

Development Fact Sheet 12

Representations – Objecting to an Application

What should I put in my written representation?

If you have been notified of a development you can choose to prepare a representation in support of or objection to the proposed development. Representations must be made in writing and should set out your case for supporting or opposing the proposed development.

As the proposed development can only be assessed against the relevant provisions of the Council's Development Plan, to be effective your representation should only raise matters addressed in the Development Plan (**See Fact Sheet 13 for information about the Development Plan**). The representation must give reasons for the objections. It is not acceptable to simply say "I don't want this next to my house".

A written representation should detail the following:

- your name, address and the date;
- the address of the proposed development and the development assessment number;
- concerns with the proposed development;
- how the proposed development affects your property area;
- if you are objecting to the proposed development include the reasons why planning approval should not be granted;
- reference to the Development Plan; and
- what might overcome your objection through changes to the proposed development.

The representation can be in the form of a letter, report or dot points or you can fill out the Council's standard form.

Some valid concerns with the development may include, but not be limited to:

- type of land use is not appropriate;
- appearance or character;
- overshadowing eg. shadows cast by the proposed building onto the neighbour's back yard or windows;
- overlooking eg. potential views from upstairs windows and balconies into the neighbour's back yard or windows;
- traffic generated; and
- proposed development is at odds with the Development Plan.

Representations must be lodged with Council within ten (10) business days of the date of the notice.

Where can I get help preparing my Representation?

Whilst you can prepare your own representation, you may wish to engage the services of a Planning Consultant to assist you to prepare your submission, particularly if the development proposal is of a complex nature.

A Planning Consultant will be best equipped to assist you to prepare a representation or to prepare a Representation on your behalf. Planning Consultants will review the Development Plan and the proposed development and will identify appropriate issues to include in the representation.

Planning Consultants are professionals and they may not be able to assist you if they do not believe that there are any valid reasons for an objection.



Where can I find a planning consultant?

A planning consultant can be found by visiting www.planning.org.au and following the link to the Consultants Directory where you can search for a consultancy by name, location, or services offered. You could also look in the yellow pages under 'town planning'. It is important that you make contact with a consultant as early as possible as it may take several days to prepare a representation.

The process for writing a representation may include a site visit, review of the proposal and Development Plan and preparing the representation. The cost of this service will vary depending how complex the Application is. You should ask the Planning Consultant about their rates and fees before you engage their services.

What is the process after my representation is lodged with Council?

After the representation is lodged, the Council will forward a copy of your representation to the Applicant for their review and response. The Council will also send you a confirmation letter. The Applicant has the opportunity to respond to the Council in writing addressing the issues raised in the representations and they may choose to send an amended Application to address the issues.

In most instances, unless the concerns raised have been resolved, the Council Planning Officer will prepare a report about the development and make a recommendation to Council's Development Assessment Panel (DAP) to either approve or refuse the Application. If you have made a representation and have indicated that you wish to be heard, you will be given the opportunity to make a 5 minute verbal presentation to the DAP.

If you prefer, you can have a representative or advocate make the verbal presentation on your behalf at the DAP meeting.

After considering the Application, the DAP will then make a decision regarding the development. If the Application is approved and you are aggrieved by the decision AND the Application was processed as a Category 3 development, you may have third party appeal rights (**See Fact Sheet 11 for more information about the Categories of Development**).

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 June 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.
