

1 INTRODUCTION

In certain instances, applications for Development Approval (Development Applications) are advertised to allow the community an opportunity to present its views, either collectively or individually, which may then be considered by the Decision Making Authority in its determination of the proposal.

Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) includes the types of Development Applications that are required to be advertised for public comment and the specific advertising requirements based on the complexity of the application.

State Planning Policy 7.3 - Residential Design Codes Volume 1 and 2 (the R-Codes) identifies when neighbour consultation is required as it relates to a Development Application for residential purposes. This Policy does not apply to applications for a Single House and two Grouped Dwellings.

In adopting this Policy, the Council notes that public consultation is not decision-making, however, it is a means to seek views and opinions on an application for Development Approval to be considered by the Council and/or other Decision Making Authorities (such as the Western Australian Planning Commission and Metro Outer Joint Development Assessment Panel), to assist when required with the exercise of discretion when determining a Development Application.

2 POLICY APPLICATION

The Zoning Table of Town Planning Scheme No.2 (TPS2) indicates, subject to the provisions of the Scheme, land use permissibility in the various zones by reference to the following symbols and their meanings:

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval;
- 'A' means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval after advertising in accordance with clause 64 of the deemed provisions;
- 'IP' means a use that is not permitted unless the use is incidental to the predominant use of the land as determined by the Council;
- 'X' means a use that is not permitted by the Scheme, and is prohibited in the zone.

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table, and cannot reasonably be determined as falling within the interpretation of one of the Use Classes, the Decision Making Authority (which includes the Local Government) may:

- (i) Determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted;
- (ii) Determine that the proposed use may be consistent with the objectives and purposes of the particular zone and thereafter following the advertising procedures of Clause 64 of the deemed provisions in considering an application for Development Approval; or
- (iii) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

Note 1: This Planning Policy does not apply to community consultation associated with proposed Structure Plans, Local Development Plans or Amendments to TPS2 and Part 4.1 of State Planning Policy No.7.3 – Residential Design Codes applying to single houses and two grouped dwellings. In this regard, the statutory requirements for advertising a proposed Structure Plan are set out in clause 18 of the deemed provisions of the Regulations and in Planning Procedure 1.6 – Preparation and Assessment of Structure Plans. The statutory requirements for advertising amendments to Town Planning Schemes are set out in Part 5 of the deemed provisions of the Regulations.

This Planning Policy should be considered in conjunction with the Regulation, which, together with TPS2, set out the statutory requirements for advertising certain Development Applications. Due regard should also be made to Part 4 of the R-Codes, where relevant and the Council Policy - Community Engagement.

The Policy sets out the planning requirements for the advertising of Complex Development Applications under the Regulations.

3 POLICY OBJECTIVES

The objectives of this Local Planning Policy are as follows:

- (i) to consult, in a timely manner, with potentially affected owners or occupiers in the vicinity of the proposed development, and offer the opportunity to provide a submission on particular Development Applications.
- (ii) to ensure a consistent approach in the formal advertising of Development Applications by the City, when required.
- (iii) to specify what is meant by a 'Complex Application' for Development Approval, as provided for in the Regulations.

4 POLICY STATEMENT

Not all applications for Development Approval will require community consultation. Advertising a Development Application may not be required when it is a 'Permitted' land use which is compliant with TPS2 and R-Codes, which results in greater certainty and fewer delays for an Applicant.

When required, a Development Application shall be advertised in accordance with the following circumstance and requirements.

4.1 Land Uses Requiring Advertising

Clause 3.2.2 of TPS2 determines when a Development Application is advertised by the City, as follows:

- (i) When an application is made for Development Approval to commence a use which involves an '**A**' **use**, the Council is not to grant approval to that application unless notice of the application is first given in accordance with clause 64 of the deemed provisions.
- (ii) When an application is made for Development Approval to commence a use or carry out development which involves a '**D**' **use**, the Council may give notice of the application in accordance with clause 64 of the deemed provisions.

4.2 Complex Applications

Under Schedule 2, Part 1 clause 1 of the Regulations, 'Complex Application' means:

- (i) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or*
- (ii) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for Development Approval."*

For the purposes of this Policy, the term 'Complex Application', shall also include a Development Application for the following:

- (i) All land uses with an 'A' land use permissibility in Table No.1 - Zoning Table of TPS2;
- (ii) Telecommunication Infrastructure (High Impact Facility only);
- (iii) Service Station or Convenience Store adjacent to sensitive land uses;
- (iv) Non-conforming land use or extension;
- (v) Any substantial height variation under an adopted Local Planning Policy;
- (vi) Environmentally Acceptable Heavy Industry, which includes, but is not limited to, 'Hazardous Industry' and 'Noxious Industry';
- (vii) A Development Application including ten (10) or more Multiple Dwellings; and

- (viii) Any other Development Application which in the opinion of the Director Planning and Development Services is likely to generate significant community interest, may be advertised as a Complex Application.

The advertising requirements under clause 64 of the deemed provisions for Complex Applications will apply for all of the above application types.

Note 2: Any 'substantial height variation under an adopted Planning Policy will be determined by the Director Planning and Development Services, having due regard to the extent of the building height variation, policy objectives and amenity impacts.

4.3 Advertising

The following advertising requirements shall apply to 'Non-Complex Applications' and 'Complex Applications' for Development Approval.

