

DEVELOPMENT

Development Act

- (1) Council's Development Plans contain policies with objectives to indicate in general terms the measures to be taken to provide the most suitable development of the area. The Development Act requires that Council should not make a decision that is seriously at variance with the Plan's provisions.

Building Inspection Policy

The objective of the policy is to ensure that building work and buildings within the Tatiara District Council area are maintained at a satisfactory standard, the safety of occupants within buildings is adequate and ensure compliance with approved plans and specifications.

Inspections will be undertaken by Council's Authorized Officer in respect to Section 71A of the Development Act 1993.

Buildings, which may affect life safety, fire safety and dangerous structures shall be inspected as a matter of priority.

The following matters shall be taken into account on the level of inspections:

- Level of experience and past experience of the builder
- Owner builders, especially where there is the likelihood of work being undertaken by unqualified people.
- Level of complaints received for non-compliance.

Council will carry out inspections at one of the notification stages.

To facilitate this inspection policy, Council shall require notification from the builder/owner builder at the following stages:

- One day's notice of commencement of building work on site
- One day's notice of pouring of footings or suspended slab
- One day's notice of the completion of wall and roof framing and prior to lining the walls and ceilings. (It should be noted that Council has two days to inspect after receiving the supervisors checklist)
- One day's notice of the preparation of wet areas, prior to the placement of wall and floor tiles.
- One day's notice of the completion of safety barriers, prior to swimming pools being filled with water.
- One day's notice of completion of the building work.

The minimum level of inspection is as follows:

- A number of inspections equal to 66% of building rules consents issued over the course of the year for building work involving the construction of any roof framing where a licensed building work contractor is responsible for the relevant building work.
- A number of inspections equal to 90% of building rules consents issued over the course of the year for building work involving the construction of roof framing where a licensed building work contractor is not responsible for the relevant building work.

The Supervisor checklist is required on 100% of building rules consents involving the construction of roof framing. Council inspections only need to be audit inspections to verify

the accuracy of the checklists. More thorough inspections of roof framing are warranted where there are discrepancies between the supervisor's checklist and the roof framing.

The minimum level of inspections relate to all classes of buildings including Class 10 buildings eg. garage, carport, pergola etc., that are attached to any part of the roof frame of a building of another class.

- Class 1, 2, 3, 4, 5, 6, 7, 8, 9 buildings shall be inspected at least once with all new dwellings inspected at least twice.
- Swimming pools shall be inspected at least once for the installation of safety barriers prior to the pool being filled with water.
- Class 10 (outbuildings, garages) and other (signage, structures etc.) 20% of notifications.
- Farm buildings which do not require a Building Rules Consent will not be inspected unless specifically requested.

Development Plan Consents

Council will monitor developments for compliance with Development Approvals and any condition imposed on an approval. Random inspections will be undertaken as resources allow.

Unauthorised Development

Inspections of unauthorised building work will be carried out on a random basis and as resources allow.

Any complaint resulting from unauthorised work will be followed up.

Dangerous Structures

Any report of dangerous structures within the Council area shall be followed up as soon as possible and the necessary action taken immediately.

Development Assessment Procedure Policies

- (1) All actions, decisions and advice undertaken, made and given by Council and its Delegates in relation to matters associated with the Development Act 1993, as amended, shall be in accordance with the following Policies:
- (2) Amendments to Approved Development
 - (a) If a written application is received by Council from the holder of a development authorisation issued pursuant to the Development Act 1993, as amended, to amend or vary some part or condition(s) of the development, the request shall be assessed and action taken in accordance with the following:
- (3) Other Amendments
 - (a) 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 1993, as amended, and Regulations and Council Policies.
- (4) Very Minor Amendments
 - (a) 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, as amended.

- (5) Development Authorisations – Extension of
- (a) Upon receipt of a written request, approval may be granted for extensions of time for development authorisation(s) pursuant to the Development Act 1993, as amended, provided that such extensions shall be limited to only one period of twelve months.
 - (b) If an authorised officer does not believe an extension of time is warranted a report shall be presented to Council for a decision.
- (6) Environment, Resources and Development Court
- (a) 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.
 - (b) 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.
 - (c) 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 by its planning officer/s and or other persons deemed appropriate by its Delegate.
 - (d) 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 in so far as they affect minor modifications to conditions of consent which will not in the representative's opinion significantly vary the intent of the control sought by the conditions of consent.
- (7) Notification of Decisions
- (a) At the time of advice of decisions pursuant to the Development Act 1993, as amended, 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:
 - i. Council Officers can provide preliminary advice about the Environment, Resources and Development Court procedures.
 - ii. The taking of independent professional advice regarding appeal rights is strongly urged.
 - (b) Council will not act as a representative of other parties in the Environment, Resources and Development Court.
- (8) Notification of Development Applications
- (a) General public notice of all applications for development assigned as CATEGORY 3 development pursuant to the Development Act 1993, as amended, shall be published in the local newspaper having general circulation within the locality of the proposed development.
 - (b) A development application which has been given public notice shall be available without charge for public inspection only in terms of Regulation

34(1) but that copies of any such documents shall not be available for purchase.

- (c) When a Development Application is assigned as either a Category 2 or 3 development, the following information shall be sent to landowners who are to be formally notified:
- i. Standard Notice of Application for either Category 2 or 3;
 - ii. Statement of Representation Form;
 - iii. Location Plan; and
 - iv. Information Sheet explaining the process of lodging a representation

(9) Prosecutions

- (a) Where in the opinion of Council or its Delegate an act or acts have occurred or are occurring such as to contravene the provisions of the Development Act 1993, as amended, or a notice or development authorisation given pursuant to the Act, the Council or its Delegate shall:
- i. 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.
 - ii. Obtain advice from and brief Council's Solicitor(s) as necessary on any relevant matters.
- (b) The Delegate shall provide to Council a report on any such action taken by him or her in accordance with this Policy.

(10) Verbal Representation

- (a) All persons and groups who make written representation to Council with respect to CATEGORY 3 development applications only, of which they have been notified, shall upon written request be given the opportunity to make verbal representation to Council.
- (b) Verbal representations shall be heard by Council and its delegate bodies in accordance with the following:
- i. all representors should observe a five (5) minute time limit;
 - ii. questions from Council Members to representors and/or applicants are to be strictly overseen by the Chairman, to be to the point and clear.
- (c) 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 representors.
- (a) With respect to Category 2 development applications, only written representations made by all persons and groups shall be considered by Council in making a decision and such persons, or parties on their behalf, will not be afforded the opportunity to make verbal submissions before Council; nonetheless, Council reserves the right to review this policy on the individual merits of submissions.

Disabled Persons - Kerb Ramps

- (1) All public facilities and buildings to be designed to provide accessibility for persons with disabilities.

Policy on Farm Buildings

See Ministers Specification SA H.3.2 Concessions and Additional Requirements for Farm Buildings
