**The Development Application Process**

An application is made by submitting a Development Application form, plans, supporting documents and fees to Council for assessment. Development Approval comprises both:

- Development Plan Consent (Planning Consent) and
- Building Rules Consent (Building Consent)

Application may be made for both consents together or separately.

For further information about the processes that your application will follow please refer to Fact Sheets 4, 11 and 12.

Application can then be lodged at The District Council of Mount Barker, 6 Dutton Road or PO Box 54, Mount Barker.

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**Development Plan Consent**

Development Plan Consent involves the assessment of the plans and associated information contained in an application against the provisions of the Development Plan. It is important to understand that the purpose of this process is to ensure that development:

- results in the appropriate use of the land according to the relevant zone objectives for the area,
- enhances, and is keeping with the environment and visual qualities of this area,
- is compatible with the orderly and proper planning of the area and compatible with surrounding development,
- has minimal adverse impact on the form and character of the locality in which it is situated, and
- respects the living environment of the nearby residents.

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**Building Rules Consent**

Building Rules Consent involves assessment of the submitted application details for compliance with the Development Act and Regulations, and the Building Code of Australia and other relevant Australian Standards.

In general, the Building Rules cover matters relating to structural adequacy, fire safety, health amenities, and access for persons with disabilities. Building Rules Assessment may be undertaken by either Council or a Private Certifier from which Council, as the relevant authority will issue Development Approval.

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**Want to know more?**

Information in this publication is a guide to provide a general understanding of the key points associated with the Development Assessment System. It is recommended that you seek independent professional advice and/or contact The District Council of Mount Barker should you have any specific inquiries or further assistance.

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**Any Queries?**

As part of Council’s continued support for excellent customer service, Council has initiated a Development Services / Lodgement area with general enquiries, a Duty Planning Officer and also a Duty Building Officer, who are available for either counter enquires or telephone enquires.

Telephone the Duty Planner or Duty Building Officer on 8391 7200 (Monday to Friday 9am-5pm).
Fences and retaining walls have become an integral part of building a new home. This guide has been produced to assist the property owner by compiling a list of related issues to be carefully considered.

Fencing

There is no mandatory requirement that fencing should be installed between adjoining neighbours, but as this notion has become generally accepted, fencing can be erected because people simply agree to do so. There are certain instances in which fencing can be erected because adjoining neighbours, but as this notion does not alter the true ownership of the land, encroachments are usually determined by the level of acceptance from both property owners, the fence remains a shared responsibility.

The Legal Services Commission of SA has produced a publication to simplify the administration of the Fencing Act, 1975 called “Fences and the Law” which illustrates acceptable procedures in notifying intention to erect a fence, intention to undertake repairs or replacement and establishing fencing work agreements.

Council approval for a fence is required when:
- The height of the fence exceeds 2.1 metres (if in conjunction with a retaining wall height measured at the lower portion of two adjoining ground levels).
- A fence of masonry construction exceeds one metre in height, or
- The proposed fence is located within a Historic Township Policy Area, State Heritage area (Haindorf), associated with a listed State Heritage place, or Local Heritage places or within a Historic Conservation Policy area.
- A fence is located within a flood zone, floodplain or any area subject to flooding.
- A fence located on a corner allotment exceeding 1 metre high is within 6 metres of the road intersection, other than where a 4 x 4 metre cut-off has already been provided.
- A brush fence being located within 3 metres of a dwelling considering the likelihood of fire spreading onto either the dwelling on the same allotment or fire spreading and impacting the adjoining allotment.

Retaining Walls

A retaining wall is a structure that supports soil when the natural ground level has been altered.

Who is responsible?
The owner of the property who alters the natural lay of the land is responsible to either stabilise the site by creating an appropriate landscaped batter or by providing a retaining wall. However, where both property owners agree to alter the land along a shared boundary, they would be considered jointly responsible.

The apportioning of responsibility and cost is a matter between the affected parties which may require legal opinion to decipher and determine.

