

Public Notification of Development Applications Policy

Reference Number:	Section 4 No. 1
Responsible Department:	Strategy & Development
Related Policy/Procedure:	Access to Development Documentation Policy
Date of Adoption:	19 July 2005
Current Review Date:	28 February 2023
Minute Reference:	OCM-2023/045
Version Number:	Amendment No. 5
Applicable Legislation:	Development Act, 1993 (repealed), Development Regulations 2008 (repealed), Planning, Development and Infrastructure Act, 2016 and Regulations
Next Review Date:	February 2025
Review Frequency:	As required by legislative or procedural changes

1. Background

Council processes Development Application assessments in accordance with the *Planning, Development and Infrastructure Act, 2016* and related regulations (collectively hereafter the 'PDI Act').

However, some applications lodged under the *Development Act 1993* and the *Development Regulations, 2008* (collectively hereafter the 'Development Act') remain and must be assessed in accordance with that (now otherwise repealed) legislation.

Development Act

Development Applications which are lodged and application fees paid before 19 March 2021 are processed under the Development Act.

Under the Development Act, certain Development Applications require public notification as a part of the assessment process. These are described as either 'Category 2' or 'Category 3' forms of development, respectively. The type, form and processes (including arrangements for inspection of such applications) associated with this are contained in the Development Act.

Owners or occupiers of 'adjacent land' (as defined under the Development Act) are to be notified of Category 2 and Category 3 forms of development during the assessment process via a Notice sent directly to the affected property.

Section 38(5)(c) of the Development Act requires that, for a Category 3 development, notice must also be given to the public generally. Regulation 33(2) goes on to note that this may be achieved by publishing a notice in a newspaper circulating generally throughout the area of the State in which the relevant land is situated on at least 1 occasion.

Local newspapers include:

- 'The Bunyip' (normally distributed in Gawler and surrounding towns); and
- 'The Leader' (normally distributed in the Barossa and surrounding towns).

Policy No:	Section 4 No. 1	Date of this Policy:	28 February 2023	Page 1 of 4
Version:	Amendment No. 5			

Note: The electronic version in Council's Records Management System is the controlled version.
Printed copies are considered uncontrolled.

Before using a printed copy, verify with Governance that it is the current version.

Of these, the 'The Bunyip' has broadest circulation across the Light Regional Council area.

This document outlines the Council's policy with respect to publishing such notices in local newspapers and newly legislated alternatives to the inspection of applications at both Council's Principal and its Branch Offices.

PDI Act

The Planning and Design Code came into operation on 19 March 2021 under the PDI Act. The planning system introduced under this legislation discontinues the practice of notification via newspaper advertisements.

From 19 March 2021, certain 'performance assessed' development applications must be notified in accordance with the legislation and as required by '*Practice Direction 3 - Notification of Performance Assessed Development Applications 2019*'.

This process involves giving of notice to adjacent property owners (by Council, via letter or e-mail) and placement of a notice on the relevant land (either by Council or the applicant as the case may be).

The new system also requires that the application plans be available for inspection via the SA Planning Portal

2. General Principles

- 2.1. This Policy will come into effect from the date of Council resolution.
- 2.2. This Policy will only apply to applications that require assessment under the Development Act. Those affected Development Applications (i.e. lodged prior to 19 March 2021 and not determined) will continue to be assessed in accordance with public notification requirements under the Development Act.
- 2.3. Council seeks to undertake its affairs in a way that contributes to open, transparent and informed decision-making.

3. Category 3 Development under the Development Act

- 3.1 Council has determined that notices for the purposes of a Category 3 Form of Development will be published in the Public Notice section of local newspapers as follows:
 - For development applications which are located within the 'Notification Boundary' for 'The Bunyip' depicted in Appendix A –
 - 'The Bunyip' newspaper; or
 - If 'The Bunyip' is not in production, 'The Leader'.
 - For development applications located outside of the 'Notification Boundary' for 'The Bunyip' depicted in Appendix A –
 - The 'The Leader' newspaper; or
 - If 'The Leader' is not in production, 'The Bunyip'.

4. Public Inspection of Development Applications lodged under the Development Act

Policy No:	Section 4 No. 1	Date of this Policy:	28 February 2023	Page 1 of 4
Version:	Amendment No. 5			

- 4.1 Applications for Category 2 and Category 3 Forms of Development will be displayed on Council's website and at Council's Offices at Kapunda and Freeling during the relevant public consultation period.
- 4.2 In accordance with Regulation 34(3) (Development Regulations), Council is not required to make Development Application documents available for inspection where:
- a) the Development Application documents relate to the assessment of the proposed development against the Building Rules and are not reasonably necessary for determining whether provisional development plan consent should be granted; or
 - b) making the Development Application documents available for inspection would, in the opinion of the Council, unreasonably jeopardise the present or future security of a building.

5. Provision of copies of Development Application Documents lodged under the Development Act

- 5.1 Any request for copies of Development Application documents will be considered in accordance with Council's Access to Development Documentation *Policy*.
- 5.2 The fees payable for purchasing copies of Development Application documents relating to a Category 2 or 3 form of Development are set out in the Council's Schedule of Fees and Charges.

