

Development Fact Sheet 8

What are the difference types of development?

All development requires approval, however as different developments have different levels of impacts, developments are grouped into 3 kinds.

The 3 kinds of developments are:

- Complying;
- Merit; and
- Non-Complying.

Each kind of development has a different assessment process. The assessment process is generally shorter and simpler for development that has a low level of impact compared to the assessment process for development that may have a higher level of impact.

What is Complying development?

If a proposed development is considered 'Complying Development', planning consent must be issued within 10 working days from the date the Application is lodged with the Council.

For a proposed development to be considered 'complying', it must be located in a zone where complying development applies, be listed as 'complying' in either the Development Plan or [Schedule 4](#) of the *Development Regulations 2008* and meet all of the required performance controls in the Development Regulations or Development Plan.

A relevant authority is able to use discretion under the Development Act to accept any minor variations from the performance controls.

If an Application fails to meet only one performance control and the relevant authority considers the departure to be minor, the Application will default to merit assessment but

the assessment will only be undertaken on the non-conforming part of the Application.

Building consent may still be required for complying Development Applications. Complying development will generally only have a low level of impact on the surrounding area. A planning authority cannot withhold approval for complying developments.

What is Non-Complying development?

Non-Complying developments are listed in the Development Plan and are land uses which are not envisaged or encouraged within a particular area. These uses will generally be inconsistent with the objectives and principles of the zone or policy area that they are in, for example industrial developments in a residential zone or a new high rise building in a heritage policy area.

Non-Complying development is not usually approved unless it is a special circumstance. **See Fact Sheet 9 – Can I apply for a Non-Complying development?**

What is Merit development?

Development of a kind not listed as either complying or non-complying in the Development Plan and Development Regulations is subject to a 'merit' assessment.

Merit Applications for Development Plan consent are assessed against the zoning, policies and controls in the relevant Development Plan and should only be approved if the development is not 'seriously at variance' with the relevant provisions of the Council's Development Plan.



Development that does not require Planning Consent

Some kinds of development do not require planning consent. Specifically:

'Exempt' development does not require planning or building consent. 'Exempt' development is listed in [Schedule 3](#) of the *Development Regulations 2008*. Some residential development matters do not require planning consent but do require building consent. These are listed in [Schedule 1A](#) of the *Development Regulations 2008*.

Residential Development Code

In 2009, the State Government amended the *Development Act 1993* and *Development Regulations 2008* to include the new Residential Development Code. The changes included expanding the number of exempt developments in [Schedule 3](#) of the *Development Regulations 2008* and creating a new category of 'development requiring building consent only' ([Schedule 1A](#) of the *Development Regulations 2008*).

Changes have also been introduced to increase the number of complying developments (see [Schedule 4](#) of the *Development Regulations 2008*).

Major Developments

If the Minister for Planning considers a proposed development to be of major economic, social or environmental importance, he or she can declare a proposed development a 'Major Development' (See [Section 46](#) of the *Development Act 1993*).

This triggers a state-run assessment process where the Minister (assisted by the Department of Planning, Transport and Infrastructure) will comprehensively assess the proposal and its impact using the Major Development Assessment process.

For further on-line information regarding the Residential Code or Major Developments, please view the link at www.sa.gov.au.

The information provided in this Development Fact Sheet is intended as a general guide only and readers are encouraged to refer to the Norwood Payneham & St Peters (City) Development Plan and to seek professional planning advice if necessary. This information is subject to frequent updates and this version was last updated in June 2016. The latest version can be downloaded via the Council's website at www.npsp.sa.gov.au. For further information, please contact the Council's Urban Planning & Environment Department on 8366 4530.
