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.

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 minial adverse impact on the form and character of the locality in which it is situated, and
- Respects the living environment of the nearby residents.

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 and amenity, 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.

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 enquiries or further assistance.

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 enquiries or telephone enquiries.

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 lawfully required, in particular:
- To create a suitable barrier, by installing safety fencing to restrict the access by young children to a swimming pool.
- Owners of dogs ensure that their animals are not adversely impacting on adjoining property owners.
- A fence will be required in order to contain these animal[s] to the registered property.
- Fencing types be sympathetic to the surrounding locality from which Council’s Planning Department consideration will be required.
- Some property developers will list specific requirements to fencing within the impacted property by encumbrances [generally subjected to contractual arrangements].
- In conjunction with residential development, when constructing a wall of a building on a property boundary that this structure is not considered as being part of a fence, hence it cannot be assumed that if the wall is demolished and removed that the owner of this wall is compelled to substitute a fence in it’s place.

**Boundary ownership is shared**

If an agreement between property owners to have a fence is established, then it is preferable that is be located on the boundary, but in reality many fences are not precisely on a boundary, which then 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.
- 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 [Hahndorf], 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 which 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 if 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.

Moss 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 repose (distance from base to top from vertical) is an important part of the construction, typically 4:1 (for two metre high wall the distance of repose needs 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 east the fence installation.

Of recent times treated pine sleepers have been introduced into this situation in an attempt to provide a greater 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 or,
• allowed to trap surface drainage water behind the constructed wall, hydrostatic pressure can easily destabilise a structure and render the construction a hazard.