



PUBLIC NOTIFICATION

The process of public notification allows adjoining or nearby property owners, and others, the opportunity to look at the plans for a 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 and Regulations 1993, sets up a hierarchy of public notification levels and clearly defines the types of development that can be placed on either limited or general public notice by Council.

The hierarchy of public notification is organised into three categories.

Category 1 Development

This category of development is legally exempt from any requirement for public notification and usually relates to proposals that are straightforward and generally deemed to satisfy the Development Plan provisions. For example:-

- The majority of dwelling additions/alterations in residential zones;
- Land division of note more than four allotments;
- The division of land by strata plan;
- Minor development unlikely to be the subject of reasonable objections.

Category 2 Development

This category of development requires Council to personally notify adjoining landowners only.

Council will take any written representations from those notified into account when reaching its decision, however there are no appeal rights for representors. Examples of Category 2 Development includes:

- Some commercial or industrial development in preferred zones but located on the edge of a different zone.
- Most developments considered to have a potential impact limited only to the adjoining property owners in the immediate vicinity.

The Mid Murray Council Development Plan may also assign particular development as Category 2.

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

Notice is given to owners or occupiers of each piece of adjoining land. This notice will describe the nature of the development, identify the subject land, indicate where and when the application can be examined and the person and time in which any representations can be submitted.

Representations must be lodged within 10 business days from the date of notification.

Copies of the 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 or make an appeal to the Environment, Resources and Development Court.

Category 3 Development

This category relates to all development that is not Category 1 or 2. It predominantly involves non-complying development, a range of commercial and industrial uses, and some forms of rural activity.

It is a full public notification which takes the form of a letter to adjoining landowners and a notice in the relevant local paper. Representors have the right to appear before the relevant authority to state their case, and appeal to the Environment, Resources and Development Court if they are concerned about the decision or a condition.

The costs associated with this notification are borne by the applicant and are **additional** to the usual lodgement and assessment fees.

When an application for 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 which, in the opinion of the Council, would be directly affected by the development.
- A notice is also published in the public notice section of the local newspaper(s). For proposed development in the Mid Murray Council the local newspapers are The Murray Valley Standard, The River News and The Leader.

INFORMATION SHEET 8

- Representations must be lodged within 10 business days of the notification.
- The applicant has 10 business days to respond to any representations to Council
- 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 Council's Development Assessment Panel when they are make a decision on the application. However, representors must specifically indicate on their written submission that they do wish to make advantage of this opportunity, otherwise it is assumed that they do not wish to be heard.
- After a decision is made, a copy of the Decision Notification Form is sent to those who made a submission.
- Any person who made a written submission has a right of appeal to the Environment, Resources and Development Court against either a decision or condition imposed.
- Notice of an appeal must be lodged with the Environment, Resources and Development Court within 15 business days of the date of the decision.

Information Sheets

Information Sheets are available to help answer many of your Planning enquiries.

We also have many Information Guides available regarding Building and Health Issues.

These Information Sheets are available from our Mannum, Cambrai and Morgan offices. You can also see them on our website at www.mid-murray.sa.gov.au



Mid Murray Council

Phone: 8564 6020

Fax: 8569 1931

49 Adelaide Road, Mannum

Main Street, Cambrai

Fourth Street, Morgan

E-mail: postbox@mid-murray.sa.gov.au

Web: www.mid-murray.sa.gov.au

PO Box 28, Mannum SA 5238

Disclaimer

The Mid Murray Council, its employees and servants do not warrant or make any representation regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise. The Mid Murray Council, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein.