

Policy			
Title:	Public Consultation of Planning Proposals	Code:	LP.02
Purpose or Objective:	To provide a consistent approach for consulting the public for planning proposals submitted for the local government’s consideration or determination		
Reference Documents:	<ul style="list-style-type: none"> • State Planning Policy No. 7.3 – Residential Design Codes of WA • Planning and Development (Local Planning Schemes) Regulations 2015 • City of Canning Local Planning Scheme No. 42 		

Policy Statement
<p>The City of Canning (the local government) recognises the need for a balance between the desire for the community to be informed of, and have a reasonable opportunity for input into planning proposals, and the need for the local government to process them efficiently and within statutory timeframes.</p> <p>This policy provides guidance on the exercise of discretion under Local Planning Scheme No. 42 (the Scheme) in terms of when public notice is given, and the means and duration of public notice periods where these are not prescribed by the Scheme.</p>

1 Scope

This policy applies to all planning applications and proposals that are required to be advertised for public comment. This policy also applies to planning proposals referred to the local government, where the local government is not the final decision making authority.

2 Definitions

Planning proposals

Includes – but is not necessarily limited to:

- development applications;
- variations to the deemed-to-comply provisions of the R-Codes;
- local planning policies;
- local development plans;
- activity centre plans;
- local structure plans; and
- local planning scheme amendments.

Owners and occupiers

Means the owners and occupiers of properties that, in the opinion of the local government, may be affected by a planning proposal and/or any other identified stakeholder that may be affected.

3 Guidance for giving notice of certain development applications

In addition to where notice is prescribed under Schedule 2, Part 6, clause 64 of the Deemed Provisions, public notice will also be given of the following development applications (DA) under sub-clause (1)(b)(ii) prior to consideration of approval, where the application involves:

- a) The complete demolition of a building where the building is located on a site listed on the Register of Heritage Places under the *Heritage of Western Australia Act 1990* or Heritage List; or
- b) Development on a site listed on the Register of Heritage Places under the *Heritage of Western Australia Act 1990* or Heritage List, where that application involves the permanent or semi-permanent alteration to the built fabric of any structure on the land; or
- c) The development of Residential Buildings as per local planning policy – Bentley and Wilson precincts, where the proposal is outside the education and technology precinct of the said policy; or
- d) Family day care where the proposal:
 - i. Is located in a multiple or grouped dwelling development; or
 - ii. Is located in a single dwelling where the parent lot is less than 350m² in area; or
- e) Home occupations where the proposal:
 - i. Is located in a multiple or grouped dwelling development: or
 - ii. Is located in a single dwelling where the parent lot is less than 350m² in area; or
 - iii. Involves more than 1 customer or client on the premises at any 1 time or more than 3 customers or clients per day; or
 - iv. Involves substantial visually discernible building modifications or additions; or
 - v. Will be substantively visible from any adjoining property; or
 - vi. May result in noise, smell or other emissions considered to be in excess of those normally appropriate for a dwelling; or
- f) Satellite dishes in circumstances where development approval is required; or
- g) Variations to development standards set out under the Scheme or within a local planning policy that have the potential to significantly impact on the amenity of surrounding residents.

4 Duration and commencement of public consultation

- a) The duration of public consultation will be in accordance with Table 1 of this policy. The close of the submission period shall be close of business (i.e. 5pm) on the date shown on the advertising materials relating to the matter.
- b) Any submissions received after this date may not be included in the assessment and determination of the proposal.
- c) An additional 7 calendar days will be added to the public notification period for any planning proposal where the notice period includes:
 - i. The Easter public holiday period; or
 - ii. Between 20 December and 3 January.

5 Means and extent of notice of applications

Table 1: Means and extent of notice of applications

Consultation Method	R-Code Design Principles Assessment	Development Applications ^{b)}	Local Structure Plan and Activity Centre Plan	Local Planning Scheme Amendment	Local Planning Policy / Local Development Plan
Time Period (not less than)	14 days	14 days – Category 1 and 2; 21 days - Category 3 or any other use not identified in Table 2.	28 days	Refer to Planning and Development (Local Planning Schemes) Regulations 2015.	21 days / 14 days
Local Newspaper ^{a)}	No	No	Yes	Yes	Yes
Civic and Administration Building Notice Boards	No	No	Yes	Yes	Yes
Notice to Owners	Yes, properties affected by variation only	Refer Table 2 below	Yes: Residential 100m; Commercial 150m; and Industrial 200m	Yes: Residential 100m; Commercial 150m; and Industrial 200m	Yes (Spatial Proposals only). All owners within boundaries of policy to be consulted. Further Referral area to be determined based on scale of policy / plan.
Notice to Occupiers	No	Refer Table 2 below	Yes: Residential 100m; Commercial 150m; and Industrial 200m	Yes: Residential 100m; Commercial 150m; and Industrial 200m	Yes (Spatial Proposals only). All owners within boundaries of policy to be consulted. Further Referral area to be determined based on scale of policy / plan.

