

Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11)

Management Procedure	Relevant Delegation
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Purpose

1. Purpose

This Policy provides guidance on the exercise of discretion under the Scheme in terms of when public advertising is undertaken, and the means and duration of public advertising periods for different types and levels of planning proposals.

2. Application

This Policy is applicable to all stages of the land use planning process across the entire City of Kalamunda area. The policy will be applied when making discretionary decisions relating to public advertising of planning proposals. Planning proposals in the context of this policy are listed in Table 1.

3. Statutory

This policy is prepared under Clause 3, Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

This policy should be read in conjunction with the following additional planning instruments:

- a) City of Kalamunda Local Planning Scheme No. 3.
- b) State Planning Policy 3.1 – Residential Design Codes (R-Codes).
- c) Any relevant State or Local Planning Policies.

4. Objectives

- a) To recognise the importance of community and stakeholder engagement in the assessment and determination of planning proposals.
- b) To provide a consistent approach on the circumstances when the City undertakes public advertising of planning proposals, as well as the means and duration of public advertising periods;

- c) To recognise not all planning proposals should be advertised in the same manner, and that discretion should be applied on a case by case basis given the varying significance, scale and nature of proposals received by the City;
- d) To recognise the balance between the need for the community to be informed of, and have reasonable opportunity to provide input into planning proposals and the timely and accurate determination of planning proposals;
- e) Within the operative statutory framework, to achieve an appropriate balance between the
 - i. Community's reasonable expectations and the applicants' development entitlements; and
- f) To encourage a practical administrative process of public advertising for planning proposals.

5. Structure

Purpose:	Outlines the application and purpose of the policy.
Policy Statement:	Provides guidance on public notification requirements, including duration.
Explanatory Notes:	Definitions and further explanation of terms used.

Policy Statement

1. Advertising Timeframes and Method

- a) In addition to the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015, Local Planning Scheme No. 3, Residential Design Codes (R- Codes) and any relevant Local Planning Policy, advertising of planning proposals shall generally be undertaken in accordance with the minimum timeframes and methods stipulated in Table 1 of this policy.

- b) Duration of Public Advertising

The duration of advertising is will be in accordance with Table 1 of this policy at the discretion of the Director Development Services.

The commencement date for servicing of notice of the planning proposal is deemed to be one day after the date shown on the letters that are sent to owners and occupiers by the City. Submissions will close at 5pm on the date shown on the advertising material relating to the application. Where submissions are received after this date, staff will make every reasonable effort to make Council aware of submissions received after closure of the notice period.

- c) Holiday Periods

An additional 14 days will be added to any notice period prescribed under this Policy where any part of the notification period falls within the following holiday periods:

- i. Between 15 December and 15 January; and
- ii. Between one (1) week prior to, and one (1) week after, Easter Sunday.

d) Letters

The City will send letters to all landowners and occupiers affected by a planning proposal as required in this policy.

e) Community Information Session

Where a community information session is recommended by Table 1, it will be held during the public consultation period with invitations extended to Elected Members, surrounding neighbours (as per Table 1 below) and the applicant. The purpose of an information session is for the City's planning staff to assist the public in interpreting the plans for the proposal that will be on display and answer any questions. These sessions are informal and give the community the opportunity to interact with planning staff on a one-on-one basis.

f) Preliminary advertising Local Planning

The City may, depending on the nature of the proposed amendment, undertake preliminary advertising to affected residents and government agencies for a period of 28 days prior to Council giving formal consideration to the proposed amendment for the purpose of formal advertising.

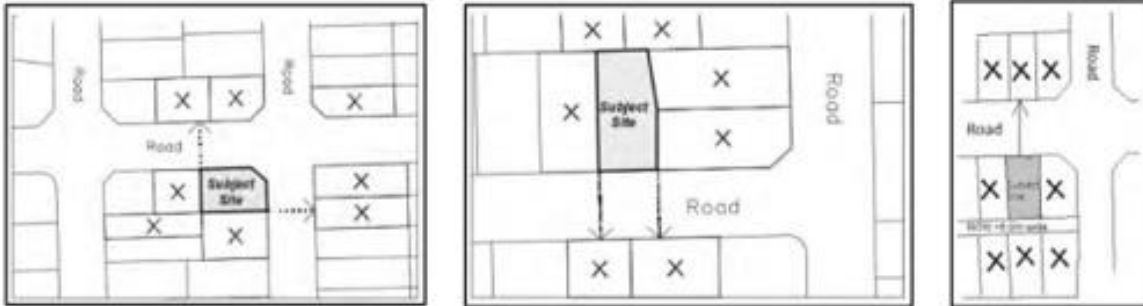
2. Advertising Distance

- a) For the purposes of sending letters to owners and occupiers affected by a planning proposal for a district, local or activity centre structure plan, Scheme amendment, local development plan, or significant development application, all properties within the subject area, plus those properties within a distance of 100 metres for urban and commercial zoned land, and 300 metres for rural zoned land, of the boundary of the subject area be included. In zones with larger lots, or where there is a clear transport or activity corridor that leads to the subject area, this distance may be increased at the discretion of the City.
- b) Where separation distances or buffers are identified/recommended for a planning proposal under a State Planning Policy or Environmental Protection Policy/Guidance Statement, the advertising distance shall be consistent with the buffer/separation distance recommended within those documents.

