

Development Information Sheet 04

Public Notification

Do my neighbours need to be notified of my development application?

Depending on the type of application, Council may be obliged to give people likely to be affected by development an opportunity to make comment (also known as a representation).

The *Development Regulations 2008* and/or the Development Plan set out the types of development where people have this right available to them. The extent of the notification is determined by the *Development Act 1993*.

Note: This excludes other notification requirements under other legislation including the Building Code or Australia and the Fences Act 1975.

What are the different types of Public Notification?

Category 1: Development which does not require public notification.

Category 2: Development which requires notification to adjoining property owners/occupiers only; and gives the right to lodge representations. Category 2 developments are available to be viewed on Council's website http://www.walkerville.sa.gov.au/public_notifications or at Council's Civic Centre during the public notification period. There are no third party appeal rights to Category 2 forms of development. It should be noted that there is no automatic right to be heard at the Council Assessment Panel meeting in relation to a representation. If you are not directly notified of the development you will not be able to lodge a representation.

Category 3: Development which requires wider public notification – this being notification to adjoining property owners/occupiers, properties likely to be impacted by a development as well as a public notice being advertised in the newspaper and in Council's Weekly Roundup newsletter and gives the public the right to lodge representations. Anybody has the right to make a representation in relation to Category 3 development and representations received do have the right to be heard by the Council Assessment Panel. Furthermore, representors have the right to appeal the decision (outcome) in relation to the application.

What happens if there is a representation?

Copies of representations are forwarded to the applicant, and the applicant is given the opportunity to respond in writing to the representation.

If the representor indicates they wish to make a verbal presentation in support of their written statement, it is necessary to attend a meeting of Council's Council Assessment Panel (CAP). Any application considered by the CAP will have all application documents, including Statements of Representation made available on the public website.

For Category 2 development, the CAP may determine to allow a representor to appear before the Panel to present their representation.

For Category 3 development, the CAP must allow a representor to appear to make their representations.

The applicant is also allowed to appear in order to respond to any representations at the meeting.

Once a decision is made, Council advises representors with notice of its decision. In the case of a Category 3 development, representors have the right to lodge an appeal against the decision with the Environmental Resource and Development Court if they are aggrieved with the decision that has been made.

I have received a letter about a Development Application. How do I submit my representation?

Representations must be made in writing, and a Statement of Representation form must be fully completed and returned to Council prior to the conclusion of the public notification period.

The Statement of Representation form requires persons making a representation to describe the reasons for their representation and how the issues identified would be overcome.

The written statement is more likely to be effective if it refers to the provisions of the Development Plan. The Town of Walkerville Development Plan can be accessed at the Town of Walkerville website, www.walkerville.sa.gov.au

Who makes the decision?

Most applications can be decided by Council Development Officers under delegated powers from the Council.

However, some applications, particularly those where representors request to be heard, are considered by the Town of Walkerville Council Assessment Panel (CAP), which is made up of one Elected Council Member and four Independent Members.

Members of the public are welcome to attend CAP meetings; however there are general protocols for those wishing to observe the proceedings. Members of the gallery cannot take part in debate at meetings. On occasions parts of the meeting may be closed to the public when matters of a confidential nature are being discussed.

How long will it take to make a decision?

There are set time limits in which councils are obliged to make decisions as prescribed by the *Development Act 1993*. The Town of Walkerville endeavours to process all applications in the quickest time possible. If the application must be referred on to other bodies, or additional information is required from the applicant, the decision will be delayed.

Thorough preparation before lodging your application will ensure efficient processing.

Can I appeal the decision of the relevant authority?

All appeals must be lodged with the Environment, Resources and Development Court (ERD Court).

Environment Resources and Development Court

Web: www.courts.sa.gov.au/courts/environment

Phone: 8204 0300

An applicant has the right to appeal to the ERD Court against a decision or a condition attached to an approval (except for non-complying applications). An appeal must be lodged with the court within two (2) months of the decision being made.

A representor has the right of appeal in the case of Category 3 applications only. Appeals must be lodged with the ERD Court within 15 days of the decision being made.

Development Information Guides are intended to help applicants to submit applications which are complete, well prepared, and can be processed efficiently. The information provided is intended as a general guide only and applicants are encouraged to refer to the Town of Walkerville Development Plan and to seek professional advice if necessary. This information is subject to frequent updates. This version last updated in January 2018.

Access the Development Plan and current versions of information guides at <http://www.walkerville.sa.gov.au/>

Should you have any further enquiries or wish to discuss this process, please do not hesitate to contact the Planning and Environment team via:

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