

Note: The Discretionary Uses 'A' listed in Local Planning Scheme No. 42 that are further identified in Table 1A of this policy will be advertised for a period of 14 days. This aligns with Clause 64(7) of the Planning and Development Regulations 2015. Future amendments to this policy will reflect this change to align with the Regulations.

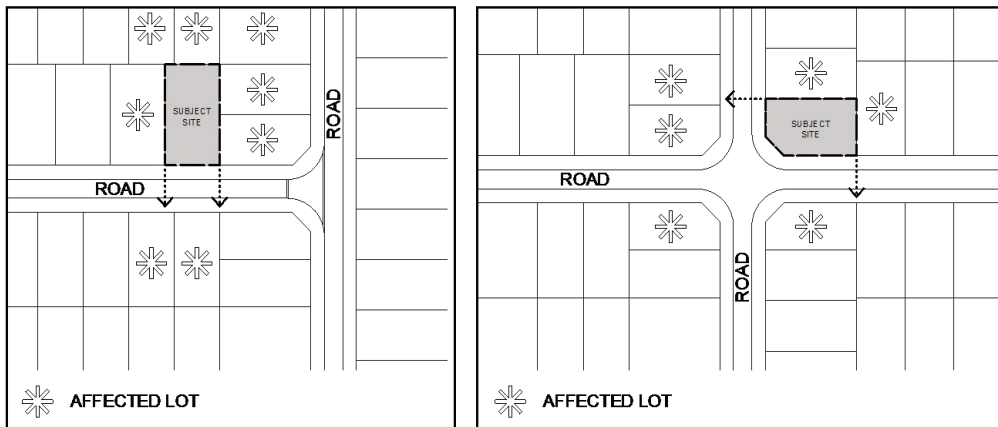
Policy			
<b>Title:</b>	<b>Public Consultation of Planning Proposals</b>	<b>Code:</b>	<b>LP.02</b>
<b>Purpose or Objective:</b>	<ul style="list-style-type: none"> <li>To provide a fair and consistent approach for consulting the public for planning proposals submitted for the local government’s consideration and/or determination.</li> <li>To provide the means and duration of advertising while balancing between the need for the community to be informed and have reasonable opportunity for input and the requirement to process planning proposals in an efficient manner and within prescribed statutory time frames.</li> </ul>		
<b>Reference Documents:</b>	<ul style="list-style-type: none"> <li>State Planning Policy No. 7.3 – Residential Design Codes of WA</li> <li>Planning and Development (Local Planning Schemes) Regulations 2015</li> <li>City of Canning Local Planning Scheme No. 42</li> </ul>		
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

*Adjoining properties* - is to be determined by reference to diagrams below:



<i>Directly adjoining property</i>	means only the property(ies) with a boundary directly adjacent to that part of the building for which a variation is proposed. For example if a development proposes a reduced setback to the western lot boundary, then only the property to the west will be consulted.
<i>Online</i>	where referred to as an applicable consultation method in 5.1 or Tables 1A, 1B or 1C in this policy, includes advertising/display of the proposal on the local government’s online engagement portal, and where considered necessary may in addition, include the local government’s website or other online platforms.
<i>Planning proposal</i>	Includes – but not necessarily limited to the following: <ul style="list-style-type: none"> <li>• Development applications;</li> <li>• Variations to the deemed-to-comply provisions of the R-Codes Volume 1;</li> <li>• Variations to the acceptable outcome provisions of the R-Codes Volume 2;</li> <li>• Local planning policies;</li> <li>• Local development plans;</li> <li>• Structure plans;</li> <li>• Precinct Plans; and</li> <li>• Local planning scheme amendments.</li> </ul>
<i>Surrounding properties</i>	means those properties which fall wholly or partly within the required metre radius of the subject site, as specified in 5.1 and Tables 1A, 1B or 1C.

### 3 Statutory Background

The Planning and *Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the Scheme requires the advertising of certain types of proposed development. Where advertising is required or considered necessary and appropriate, the manner and method of this advertising is outlined in Schedule 2 clause 64 of the Regulations.

Part 4 of *State Planning Policy 7.3 Residential Design Codes (R-Codes)* requires that for residential developments, the City may notify potentially affected neighbours in certain circumstances. These circumstances are outlined in the tables contained in this Policy. Should there be any conflict between this policy and the Regulations, the provisions of the Regulations shall prevail.