Consultation Method	R-Code Design Principles Assessment	Development Applications ^{b)}	Local Structure Plan and Activity Centre Plan	Local Planning Scheme Amendment	Local Planning Policy / Local Development Plan
Web Site	No	Yes, for Category 3 applications and where agreement is reached with applicant.	Yes	Yes	Yes
State Newspaper	No	No	No	No, unless the amendment is of regional significance.	No
Government Gazette	No	No	No	Refer to Planning and Development (Local Planning Schemes) Regulations 2015.	No

Notes:

- a) The City will arrange the notice in a local newspaper circulating within the district.
- b) Where consultation is required for DAs due to non-compliance with a specific development standard or requirement of the Scheme or local planning policy, the application will be referred to owners of relevant affected adjoining or facing lots.

Table 2: Referral Areas for Development Applications requiring advertising

Category 1 (Adjacent Properties – Refer to Part 8 for description)	Category 2 (100m Radius)		Category 3 (200m Radius)
Family Day Care *	Aged Care Facility	Market	Child Care Premises (within residential zone)
Home Occupation *	Amusement Parlour	Motel	Club Premises
Home Business	Bed and Breakfast	Motor Vehicle Repair	Exhibition Centre
Residential Building (<5 units or if in single building < 10 rooms)*	Caravan Park	Motor Vehicle, Boat or Caravan Sales	Fuel Depot
Satellite Dishes *	Child Care Premises (other than residential zone)	Motor Vehicle Wash	Hospital
Service Stations (operating Monday – Saturday 7am-7pm)	Cinema / Theatre	Motor Vehicle Workshop	Industry – Extractive
	Community Purpose	Night Club	Liquor Store – Large

Category 1 (Adjacent Properties – Refer to Part 8 for description)	Category 2 (100m Radius)		Category 3 (200m Radius)
	Consulting Rooms	Place of Worship (<50 patrons)	Place of Worship (> 50 patrons)
	Convenience Store	Residential Building (other)	Reception Centre
	Educational Establishment	Restaurant/Café	Fast Food Outlet (with drive-through and/or operating 24 hours per day)
	Fast Food Outlet (tenancy within an existing building and not involving drive-through)	Restricted Premises	Tavern
	Funeral Parlour	Recreation – Private	Telecommunications Infrastructure
	Holiday House	Service Stations (24 Hour) ⁺	
	Holiday Accommodation	Showroom	
	Home Store	Small Bar	
	Hotel	Transport Depot	
	Industry – Cottage	Use Not Listed ⁺	
		Veterinary Clinic	

* Where required to be advertised under Part 4 of this policy.

+ Depends on the proposal involved, however a minimum 100m referral area required.

6 Adjoining Properties

For the purposes of this policy, adjoining properties will be identified according to the diagrams below:

