

**CITY OF SUBIACO**  
**LOCAL PLANNING POLICY 1.4**  
**PUBLIC CONSULTATION FOR PLANNING PROPOSALS**

**ADOPTION DATE:** 26 July 2016

**AUTHORITY:**

**TOWN PLANNING SCHEME NO. 4**

**DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES**

**STATE PLANNING POLICY 3.1 RESIDENTIAL DESIGN CODES (2015)**

**PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES)  
REGULATIONS, 2015**

**PLANNING AND DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS)  
REGULATIONS 2011**

**STATUTORY BACKGROUND**

This policy is made pursuant to Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 relating to local planning policies. Schedule 2 of the Regulations contains the deemed provisions for local planning schemes (**Deemed Provisions**).

The Deemed Provisions and Town Planning Scheme No. 4 (Scheme) include a range of different requirements for public consultation for different types of planning proposals, including:

- Development applications;
- Local planning policies; and
- Structure plans, activity centre plans and local development plans.

Some of the requirements are mandatory, and others allow for the exercise of discretion in relation to the need for consultation, and the means, extent and time period of the consultation.

Further, Part 4 of the *Residential Design Codes 2015 (R-Codes)* requires the city to notify potentially affected neighbours of a proposed development in certain circumstances.

The *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* prescribe the means of public consultation for a local planning scheme amendment and provide the Minister with discretion to determine additional means of notice. In the case of basic amendments, the Minister also has discretion to determine whether public notice is required, as well as the appropriate means of giving public notice and the duration of that notice.

Under the *Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)*, development applications which are to be determined by a Development Assessment Panel (DAP) are subject to local government requirements for notification and advertising.

## **POLICY**

### **1.0 Objectives**

The objectives of this policy are to:

- (a) provide a consistent approach to the circumstances in which public notice is given and the means and duration of public notice periods for planning proposals; and
- (b) recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into, planning proposals, and the administrative need to process planning proposals in an efficient manner and within prescribed statutory timeframes.

### **2.0 Purpose**

This policy provides guidance on the exercise of discretion under the Deemed Provisions and the Scheme in terms of when public consultation is undertaken, and the means and duration of public consultation periods where these are not prescribed by the Deemed Provisions or Scheme. The policy also provides guidance on the exercise of discretion under the Regulations in terms of the means of public consultation for scheme amendments where not expressly prescribed by the Deemed Provisions. This policy does not replace or alter any of the city's obligations under the *Freedom of Information Act 1992* or the *Copyright Act 1968* (Cth). The opinions of affected property owners and the general public can inform but cannot be a substitute for the exercise of professional advice by city officers.

For the purposes of this policy, in circumstances where public notice is given it will include both the owners and occupiers of properties that in the opinion of the city may be affected by the proposal and/or other stakeholders where these are identified. This policy will also apply to planning applications referred to the city for which council is not the final decision making authority.

Applicants are strongly encouraged to discuss proposals with adjoining owners and occupiers prior to the submission of any development application.

This policy also reflects changing communication processes within the community. The postal service is less frequent and reliable than it has been in previous years, and the community relies much more on electronic means of communication for quick, easy and accurate information. However, the city still has residents with valuable opinions who prefer handwritten letters. This policy seeks to strike a balance between moving towards a more efficient electronic consultation process, whilst respecting the desires of all of the city's residents

### **3.0 Definitions**

Apart from the terms noted below, words and expressions used in this policy have the same meaning as they have in the Scheme, R-Codes or other relevant legislation.

### **Planning proposals**

Planning proposals will mean applications for approval to commence a use, applications to carry out development, planning policies, structure plans, activity centre plans, local development plans and Scheme amendments.

### **Consultation**

Means advertising and notification as referenced in the Regulations, Scheme and Deemed Provisions.

#### **4.0 Requirement to undertake public consultation for planning applications proposing variations to the Scheme, R – Codes or local planning policies under clause 64 (1) (c) of the Deemed Provisions**

Public consultation will be required prior to consideration for approval where the application involves a significant exercise of discretion in terms of the Scheme, R-Codes or policy provisions and:

- i. involves potentially significant urban design or streetscape impacts; or
- ii. represents a significant variation to the bulk, scale or design of the existing surrounding buildings,
- iii. has potentially significant amenity impacts on nearby residential areas or neighbours in terms of visual impact, streetscape, privacy, noise, intensity of use, traffic generation and adequacy of parking.