Location of retaining walls

Should only one property owner requires a retaining wall to be built on a boundary, the wall itself must be constructed entirely on one side of the boundary with only the outside face of the wall on the boundary and not allowed to encroach the adjoining property. Alternatively, if both neighbours share in the construction of the wall equally (in the case of a party/common wall), the retaining wall should be built straddling the boundary.

Is Council Approval Required?
Council approval must be sought if the anticipated height variation between adjoining ground levels exceeds one metre or greater at any point to satisfy:
- the structural adequacy of the proposed retaining wall;
- protection from falls along this height variation;
- the retaining wall will not unreasonably impact on the owners of the adjoining properties in the immediate locality.

Types of retaining constructions

Soil Batter
If there is sufficient space around a dwelling it may be as simple a battering back (grading) the introduced soil or excavating, creating a batter. If the soil is loose and friable it may be necessary to batter to a ratio of 1:2 for every 1 metre in depth the horizontal batter distance needs to be at least 2 metres! this batter ratio can be reduced if rock or firm stable material is encountered.

Mass rock/ dry stone/ modular block retaining walls
Generally limited to a maximum height of two metres and will require an engineer to analyse the suitability of the location proposed (not recommended in shared boundary situations).

Any reinforced stone construction requires substantial anchorage at the base of the wall, usually embedded 300 into the natural ground to reduce slippage. The slope of the wall reposes (distance from base to top from vertical) is an important part of the construction, typically 41 (for two metre high wall the distance of reposes need to be at least 1/2 metre).

Concrete sleeper/ hot rolled steel section configured retaining wall
The configuration is popular because of its ease of construction and cost effectiveness. Vertical steel sections are placed into suitable concrete filled piers at spacings to suit the concrete sleeper length.

In a boundary situation the fence posts can be directly site welded to the uprights to ease the fence installation.

Of recent times treated pine sleepers have been introduced into this situation in an attempt to provide a longer service life that would have been expected with the traditional red gum sleeper.

Drainage of retaining walls
When you are considering walling types, the success or otherwise will largely be dependent on establishing an adequate free drainage system, most retaining walls fail because:
- of selecting inappropriate construction materials;
- allowed to trap surface drainage water behind the constructed wall, hydrostatic pressure can easily destabilise a structure and render the construction a hazard.

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### Checklist for Fences and Retaining Walls

- [ ] Completed Development application form
- [ ] Application fees
- [ ] Copy of Certificate of Title *(dated within three months or less)*

**Provisional Development Plan Consent**

**Site Plan** *(A4 or A3 copies, drawn to scale of not less than 1:500)*

- [ ] Allotment boundaries, dimensions, easements, contours and roads;
- [ ] Location and dimensions of all existing and proposed building(s), structures, waste control systems, driveways, fencing, trees and existing retaining walls. All features should be shown relative to site boundaries;
- [ ] Plans, specifications and cross sections of earthworks (excavation and/or fill);
- [ ] Distance (in metres) between the proposed building(s) and all other buildings on site and all boundaries;
- [ ] Method and direction of drainage for behind / near the retaining wall;
- [ ] Approximate north point;

**Elevations** *(A4 or A3 copies drawn at a scale of not less than 1:100)*

- [ ] Elevation drawings of all sides of the proposed dwelling or addition;
- [ ] All dimensions of proposed building(s) *(length, width and height)*;
- [ ] Final proposed exterior colours and materials of construction;
- [ ] If adding to an existing building, the elevation is to show the combined appearance; and
- [ ] Site level differences from the boundaries of the site.

**PowerLine Clearance declaration**

For a fence and / or retaining wall combination exceeding 2 metres in height
Checklist for Fences and Retaining Walls

Provisional Building Rules Consent

Building Indemnity Insurance Certificate
(Required for development exceeding $12,000.00)

Construction Industry Training Levy (CITB)
(Required for development exceeding $40,000.00)

Engineering

Provide details to substantiate structural adequacy, which can be demonstrated by including within the documents, either;

- A proprietory product installation specification, such as that produced by a number of clay or concrete block manufacturers, OR

- An engineered design, developed by a ‘structural engineer’ which outlines detail of component sizes, depth and footing detail and any relevant limitation associated with this design.