



INFORMATION GUIDE

Public Notification and Your Role

The Process of public notification allows adjoining or nearby property owners, and others, the opportunity to look at a proposed development and 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 and the Port Augusta City Council Development Plan outline the types of development which:

- Do not require any form of public notification (Category 1 development).
- Require a personal notice to abutting land owners (Category 2 development).
- Require a personal notice to property owners that are directly affected by the proposed development; a more general public notification with the opportunity to provide a verbal presentation to Council's Development Assessment Panel, and appeal rights against the decision or conditions (Category 3 development).

How is Notification Undertaken?

- A covering letter identifying what is proposed, the location of the proposed development and whether the development is non-complying. 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 and 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 meters from the subject site).

- In the instance of a Category 3 development, a public notice is placed in the Transcontinental Newspaper in addition to the notice sent to adjacent owners
- The application is displayed in the Civic Centre of the Council Officer for public inspection.

Lodging Written Representations

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

The representation must be submitted as a written document and must be lodged with the Council within 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.
- If a representation is being made by two or more persons, the representation should nominate one contact person to represent them for the purposes of any subsequent step or proceedings.
- The reason for the representation.
- Whether the person/group making the representation wishes to make a verbal presentation to Council's Development Assessment Panel.

The reasons for the representation should be consistent to the proposed development as it relates to the policies contained in the Port Augusta City Council's Development Plan.

Applicant's response to Written Representations

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

The Assessment Process

Once the public notification is complete, the application is assessed against the provisions of the Port Augusta City Council's Development Plan. This assessment of the application takes into consideration all legitimate planning issues, including those raised through the public notification.

Most development applications that have gone through the public notification process are considered by Council's Development Assessment Panel. An assessment report is prepared and the application is included on the Development Assessment Panel agenda for deliberation.

The Development Assessment Panel usually meets on the second Tuesday of every month at 5:30 pm or unless otherwise decided by the Community Planner. The meetings are held in the Council Chambers at the Port Augusta City Council office at 4 Mackay Street, Port Augusta.

If a written request to make a verbal submission at the Development Assessment Panel meeting has been received and granted by the Community Planner, 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 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 as well but can not make a verbal submission to the Panel at its meeting.

The applicant has an opportunity to appear personally or by representative before the Development Assessment Panel to make a verbal presentation 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 at the Development Assessment Panel meeting. Photographs may be acceptable if permission is sought from the Community Planner before the meeting commences.

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.

Appeal Rights

An applicant or representor's appeal must be lodged with the Environmental, Resource and Development Court within 2 months after the Decision Notification is received.

For assistance in lodging an appeal, it is suggested that you contact the Court which is located in the Sir Samuel Way Building, Victoria Square, Adelaide or phone the Court on (08) 204 0300.

Please refer to the following table to see if you have Appeal Rights.

Kind of Development & Public Notification Category	Applicant's Appeal Right	Third Party Representor's Appeal Right
Complying & Category 1	Yes	No
Complying & Category 2	Yes	No
Complying & Category 3	Yes	Yes
Merit & Category 1	Yes	No
Merit & Category 2	Yes	No
Merit & Category 3	Yes	Yes
Non-complying & Category 1	No	No
Non-complying & Category 2	No	No
Non-complying & Category 3	No	Yes

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 **Port Augusta**
CITY COUNCIL
DEVELOPMENT SERVICES