Where the City is considering a standard development application under the Local Planning Scheme and discretion is primarily being applied to the use of the land, advertising is required to landowners and occupiers of all abutting properties (those sharing any common boundary), and including directly and diagonally opposite or those separated by a road, right of way, private access way or pedestrian access way (for examples, refer to figure 1 below). Where the standard development application primarily relates to works and a variation or design principle assessment is being considered, advertising should be undertaken with the landowner specifically affected by the particular variation(s) under the Scheme.

- c) Where a Local Planning Strategy, structure plan, scheme amendment or local planning policy affects a large or indistinct geographical area in the City, it may not be feasible to write letters to all owners and occupiers affected by the proposal. The City will however make all reasonable endeavours to communicate with affected owners and occupiers using other methods.

Figure 1



Development Application Advertising

1. Advertising under the Local Planning Scheme No.3

The following types of applications will be generally advertised in accordance with the 'Standard Development Application – Scheme Advertising' row in Table 1 of this policy:

- The use is identified as an 'A' (advertise) use under the zoning table of the Scheme.
- The use is not specifically referred to in the zoning table of the Scheme.
- The proposal is deemed to be a non-conforming land use.
- Proposes a variation to a development requirement under the Scheme.

Notwithstanding the above, the City may elect to undertake advertising for a use that is identified as a 'D' (discretionary) under the zoning table of the Scheme, where in the opinion of the City, the use will have the potential to unduly impact on neighbouring landowners.

2. Residential Design Codes

This Policy does not interfere with the principles of consultation prescribed under State Planning Policy 3.1: Residential Design Codes (R-Codes). Where a development application proposes a design principle assessment under the R-Codes, it will be advertised to only those landowners, which in the opinion of the City are likely to be directly affected. In this respect, there are instances where advertising will not be undertaken given a design principle assessment is a matter of technical opinion and will not adversely impact an adjoining residential property owner.

Advertising is not required to be undertaken by the City where an applicant undertakes their own advertising after first confirming with the City the relevant affected landowners, and submit evidence to the City of the following:

- a) A statement detailing the site address and nature of the proposal;
- b) A site plan, floor plan and elevations of the proposal;
- c) Specific information identifying the part of the proposed development that does not meet the deemed-to-comply requirements of the R-Codes; and
- d) The full name and contact details of the owners, a statement indicating no objection to the proposal, and signatures from all owners affected by the proposal on all of the abovementioned documents.

3. Significant Development Applications

Significant development applications are applications which are determined by the City to be of significant planning interest to the community. At the discretion of the Director Development or the Manager Approval Services, a development may be deemed to be significant where one or more of the following criteria apply:

- a) Residential development that comprises ten (10) or more dwellings;
- b) Development that is greater than 10 metres in height (excluding Industrial development);
- c) Commercial or Industrial development directly abutting land used for residential purposes;
- d) Development that in the opinion of the City will have a significant impact upon the significance of a Heritage Place;
- e) The planning proposal will likely result in a significant adverse amenity impact on the community by virtue of traffic, noise, dust, odour vibration, or other impacts.
- f) Development that qualifies for determination by the Joint Development Assessment Panel; or
- g) Development not referred to in items 1 through 6 above but which, in the opinion of the Manager Approval Services is:
 - i. Of a complex or contentious nature;
 - ii. Likely to be of significant interest to the community;
 - iii. Has urban design, streetscape, building bulk, scale or design impacts;
 - iv. Is located on a prominent or significant site;
 - v. Involves unusual or unconventional design elements; or
 - vi. Is likely to benefit from DRP consideration.

4. Amendment to Structure Plans

Advertising will not be required where a planning proposal incorporates an amendment to an approved structure plan that does not:

- a) Materially alter the purpose and intent of a structure plan;
- b) Change the intended lot/dwelling yield by more than 10%;
- c) Adversely impact on the amenity of adjoining.

- d) Restrict the use and development of adjoining land; and
- e) Significantly impact on infrastructure provision or impact on the environment.

5. Request to change Public Advertising Periods

Planning proposals are usually required to be processed within target timeframes, however there may be circumstances where submissions are received after the closing dates of the advertising period. In these cases, the City will consider requests for extensions to the advertising period prescribed in this Policy based on the individual reasons and merit of the request and how this may affect processing timeframes.

6. Availability of Documents

All plans and documents forming part of the proposal shall be made available for public viewing and access during the public advertising period of that proposal. The completion of the Application for Development Approval form and the City's Development Application Checklist will be taken as agreement for the plans and/or documents to be included on the City's social media platform website, unless advised otherwise by the applicant.

