

What is Generally In Accordance (GIA)?

Generally In Accordance (GIA) advice is a non-binding expression of an opinion from an appropriately qualified person that an inconsequential alteration or amendment to a development is considered to be in accordance with the requirements of an approval. GIA is not recognised by planning legislation and does not replace any aspect of the approval.

This Interpretation guidance is intended to assist in clarifying if an alteration to the development might be GIA or would require a change request application under the planning legislation; and where necessary, how to seek Council's written advice on GIA.

Background

Development that is approved by Council requires that development to be constructed 'In Accordance' with the approved plans, documents, and conditions. In many circumstances following an approval, alternations to the development may occur as the result of detailed design, improved construction methods or site-specific circumstances.

Section 77 of the *Planning Act 2016* (the Act) recognises changes to a development and provides pathways to amend the approval (refer to the Act for information related to 'minor change' or 'other changes'). However, small variations from the approved plans may not require a change application. In these situations, a GIA opinion from an appropriately qualified individual/organisation may be sufficient to demonstrate a development is in accordance with the approval.

What is a qualified opinion?

A qualified opinion regarding GIA should be sought from an individual or organisation that can provide a GIA opinion and should include sufficient detail to support that opinion. An appropriately qualified person may include a Building Certifier, Town Planning Consultant, Registered Architect or a Registered Professional Engineer.

Providing sufficient justification to support an opinion is essential. The GIA opinion should be underpinned by detailed information clearly describing:

- What the variation/s encompass (revision clouded plan/s and documented variations);
- Justification as to why the change is of a scope and/or scale that does not warrant a 'minor change' under the Act; and
- Reasons why the change is in accordance with the requirements of the approved development.

The clarity and accuracy of the information is pertinent in determining a GIA opinion as the advice may be challenged in the courts by anyone wishing to challenge the lawfulness of the development.

General principles to consider

When determining if an alteration to a development is 'In Accordance' with the approval, the following parameters should be considered:

- **Scale:** Is the variation inconsequential in the scale of the overall development?
- **Development outcomes:** Is the variation immaterial to the requirements of the approval or assessment benchmarks, including the delivery of specified assessment benchmarks? e.g. open space, car parking, deep planting, height, setbacks, privacy



- **Operational impacts:** Does the variation impact the operation of the development? e.g. entry/exits to the site, servicing, vehicle manoeuvring, consequential impacts
- **Submitter Concerns:** Will the variation impact on any matters raised by submitters during the course of the application?

If Council or an appropriately qualified person considers the changes are material, a formal Change Application to the Council may be required. Enforcement action may be undertaken by Council to resolve the matter if the development has been completed and/ or is operational.

Examples

What could be considered a GIA?

An alteration that does not involve assessable development. E.g. External cladding materials or external colours [where not made assessable by a code]; increasing the height of a retaining wall from 600mm to 700mm [where not made assessable by an Overlay].

An alteration that includes only Accepted Development (refer to CityPlan 2014 for details of Accepted Development). E.g. Moving the internal location of fire stairs could be considered 'generally in accordance' where the exit point at ground level is not relocated and there is no resulting removal of landscaping, deep planting, or on-site car parking.

Changes to support minor development tolerances as a result of detailed design. E.g Changes to window sizes and locations (where not assessable by an overlay); or Changes to the thickness of a floor slab where not increasing the overall building height, number of storeys or minimum height clearances.

Changes to align with aspects of development accepted through an associated Operational Works Application.

What is not a GIA?

Any alteration that requires a Development Condition to be changed.

Any alteration that requires specialist assessment such as an engineering traffic consultant.

An alteration that does not meet an Acceptable Outcome assessment benchmark and requires consideration against a Performance Outcome assessment benchmark where the Acceptable Outcome was met at the time of the approval or where the alteration exacerbates an approved Performance Outcome. E.g. Reducing an approved building setback from 2.4 m to 2.3m when the acceptable outcome was 3.0m.

Integral component of a Development being added or removed. E.g. Deep planting being removed.

A change that would trigger the re-calculation of Infrastructure Charges. E.g. Changing 2-bedroom units into 3-bedroom units within a multiple dwelling complex, even when the building footprint and GFA are not changed.

A change that alters the number of bedrooms in a multiple dwelling complex E.g. Making a 1-bedroom unit into a 2-bedroom unit [operational impacts].

Adding a balcony or enclosing a balcony to a multiple dwelling. The variation may affect the visual appearance of the building and generate overlooking/privacy concerns or reduce access to private open space.

Any amendments to parking layouts, including changing from single to tandem parking bays.

Significant changes to the visual appearance of the development. E.g. Changes to roof forms.

Changes to operational works applications.

Changes to an approval issued by the Planning and Environment Court.

Request for written information from Council

Council recommends that preliminary advice is sought prior to submitting a request for written information. If it is unclear whether the proposed variation is likely to be GIA, contact Council on 133PLAN [133 7526].

If required for greater certainty, Council provides general planning information including GIA advice in writing for a fee. The most accessible method to request written information is to complete the [online enquiry form](#).

As part of the request, ensure plans are attached that clearly detail the proposed alteration/s, supported by written justification demonstrating why the alteration is in accordance with the approval.

Council may agree that the expressed opinion can be considered generally 'In Accordance' with the approval or may provide recommendations for alternative processes or considerations under the Act.

More information

- Contact Council on 133PLAN [133 7526].