



# INFORMATION GUIDE

## *Development Application Decision Process*

When an application for Development Plan Consent is lodged, a planner will assess it against the Development Act and the Port Augusta City Council Development Plan to determine the category of development. These categories involve Complying Development, Consent Development (category 1, 2 or 3) and Non-complying Development.

### **Complying Development**

Certain development applications can be 'complying' under the Development Plan. Although Development Plan Consent is automatic in these cases, you will still need to lodge an application and generally you will need Building Rules Consent. These applications are exempt from public notification.

### **Merit Development**

The Development Plan lists what types of development are and are not allowed in each planning zone. If your proposal is not included on either list it means that the development is subject to the 'consent' of Council. Sometimes neighbours will need to be notified (Category 2), or in some cases the application will be advertised in the local newspaper and all land owners within the locality will be notified (Category 3).

### **Non- Complying Development**

If an application is received for a type of development which the Development Plan lists as inappropriate in the planning zone, the proposal is categorised as 'non complying'

The application must show good reason why the application should be assessed in the first instance, and if Council's Development Assessment Panel approved the proposal, the State Government's Development Assessment Commission must give its concurrence.

### **Who makes the decision and when?**

Either, the Council, Council's Development Assessment Panel or the State government Development Assessment Commission is the relevant authority responsible for assessing your application and issuing an approval. Mostly it is Council that is responsible for making decisions.

In the case of Crown development, the Minister or, when an Environmental Impact Statement or major project is declared under the Act, the Governor, are also authorities but their involvement is the exception rather than the rule.

Set time limits are specified in the legislation depending on the nature of the development. Decisions must be made within these time limits. Applications for routine developments that require an assessment can generally be dealt with quickly—within 6 weeks of lodgement and within 2 weeks for complying developments.

Where an application has to be referred to a government agency, the time limit is extended to 12 weeks for land division proposals, 10 weeks. Where possible the Port Augusta City Council will assess applications in less time than allowed, depending largely on the complexity of the proposal and the issues it may raise.

If the relevant authority does not make a decision within the prescribed time lines, you can apply for an order from the Environmental Resources and Development Court requiring a decision to be made, as set out in the Development Act.

### **How will a decision be made?**

Development proposals need to be suitable in terms of the Development plan. The assessment of any proposal must be made on the basis of the planning policies contained in the plan. The assessment process is guided by the content of substance of the planning policies.

However; a Development Plan Consent cannot be granted if the relevant authority believes that the proposal is seriously at variance with the Plan's policies.

### **Delegated Approval**

Delegated approval by officers can generally occur upon satisfactorily meeting policy criteria are not satisfied and/or objections have been received. The Decision made takes into account recommendations by Council Officers.

### **How are elected members involved in decisions?**

Applications will be referred to the Development Assessment Panel for a decision if policy criteria are not satisfied and/or objections have been received. The decision made takes into account recommendations by Council Officers.

### **How are elected members involved in decisions?**

### **Development Assessment Panel**

The Port Augusta City Council's Development Assessment Panel :-

- Comprises seven members, including an independent Presiding Member, three elected members and three independent members appointed by Council.
- In a public forum and has the role of hearing representations from the community, and assessing and determining development applications.
- Currently meets at 5:00 pm on the second Tuesday of each month.

### **Hearing of Submissions by the Development Assessment Panel**

- Those items/reports for which there are members of the public wishing to speak will be dealt with in the order of the agendas.
- Objectors will be heard first with the applicant (or their representative) having the right of reply.

- At the conclusion of presentation questions may be asked by the members of the Development Assessment Panel, the presenter is then asked to rejoin the Public Gallery.
- After all the presentations for the particular item are heard, the Development Assessment Panel will debate that item

### **What if I don't like the decision?**

Sometimes applications don't agree with the decision, such as if the proposal was refused outright or conditions attached to a consent are unacceptable to the applicant. If the type of development has been assess as Category 2, only the applicant has a right of appeal against the Development Assessment Panel's determination. If the application is Category 3, objectors can also appeal. You can lodge an appeal with the Environment, Resources and Development Court if you don't agree with the decision or conditions. You only have 2 months to do this it is not open ended.

Please Note: No appeal rights are available for decisions made on non-complying developments.

### **Further Information**

The Development Services Department in particular the Planner, is responsible for ensuring a prompt decision on Development Applications, and is available to assist and advise with the following:-

- An assessment of preliminary proposals and explanation of the approval process to avoid later problems.
- How to complete you application form, what fees need to be paid, and what information you need to provide to support your application.
- Whether the council will notify your neighbours and ask for their comments about your application (for developments which may have an impact on others).
- The best way to shape your application for a positive outcome.

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