

## **1. INTRODUCTION**

In certain instances, applications for development approval are advertised to allow the community an opportunity to present its views (either collectively or individually), which may then be considered by the City in its determination of the proposal.

In the City of Rockingham Town Planning Scheme No.2, clause 64 of the deemed provisions stipulates the types of development applications that are required to be the subject of community consultation and sets out the statutory requirements for such advertising. Furthermore, Part 4 of the Residential Design Codes (RD Codes) deals with neighbour consultation associated with the development of land for any of the residential purposes dealt with by the RD Codes.

In formulating this Community Consultation Procedure, the City noted 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 used by the City and the Metro South West Joint Development Assessment Panel in exercising its discretion when determining the application.

## **2. STATEMENT OF INTENT**

The purpose of this Planning Procedure is to set out the statutory requirements and the City's administrative requirements for the advertising of applications for development approval.

**Note:** This Planning Procedure does not apply to community consultation associated with proposed Structure Plans or Amendments to Town Planning Scheme No.2. In this regard, the statutory requirements for advertising a proposed Structure Plan are set out in clause 18 of the deemed provisions of TPS2 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 Western Australian Planning Bulletin No's.29 and 36.

This Planning Procedure should be read in conjunction with Planning Procedure 1.1 – Delegated Authority and the Residential Design Codes.

## **3. PLANNING PROCEDURE**

- 3.1 Clause 3.2.2 of Town Planning Scheme No.2 (TPS2) provides that where 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.
- 3.2 Clause 3.2.2 of TPS2 provides that when an application is made for development approval to commence a use or carry out development which involves a 'D' use, or for any other development which required the development approval of the Council, the Council may give notice of the application in accordance with clause 64 of the deemed provisions.
- 3.3 Clause 64 of the deemed provisions of TPS2 states that the Council may give notice or require the applicant to give notice of an application for development approval in one or more of the following ways:
  - (a) Notice of the proposed use of development served on owners and occupiers in the vicinity who, in the opinion of the Council, are likely to be affected by the granting of development approval, stating that submissions may be made to the City by a specified date being not less than fourteen (14) days from the day on which the notice is given to the person;
  - (b) Notice of the proposed use or development published in a newspaper circulating in the Scheme Area stating that submissions may be made to the City by a specified date being not less than fourteen days (14) from the day the notice is published;
  - (c) Notice of the proposed use or development being published on the City's website stating that submissions may be made to the City by a specified date being not less than fourteen (14) days from the day the notice is published.

- (d) A sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than fourteen (14) days from the day the sign is erected stating that the submissions may be made to the City by a specified date being not less than fourteen (14) days on which the sign is erected.
- 3.4 Where, in the opinion of the Director, Planning and Development Services, an application for development approval is likely to generate significant community concern, then the proposal will be treated as a major land use application that must be advertised in accordance with the requirements of clause 64 of the deemed provisions of TPS2.
- 3.5 If, in the opinion of the Director, Planning and Development Services, an application for development approval which involves an 'A' use is unlikely to have any significant deleterious effects on the amenity of the locality, the Director may require that only adjoining or surrounding landowners and occupiers be notified of the proposed and given a minimum period of 21 days to provide comments (per the requirements of clause 64 of the deemed provisions of TPS2).
- 3.6 Unless otherwise determined by the Manager, Statutory Planning, notice of an application for development approval for any of the residential purposes dealt with by the RD Codes is to be given in accordance with Part 4 – 'Neighbour Consultation' of the RD Codes (refer to Appendix 1).
- 3.7 The following procedure shall be observed when an application for development approval which involves an 'A' use is advertised in accordance with the requirements of clause 64 of the deemed provisions of TPS2 in one or more of the following ways:
- (a) The applicant shall be advised that prior to Council formally considering the development application, a suitable sign/s is to be erected on the property and an advertisement being placed in a local newspaper advising the public of the proposal;
  - (b) The City shall ensure that sufficient signs are erected on the property and that the signs are displayed in a prominent location on the respective street frontages of the property to ensure maximum exposure of the proposal is obtained;
  - (c) The City's standard requirement for an on-site advertising sign is a minimum dimension of 1.5m x 1.5m and the sign is to be located a minimum of 1.0m above the ground. A large and/or more detailed sign may be required if, in the opinion of the Manager, Statutory Planning, the location or nature of the proposal demands such;
  - (d) Advertising is to be undertaken for a period of at least 21 days from the day the signage is erected on site, or the first advertisement is published, whichever is the later;
  - (e) The applicant shall be required, in respect of (a) above to retain the sign/s on the property for the duration of the advertising period, and to circulate a notice in the newspaper for two consecutive weeks;
  - (f) Adjoining/nearby landowners are to be notified of the proposal by the City and invited to comment in writing. Relevant community groups that have established an interest in a planning issue may, at the discretion of the Manager, Statutory Planning, be invited to comment on a proposal;
  - (g) In establishing the information to be displayed on a sign, in an advertisement or in a letter, the City shall endeavour to provide sufficient information to clearly establish that nature of the proposal. In this regard, the City's requirements for advertising signs and newspaper notices are set out in Templates 1 and 2;
  - (h) The City will make the application and material accompanying it available for public inspection during business hours at the City's Administration Offices;
  - (i) The City may publish the application and the material accompanying it on the City's website.

