## References

Local Government Act 1999

Development Act 1993

## Document History

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	15/09/03	MB53/03
CGVC	1/08/13	Reviewed by Council August 2013
CGVC	16/07/18	Reviewed by Council 16 July 2018

SIGNED: .....

CEO

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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