Advertising Method	Non-Complex Application Non-Complex Application Schedule 2 c.64(1)	Complex Application (Schedule 2 Part 1 Regulations)
Time Period (Calendar Days)	14 days or a longer period of time agreed upon between the applicant and City cl.64(7)	28 days or a longer period agreed upon between the applicant and City cl.64A
Advertising Sign or Signs on-site in a conspicuous place	Optional cl.64(4)(c) Advertising Sign(s) size being 1.5m (w) x 1.5m (h) in dimension and a minimum of 1.0 from the ground	Yes cl.86(3)(c) Advertising Sign(s) size being 1.5m (w) x 2.5m (h) in dimension including a colour perspective drawing of the development when available and a minimum of 1.0m from the ground
Notification of Owners and Occupiers in writing (letter)	Yes - notification of owners and occupiers in the vicinity of the development who, in the opinion of the City, are likely to be affected by the granting of Development Approval cl.64(4)(b)	Yes - all within 200m, and properties in the vicinity of the proposed development who, in the view of the City, are likely to be affected by the granting of Development Approval cl.64(3)(b)
Website Advertising	Yes when the proposal could have a broader impact on adjacent owners and occupiers	Yes cl.87(3)
Newspaper Advertisement	No	No - unless the application could generate significant public interest. cl.87(3)(a) & cl.87(4)
Public Inspection City's Administration Building	Yes	Yes cl.87(3)(b)

Table 1 – Advertising Requirements

Note 3: The notice given to a Telecommunication Infrastructure shall be 500m to any owners and occupiers of properties in the vicinity of the proposed development who in the opinion of the Council are likely to be affected by the granting of development approval.

Note 4: Low Impact Facilities related to Telecommunications Infrastructure are not included in the term Complex Application.

Note 5: Public submissions can be made electronically via Rock Port (Customer Request Management) – ‘Share Your Thoughts’.

The City may require the applicant for Development Approval to pay the Sign costs of the City advertising the application for Development Approval under clause 64A of the Regulations.

5 APPLICATION PROCEDURE – AMENDED PLANS

The following procedure applies to the City’s liaison with the applicant and the administration of amended plans:

- (i) The applicant may provide either additional supporting information or justification to address matters raised in submissions and/or amend the proposal in an attempt to address the matters raised in a submission.
- (ii) When an application has previously been advertised and amended plan are received post-advertising, the amended plans may to be the subject of further public consultation period when in the opinion of the Decision Making Authority:
 - (a) The amended plans, represent a significantly different proposal to that which was previously advertised; or
 - (b) The proposed amendment(s) could have a significant impact on amenity to adjacent owners or occupiers.

Otherwise, if the impact of the proposal is reduced, amended plans will not be the subject of re-advertising.

- (iii) When amended plans are required to be the subject of re-advertising, the consultation process followed will be in accordance with this Policy.

Note 6: Under the Regulations an “excluded holiday period day” is not to be counted in calculating a period of time that is expressed as a number of days.

6 HOLIDAY EXCLUSION PERIOD

The City will ensure that the timing and duration of consultation is compliant with the excluded holiday period day exclusion period as prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

7 AUTHORITY

This Planning Policy has been adopted by the Council under clause 4(3) of the Deemed Provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for Development Approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8 INTERPRETATIONS

For the purposes of this Planning Policy, the following terms must have the same meaning as in the *Planning and Development (Local Planning Schemes) Regulations 2015*:

Excluded Holiday Period Day:

means a day that is in –

- (a) a period commencing on 25 December in a year and ending on the next 1 January; or
- (b) a period of seven (7) days commencing on Good Friday in a year.

Sensitive Land Uses:

means ‘land use sensitive to emissions from industry and infrastructure’, as defined in the Environmental Protection Authority Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses No.3 – June 200r (or where amended).

9 ADOPTION

This Local Planning Policy was adopted by the Council at its Ordinary meeting held on 27 June 2023.

Appendices

- Public Notice Requirements - Advertising Notice Clause 64(3)(c) and (4)(c) - Erecting Signs for Notice of Development.



Manner and form document
– Deemed Provisions Clause 64(3)(c) and (4)(c)
– Erecting Signs for Notice of Development Applications

Version: 1 (February 2021)

Application type	Format	Dimension	Location
All Signs	<p>Public Notice of Application for Development Approval</p> <p>The local government has received an application to use and/or develop land for the following purpose and public comments are invited.</p> <p>Lot No: Street: Suburb:</p> <p>Proposal:</p> <p>.....</p> <p>.....</p> <p>Details of the proposal and information on how to make a submission are available to the public at</p> <p>Submissions may be made on the proposal until</p> <p>Comments on the proposal may be submitted to the local government in writing on or before that day.</p> <p>Specifications:</p> <ul style="list-style-type: none"> • Black lettering on white board • 143 point font size minimum for titles • 55 point font size for general text 	Minimum 900mm (H) by 600mm (W)	<ul style="list-style-type: none"> • Sign is to be located in a prominent position on or within 0.5m of the property boundary and be clearly visible from outside the property boundary. • A separate sign is to be erected for each street frontage of the property that will accommodate the proposed development.
Complex	<ul style="list-style-type: none"> • Image of the development (artists impression, perspective or render) must be utilised. 	Minimum 900mm (H) by 1200mm (W)	

Signage considerations:
<ul style="list-style-type: none"> • Be weather resistant. • Be securely fixed and well maintained (e.g. replace signage should it be subject to graffiti). • Not obstruct vehicle and pedestrian site lines. • Not obstruct footpaths and access ways. • Use plain English to describe proposals. • Details of the proposal should be available by URL, with a telephone number provided as well. • Adhere to <i>Heritage Act 2018</i> and Main Roads Western Australia requirements (if applicable). • Recommend installer "dial before you dig"

Public Notice of Application for Development Approval

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No: Street:

Suburb:

Proposal:

Details of the proposal and information on how to make a submission are available to the public at

Submissions may be made on the proposal until

Comments on the proposal may be submitted to the local government in writing on or before that day.

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