#### **4. OPERATIONAL GUIDELINES**

4.1 Community Consultation should only occur where:

- It is a statutory requirement of the TPS2;
- The proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties; or
- The proposal is an unusual proposal which is deemed a 'use not listed' by TPS2 or a matter considered to be of 'public interest'.

**Note:** The City's requirements for community consultation in respect of several landuses are set out in existing Planning Policies. A summary of these requirements is set out in Appendix 2.

4.2 Community Consultation should not occur when a public submission phase exists in a subsequent process which the proposal must be put through (e.g. Town Planning Scheme amendment), unless there is a matter of 'exceptional public interest' that should be resolved prior to initiating the Town Planning Scheme amendment.

4.3 If, in the opinion of the Director, Planning and Development Services, an application for a development approval has generated significant community concern, then those persons who have lodged submissions on the proposal may be invited to meet with the City's Planning and Engineering Services Committee to discuss the contents of their submission.

4.4 When submissioners accept an invitation to make a presentation to the Planning and Engineering Services Committee, the proponent will be invited to attend the same Committee Meeting to respond to any issues which may be raised.

4.5 Any written submission received in response to an invitation to comment may be placed on the public record and be available for inspection.

#### **5. INTERPRETATIONS**

For the purposes of this Planning Procedure, the following terms shall have the same meaning as in Town Planning Scheme No.2:

*'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 6.4 of the deemed provisions.*

*'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval.*

*'Residential Design Codes' means the Residential Design Codes in the Western Australian Planning Commission Statement of Planning Policy No.3.1, as amended from time to time.*

#### **6. ADOPTION**

This Planning Procedure was adopted by the Council at its ordinary Meeting held on 28 April 2009 and amended by the City on 4 October 2018.

#### **7. REVOCATION**

This Planning Policy supersedes the Council's Statement of Planning Policy No.1.3 – Community Consultation.

**Appendices**

1. **Residential Design Codes – Part 4 – ‘Neighbour Consultation’**
2. **Summary of Community Consultation Provisions in Planning Policies**

**Templates**

1. **Public Notice Requirements – Newspaper Notice**
2. **Public Notice Requirements – Advertising Sign Notice**

## Part 4 - Neighbour consultation

### 4.1 Consultation requirement

In the case of a proposed development that:

- (a) requires the exercise of a discretion by the council under the codes or under an adopted local planning policy; and
- (b) may, in the opinion of the council, adversely affect the amenity of an adjoining property,

the provisions of 4.2 and 4.3 apply to provide for affected property owners to view and comment on the proposal.

In any other case the council may, at its discretion, inform adjoining owners and occupiers of the nature of proposals received.

### 4.2 Consultation procedure

#### 4.2.1

Potentially affected owners of adjoining properties, as identified by the council, shall be notified of:

- (a) the site and general nature of the proposals;
- (b) the nature of the discretionary decision involved;
- (c) the availability of details of the proposals at the council premises; and
- (d) the adjoining property owner comment form (appendix 4) which must be used when providing comments on the proposals; and
- (e) the last date by which any comments are to be lodged with the council, being at least fourteen (14) days after date of posting of notification, and invited to comment on that part of the proposed development that does not meet the acceptable development requirements of the codes.

#### 4.2.2

Where no response is received within the time specified from the date of notification, the council may determine the application without the affected owner's response.

#### 4.2.3

As an alternative, a council may permit such notification to be carried out by the applicant, subject to the notification of the information in 4.2.1 and proof of posting by registered post provided to the council.

#### 4.2.4

Where a council considers a proposal to be unacceptable it may refuse the application without undertaking neighbour consultation.

### 4.3 Opportunity to respond

#### 4.3.1

Where comments are received from affected property owners, the council shall provide the applicant with the opportunity to respond to the council.

#### 4.3.2

A summary of all comments received in response to an invitation under 4.2 shall be provided to the applicant on request and, if so requested, a period of not more than 10 days should be allowed within which the applicant may submit a response to the comments prior to the council considering the application.

**SUMMARY OF COMMUNITY CONSULTATION PROVISIONS IN PLANNING POLICIES**

Policy No.	Policy Name	Policy Statement
3.3.1	<u>Control of Advertisements</u>	Where the Manager, Statutory Planning considers that an application for development approval for an 'advertisement' is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.
3.3.2 3.3.13	<u>Bed and Breakfast Accommodation</u> <u>Parking of Commercial Vehicles in Residential Zones</u>	All applications for development approval will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.
3.3.3	<u>Caravan Parks</u>	All applications for development approval for the establishment of Caravan Parks in the Rural Zone will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2.  Unless otherwise determined by the Manager of Statutory Planning, applications for development approval to expand or alter an existing Caravan Park will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of the Scheme.

