



Appeal Rights (as a Third Party)

Under the *Development Act 1993*, there are two (2) categories of public notification.

Notification of **Category 2** Developments: Where adjacent land owners only are notified.

Notification of **Category 3** Developments: Where adjacent land owners and other land owners who may be directly affected to a significant degree are notified and a public notice is also published in the local newspapers and Council's Website.

With both categories of public notification, third parties have the opportunity to lodge a representation.

Please be aware that any representation will become a public document as prescribed in the *Freedom of Information Act 1991*; it will be available to the applicant, agencies and other bodies pursuant to the *Development Act 1993*; and it may be uploaded onto the Council's website as an attachment to the report item in the Agenda of Council's Assessment Panel.

Council is required by the *Development Regulations 2008* to put on public display all documents and information forming part of the assessment of an application for Category 2 or 3 developments which are to be determined by Council's Assessment Panel. You should assume any documents or information you lodge as part of your representation may be categorised in that way and will become public for all purposes. If you have any concerns over the confidentiality or security content of such documents or information, you should discuss these with a member of Council's planning staff **prior to lodging your representation**.

Category 2 Development

If you lodge a representation in relation to a development that was the subject of Category 2 Public Notification, third parties **DO NOT** have any appeal rights to a decision made by Council on the development.

Category 3 Development

If you lodge a representation in relation to a development that was the subject of Category 3 Public Notification and you are aggrieved by Council's decision made on the development, you have the opportunity to appeal Council's decision.

Any such appeal must be lodged within fifteen (15) business days after the date of the decision. Any appeal in relation to a Category 3 development must be lodged with the Environment Resources & Development (ERD) Court. The ERD Court is located at Sir Samuel Way Building, Victoria Square, Adelaide. Alternatively you can contact the ERD Court on 8204 0300.