

# What is public notification?

Some types of development will require Public Notification. Public Notification means that neighbours and other interested parties must be advised that an application for development has been lodged and that they have the opportunity to comment on the application.

Public Notification is an important part of the Planning system as it gives the public an opportunity to influence outcomes on development that may impact them or the community and environment more generally. There are several categories of public notification that apply to different types of development. The *Development Act 1993* and *Development Regulations 1993*, and some Council Development Plans list types of development for each category of Public Notification.

**For more information on the Development Plan see Fact Sheet 16**

The categories each represent different levels – both in the amount of consultation and in the rights of the people notified. Category 1 has no Public Notification while Category 3 has the maximum amount of Public Notification. Council will undertake the public notification process and will require the applicant to pay an appropriate fee to cover the cost.

The key elements of each category are:

## Category 1

- does not require any form of public notification.

## Category 2

- additional fees are required for this type of application.
- a letter notifying of the proposed development must be sent to an owner or occupier of each piece of adjacent land.

- if an owner or occupier wishes to make a representation of support or objection they must respond via letter within 10 working days of the date on the notifying letter.
- the applicant will also be given opportunity to respond to the representations.
- if a representation is received regarding a category 2 development and the issues cannot be resolved, a decision regarding assessment of the application will be made by the Council Development Assessment Panel.
- the Council Development Assessment Panel is not required to hear representors or the applicant. However, some Councils do hear representors and applicants (Please contact your Council for more information).

## Category 2A

- additional fees are required for this type of application.
- a letter notifying of the proposed development must be sent to the owner or occupier of the adjacent land.
- if the owner or occupier wishes to make a representation of support or objection they must respond via letter within 10 working days of the date on the notifying letter.
- the applicant will also be given opportunity to respond to the representations.
- if a representation is received regarding a category 2 development and the issues cannot be resolved, a decision regarding assessment of the application will be made by the Council Development Assessment Panel.
- the Council Development Assessment Panel is not required to hear representors or the applicant. However, some Councils do hear representors and applicants (Please contact your Council for more information).

### Category 3

- additional fees are required for this type of application, these include the cost of newspaper advertising.
- a letter notifying of the proposed development must be sent to an owner or occupier of each piece of adjacent land and any other owner or occupier of land which the relevant authority believes should be informed.
- In addition an advertisement that complies with the requirements set out in the Development Act and Regulations is placed in a statewide newspaper (usually The Advertiser) to inform anyone who is interested of the development.
- should anyone wish to make a representation of support or objection they must respond via letter within 10 working days of the date on the notifying letter or advertisement. It is important for the person making the representation to indicate if they want to speak at the Council Development Assessment Panel meeting.
- the applicant will also be given opportunity to respond to the representations.
- if a representation is received regarding a category 3 development the decision regarding assessment of the application will be made by the Council Development Assessment Panel.
- a representor has the right to speak at the Council Development Assessment Panel meeting in support of their written representation. If a representor is speaking at the meeting than the applicant also has the right to speak at the Council Development Assessment Panel meeting.
- Representors have the right to appeal an application if they are unhappy with the decision. The representor must lodge a notice of appeal within 15 days of when the decision was made.