

Introduction

This fact sheet is for members of the public who are either interested making a representation or the process of public notification in relation to development applications.

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 term set by the legislation)
- A sign is placed on the land which documents that proposal and contains a QR code for more information. The sign is required to be in place for the full the consultation period of 15 business days.

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

How to find and review details of a notified application

The letter Council sends out informing you of an application on notification contains a link / QR Code which will direct you to the relevant application details on the SA Planning Portal. At the Portal, you will be able to find and download:

- who is proposing the development;
- the specific properties affected by the development application;
- what the proposed development is;
- the specific element of the development that is being notified

- who the authority is making the decision on the application;
- plans and key supporting materials and technical reports (where applicable) that form part of the application documents.

Note that all application documents will only be available for viewing and downloading during the 15 business day notification period.

Register for notifications

If you are wanting to be aware of when an application is placed on notification within your area, you can register to be notified by the SA Planning Portal. Notifications are provided by email. You can set this up by following this link:

https://plan.sa.gov.au/have_your_say/notified_developments

Who can make representations on notified applications?

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

- received a letter (owner or occupier) from Council.
- viewed the sign on the land; or
- was notified by being registered on the SA Planning Portal; or
- was made aware by another person.

How to make a representation

Representations can only be made in writing, and can be done via:

- the Planning Portal electronic form (located at the bottom of the page listing the application) – this is the easiest and preferred format;

- electronically via email to devadmin@marion.sa.gov.au
- in writing via letter to council (note it is your responsibility to ensure that this is received by Council prior to the notification closing period for it to be valid)

To be valid and of most use to the relevant authority, it is important that you include the following key pieces of information in your representation:

- your name, address and contact number or email
- the application to which your representation relates to (application number and address)
- the reasons for your representation, and in particular your position on the proposal and any specific issues of concern to you (if any);
- any alternative treatments or arrangements to the development which may address your concerns or issues (if possible); and
- whether you wish to be heard in person and appear in support of your representation before the Council Assessment Panel.

People wanting to make a representation should avoid raising matters that are not relevant to a planning assessment of the application. A planning assessment can only have regard to the relevant provisions of the Planning and Design Code.

Please note that the legislation states that all representations need to be **limited to only those element(s) of the development that triggers notification**, and not the other

components of the development. This will be made clear in the letter sent out by council.

What happens after the notification process?

Once the public notification period for the development closes, all submissions received by Council will be forwarded 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.

At this time, the applicant may contact you to discuss aspects of your submission, and / or make amendments to the proposal to address specific matters raised in submissions.

Once the applicant's response is received, Council will then finalise its assessment. If a person has indicated they are against the proposal and have a desire to be heard by the Marion Council Assessment Panel, a meeting will be held in which both the person seeking to be heard and the applicant will be provided the opportunity to address the Panel.

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

Following the meeting, both the applicant and anyone who made a representation will receive notice of the Panel's Decision.

Appeal rights

There are no rights of appeal or review for those who made representations. This is set out within the legislation and is outside of Council's control.