

# Request to View/Copy Development Documents

## Copyright

Council is compelled to adhere to the Copyright Act 1968 that states that drawings, plans and engineering reports have copyright protection by the author. Permission must be obtained from that person before copies can be made. This permission must be received in writing.

## Development Applications lodged after 19<sup>th</sup> March 2021

Development Applications lodged through the State Government PlanSA Portal after the **19<sup>th</sup> March 2021** are not held at Council. Therefore, access to documents is limited to the Decision Notifications and the Public Register which is open to the public from the PlanSA website.

## DEVELOPMENT APPLICATIONS LODGED WITH COUNCIL BEFORE 19<sup>TH</sup> MARCH 2021

Development applications and plans lodged before 19<sup>th</sup> March 2021 are managed and retained as Council records. A search of these documents can be undertaken by staff.

Copies of Decision Notifications and access to the Public Register is available from the PlanSA website for Decisions made after 19<sup>th</sup> March 2021.

## Request to View Process for Documents Held Within Council

### Documents that can be copied (incur photocopy charges)

Plans, technical details, drawings, specifications, certificates etc can only be photocopied or reproduced with the written consent of the author (architect, designer or engineer).

Other than the above circumstances, copies of plans and documents are generally not provided by Council due to copyright issues.

Council does not give access to view or copy any documents that may jeopardise the present or future security of the building or constitute a breach of any other law.

### Documents that can be viewed by the public held at City of Mitcham

- All Development Application Forms and copies of Decision Notification Forms in the City of Mitcham public register can be viewed during Council office hours.
- Documents provided to Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.
- All technical details, particulars, plans, drawings, specifications and other documents or information relating to building work.
- All certificates, opinions and other documents submitted to the Council in connection with an application for approval of building work.
- The duplicate of any certificate of occupancy issued by, or provided to, the Council.
- A copy of any other plan held by Council in relation to building works.  
A Council Officer will be present during the viewing process.

### **Freedom of Information**

The Freedom of Information Act 1991 provides a right to apply for access to Council documents (subject to conditions). This does not apply to development documents.

### **Request for Documents**

- Submit a request online.
- Be clear regarding the information required.
- Previous soil reports older than 12 months cannot be re-used as technology changes. It is preferable that an engineer is appointed to prepare a new soil report.
- Files pre 1980 may not be available from Council, and files older than 1996 cannot be guaranteed regarding quality or condition for viewing and reproduction due to deterioration of paper and ink used.
- Council reserves the right to refuse the viewing or copying of documents, due to copyright or safety reasons.

### **Process**

1. Submit a request online. A new form is required per development application.
2. Staff will contact you for payment of a non-refundable search fee (per development application). There is no guarantee that documents will be found.
3. Once payment has been received, Council staff will undertake a search and contact the applicant to advise the search outcome.
4. A time will be arranged to view the documents.
5. Written permission will be sought **by the applicant** from the copyright holder should copies of plans be required. This process is undertaken before they are released by Council.
  - a. In circumstances where the copyright holder is no longer in business, or cannot be found, a Statutory Declaration Form must be completed and signed in front of the Justice of Peace.
6. Once written permission has been received by Council copies of plans will be reproduced and either emailed or mailed to applicant. Printed documents incur additional charges as per Council's Fees and Charges Schedule.

### **Fees and Charges**

A search fee of **\$80.00** per development application applies.

Payment can also be made online or by contacting the Customer Communications Team on 1300 133 466 providing the application unique number and completing the payment process.

Payment can also be made in person at the Council Civic Centre, 131 Belair Road, Torrens Park by EFTPOS, Cheque or Cash.

The search fee includes the provision of electronic copies of documents.

If printed documents are required, then there is an additional charge.