



Development Compliance Fact Sheet

OVERVIEW

Council has a role to play in ensuring that the community are doing the right thing in relation to development compliance. Development compliance relates to a breach of the *Development Act 1993 (the Act)*. Breaches can include:

- a new activity operating without Development Approval, i.e. operating a business from home that is impacting on the amenity of the area; or
- construction of a structure on the land without the relevant approval or;
- it could relate to not complying with one or more of the conditions of approval attached to an existing development approval.

Conditions of development approval are required to be complied with. Development approvals are registered to the land, meaning that the rights to use the land for that purpose transfer to new owners, provided the use rights have not been abandoned or that approvals have not lapsed. A property is deemed to have existing use rights if the land use has been previously authorised under the Development Act 1993 or if the land use lawfully existed prior to 23 December 1976. It also means that the conditions of approval remain with the land until that use ceases or changes, and that the conditions of approval are on-going. For example, conditions often relate to materials and colours, CFS requirements, business operating hours, and landscaping being planted and maintained.

IF UNSURE – ASK

If you are unsure whether approval is required, then you should contact Council before commencing any work.

REPORTING AND INVESTIGATING UNAUTHORISED DEVELOPMENT

It is a criminal offence to breach the *Development Act 1993*. If Council receives a complaint about the use of your land, or an aspect of the use of your land, our officers will investigate the complaint and the use rights attached to the subject land. If it is determined that a development offence has occurred, owners/occupiers risk having to cease the unapproved activity and being forced to remove unapproved structures - at their own expense.

To lodge a complaint about unauthorised or non-compliant work, please contact Council in writing including your name, address and contact details, including details of the alleged offence to:

Contact details

Development & Compliance Officer
Development & Regulatory Services
(08) 8408 0400
mail@ahc.sa.gov.au

Further information

Adelaide Hills Council
mail@ahc.sa.gov.au
ahc.sa.gov.au
PO Box 44
Woodside SA 5244

PLEASE NOTE

The information provided in this Fact Sheet is only intended to be a summary.