7. Form of Submissions

- a) Submissions must be in writing, either by letter or electronically via email and signed by, and include the address, phone number and email address of, the author of the submission.
- b) Submissions that are not legible or, in the opinion of the City, contain content that is deemed to be not relevant to the matter being considered, or that contain inappropriate or defamatory content will not be accepted by the City.
- c) If the text of a submission is to be included in the report, the author's personal details
 - i. Will not be identified.
- d) Where an interested party does not respond to an invitation to make a submission on a planning proposal, Council will not view this as necessarily signifying no objection to that proposal.

8. 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 as a confidential attachment but will not be available to members of the public unless required by law.

9. Opportunity for applicant to respond to submissions

The City will give a summary of written submissions to the applicant to provide the applicant the opportunity to respond to issues raised in any submissions where necessary. Personal details of submitters will not be provided to the applicant.

10. Council Meetings

- a) Where a planning proposal is scheduled to be considered at a Committee or Council meeting, the applicant, owner and all authors of written submissions will be advised of the date and time of the Committee/Council meeting.
- b) The applicant, owner and all persons who made a public submission will be advised of the decision of Council in the form of a written notification following the decision.

11. Additional public notice of proposal previously advertised

- a) Where a planning proposal is subsequently modified to its final determination, contrary to the comments received; or
- b) Where an application to amend an existing planning approval is received under clause 8.3 of the Scheme and the proposal is determined to require advertising, additional public advertising may be undertaken.

12. Variations to this Policy

The Council or the City may, where it is of the opinion that reasonable opportunity has not been provided to the community to comment on a proposal, determine that the provisions of this policy be varied and may substitute such other provisions as it considers necessary for the particular proposal.

Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Adopted	19 December 2017 OCM 247/2017, OCM 76/2020
Reviewed	26 May 2020
Next Review Date	

Table 1 – Recommended Advertising Methods and Duration

	Recommended Minimum Advertising Period (days)	Minimum Advertising Radius	Letters to landowners, occupiers and relevant community organisations	Notice on the City's Social Media Platform	Signage on site	Local Newspaper advertisement	Display of documents at Administration Centre	Letters to Relevant Public and Service Authorities	Media Release	Community Information Sessions
Local Planning Strategies	60 (Minimum 21 days required under the P&D (LPS) Regulation 2015)	N/A	#1	✓ *	N/A	✓ * (2 weeks)	✓ *	✓ *	✓	✓
District Structure Plan	14-28 (Minimum 14 and maximum 28 days required under the P&D (LPS) Regulation 2015, approval required from WAPC for any variation)	Urban: 100m Rural: 300m	✓ *	✓ *	✓ *	✓ * (2 weeks)	✓ *	✓	✓	✓
Local Planning Scheme Amendment	Basic – nil*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Standard – 42* #2	Urban: 100m #1 Rural: 300m #1	✓ *	✓ *	✓	✓ *	✓ *	✓ *	#1	#1
	Complex – 60* #2	Urban: 100m #1 Rural: 300m #1	✓ *	✓ *	✓	✓ * (2 weeks)	✓ *	✓ *	#1	#1
Local Planning Policy	21*	N/A	N/A	✓	N/A	✓ *	✓	#1	#1	#1
Local Structure Plan	14-28* (Minimum 14 and maximum 28 days required under the P&D (LPS) Regulation 2015, approval required from WAPC for any variation)	Urban: 100m #1 Rural: 300m #1	✓ *	✓ *	✓ *	✓ *	✓ *	✓	#1	#1
Activity Centre Plan	14-28* (Minimum 14 and maximum 28 days required under the P&D (LPS) Regulation 2015, approval required from WAPC for any variation)	Urban: 100m #1 Rural: 300m #1	✓ *	✓ *	✓ *	✓ *	✓ *	✓	#1	#1
Local Development Plan	14*	Urban: 100m #1 Rural: 300m #1	✓ *	✓ *	✓ *	✓ *	✓ *	✓	#1	#1
Significant Development Application	14	Urban: 100m #1 Rural: 300m #1	✓	✓	#1	#1	✓	#1	#1	##1
Standard Development Application – Scheme Advertising	14*	Refer to cl. 7 & 8	✓	#1	#1	#1	#1	#1	#1	#1
Standard Development Application – Residential Design Codes Advertising	14	Refer to cl. 7 & 8	✓	#1	#1	#1	#1	#1	#1	#1
State Administrative Tribunal – Sec 31 (1) Request for Reconsideration	14	Refer to cl. 7 & 8	#1	#1	#1	#1	#1	#1	#1	#1

* Required under the Planning and Development (Local Planning Schemes) Regulations 2015

#1 At the discretion of the City.

#2 The City may undertake preliminary advertising to affected residents and relevant government agencies or a period of 28 days prior to consideration of the amendment for the purpose of formal advertising.