



FACT SHEET

Frequently Asked Questions

WHAT IS REQUIRED FOR A NON COMPLYING DEVELOPMENT APPLICATION? A NON COMPLYING DEVELOPMENT APPLICATION

The Background - Non Complying Development Application

The Development Act and local government Development Plans in South Australia allow for consideration of development applications which are listed as land uses which are not considered appropriate on a particular site.

An application can be made to council for this type of development where the applicant considers that the proposal has special merit.

Consideration of a Non Complying Development Application

Non complying development applications have a longer and more complicated process for consideration by authorities.

As with all proposals a non complying application to a council requires adequate documentation including drawings and a brief statement setting out planning reasons as to why the development should be supported.

Once this documentation has been lodged council will decide whether the proposal warrants further consideration.

Statement of Effect - Non Complying Development Application

If council decides to proceed with an assessment of the application they will require what is known as a "Statement of Effect" prepared by a qualified town planner.

The preparation of a "Statement of Effect" involves a detailed examination of council's Development Plan addressing the following matters in relation to the application:

- (a) The nature of the development and its locality
- (b) Provisions of the Development Plan relevant to an assessment of the proposal
- (c) The extent to which the proposal complies with these provisions
- (d) An assessment of the expected social, economic and environmental effects of the proposal on its locality.

The application requires assessment by Council as a Category 3 development by council involving public notification and referral to a range of other statutory bodies.

The result of this process is then placed before council's Development Assessment Panel which if approved will require concurrence by the Development Assessment Commission.

It is important to note that the applicant has no right of appeal at any stage of the non complying development application process.

Third parties who have objected to the application have a right of appeal against any approval or conditions of approval issued in relation to the application.

It is essential that application documentation prepared for a non complying proposal is carefully considered and comprehensive in addressing relevant matters in the council Development Plan.