

Development Fact Sheet 11

What does Public Notification of my Application mean?

Some types of development will require Public Notification as part of the assessment process. Public Notification means that neighbours and other interested parties must be advised that an Application for development has been lodged and that they have the opportunity to comment on the Application.

Public Notification is an important part of the Planning system as it gives the public an opportunity to participate in the assessment process of developments that may impact them or the community and environment more generally.

There are several categories of public notification that apply to different types of development. The Development Act 1993, Development Regulations 2008 and Council Development Plans list types of development for each category of Public Notification.

Category 1 covers development which is exempt from public notification, and usually relates to uses that you would expect within a zone and which are not on a zone boundary where a conflict may arise.

Category 2 covers development which requires limited public notification to owners or occupiers of land adjacent to a proposal, but does not give rise to third party appeal rights to persons who lodge representations.

When a development is processed as **Category 3**, a public notice is placed in a newspaper and individual notification direct to adjoining owners or occupiers (as well as others who in the opinion of the relevant authority may be affected by the proposal). Any person can make a representation on the Application.

Persons who make representations in relation to Category 3 must be heard by the Council's Development Assessment Panel if they request it as part of their submission. A Category 3 representor has an appeal right to the ERD Court against the decision.

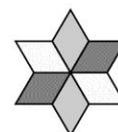
The Council will undertake the public notification process and will require the Applicant to pay an appropriate fee to cover the cost of undertaking public notification.

The key elements of each category of development are:

Category 1 – does not require any form of public notification.

Category 2

- a letter notifying of the proposed development must be sent to an owner or occupier of each piece of adjacent land;
- if an owner or occupier wishes to make a representation of support or objection they must respond via letter within 10 working days of the date on the notifying letter;
- the Applicant will also be given opportunity to respond to the representations;
- if a representation is received regarding a Category 2 development and the issues cannot be resolved, a decision regarding assessment of the Application will be made by the Council's Development Assessment Panel; and
- **the Council's Development Assessment Panel does hear verbal submissions from Representors and Applicants, where as part of their representation they have expressed a written indication to be heard; and**
- additional fees are required for this type of Application



Category 3 – see Page 2

General Information

If a development is not listed as a Category 1 or 2 development and in the opinion of the relevant authority is not of a minor nature, it will be assigned Category 3 status. Complying Development is always Category 1, Merit Development is either Category 1, 2 or 3. Non-complying Development is usually Category 3, but can be deemed Category 1 in limited circumstances where, in the opinion of the relevant authority, the proposed development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

Category 3

- a letter notifying of the proposed development must be sent to an owner or occupier of each piece of adjacent land and any other owner or occupier of land which the relevant authority believes should be informed;
- In addition, an advertisement that complies with the requirements set out in the Development Act and Development Regulations is placed in a state wide newspaper (usually The Advertiser) to inform anyone who is interested in the development;
- should anyone wish to make a representation of support or objection they must respond in writing within 10 working days of the date on the notifying letter or advertisement. It is important for the person making the representation to indicate if they

- want to speak at the Council Development Assessment Panel meeting;
- the Applicant will also be given opportunity to respond to the representations;
- if a representation is received regarding a Category 3 development, the decision regarding assessment of the Application will be made by the Council Development Assessment Panel;
- a representor has the right to make a verbal presentation at the Council Development Assessment Panel meeting in support of their written representation. If a representor makes a verbal presentation at the meeting then the Applicant also has the right to make a verbal presentation at the Council Development Assessment Panel meeting to respond to the representation;
- Representors have the right to appeal an Application if they are unhappy with the decision. The representor must lodge a notice of appeal within 15 days of when the decision was made; and
- additional fees are required for this type of Application, these include the cost of newspaper advertising

The information provided in this Development Fact Sheet is intended as a general guide only and readers are encouraged to refer to the Norwood Payneham & St Peters (City) Development Plan and to seek professional planning advice if necessary. This information is subject to frequent updates and this version was last updated in March 2016. The latest version can be downloaded via the Council's website at www.npsp.sa.gov.au. For further information, please contact the Council's Urban Planning & Environment Department on 8366 4530.