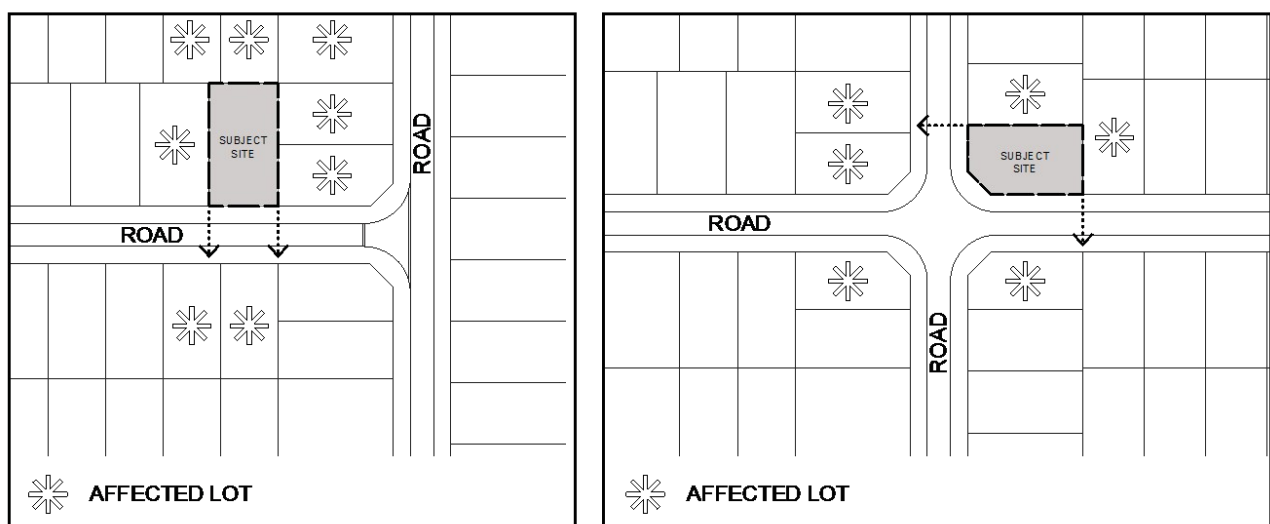


Figure 1: Adjoining properties

7 Community Information Sessions

- a) A community information session may be held for a planning proposal where in the opinion of the local government, 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 or other relevant visual materials.
- b) The information session will be held during the public consultation period, normally at least 1 week prior to completion to enable participants to make a formal written submission after the session. Invitations may be extended to elected members, interested community members and applicants. The session may consist of static displays of information, PowerPoint or other presentations.

8 Evidence of non-objection for a variation to the R-Codes from an applicant

The applicant may provide the local government with evidence of non-objection from an affected owner(s) to a variation to the deemed-to-comply provisions of the R-Codes or an applicable local planning policy. Evidence of non-objection is to include:

- a) A completed copy of the local government's 'Adjoining Owners Comment Form', or other substitute form that is satisfactory to the local government which:
 - i. outlines the variation,
 - ii. indicates no objection to the proposal,
 - iii. provides the full name, contact details and signature of the affected owner(s) as listed on the Certificate of Title; and
- b) A copy of the proposed DA plans signed by the affected owner(s).

9 No comments received

Where no comments are received on a proposal from a notified owner or occupier, the local government will assume that the owner or occupier does not wish to comment on the proposal. A lack of response will not be construed as either being in support of or objecting to a proposal.

10 Opportunity for applicant to respond to submissions

For Category 2 and 3 DAs, local structure plans, local development plans and scheme amendments, as requested by the applicant, a summary of the submissions received during the public consultation period will be provided to applicants with the personal details of the author removed. Copies of individual submissions or personal details of the author of the submission will not be provided to other interested persons unless required under legislation or as otherwise specified in this policy.

11 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. Full copies of submissions will be made available to elected members upon request, but will not be made available to member of the public unless required under legislation.

12 Submissions report to an external decision making authority

- a) From time to time DAs are required to be determined by other planning authorities such as the Western Australian Planning Commission or the Metro Central Joint Development Assessment Panel. Public notice will be given of these applications in the same way as those where the final decision is made by the local government and/or Council. A full copy of any submissions received will be forwarded to the decision maker, or as required under the relevant procedures of the responsible decision making authorities.
- b) In these circumstances, all submitters will be informed in writing of:
 - i. The local government's recommendation to the relevant responsible authority on the DA, along with any relevant information on the ability to attend the authority's decision making meeting (as applicable); and

- ii. The external responsible authority’s determination.

13 Notification of submitters for consideration by Council

All meetings of the Council are generally open to the public unless otherwise notified and open meetings make allowance for public statements, questions, submission of petitions and deputations. The landowner, the applicant, and all submitters in relation to a planning proposal will be notified in writing of the date at which an item will be listed on a meeting agenda.

14 Notification of submitters of decision

- a) All authors of submissions will be advised of the decision on a planning proposal in the form of a written notification of the decision, any applicable conditions, advisory notes, recommendations or refusal reasons; and/or
- b) In the case of a petition, notification will be given to the person/s responsible for lodging the petition with the local government.

15 Refusal of development applications without giving of public notice

Where the Council or delegate considers a DA to be unacceptable, refusal may be issued without the giving of public notice.

16 Variations to policy

The Director Canning Sustainable Development may, in exceptional cases, authorise wider consultation than that contained within the policy if in his/her opinion the proposal triggers the potential for a planning impact beyond the referral areas identified.

Governance References

Statutory Compliance	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • City of Canning Local Planning Scheme No. 42
Process Links	Adjoining Owners Comment Form: Variation to the Residential Design Codes (HPE Record Manager D14/269892)

Policy Administration

Program		Officer title	Date last approved
Canning Sustainable Development		Director Canning Sustainable Development	15 October 2019
Version	Decision Reference	Synopsis	Delegation No.
1	SD-014-19	Final adoption	