

Introduction

This fact sheet is a general guide for applicants of a development application that will need to undergo public notification.

What development is notified?

By default, all performance assessed development requires notification unless specifically listed as exempt within the relevant zone of the Planning and Design Code. While there may be some variation across zones, the most common types of applications that undergo public notification include:

- dwellings or structures that are higher than the maximum height identified within the relevant zone (in most residential areas this is 2 building levels or 9m, but for the Established Neighbourhood Zone, this is 1 building level);
- dwellings that are on a boundary for a distance greater than 11m, or with a height on the boundary greater than 3m;
- proposals involving the demolition of any State or Local Heritage Places
- any consulting rooms, offices or shops in a neighbourhood zone which exceed maximum floor areas designated by the zone;
- retail, commercial or industrial development that is located on a site that is adjacent to land within a different zone;
- restricted development as identified within each zone (this is development that is assessed by the State Planning Commission).

What development is exempt from notification?

Most forms of development are in fact exempt from needing public notification. The legislation and the Planning and Design Code specify these, and they typically include:

- all accepted development – minor structures such as carports, garages, sheds, verandahs or shade sails up to 40m² or swimming pools and spas (subject to conditions in the legislation being achieved);
- all Deemed-to-Satisfy development – minor development that is approved “as of right” subject to achieving all relevant Code criteria – such as carports, garages, sheds, verandahs up to 60m², dwelling additions or some dwellings;
- performance assessed development that achieves the building height and setbacks criteria within the relevant Zone, such as:
 - most garages, carports, verandahs and other forms of outbuildings;
 - alterations or additions to dwellings (one or two levels);
 - most single and two-level dwellings
 - ancillary accommodation (such as granny flats);
 - certain forms of advertisements / signs
- all land divisions (where only land division is proposed)
- minor development if Council is of the view that the development will not unreasonably impact on the owners or occupiers of land in the locality of the development site.

Who is notified when an application needs to go through this process?

If Council receives an application that is required to undergo public notification, the following is required:

- Council writes to owners and occupiers of all land within 60 metres of the site of the development (the 60-metre distance is a defined requirement set by the legislation)
- A sign is placed on the land identifies what is proposed and contains a QR code for more information. The sign is required to be in place for the full consultation period of 15 business days.

Submissions can be made within 15 business days of the notice (the closing date is typically found on the letter, advertisement or SA Planning Portal).

Applicants will be required to pay an additional fee of \$280 prior to this process starting and, if the applicant seeks that Council place the sign on the land (their choice), then an additional fee of \$265.15 (including GST) is required.

Who can make representations on notified applications?

The *Planning, Development and Infrastructure Act 2016* allows for anyone to make a submission on a development application under notification. This means anyone who:

- received a letter (owner or occupier);
- viewed the sign on the land; or
- was notified by being registered on the SA Planning Portal
- was made aware of the proposal by others.

What happens after the notification process?

Once the public notification period for the development closes, Council will provide all submissions received to the applicant for their review and response.

The applicant has 15 business days to respond to representations, although an applicant may choose to respond quicker or may request more time to respond if changes to the proposal are needed.

Once the applicant's response is received, Council will then finalise its assessment.

If a person who made a representation against the proposal and indicated a desire to be heard, a meeting of Council's Assessment Panel will be held to consider the application.

Should no representations be received, or no representation against the proposal indicating to a desire to be heard in person, then Council's Assessment Manager will make a decision on the application and no Council Assessment Panel meeting will be required.

Please also review our other Fact Sheets to find out about the Council Assessment Panel procedures or preparing to speak at the Panel meeting.

Appeal rights

Applicants will have the ability to appeal the Panel's Decision (including any relevant Conditions attached to any approval) to the Environment, Resources and Development Court.

There are no rights of appeal or review for those who made representations.