

# Streamlining Planning Assessments

The Updated Residential Code  
(New Dwellings and Additions  
to Existing Dwellings)  
Frequently Asked Questions



Version – Gazetted Regulations  
31 May 2012



Government of South Australia  
Department of Planning,  
Transport and Infrastructure



## Where can I get information about the updated Code?

Go to [www.sa.gov.au/planning/rescode](http://www.sa.gov.au/planning/rescode) for:

- the Code, checklist and development application form
- the Guide to all streamlined development proposals (eg. exempt development, development requiring building consent only, Code complying sheds, verandahs and carport, Code complying additions and alterations and Code Complying detached and semi-detached dwellings).
- a link to the Regulations and current Gazette notices.

Your local Council will also be able to assist with copies of the Code and the development application form.

For further information:

- **Phone: 8303 0600**
- **Freecall country callers: 1800 352 224**

## Can I get someone to come and speak at my organisation about the updated Code?

Yes. Please let us know what group you are part of, how many people you would like us to present to and when you would like us to present and for how long. We will do our best to arrange a time to come and speak to you, but if this is not possible, we will advise you of other events where the changes will be discussed.

## What process has led to the updated Code and when will it apply?

The Code was introduced into the *Development Act, 1993* in March 2009. This occurred after release of a discussion paper on 10 June 2008, followed by a three-month public consultation period which resulted in more than 150 submissions. The Code as introduced in March 2009 was informed by the feedback from the original consultation process, which included submissions from the Local Government Association, industry and professional groups.

The Department of Planning, Transport and Infrastructure has been reviewing the operation of the Code in order to maximise its benefits. As a result of additional peer review and local government and industry consultation, the Development (Residential Code) Variation Regulations 2012 to amend the Code provisions in the Development Regulations 2008 were gazetted on 31 May 2012.

The amendments are operational from 1 August 2012.



## How has the Code been updated?

The updates to the Code provide clarity regarding coverage, information requirements, design requirements, definitions and terminology and create greater accountability. Some of the changes to the Code include:

- clarity regarding flood management areas and exclusions from the Code
- streamlining the assessment of new driveway crossovers (ie. design standards now provided within the Code)
- ensuring that on site waste disposal systems are respected by new development
- refining the design standards for contamination so as to better match the Environment Protection Act 1993
- providing new definitions (eg. building line, primary street, relevant wall) and deletion of former definition (eg. attributable wall)
- simplifying the assessment of the relevant site area and frontage when new sites are proposed (eg. more than one dwelling)
- refining design standards (eg. walls on boundaries, driveway gradients, cut and fill, balconies)
- reducing the information requirements to be lodged with an application
- introducing a designated Code development application form.

## Will the updated Code apply in my area?

The Code continues to apply to alterations and additions to existing homes and small backyard structures in most residential areas. The current residential areas where the Code applies to new homes has not changed. Maps of the determined areas can be accessed via the Department's website [www.sa.gov.au/planning/rescode](http://www.sa.gov.au/planning/rescode) or from your local Council.

## Will the Code apply to local heritage places, state heritage places, state heritage areas or historic conservation zones?

No.

## Will the Code apply to contributory items?

No, these are located in Historic Conservation Zones where the Code does not apply.

## Does the Code apply in a floodplain or area liable to inundation?

The Code applies in areas that are zoned for residential purposes. For any development application, the applicant must show that their development is protected from flooding by being situated above the minimum finished floor level specified by way of an ARI (Average Recurrence Interval) or AHD (Australian Height Datum) in the local Development Plan.



### Does the Code apply in Bushfire Protection Areas?

The Code does not apply for any new homes located in High Bushfire Risk Areas or where the application would need to be referred to the Country Fire Service for decision.

### Does the Code only apply to residential development?

Yes.

### Will public notification and appeal rights be lost?

No. Public notification rights and appeal rights for applicants and third parties will remain.

### What is exempt from the need to gain approval?

The list of development not requiring any approval ('exempt development') was expanded on 1 January 2009. The detailed list is available in the Guide to the Code. The updated Code has further refined aspects regarding the assessment of structures within areas subject to flooding or inundation.

### What does 'building rules consent only' mean?

The previous system required a planning consent and a building consent for all development, even if there are no planning aspects. The updated Code retains the category of development that only requires a building assessment to ensure the development is safe has been introduced. Larger sheds, larger water tanks, carports and garages will all be included in this new category. The detailed list is included in Guide to the Code. The updated Code has further refined aspects regarding the assessment of structures in relation to flooding, driveways, walls on boundaries, and cut and fill.

### Do I still have to lodge a development application with my Council?

The information contained in the Guide to the Code outlines development that is "exempt", or needs "building consent only" or needs "both planning and building consent". Only exempt development does not need a development application.

For building consent only proposals you have the option of lodging your application with the Council or a private certifier (a person accredited to assess building applications), but the Council will still issue your final development approval before you can commence work.

For development that needs both planning and building consent you will still need to lodge an application with your Council.



## Will it be cheaper to lodge a development application?

You will still need to pay some fees when you lodge your development application. However, the updated Code is designed to shorten the time taken for you to get an approval, so you should save money by not having to wait as long.

The updated Code requires the relevant Council to confirm with you within 5 business days of receiving a Code application whether it does or does not agree that the application is consistent with the Code. If a Council states that the Code does not apply it must explain in writing why this is the case. This step will also speed up the overall process.

## How long will it take to get a development approval?

This will depend on the type of development you are looking to undertake. For applications that require building consent only, or Code compliant development you should receive your development approval within 35 working days. Applications that are 'merit' assessed, take longer to process and the time taken will depend on the complexity of your application.

## Can my application for a new dwelling or addition to my home be refused?

If you live in an area covered by the Code, you are not excluded from the Code determined area and you lodge all of the information required to assess your application, provided your application meets the design standards in the Code and also meets the Building Rules, the Council cannot refuse your application.

## How will 'character' be preserved?

The Code does not apply in heritage areas. There is also a special process to protect character areas that are not heritage areas, but where new dwellings could have an impact on the desired character of an area. This process will involve extensive consultation with Councils to determine the timing and implementation of the latter stages of the Code. The updated Code does not alter this ongoing process.

## Further Information

To obtain more information about the updated Residential Code:

- go to [www.sa.gov.au/planning/rescode](http://www.sa.gov.au/planning/rescode)
- **Phone: 8303 0600**
- **Freecall country callers: 1800 352 224**

For more information about the State government planning reforms:

- go to [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)