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PUBLIC NOTIFICATION

IS010
Responsible Officer: MDS
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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.

Category 1 Development- This development does not require public notification and usually relates to proposals which are in preferred zones or are minor development.

Category 2 Development- This development is subject to adjoining owner notifications but with no objector appeal rights. This category usually relates to development in preferred zones but located on the edge of the zones. The Yorke Peninsula Council Development Plan may also assign particular development as Category 2.

Category 3 Development- This development is subject to full public notification with objectors having the right to appear before the relevant authority and appeal to the Environment, Resources and Development (ERD) Court if they are concerned about the decision or a condition. This category relates to all development that is not Category 1 or 2 and all non-complying developments (see Development Information Guide IS011 Non Complying Development).

How is Notification Undertaken?

Category 2 Development

When an application for a Category 2 Development is received by Council the following notification process is undertaken:

- Notice is given to owners or occupiers of each piece of adjacent land (including land across a road or reserve no more than 60 metres from the land). This notice must describe the nature of the development, identify the subject land, indicate where and when the application can be examined, and state the person with whom, and time in which, any representations can be submitted.
- Representations must be lodged within 10 business days from the date of notification.
- Copies of representations are forwarded to the applicant. The applicant has 10 business days to forward a response to Council regarding any representations.
- The Relevant Authority decides on the application. Representors do not have the right to appear before the relevant authority (Council Policy) or make an appeal to the ERD Court.

Category 3 Development

When an application for a Category 3 Development is received by Council the following notification process is undertaken:

- Notice is given to owners and occupiers of each piece of adjacent land (including land across a road or reserve no more than 60 metres from the land) and to any other land in the locality, in the opinion of the relevant authority, would be directly affected by the development.
- A notice is also published in the public notice section of the local newspaper. For proposed development in the Yorke Peninsula Council area this is the Yorke Peninsula Country Times.
- Representations must be lodged within 10 business days of the notification.
- Copies of representations are forwarded to the applicant. The applicant has 10 business days to respond to Council regarding any representations.
- The applicant, and any representors who have made a written submission within the statutory time frame, also have the opportunity to make a verbal submission to the relevant authority when they are making a decision on the application.
- After a decision is made, a copy of the Decision Notification Form is sent to those who made a written submission.
- Any person who made a written submission has a right of appeal to the ERD Court against either a decision or condition imposed.
- Notice of an appeal must be lodged with the ERD Court within 15 business days of the date of the decision.

Further Information

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