## APPENDIX 2

Policy No.	Policy Name	Policy Statement
3.3.5	<u>Child Care Premises</u>	<p>All applications for development approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.</p> <p>Unless otherwise determined by the Manager, Statutory Planning, applications for planning approval for the establishment of Child Care Premises in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of the Scheme and Planning Procedure No.1.3 - Community Consultation.</p>
3.3.9 3.3.11 3.3.12 3.3.18	<u>Fast Food Outlets</u> <u>Motor Vehicle Wrecking Premises</u> <u>Open Air Display</u> <u>Salvage Yards</u>	<p>Where the Manager, Statutory Planning considers that an application for planning approval is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.</p>
3.3.10	<u>Home Occupations and Home Businesses</u>	<p>All applications for development approval for the operation of Home Businesses in the Special Rural zone will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.</p> <p>Unless otherwise determined by the Manager, Statutory Planning, all other applications for planning approval for the operation of Home Occupations and Home Businesses will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of the Scheme and Planning Procedure No.1.3 - Community Consultation.</p>

## APPENDIX 2

Policy No.	Policy Name	Policy Statement
3.3.16	<u>Telecommunications Infrastructure</u>	<p>All applications for development approval for the establishment of Telecommunications Infrastructure in the Special Rural zone will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.</p> <p>Unless otherwise determined by the Manager, Statutory Planning, all other applications for planning approval for the establishment of Telecommunications Infrastructure will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of the Scheme and Planning Procedure No.1.3 - Community Consultation.</p>
3.3.17	<u>Variations to Building Envelopes</u>	<p>All applications seeking approval to vary the location and size of Building Envelopes will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2.</p> <p>In this regard, the owners of all the adjoining properties and any other property that, in the opinion of the Manager, Statutory Planning may be affected, shall be invited to comment on all applications to vary a Building Envelope to enable the Council to determine whether the variation is likely to impact upon the adjoining/nearby properties.</p>



**PUBLIC NOTICE REQUIREMENTS**

Notice is to be a display advertisement and is to be placed in the Public Notices Section of the local newspaper for two consecutive weeks.

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**CITY OF ROCKINGHAM**

**PUBLIC NOTICE**

**INVITATION TO COMMENT**

An application has been received seeking planning approval for << description of proposal in layman's terms >> at << site address >>.

The proposal includes << summary of proposal in layman's terms >>. (Optional)

Details of the planning application may be inspected on the City's Website at [www.rockingham.wa.gov.au](http://www.rockingham.wa.gov.au) (in Town Planning Advertising under the Planning Services heading) and at the Council Offices, Civic Boulevard, Rockingham during the hours of 8.30am to 4.30pm, Monday to Friday.

Please note that any written submission received in response to this invitation may be placed on the public record and be available for inspection.

Written submissions on the proposal should be directed to the Chief Executive Officer, City of Rockingham, PO Box 2142, Rockingham DC 6967 and be received by no later than the << date >>.

**MICHAEL PARKER**  
**CHIEF EXECUTIVE OFFICER**

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NB. << Action Officer >> to be notified of advertisement dates.

Copies of the newspaper advertisements shall be provided to the City following the closure of the advertising period.

**SIGN NOTICE REQUIREMENTS**

1. Sign Dimensions - Minimum 1.5m x 1.5m  
Minimum 1.0m from ground
  2. Location - << Number >> sign/s to be erected on the property in a prominent location facing << street name/s >> in the location/s marked on the attached plan.
  3. Wording as follows:
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**CITY OF ROCKINGHAM**

**PUBLIC NOTICE**

**INVITATION TO COMMENT**

An application has been received seeking planning approval for << description of proposal in layman's terms >> on this land.

The proposal includes << summary of proposal in layman's terms >>. (Optional)

Details of the planning application may be inspected on the City's Website at [www.rockingham.wa.gov.au](http://www.rockingham.wa.gov.au) (in Town Planning Advertising under the Planning Services heading) and at the Council Offices, Civic Boulevard, Rockingham during the hours of 8.30am to 4.30pm, Monday to Friday.

Please note that any written submission received in response to this invitation may be placed on the public record and be available for inspection.

Written submissions on the proposal should be directed to the Chief Executive Officer, City of Rockingham, PO Box 2142, Rockingham DC 6967 and be received by no later than the << date >>.

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**CHIEF EXECUTIVE OFFICER**

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The signs must be erected by the << date >>.

Please notify << Action Officer >> on << phone >>, on the day the sign/s has been erected on the property.