4.1 Notwithstanding the above, planning proposals that do not meet the above criteria are able to be advertised, at the discretion of the city if it is considered in the public interest to do so.

#### **5.0 Significant Planning Applications**

The following planning applications will be considered to be significant planning applications in terms of this policy:

- (a) involves a subdivision or survey strata creating more than ten lots and has not previously been advertised as part of a scheme amendment; or
- (b) involves more than ten grouped dwellings; or
- (c) involves more than twenty multiple dwellings; or
- (d) non residential or mixed use development which involves a total floorspace of more than 5000 m<sup>2</sup>; or
- (e) Meets all of the criteria listed in part 4 of this policy; or
- (f) a planning application that has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or is considered by the city to be significantly different from the predominant and expected pattern of land use within the locality.

Subject to the agreement of the applicant in accordance with the *Copyright Act 1968* (Cth), the city will seek to include plans and documents (or links to plans and documents) on its website for the duration of the public consultation period in the interests of ensuring that the community is fully informed of these applications. However, copies of plans and documents will not be provided to members of the public.

## 6.0 Evidence of non objection

Notwithstanding the above, the city may waive the consultation requirements in respect of residential planning applications involving the exercise of discretion under the Codes or this policy in cases where:

- (a) The application involves the notification of one neighbor only; and
- (b) The applicant provides a copy of the plan including a certification by the owners and occupiers of the adjoining property stating that they have no objections to the proposal. Signatures should include all persons shown as owners on the Certificate of Title and ownership details will be confirmed.

The certification must include:

- The full name of the owner/s or occupier/s certifying non objection clearly printed in capital letters and a signature;
- A statement printed in capital letters indication no objection to the proposal; and
- A current contact address printed in capital letters and a contact telephone number.

## 7.0 Refusal of applications without undertaking public consultation

Where the city is the determining authority, planning proposals may be refused by the city without consultation being undertaken.

## 8.0 Duration of public consultation

The duration of public consultation will be in accordance with Table 1 of this policy and shall conclude at 5pm on the date shown on the advertising material relating to the planning proposal. Any submissions received after this date may not be included in the assessment or any report prepared for Council.

Where no response to an invitation to make a submission is received, the city will assume that the recipient of the invitation does not wish to comment on the proposal. A lack of response will not be construed to be either an agreement with or an objection to the proposal.

## 9.0 Table 1: Means and extent of consultation

	Time period	Local newspaper notice (a)	Sign on site (b)	Letter to owners and occupiers (e)	Website notice	Notice Board	Government Gazette
<b>Standard Development Applications</b>	14 days	No (d)	No	Yes – adjacent properties only (e)	No	No	No
<b>Significant Development Application</b>	28 days	Yes (each week)	Yes	Yes – within minimum 100m radius of site boundary	Yes	No	No

	Time period	Local newspaper notice (a)	Sign on site (b)	Letter to owners and occupiers (e)	Website notice	Notice Board	Government Gazette
<b>Basic Scheme Amendment</b>	Only to be advertised if and as directed by the Minister for Planning						
<b>Standard Scheme Amendment</b>	42 days	Yes	Yes, if proposing rezoning	Yes if proposing rezoning, within minimum 100m radius of site boundary	Yes	Yes	Yes
<b>Complex Scheme Amendment</b>	60 days	Yes	Yes, if proposing rezoning	Yes if proposing rezoning, within minimum 100m radius of site boundary	Yes	Yes	Yes
<b>Local Planning Policy</b>	21 days	Yes	No	No	Yes	No	No
<b>Structure Plan</b>	28 days	Yes	Yes	Yes – within Structure Plan area.	Yes	No	No
<b>Activity Centre Plan</b>	28 days	Yes	Yes	Yes – within Activity Centre Plan area.	Yes	No	No
<b>Local Development Plan</b>	14 days	Yes	Yes	Yes –within Local Development Plan area and 100m radius of area boundary	Yes	No	No

*Letters in brackets ( ) refer to explanatory notes at the end of this policy.*

Costs relating to advertising may be recouped under the *Planning and Development Regulations 2009*

## **10.0 Additional public notice of proposal previously advertised**

Additional public notice may be given where:

- (a) A planning proposal is subsequently modified prior to its final determination and additional variations arise from the modifications; or

- (b) An application to amend an existing planning approval is received under clause 77 of the Deemed Provisions, and additional variations arise from the proposed amendments.