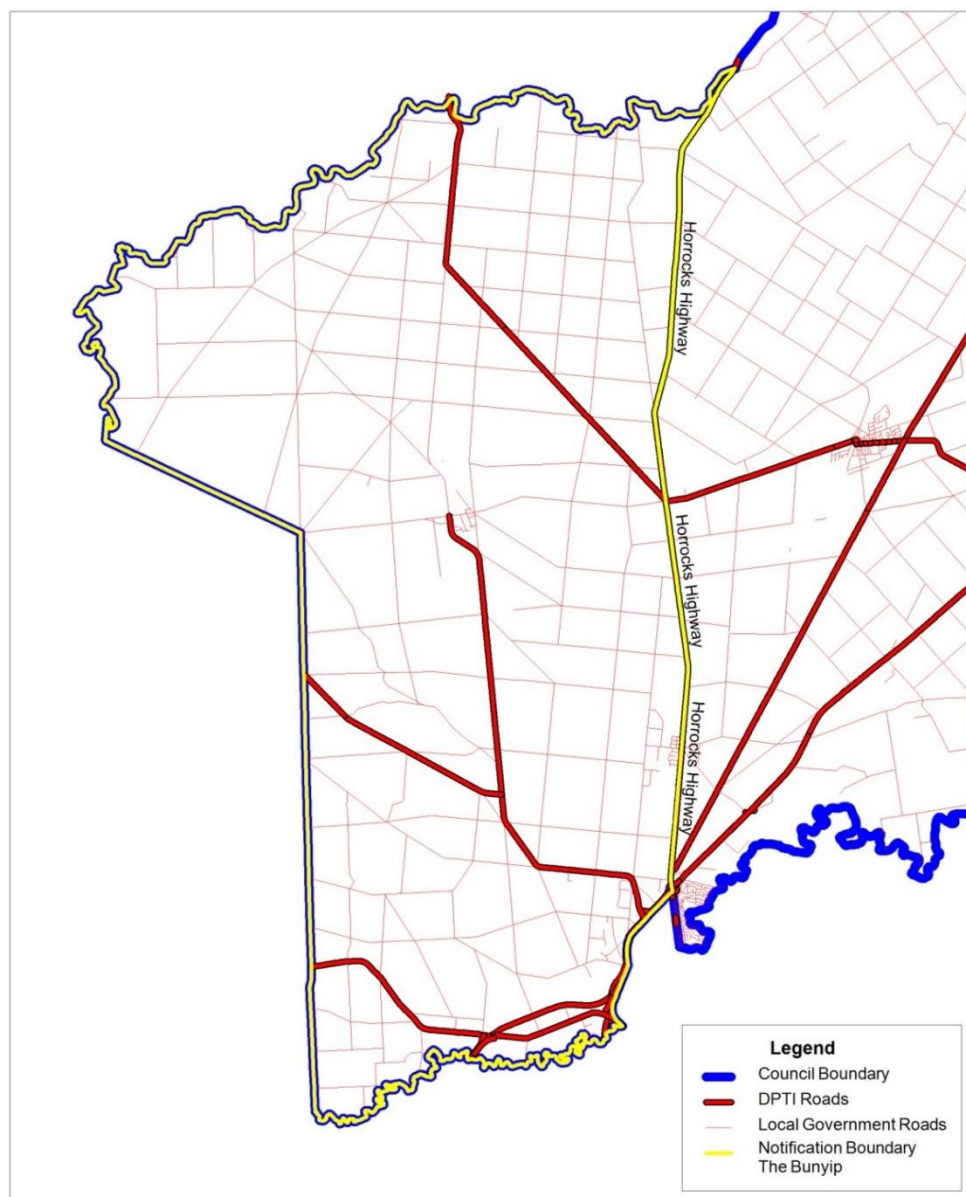
6. Policy Review

- 6.1 This Policy shall be reviewed as required by Council or due to amendments to the relevant legislation.

Policy History:

1. Policy adopted 19 July 2005, refer Council Minute 12.2.6, Page 2005/316.
2. Amendment No. 1, policy revised in full and adopted at Council meeting, 28 May 2013, Minutes Reference 10.3.1, Page 2013/123.
3. Amendment No. 2 adopted by Council on 26 February 2019, refer Council Minute STR9.3.6/2019-page 2019/48.
4. Amendment No. 3 adopted by Council on 28 April 2020, refer Council Minute 12.3.2 Public Notification of Development Applications – Policy Review, Page 2020/71
5. Amendment No. 4 adopted by Council on 23 February 2021, refer Council Minute 12.3.2, Page 2021/48.
6. Amendment No. 5 adopted by Council on 28 February 2023, refer Council Minute OCM-2023/045) Page (15).

APPENDIX A



Category 3 Notification Boundary The Bunyip

N
Scale 1:150,000

Cadastral Information from Department
for Environment & Heritage, South Australia
Digital Cadastral Database (DCDB)

Printed: Tuesday, 28th May 2013

Light Regional Council

PO Box 72, Kapunda, SA 5373
Telephone (08) 8525 3200
Facsimile (08) 8566 3262