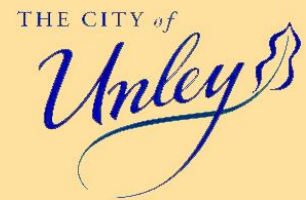


Preparing a Representation – A guide to assist in preparing a written representation and understanding the process



What should I put in my representation?

If you have been notified of a development you can choose to prepare a Representation in support or in objection to the proposed development. Representations must be made in writing and should set out your case for supporting or opposing the proposed development. As the proposed development can only be assessed against the Council's Development Plan, to be effective your representation should only raise valid planning concerns (see below).

A written representation should detail the following:

- Your name, address (required) and telephone contact (optional)
- Reasons for making the representation
- If you are objecting to the proposed development include the reasons why planning consent should not be granted or the changes you would require to satisfy your concerns.
- Reference to the relevant provisions in the Development Plan
- Indicate whether you wish to be heard in support of your submission

What are valid planning concerns?

Valid planning concerns are matters addressed in the Unley (City) Development Plan. Some valid concerns with the development may include

- The type of land use is not appropriate
- Appearance or character
- Overshadowing or overlooking
- Traffic generation
- The proposal is at odds with the Development Plan (specify what the variances are).

The City of Unley Development Plan can be accessed online at www.unley.sa.gov.au. Copies of the Development Plan may also be viewed at the Civic Centre.

Examples of the type of issues that are not considered to be valid planning grounds include impacts on property values and procedures covered by the Fences Act. Representations must be lodged within 10 business days of the notice.

What is the process after my representation is lodged with Council?

Council will, in accordance with legislative requirements, forward a copy of your Representation to the applicant for their review and response. The applicant has the opportunity to respond to Council in writing addressing the issues raised in the Representations and this may include the submission of an amended application to address the issues raised.

Council and / or the applicant may contact you to attempt to resolve your concerns and to try to get the Representation withdrawn if all of the issues are satisfactorily addressed.

If the reasons for your representation are valid planning concerns that cannot be resolved by the applicant making amendments to the plans or a condition of planning consent, the matter will be referred to the Council Assessment Panel (CAP) for decision.

A Council Planning Officer will prepare a report about the development and make a recommendation to CAP to either approve or refuse the application. If the Representation is made as part of a Category 3 public notification you will be given the opportunity to make a 5 minute verbal presentation to the CAP. If the Representation is made as part of a Category 2 public notification and contains valid planning reasons that cannot be addressed by the imposition of a planning condition, you will also be given the opportunity to make a 5 minute verbal presentation to the CAP.

If the application is not referred to CAP it will be processed by administration under delegation.

Any application recommended for refusal will be referred to CAP.

What are my Appeal Rights?

For **Category 2** development – third parties (that is Representors) have **NO** appeal rights to a decision made by the Council.

For **Category 3** development – third parties (that is Representors) **HAVE** appeal rights should the third party be aggrieved by the Council's decision. Any appeal must be lodged with the Environment Resources & Development (ERD) Court within fifteen (15) days after the date of the decision.

Confidentiality

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

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.**