

# South Australia's Development Assessment Commission - Hearings

The Development Assessment Commission (DAC) is an independent statutory body established under South Australia's *Development Act 1993*.

The DAC assesses and determines specified kinds of development applications in South Australia, as prescribed in the Development Act and Development Regulations.

*More information on the DAC and its role can be found in a separate Community Information brochure titled 'South Australia's Development Assessment Commission'.*

## **In what circumstances does the DAC hold hearings?**

The Development Act and its Regulations set out a reasonably complex list of developments which are subject to notification requirements and hearing rights, and those which are exempt.

Usually minor development and development which clearly fits the relevant zoning are exempt from notification and hearings (these are known as 'category 1' developments). Most other forms of development are subject to written comment and a hearing opportunity from neighbours or others, as specified in the Development Regulations ('category 2' or 'category 3' developments).

Individuals and groups with the right to make written or oral submissions are called 'representors'.

Where the DAC is the decision making body, it receives such submissions and conducts such hearings, as appropriate.

## **How are potential representors notified about a proposed development?**

For a Category 2 development, an owner and/or occupier of land adjacent to where the development is proposed is entitled to make representation about the proposed development. Notice of the application must be given in writing by the DAC to such neighbours.

For a Category 3 development, written notice must be given to adjoining owners or occupiers of land and to any other owner or occupier of land which the Commission believes would be directly affected to a significant degree if the development were to proceed. Notice of a Category 3 development must also be given to the general public by newspaper advertisement. If the proposed development is a category 3 development, representors will also have appeal rights against any decision.

The primary purpose of the public notification process is to provide the opportunity for the representor to contribute to the assessment and decision making on proposals for development.



Representations either objecting to or in support of a particular development application which is being considered by the DAC must be made to the Commission and received within 10 business days of the public notice being given.

The representation must include your name and address, the reasons for the representation, and whether you wish to speak on the development at the Commission's meeting. If it is your desire to be represented by another person or by legal counsel then your choice should be indicated in your representation.

## **How does the Commission conduct hearings?**

The Commission usually meets fortnightly at Roma Mitchell House (136 North Terrace, Adelaide).

Where a proposal for development attracts a significant number of representations the Commission may decide to meet near the proposed site of the development. Where an application is in a regional part of the state, the Commission will attempt to make a telephone conference available for representors and the applicant.

The Commission must advise representors who desired to be heard of the time and place of the hearing at least five business days prior to the hearing. Representors and the applicant are expected to confirm their attendance prior to the meeting.

## **What is the hearing procedure?**

The hearing is a private meeting where attendance is confined to representors and the applicant. It will be conducted as informally as the occasion allows.

Prior to the meeting, Commission members will have received a detailed report on the proposed development (including copies of the representations and the written response of the applicant). The hearing is not a debate, but an opportunity to summarise representations and to provide the Commission with any relevant additional information in respect to the proposed development. The Presiding Member will restrict submissions not related to planning issues.

Representors or their nominated spokesperson will speak first followed by the applicant who is invited to respond. Either party may speak on their own behalf, or seek assistance from lawyers, expert planners or other supporters. The Commission members may ask questions of representors or the applicant to clarify points. Questions may only come from Commission members through the Presiding Member. Attempts at cross-examination or random questions are inappropriate.

The Commission will not make its decision on the development during the hearing. Representors and visitors will be required to leave the room prior to the Commission's deliberation and decision.

If full information is before the Commission, a decision will generally be made on the same day. However, the Commission may defer the matter to enable further information to be obtained. Representors and the applicant will be advised in writing of the decision, not later than five business days after the decision of the Commission.

### **FOR MORE INFORMATION:**

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