

## **Local Planning Policy 1.2: Public Notification of Planning Proposals**

**ADOPTION DATE:** 24 November 1998

**AMENDED DATE:** 23 March 2021

**AUTHORITY:** *Planning and Development (Local Planning Schemes) Regulations 2015*

*Planning and Development Regulations 2009*

*State Planning Policy 7.3 - Residential Design Codes – Volume 1 and Volume 2*

*Planning and Development (Development Assessment Panels) Regulations 2011*

*Local Planning Scheme No. 1*

### **INTRODUCTION**

The purpose of the policy is to provide for a consistent approach for the public advertising of development applications and planning proposals, in line with the Town's statutory obligations and the community's expectations.

### **APPLICATION**

This policy applies to development applications and planning proposals where there is a statutory requirement to consult with the community under Local Planning Scheme No. 1 and the Deemed Provisions for Local Planning Schemes (Deemed Provisions).

### **OBJECTIVES**

To provide guidance on the means and extent of public advertising of development applications and planning proposals.

### **DEFINITIONS**

Apart from the terms noted below, words and expressions used in this policy have the same meaning as they have in the Town of Cambridge Local Planning Scheme No. 1 (the Scheme), Residential Design Codes (the R-Codes) or other relevant legislation.

**Consultation** means *advertising and notification as referenced in the Planning and Development (Local Planning Schemes) Regulations 2015 and the Scheme.*

**Development application:** means *an application for development approval.*

**Planning proposals:** means *local planning policies, local planning strategies, structure plans, local development plans and Scheme amendments.*

**Significant Development Application** means *a development application that:*

- a) requires determination by a Development Assessment Panel; or*
- b) has significant strategic planning impacts in terms of the implementation of a strategic planning objective, or is considered by the Town to be significantly different from the predominant and expected pattern of land use within the locality; or*

- c) *is a complex development application as referenced in the Planning and Development (Local Planning Schemes) Regulations 2015 or in any local planning policy.*

## **POLICY**

### **1. Requirement to advertise certain development applications under Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015***

In addition to the public consultation requirements of Clause 64(1) of the Deemed Provisions, public consultation will be required prior to consideration for approval where the development application involves an exercise of discretion in terms of the Scheme, Residential Design Codes or local planning policy provisions and:

- i. Involves potential urban design or streetscape impacts; or
- ii. Represents a notable variation to the bulk, scale or design of the existing building in comparison to surrounding buildings; or
- iii. Has the potential to impact the amenity of nearby residential areas or neighbours in terms of visual impact, streetscape, privacy, intensity of use, traffic generation and adequacy of parking.

Despite the above, development applications that do not meet the criteria outlined above are able to be advertised, at the discretion of the Town, if it is considered in the public interest to do so. The Town may also advertise to a wider range of properties where it is considered that additional properties may be affected by the application or proposal.

### **2. Evidence of non-objection**

Despite the above, the Town may waive the consultation requirements in respect of residential development applications involving the exercise of discretion under the Residential Design Codes and/or local planning policy where:

- a) The proposed development is minor in nature (patio, pergola, carport, front fence, etc) and does not in, the opinion of the Town, have an adverse impact on the amenity of surrounding properties; and
- b) The applicant provides a copy of development application plans including 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 and address of the owner(s) and occupier(s) of the potentially impacted property certifying non-objection clearly printed in capital letters and a signature;
- A printed statement clearly identifying the proposed planning variation(s) and that there is no objection to the proposed development;
- A current contact address printed in capital letters and a contact telephone number.

### **3. Refusal of development applications without undertaking public consultation**

Where the Town is the determining authority, development applications may be refused by the Town without consultation being undertaken.

### **4. Duration of public consultation**

The duration of public consultation will be in accordance with clause 5 'Means and extent of consultation' and shall conclude at 5pm on the date shown on the advertising material relating to the Development application or Planning proposal. Any submissions received after this date may not be included in the assessment or any report prepared for the determining authority.

