

# Public Notification & Your Role

## Who should read this guide?

Anyone requiring public notification. The process of public notification of application allows adjoining or nearby property owners and occupiers, the opportunity to look at a proposed development, consider the likely impacts the proposal may have on them and provide comment (either positive or negative) about the proposal prior to a decision being made.

The *Development Act and Regulations 1993* outlines several categories of notification that apply to different types of development. They are as follows:

### Category 1 Development

No notification required.

### Category 2 Development

A letter notifying of the proposed development is sent to all owners/occupiers of adjacent land (this is defined in the *Development Act* as land which is directly separated by a road, or river, etc, and provided it is no more than 60 metres from the subject site of the development.)

### Category 3 Development

A letter notifying of the proposed development is sent to all owners/occupiers of adjacent land. A letter is also sent to owner/occupiers of any land considered to be affected to a significant degree by the development if it were to proceed and a public notice is placed in the newspaper.

The *Adelaide (City) Development Plan* lists the types of development for each category of public notification.

## Public Notification Process

- A covering letter identifying what is proposed, the location of the proposed development and whether the development is non-complying, plus a representation response sheet and a copy of this Development Information Guide are sent to owners and occupiers of properties who may be affected by the proposal.
- In determining who may be affected by a proposed development, Council must follow the requirements of the *Development Act 1993* to give notice of the application to owners or occupiers of:
  - each piece of adjacent land (including land which is directly separated by a road, river etc provided it is no more than 60 metres from the subject site).

– In the instance of a Category 3 development, other persons who may be deemed to be affected by the development to a significant degree are also notified by letter as well as a public notice being placed in the City Messenger newspaper.

- The application details are made available for viewing at Council in the Customer Service Centre.
- The application is posted on Council's website at: [cityofadelaide.com.au/da](http://cityofadelaide.com.au/da)

## Lodging Written Representations

Only representation lodged by persons directly notified by Council by way of letter of a Category 2 application are considered valid.

Any person may lodge a representation with Council for Category 3 developments even if the person has not formally received a letter from Council notifying them of the application.

The representation may be submitted either as a written document or submitted electronically through Council's website.

The representation must be lodged with Council within ten (10) business days from the commencement of the notification period. Representations lodged must state:

- The full name and address of the person/group making the representation
- The representor should nominate one person for the purposes of any subsequent steps or proceedings
- The reasons for the representations
- Whether the person/group making the representation wishes to make a verbal presentation to the Council Assessment Panel (CAP).

The reasons for the representation should relate to the proposed development's consistency or otherwise with the policies contained in the *Adelaide (City) Development Plan*.

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## Applicant's Response to Representations

At the end of the public notification process, Council forwards a copy of the written representations received to the applicant. The applicant has an opportunity to respond, in writing, to the representations received, within ten (10) business days of receipt of the written representations.

## The Assessment Process

Once public notification is complete, the application is assessed against the provisions of the *Adelaide (City) Development Plan*. This assessment of the application takes into consideration all legitimate planning issues, including those raised through the public notification process.

As most development applications that have gone through public notification are considered by the Council Assessment Panel (CAP), an assessment report to the Panel is prepared and the application included on the Panel Agenda.

**Please be advised your representation will be included as part of the Panel Agenda documents. The Panel Agenda is a public document and is available for viewing on Council's website.**

The CAP meet every third Monday at 5.30pm in the Colonel Light Room, Town Hall, King William Street, Adelaide.

If a person has made a written request to speak at the CAP meeting has been granted, a letter indicating the date, time and place of the meeting and the time for making the verbal presentation will be sent to the representor at least five (5) business days prior to the date of the meeting.

Every other person who has made a written representation will be notified of the date, time and place of the meeting.

If a person appears before the CAP to make a verbal presentation, the applicant has an opportunity, on request, to appear personally or by representative before the CAP in order to respond to any relevant matter.

Please note that additional information in the form of plans, elevations, or expert reports are not able to be presented to the Panel on the night. Photographs may be acceptable if permission is sought from the Presiding Member before the meeting commences.

[cityofadelaide.com.au/da](http://cityofadelaide.com.au/da)

## Notification of the Decision

After a decision is made, a copy of the Decision Notification Form, including either the conditions of consent or reasons for refusal, will be sent to the applicant and those representors who made a written submission.

The applicant has a right of appeal to the Environment, Resources and Development Court against either the decision of the CAP or a condition imposed for a Category 2.

An applicant may lodge an appeal with the Environment, Resource and Development Court within two (2) months after the Decision notification is received. Representors have no rights of appeal to the Court.

No appeal rights exist to an applicant against a decision or conditions for a non-complying development.

With regards to a Category 2 development application, no appeal rights exist for a representor against the decision of the CAP.

Third party appeal rights exist for representors of Category 3 developments.

## Other Resources

Development Information Guides:  
[www.cityofadelaide.com.au/development-information-guides](http://www.cityofadelaide.com.au/development-information-guides)

## Further Information

For further information or to discuss your specific requirements, please contact Council's Development Assessment team on **08 8203 7185** or [d.planner@cityofadelaide.com.au](mailto:d.planner@cityofadelaide.com.au).