Additional public notice shall be given in the same manner under the provisions of this policy as if the modified/amended proposal was received as a new development application.

### **11.0 Minor amendments to a Local Planning Policy**

Public consultation will generally not be undertaken where a minor amendment to a Local Planning Policy is proposed, and that amendment does not significantly alter the format, structure and intent of the policy,

### **12.0 Amendments to Activity Centre Plan and Structure Plans**

Amendments to an adopted Activity Centre Plan or Structure Plan will be advertised for a period of 14 days.

### **13.0 Local Development Plan may not require advertising**

A Local Development Plan will not be advertised where the plan:

- (a) Complies with all the relevant requirements of an overarching Structure Plan or Activity Centre Plan; and
- (b) Will not adversely impact on the amenity of affected landowners and adjoining properties in terms of visual impact, streetscape impacts, privacy, noise, intensity of use, traffic generation and adequacy of parking.

### **14.0. Applications where the council is not the final decision maker**

From time to time, development applications are required to be determined by other planning authorities such as, the Metro West Joint Development Assessment Panel, the Western Australian Planning Commission or the Minister for Environment. Public notice will be given of planning applications where the council is not the decision maker in the same way as those where the final decision is made by the council. A full copy of any submissions received will be forwarded to the decision maker with the personal details of the submitter removed.

Generally, in these circumstances, all submitters will be informed in writing of council's recommendation to the relevant determining authority on the planning proposal however any person wishing to obtain a copy of the final decision must obtain that from the decision maker.

Notwithstanding, the authors of all submissions received during the public notice period for a DAP application:

- (a) will be informed of council's recommendations with respect to the application; and
- (b) will be notified of the date of the DAP meeting at which the application will be considered; and

- (c) following a determination of an application by the DAP the city will provide details of the decision on its website and notify submitters.

This requirement does not apply to planning applications referred by planning authorities where there are other mechanisms in place, such as the Metropolitan Redevelopment Authority.

### **15.0. Community information sessions**

A community information session on a significant development application, scheme amendment or other significant planning proposal may be held where, such a session will assist the community's understanding of the proposal to be considered and/or provide the opportunity to view additional information including visual presentations, computer modeling and the like.

The information session will be held during the public consultation period, generally as early within this period as possible to enable participants to make a formal written submission to council after the session. Invitations would be extended to elected members, interested community members and the applicant/s.

### **16.0. Holiday periods**

- (a) Public notification relating to planning policies, scheme amendments and planning proposals (where initiated by the city) will not commence between 1 December and 9 January;
- (b) Public notification will not commence for any applications received between 18 December and 8 January until after 9 January;
- (c) An additional 14 days will be added to any notice period prescribed under this policy where any part of the notification period falls between 18 December and 8 January; and
- (d) An additional 7 days will be added to any notice period prescribed under this policy where any part of the notification period falls between a week before or one week after Easter Sunday.

### **17. Notification of parties who make submissions on a planning proposal**

Generally submitters will receive the following correspondence from the city::

- A confirmation that their submission has been received;
- Notification of a determination of approval or refusal made under delegated authority by an authorized officer of the city;
- Notification of a relevant item being considered by Council, or a committee of Council,
- Notification of a decision of Council, or a committee of Council.
- Notification of any other event directly relevant to the planning proposal to which they made a comment, such as consideration at a DAP meeting.

The city's preferred method of collecting submissions will be via electronic means. This will enable the capture of email addresses of submitters, which will

facilitate quick and efficient future contact as the proposal progresses beyond the consultation period.

Whilst all encouragement will be made for submissions to be lodged in an online environment, the option still remains for community members to write a handwritten letter to the city if they prefer. If this option is chosen the City will make all attempts to provide written contact as above in a reasonable timeframe

#### **19.0. Availability of documents**

All plans and written information forming part of the proposal shall be made available for public viewing during the public notice period of that proposal on the city's website, subject to the agreement of the applicant (refer to section 6 of this policy).

