



## PUBLIC NOTIFICATION

IS010

Responsible Officer: MDS

Issue Date: 31/07/2020

Next Review Date: July 2024

The process of public notification allows adjoining or nearby property owners, and others, the opportunity to look at 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 1993 and associated Regulations, create a hierarchy of public notification categories that outline the types of development which should be either exempt from public notification, should be subject to limited notification, or which should require a more general public notification.

The hierarchy of public notification is organised into three categories:

**Accepted Development** – does not require public notification.

**Code Assessed Development** – whereas Accepted Development does not require public notification Code Assessed Development may require public notification. It is rare that a development will meet all requirements of the Design Code but if it does, it is classified as Deemed to Satisfy and does not require public notification. If your Development satisfies some but not all the requirements of the design code it becomes Performance Assessed and public notification may be required.

**Impact Assessed Development** - is restricted Development and is generally not considered appropriate for a particular zone or area of land. The State Planning Commission is responsible for all Impact Assessments and should the application proceed to assessment public notification is required.

### Notification of Performance Assessed Development Applications

Form of Notice under section 107(9) of the Act

(1) Section 107 of the Act outlines the manner in which performance assessed development applications are to be assessed and processed with respect to planning consent. Section 107(9) allows a practice direction to specify the form of any notice to be given under section 107(3).

(2) The following directions apply to all performance assessed development applications, except where specifically excluded from notification in the Planning and Design Code pursuant to section 107(6) of the Act.

### Responsibility to undertake notification

(1) The relevant authority will be responsible for giving notice of the application to an owner or occupier of adjacent land in accordance with Section 107(3)(a)(i) of the Act.

(2) The applicant will be responsible for giving notice of the application to members of the public by notice placed on the relevant land (either personally or by engagement of a contractor) in accordance with Section 107(3)(a)(ii) of the Act, subject to subclause (3).

(3) Upon lodgement of a performance assessed development application that requires notification, the applicant must either:

(a) confirm they accept the responsibility of placing a notice on the land in relation to the application (either personally or by engagement of a contractor) on or before the notification period in accordance with the relevant requirements of the Act, Regulations and this practice direction (noting that the applicant will be notified of the notification period commencement date by the relevant authority at least 4 business days prior to that date in accordance with clause 9 of this practice direction); or

(b) except in cases where the Commission is the relevant authority, request that the relevant authority place the notice on the land, and if so requested, pay the relevant fee determined by the relevant authority as being appropriate to cover its reasonable costs in giving public notice of the application under section 107(3)(a)(ii) of the Act.

(4) Should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, the relevant authority will be responsible (either personally or by engagement of a contractor) for giving notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the Act.

### **Preparing for notification**

If the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of this practice direction, at least 4 business days prior to the commencement of the notification period, the relevant authority must:

(a) give notice of the anticipated commencement date and of the notification period to the applicant; and

(b) provide the applicant with a copy of the content of the notice to be placed on the relevant land; and

(c) advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of this practice direction.

### **Notice to adjacent land owners/occupiers**

(1) For giving notice to owners of properties adjacent the relevant land in accordance with section 107(3)(a)(i) of the Act, the relevant authority will send a notification to all owners or occupiers of adjacent land, either:

(a) by post; or

(b) by email if the owner or occupier has given specific consent to receive correspondence from the relevant council via email.

(2) The notice will contain the following details:

- The date when the notification period is to commence and
- The date when submissions must be received by (in accordance with timeframes prescribed by the Regulations); and
- The development application number (as it appears on the relevant SA Planning Portal application record); and
- The nature of the proposed development (as it appears on the relevant SA Planning Portal application record); and
- The applicant name (as it appears on the relevant SA Planning Portal application record); and
- The address of the relevant land (including street address, lot number, plan reference and certificate of title volume and folio number); and

- The location where the plans and application will be available for inspection during the notice period; and
- Identify any deemed-to-satisfy or accepted elements of the proposed development that may not be subject to comment under section 107(4) of the Act.

(3) A template outlining the minimum content of the notice as required by the practice direction.

### **Notice on land**

(1) In relation to placing a notice on the relevant land in accordance with section 107(3)(a)(ii) of the Act, the notice must be:

(a) placed on, or within a reasonable distance of, the public road frontage of the relevant land, ensuring that it is visible and legible to members of the public from the public road;

(b) mounted at least 600mm above ground level, and no more than 1.5 metres above ground level;

(c) made of weatherproof material (e.g. laminated print attached to fence/building, corflute print on star droppers, or other); and (d) at least A3 size.

(2) In relation to clause 10(1)(a), the relevant authority shall determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road. In cases where the relevant land has more than 1 frontage to a public road, the relevant authority may determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.

(3) The layout for a notice on the relevant land is detailed the SA Planning Portal.

### **Availability of plans**

The relevant authority must ensure that the application plans required to be available for inspection in accordance the Regulations are available to view via the SA Planning Portal during the notification period. Access to those plans shall be made available via a unique URL or QR Code listed on both the letters to adjacent land owners/occupiers and the notice on the relevant land.

### **Confirmation of public notification**

The entity responsible for erecting the notice on the relevant land shall ensure the following information is uploaded to the relevant application record on the SA Planning Portal:

(a) Within 1 business day after erecting the notice on the land, a photograph clearly displaying the notice on the land, with details of the location, date and time the photograph was taken; and

(b) Within 2 business days of the end of the notification period, a written statement confirming that the notice on the relevant land was undertaken in accordance with the relevant requirements of the Act, Regulations and this practice direction.

### **Interpretation**

(1) The above procedures also apply to performance assessed applications for outline consent or to vary an existing development authorisation where notice is required to be given in accordance with the Planning and Design Code.

(2) The form of notice specified in this practice direction may apply to the notification of an application for restricted development if the Commission determines as such under section 110(13) of the Act.

### **Further Information**

For any queries regarding Public Notification please contact Council's Development Services Department on (08) 8832 0000.