



## PROFESSIONAL PRACTICE: Staged Consents and Approvals

The Building Policy Branch of Planning SA has been receiving numerous enquiries relating to staged Provisional Building Rules Consents and development approvals. This Advisory Notice outlines some of the more frequently queried aspects of consistency and staged consents as required by the *Development Act and Regulations 1993* and should be read in conjunction with Advisory Notice 28/03 on *Consistency between Planning and Building Consents*.

### GENERAL

Section 33 (1) of the *Development Act* refers to a development being an approved development only if a relevant authority has assessed the development against the provisions of the appropriate Development Plan and against the provisions of the Building Rules and a consent has been granted for each, as well as any other relevant consents. When all consents have been obtained then the development approval is issued by council requiring compliance with each consent and any conditions.

The entire scope of a project is usually submitted for Provisional Development Plan Consent but, for large projects in particular, the implementation is often staged both in terms of obtaining Provisional Building Rules Consent and actual construction.

Section 39 (8) of the Act allows for the situation where an application or consent envisages a development being undertaken in stages, with separate consents or approvals for the various stages.

Section 97 (1)(b) mandates a private certifier to ensure that any development authorisation given by a private certifier is consistent with any other development authorisation that has already been given in respect of the same proposal. This means consistent with any other "whole" development authorisation and not only part of one.

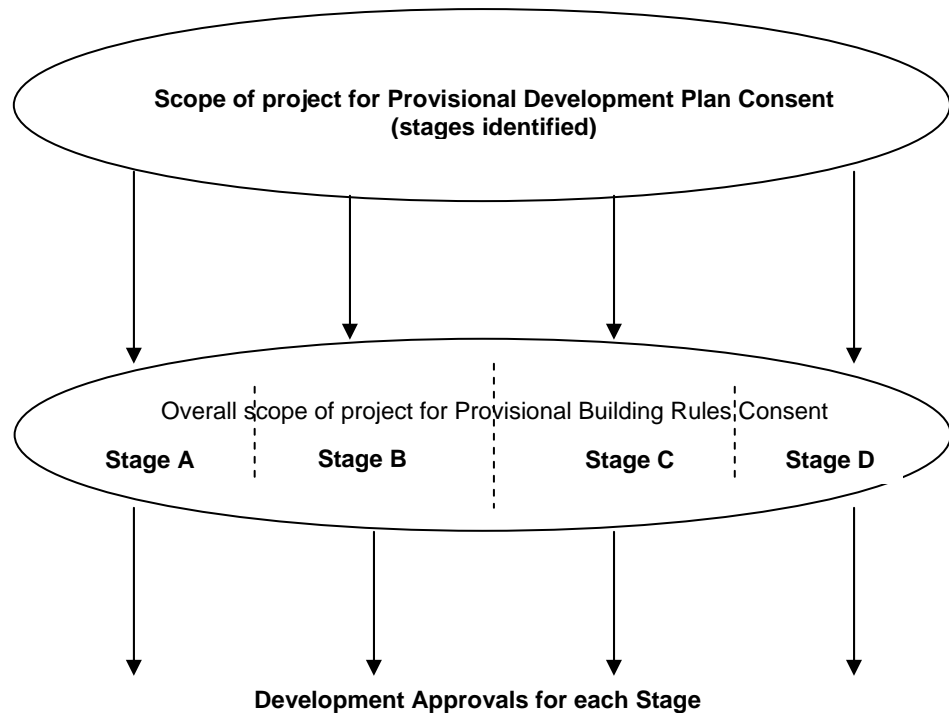
Regulation 46 of the Development Regulations requires a relevant authority to issue Development Approval where all necessary consents have been obtained and that no such consent has lapsed (they must be valid consents), and all consents are consistent with each other.

Schedule 5 of the regulations specifies the documentation required for applications for Provisional Building Rules Consent where the work is to be undertaken in stages.

Schedule 6 - 4 (h) splits the fees for building rules assessment according to the stages.

**STAGING PROVISIONAL BUILDING RULES CONSENT**

Where there is a valid Provisional Development Plan Consent for the work, which clearly identifies that the work will be undertaken in stages, then Provisional Building Rules Consent may also be issued in stages. Each stage of a Provisional Building Rules Consent must be consistent with a corresponding stage of development contained in the Provisional Development Plan Consent.



While the Development Act and Regulations enable this staging of work, such staging should be identified in the submission for Provisional Development Plan Consent so that the Provisional Development Plan Consent and the Provisional Building Rules Consent are completely consistent. There may also be planning reasons why a particular form of staging the development may not be desirable.

If the applicant does not identify any staging until the Provisional Building Rules Consent then an amended Provisional Development Plan Consent may need to be obtained. This is a matter for the local council to determine (in its role as the relevant planning authority).

**APPLICANT'S CHOICE**

It is worth noting that an applicant has two methods of staging the construction of a project:

- Obtain a development approval (i.e. planning and building consents) for the entire project then stage the construction making certain to start within 12 months and taking 3 years to complete.

OR

- Obtain Provisional Development Plan Consent for the entire project then obtain Provisional Building Rules Consent (and development approval) for each stage of the work.

**STAGED PROJECTS WITH MULTIPLE COMPLETION POINTS AND PROGRESSIVE OCCUPATION**

Where separate buildings or structures, that are part of a development proposal, are to be staged so that each building or structure is to be separately completed and occupied then this should definitely be identified in the documentation for Provisional Development Plan Consent. This will ensure that any planning issues concerning the implementation of such a project are addressed.

Similarly, if a large building is to be constructed, with portions of it being completed and occupied in stages then that should also be indicated in the application for Provisional Development Plan Consent as there may be planning issues regarding the progressive completion and occupation of such a building at each stage (*For Example, the extent of carparking available and accessibility*). Of course compliance with Minister's Specification 83 *Staged Occupation of Multistorey Buildings* may also be necessary.

**STAGED PROJECTS WITH A SINGLE COMPLETION POINT AND OCCUPATION**

Where the staging is for the progressive construction of a project in a continuous process that will not stop until the all the work has been completed for occupation (*For Example; a single multi-storey building*), then the staging should still be identified in the Provisional Development Plan Consent. The approval for each Provisional Building Rules Consent stage should then be consistent with the original Provisional Development Plan Consent.

**ENFORCEMENT**

Section 32 of the Development Act clearly states that no development may be undertaken unless the development is an approved development. Accordingly, work can only proceed in accordance with the development approvals that have been obtained. If work being undertaken on-site extends beyond the issued development approvals then there are grounds for stopping the work as it is unauthorised. It is a serious offence under the Act to undertake development without Development Approval (this includes development work undertaken beyond any stage approved) with penalties up to \$30,000 for breaches.

**Further information**

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