A lack of response will not be construed to be either an agreement with or an objection to the proposal.

## 5. Means and extent of consultation

Proposal Type	Consultation Time Period (No. of days)	Required Consultation Methods				
		LETTERS (A)	SIGN(S) ON SITE (B)	NEWS-PAPER (C)	PUBLISHED ON THE WEBSITE (D)	GOV. GAZETTE
DEVELOPMENT APPLICATIONS	14	Yes	No*	No*	Yes	No
COMPLEX/SIGNIFICANT DEVELOPMENT APPLICATIONS	28	Yes**	Yes	Yes	Yes	No
LOCAL PLANNING POLICY ** (E)	21	Yes	No	Yes	Yes	No
BASIC SCHEME AMENDMENT	No consultation required unless as directed by Minister of Planning					
STANDARD SCHEME AMENDMENT	42	Yes	Yes	Yes	Yes	Yes – adoption only
COMPLEX SCHEME AMENDMENT	60	Yes	Yes	Yes	Yes	Yes – adoption only
STRUCTURE PLAN (E)	42	Yes	Yes	Yes	Yes	No
LOCAL DEVELOPMENT PLAN (E)	14	Yes <sup>+</sup>	Yes <sup>+</sup>	Yes <sup>+</sup>	Yes <sup>+</sup>	No
STATE DEVELOPMENT ASSESSMENT UNIT	Consultation will be undertaken by the State Development Assessment Unit. A public notice will be published on the Town's website					

*For letters in brackets ( ) refer to Explanatory Notes at the end of this Policy*

- \* Unless consultation is deemed appropriate by the Town
- \*\* To all owners and occupiers within a 200m radius of the site boundary (as measured from lot boundaries)
- + Unless the Council deems the amendment to a Local Development Plan is minor in nature
- \*\* If a Local Planning Policy is inconsistent with any State Planning Policy, comment will also be sought from the Western Australian Planning Commission (WAPC).

Despite the above, the Town may undertake additional advertising where it is considered that additional properties and/or persons may be affected by, or should be notified of, the Development application or Planning proposal.

## **6. Costs associated with Local Development Plans and Scheme Amendment advertising**

Costs relating to advertising associated with amendments to the Town of Cambridge Local Planning Scheme or the processing of Local Development Plans may be recouped in accordance with the *Planning and Development Regulations 2009*.

## **7. Additional public notice of previously advertised proposal**

Additional public notice may be given where:

- a) A Development application or 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 development approval is received under Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and additional variations arise from the proposed amendments.

## **8. Minor amendments to a Local Planning Policy**

In accordance with Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, 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.

## **9. Consultation with adjoining Local Governments**

Where a development application is adjacent to a municipal boundary of another Local Government, the Town will endeavour to consult with owners and occupiers of the adjacent Local Government area in a manner consistent with this policy.

## **10. Applications where the council is not the determining authority**

When a Development application or Planning proposal is submitted for a Metropolitan Region Scheme (MRS) Reserve, the Town acts as a referral body for the determining authority (either the Western Australian Planning Commission or the Minister for Transport; Planning; Lands). Similarly, Development Assessment Panel applications are not determined by the Town. It is important to ensure that the community is consulted for these applications and the following sections outline the consultation that will be undertaken.

### **10.1 *Development applications and/or Planning proposals for land reserved under the Metropolitan Scheme***

Community consultation for MRS applications will be undertaken in the same way as for a standard Development application or Planning proposal where Council is the determining authority. If the application or proposal is deemed 'significant' as defined by this policy, it will be advertised accordingly.

A full copy of any submissions received will be forwarded to the determining authority 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 Development application or Planning proposal however any person wishing to obtain a copy of the final decision must obtain that from the decision maker.

## 10.2 *Development Assessment Panel Applications*

A Form 1 Development Assessment Panel (DAP) application is considered to be a 'significant development'. In addition to the provisions of Clause 13 of this policy, the authors of all submissions received during the advertising period for a Development Assessment Panel (DAP) application:

- a) will be informed of the 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 Town will provide details of the decision on its website and notify submitters.

