

Pre-lodgement service



Public notification and the pre-lodgement service

Purpose

This fact sheet provides information about statutory public notification requirements and how these can be supported by undertaking additional community engagement during the pre-lodgement case management process.

It is produced by the Investment Team of the Department of Planning, Transport and Infrastructure (DPTI), which offers a pre-lodgement service. The team can be contacted by emailing dpti.pdprelodgementenquiries@sa.gov.au or calling (08) 7109 7081.

What are the benefits to engaging the community during the pre-lodgement process?

Public notification is an important part of the planning system as it provides affected communities and residents an opportunity to share their views on a proposal in a formalised and constructive way.

The *Development Act 1993* and *Development Regulations 2008* set out the public notification process for development applications. Under the legislation, public notification occurs following the lodgement of a development application and before a decision is made by the planning authority. There are three categories of notification, which are explained in more detail below – Category 1 (no notification required), Category 2 (adjacent owners and occupier) and Category 3 (full notification and appeal rights).

However, there are benefits in engaging with the community while a project is still evolving and at a

stage where the proposed design can most easily respond to feedback.

The benefits of engaging the community early include:

- allowing local knowledge, values and priorities to be considered
- providing the community with a better understanding of the proposed development
- building a rapport within the community which may increase overall support for the project
- reducing the risk of costly redesigns, and possible delays during the final stages of assessment
- creating greater opportunity for the community to be involved in the process of project development
- less likelihood of project deferral by the Development Assessment Panel.

It is for these reasons that DPTI encourages proponents to undertake an appropriate level of community engagement throughout the pre-lodgement process.

What is the process for community engagement during pre-lodgement?

Step 1: Project initiation

Your case manager will assist you in determining the level of community engagement that is recommended for your project (see below for more detail).



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Step 2: Community Engagement Plan

A brief community consultation plan should be provided early in the pre-lodgement process that includes the following information:

- *Who will be consulted*
Geographically, interest groups, wider community across Adelaide etc.
- *The process for consultation*
Why you are engaging with the community, how you propose to engage including materials, methods, mediums, details of the existing context or site history that is relevant to the community etc.
- *Feedback loop*
How community feedback will be received and incorporated into the development of the project, and how evidence of this will be fed back to the community.
- *Timing/phases*
At what stage during the pre-lodgement process will your community engagement take place?

Step 3: Engaging the community

Implementation of your Community Engagement plan as agreed.

Step 4: Summary of outcomes

Summarise the outcomes of the engagement process including how the feedback was addressed through the design development phases of the proposal. This information would also be suitable for presenting to the Design Review Panel or Pre-lodgement Panel as part of your context discussion.

What are the levels of public notification and how should this be undertaken in pre-lodgement?

Under the Development Act 1993, there are three categories of public notification:

Category 1 - No public notification.

Proponents of Category 1 development are not required to undertake public notification, however are encouraged to inform neighbouring land owners about their proposal during the pre-lodgement process.

Audiences for this level of consultation may include:

- adjacent property owners or occupiers
- any pertinent special interest/ residential groups in the area.

Recommended community consultation for this level of notification could include:

- targeted letter box drops
- information sheets
- websites
- social media
- face to face interviews/surveys.

It is beneficial to record any feedback received and to document all changes made to the proposal as a result of community feedback. This material can then be presented in pre-lodgement panel meetings (refer Fact Sheet 1), at Design Review Panel session or to the relevant decision making Committee.

Category 2 or 3 – Statutory process

Proponents of Category 2 or 3 developments are required to undertake statutory consultation.

The statutory process for Category 2 (adjacent owners and occupiers) includes:



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- Owners and occupiers of adjacent land are notified of the proposal by letter.
- Representations are made in writing and submitted to DAC within 10 working days.
- The applicant has the opportunity to respond to representations.
- The planning authority may hear submissions from representors and applicants (although this is discretionary).

The statutory process for Category 3 (full notification with appeal rights) includes:

- Owners and occupiers of adjacent land and any other person whom the relevant authority believes should be informed, will be notified of the proposal by letter.
- An advertisement is placed in a state-wide newspaper (usually The Advertiser).
- Representations are made in writing and submitted to DAC within 10 working days.
- The applicant has the opportunity to respond to representations.
- The planning authority hears submissions from representors and the applicant (all representors have the right to be heard before DAC in support of their representation).
- Representors who are aggrieved by a decision have a right of appeal to the Environment, Resources and Development Court, and must lodge their appeal within 15 days of the decision.

Community consultation for projects requiring Category 2 or 3 public notification (particularly sensitive or controversial projects) should comprise more extensive engagement with the community, in a way that allows the community to have genuine input into the design process.

Audiences could consist of:

- adjacent property owners and occupiers
- local community (business and residential)

- any pertinent special interest / residential groups in the area
- business associations
- media outlets etc.

Recommended community consultation for these levels includes:

- targeted letter box drops
- information sheets
- websites and social media
- face to face interviews/surveys
- online surveys;
- focus groups;
- telephone hotlines and
- open days.

It is recommended that a community engagement specialist be part of your project team to provide advice on the best consultation process for your project.

It is important to note that there should be a commitment at this level to listening to the community, acknowledging their concerns, and taking steps to address their concerns through the design development of the project. Proponents must be able to demonstrate this through providing genuine feedback back to the community.

Will my application still be notified following lodgement?

Yes, the statutory public notification process must still be followed. However, the Development Assessment Commission (DAC) may choose to limit the hearing to those persons directly affected (rather than hearing all representors).



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How will the pre-lodgement consultation be considered?

As part of your development application it is recommended that you provide a summary of the outcomes of the community consultation process, including details on how the feedback was addressed through the design development phases of the proposal. This document should be made available at your final pre-lodgement meeting, and will also form part of your development application to the relevant decision making Committee.

For further information

You can download a pre-lodgement pack from www.dpti.sa.gov.au/planning/prelodgementservice or ask the Department to mail it to you.

To discuss your needs, phone or email:

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