



# Pre-lodgement service

## Conditions of approval and reserved matters

### Purpose

This fact sheet explains what occurs following the receipt of a planning consent from the Development Assessment Commission (DAC).

It is produced by the Investment Team of the Department of Planning, Transport and Infrastructure (DPTI), which offers a pre-lodgement case management service. The team can be contacted by emailing [dpti.pdprelodgementenquiries@sa.gov.au](mailto:dpti.pdprelodgementenquiries@sa.gov.au) or calling (08) 7109 7081.

### How do I receive planning consent?

There are three parts to a development approval:

- *Planning consent*  
Assessment against the relevant Council Development Plan. For projects utilising the pre-lodgement service, planning consent is issued by DAC (as the relevant planning authority).
- *Building rules consent*  
Assessment against the Building Code of Australia. Building rules consent is issued by either the relevant Council or a private certifier.
- *Development approval*  
Development approval is issued by the relevant Council following receipt of both the planning and building rules consent.

Your planning consent may include:

- *Reserved matters*  
Matters that need further assessment and consent prior to lodging for building rules consent.

- *Conditions of approval*

Conditions that must be satisfied in delivery of the development or you are not operating in accordance with your approval.

Planning consent is usually valid for 12 months from the date of consent. It is recommended you begin working to obtain your building rules consent (including satisfying any reserved matters) shortly following receipt of your planning approval.

### What are reserved matters?

Section 33(3) of the Development Act provides the following:

*A relevant authority may, in granting development plan consent, reserve its decision on a specified matter until further assessment of the relevant development under this Act.*

Reserved matters can be used to defer a decision on parts of an application that are incidental to a proposal and are not fundamental to the overall assessment of the application. For example, a reserve matter may relate to landscaping or the location of air conditioning plant and equipment.

The use of reserved matters can benefit the planning authority and applicant, by allowing some matters of detail to be set aside to be dealt with at a later time. This provides both financial and progressive certainty for the proponent, but also security for the assessing authority to further consider certain matters after the planning consent is granted.



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

# Pre-lodgement service



## How are reserved matters included in the planning consent?

When issuing a planning consent, a reserve matter will be identified separately to those matters which are conditions. The wording for the reserved matters clearly identifies the requirement, and when the requirement is to be fulfilled. An example follows:

### *Reserved Matters*

*The following detailed information shall be submitted for further assessment and approval by the DAC as reserved matter pursuant to [Section 33\(3\)](#) of the Development Act 1993:*

*(i) A Landscape plan shall be prepared for the site that adequately screens the building as viewed from the road, and includes predominantly indigenous species and a mixture of groundcovers, shrubs and trees.*

*Pursuant to Section 33(1) of the Development Act 1993, the DAC reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matters set out at X above.*

On receipt of the information relating to a reserved matter, it will be assessed and if satisfactory, approved by the Development Assessment Commission or delegate.

## What are conditions of approval?

Conditions may be placed on the planning consent by DAC in relation to a development or as prescribed by the Development Regulations.

Conditions are binding and enforceable against the person by whom the development is undertaken and any person who acquires the benefit of the decision,

including the owners and occupiers of the land on which the development is undertaken.

## How are conditions of approval included in the planning consent?

Conditions can relate to any element of the proposed development and may be placed on the planning consent or building rules consent. It is a matter for the assessing authority to determine what conditions will be applied a planning approval, building rules consent, or full development approval.

Conditions will generally reinforce the particulars of the application, or bind a proponent to various undertakings during the development. If a particular matter is likely to require further consideration or assessment, it should be set aside as a reserve matter.

## What is building rules consent?

Prior to commencing any work on the development you are also required to obtain a building rules consent. To obtain building rules consent, an application must be assessed against the provisions of the Building Code of Australia by either the relevant council's building officer, or by a private certifier. A building rules assessment involves considering construction plans and engineering details against the technical requirements of the Building Code.

## What is full development approval?

Full development approval is obtained once both planning approval and building rules consent are granted. Your development approval is valid for 12 months from the date of consent, by which time it is expected that the person with the benefit of the approval would have substantially commenced building work.



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

# Pre-lodgement service



Determining whether or not a development has been substantially commenced can be very subjective, so it is recommended that you contact the Investment Team to discuss this further.

The validity of a development approval may be extended in some circumstances, and it is recommended that you contact us well before your approval lapses to discuss your need for an extension.

## For further information

You can download a pre-lodgement pack from [www.dpti.sa.gov.au/planning/prelodgementservice](http://www.dpti.sa.gov.au/planning/prelodgementservice) or ask the Department to mail it to you.

To discuss your needs, phone or email:

Investment Team  
Department of Planning, Transport and Infrastructure  
Level 5, Roma Mitchell House  
136 North Terrace, Adelaide

Call: (08) 7109 7081

Email: [dpti.pdprelodgementenquiries@sa.gov.au](mailto:dpti.pdprelodgementenquiries@sa.gov.au)



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