## 10.3 *State Development Assessment Unit*

Advertising associated with the Form 17B development applications, will be undertaken by the State Development Assessment Unit. However, it is considered appropriate for the Town to draw the local community's attention to the existence of a significant development application, and opportunities to make a submission to the Western Australian Planning Commission.

## 10.4 *Development Applications referred by planning authorities that already undertake consultation*

The requirement of Clauses 10.1 and 10.2 do not apply to Development applications referred by planning authorities where there are other mechanisms in place, such as DevelopmentWA.

## **11. Community information sessions**

At the discretion of the Town, 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 modelling 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).

## **12. Holiday Periods**

- a) Public notification relating to Planning proposals (where initiated by the town) will not commence between 1 December and 8 January, until after 8 January;
- b) Public notification will not commence for any Development applications received between:
  1. 18 December and 8 January, until after 8 January ; or
  2. a period of 7 days commencing on Good Friday in a year
- c) The public notification period may begin before the exclusion (holiday) period (as identified in sub clause (b) above) and recommence once the exclusion (holiday) period has ended. The days during the exclusion (holiday) period will not be counted

towards the number of days the Development application is required to be advertised for.

### **13. Notification of parties who make submissions on a Development application or Planning proposal**

Generally submitters will receive the following correspondence from the Town:

- Confirmation that their submission has been received;
- Notification of a determination of approval or refusal made under delegated authority by an authorised officer of the Town;
- 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 or an appeal lodged with the State Administrative Tribunal.

### **14. Availability of documents**

All plans and written information forming part of the proposal shall be made available for public viewing during the advertising period of that proposal at the Town's administration Office (1 Bold Park Road, Floreat) without an appointment. However, should a member of the public wish to discuss plans with one of the Town's officers an appointment will be required.

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

Requests from stakeholders (who are being given the opportunity to provide comment) for extensions of advertising periods prescribed by this policy may be considered at the discretion of the Town. Staff will make every reasonable effort to make the Council aware of any submissions received after closure of notice periods.

### **16. 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 upon request in the case of an application for Development application or a Scheme amendment. The summary will not include personal details of the author/s of any submission.

### **17. Submissions reported to Council**

Officer reports to Council and/or the DAP 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) Letters**

*Dependent on (where applicable) the class of the proposed use and/or the variation(s) proposed, and at the discretion of the Town, a letter will be sent to all owners and occupiers that will be directly affected by the Development application or Planning proposal.*

*Letters may also be sent to owners and occupiers of additional properties if they are in the vicinity of the Development application or Planning proposal or likely to be affected by the planning proposal, at the discretion of the Town.*

*For Development applications the time period shall be deemed to have commenced one day after the date shown on the letters that are sent to owners and occupiers by the Town.*

### **(B) Sign(s) on site**

*A sign on site shall be erected in a prominent position on the site to the satisfaction of the town, prior to the commencement of the advertising period. For Complex/Significant Development applications, the sign shall include an illustration of the proposed development.*

*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 Town 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.*

### **(C) Newspapers**

*In circumstances where notice in a local newspaper is considered by the Town to be an appropriate form of notification, such a notice may be included once, or as often as deemed necessary by the Town, in addition to other forms of advertising. The newspaper used will be one in circulation in the relevant locality of the planning proposal.*

### **(D) Website**

*All plans and written information forming part of a Development application shall be made available for viewing during the advertising period of that proposal on the Town's website under 'Advertised Planning Applications'. Plans and written information of other types of Planning proposals will be on the Town's website under 'Community Consultation'.*

### **(E) Application of Council Policy 18 Community Consultation Material**

*Council Policy 18 'Community Consultation Material' is still applicable Planning proposals. Consultation Material for these Planning proposals shall be provided to Elected Members for approval no less than two (2) working days prior to release of such materials.*