The plans and documentation may also be viewed at the city's Administration Office (241 Rokeby Road, Subiaco) without an appointment. However, should a member of the public wish to discuss plans with one of the city's officers an appointment will be required.

#### **20.0. Requests for changes to public notice periods**

Requests for extensions or reductions of public notice periods prescribed by this policy will not be approved by staff, unless substantial extenuating circumstances occur. Staff will make every reasonable effort to make the council aware of any submissions received after closure of notice periods.

#### **21.0. Opportunity for applicant to respond to submissions.**

An opportunity to view documents or be provided with copies of submissions received during a public notice period will not be provided to any person or applicant unless required by law or as specified elsewhere in this policy. Where any copies of submissions are to be provided, personal details of the author will be removed.

A written summary of the key issues raised in submissions will be provided to the applicant and upon request in the case of an application for planning approval or a Scheme amendment. The summary will not include identification or personal details of the author/s of any submission.

#### **22.0. Submissions reported to council**

Officer reports to council will include a summary of the issues raised in any of the submissions received as part of the consultation process. If the text of a submission is to be included in the report, the author's personal details will not be identified. Full copies of submissions will be made available to elected members upon request but will not be made available to members of the public unless required by law.

## EXPLANATORY NOTES

(a) *Local Newspaper*

The notice in a local newspaper circulating within the district will be arranged by the city and for development applications in the form specified in attachment 1.

(b) *Sign/s on site*

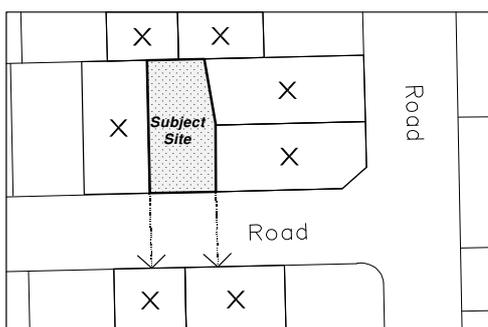
A sign on site shall be erected in a prominent position on the site to the satisfaction of the city. The Sign/s should be erected on the property boundary or within 0.5m of the boundary and be clearly visible from outside of the property boundary. Where the land subject to a proposal has more than one street frontage or where a site is very large, additional sign/s on each street alignment will be required.

The city will provide the specific format and requirements of the sign to the applicant after the application is lodged and a preliminary assessment has been undertaken to determine whether a sign on site is required. Responsibility for the costs, erection, maintenance and removal of sign/s lies with the applicant.

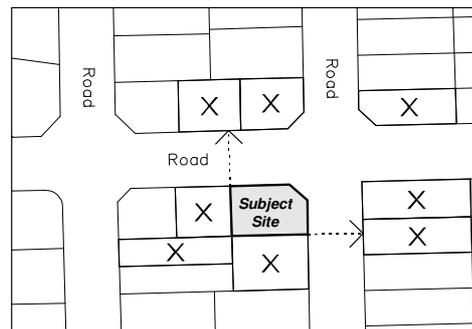
(d) In circumstances where notice in a local newspaper is considered by the Manager Planning Services to be an appropriate form of notification, such a notice may be included once, or as often as deemed necessary by the Manager Planning Services, in addition to other forms of advertising.

(e) Means a letter to all owners and occupiers of all abutting properties (those sharing any common boundary and including diagonally opposite or those separated by a right of way or access way less than 6.0m in width) as shown in maps (i) and (ii) below:

Map 1



Map 2



excepting in the case of an application for discretionary approval relating to:

- a side or rear setback variation behind the building line; or
- to the privacy requirements contained within Element 5.4.1 of the R-Codes 2013.

In such circumstances only the owner/occupier of the property onto whose boundary the discretion is sought will be notified.

***Planning and Development Act 2005***  
**City of Subiaco**

**Notice of public advertisement of development application**

The city is inviting public comment on an application for .....*Insert Proposal Details*.....at .....*Insert Address*.....

Details of the proposal are available on the formal submissions hub of the city's *Have Your Say* page at [www.haveyoursaysubiaco.com.au](http://www.haveyoursaysubiaco.com.au). Comments on the proposal may be submitted to the city in writing on or before 5pm on.....