In addition to where notice is prescribed under *Schedule 2, Part 7, clause 64 of the Deemed Provisions*, public notice will also be given of the following development applications 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 350m<sup>2</sup> in area; or
- e) Satellite dishes in circumstances where development approval is required; or
- f) 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 5.1 and Table 1A, 1B or 1C 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) Additional calendar days will be added to the public notification period for any planning proposal, in accordance with Schedule 2 Part 2 1C of the Deemed Provisions where the notice period includes:
  - i. a period of 7 days commencing on Good Friday in a year; or
  - ii. period commencing on 25 December in a year and ending on the next 1 January.

#### **5 Means and extent of notice of applications**

##### **5.1 Scheme Amendments, Precinct Structure Plans, Local Development Plans and Local Planning Policies**

Community consultation in relation to Scheme Amendments, Structure Plans, Local Development Plans and Local Planning Policies will be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, *Planning Engagement Toolkit for Western Australia* and the following provisions of this Policy:

- a) For Scheme Amendments and Precinct Structure Plans, notice to owners and occupiers will be made for properties located in the following radii:
  - i. Residential and Commercial type uses (between 50m and 150m); and
  - ii. Industrial 200m.
- b) For Local Development Plans and Local Planning policies, notice will be given to owners and occupiers in the case of spatial proposals only. All owners within boundaries of plan to be consulted. Further referral area to be determined based on scale of plan or policy.
- c) Signs on site and notifications in the local newspaper circulating in the area, will be undertaken at the discretion of the local government, where it is considered appropriate.

##### **5.2 Applications for Development Approval**

- a) Consultation Requirements for Development Applications (Tables 1A to 1C):
  - i. The circumstances where an application for development approval will be the subject of community consultation and the methods and duration of consultation that will apply are contained in Tables 1A, 1B and 1C below.
  - ii. The requirements of more than one Table may apply to a development application. Where more than one category/circumstance applies to a particular development application, then the greater of the relevant consultation requirements shall apply.
- b) Circumstances where Community Consultation will not be required  
Community consultation will not be undertaken for a development application that:
  - i. Complies with all applicable provisions of the Scheme, R-Codes or Local Planning Policies; or
  - ii. Proposes variations to Scheme, R-Codes or Council Policies that are not specifically identified in Tables 1A, 1B and 1C as requiring consultation; or
  - iii. Seeks to renew a previous approval issued, provided that the previous approval did not

expire more than 12 months ago and the design has not significantly changed or increased the extent of any non-compliances.

TABLE 1A: Land Use					
Land Use or Development Type	Comment Period	Required Consultation Methods			
	Minimum No. of Days	Online	Notice to Owners and Occupiers	Signs on Site	Local Newspaper
'A' Discretionary Uses in Local Planning Scheme No. 42	21	Yes	Yes; A minimum of 50m to a maximum of 200m	No	No
The proposal has a significant planning impacts in terms of the implementation or a strategic planning objective, the scale of the development, or is significantly different from the predominant and expected pattern of development within the locality.	21	Yes	Not greater than 200m	No	No
Unlisted Uses in Local Planning Scheme No. 42	Refer to Schedule 2 Part 2 Clause 64 (4) of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>				

TABLE 1B: Development Type					
Land Use or Development Type	Comment Period	Required Consultation Methods			
	Minimum No. of Days	Online	Notice to Owners and Occupiers	Signs on Site	Local Newspaper
Telecommunications Facilities (excluding exempt 'Low Impact' Facilities).	21	Yes	Yes; 200m	Yes	Yes

TABLE 1C: Residential Development					
Variation Type	Comment Period	Required Consultation Methods			
	Minimum No. of Days	Online	Notice to Owners	Signs on Site	Local Newspaper
A departure from the Deemed-to-Comply requirements of the R-Codes – Volume 1 or any Local Planning Policy created under Clause 7 of the R-Codes. Where the variation is considered by the City to have potential to impact the amenity of adjoining properties or the street and should be directed at those adjoining owners and occupiers likely to be	14	No	Yes: Adjoining Properties	No	No

affected as per Part 4 of the R-Codes.					
A departure from the 'acceptable outcomes' of the R-Codes Volume 2 or any Local Structure Plan. Where the variation is considered by the City to have potential to impact the amenity of adjoining properties consultation should be directed at those adjoining owners.	14	No	Yes: Adjoining Properties	No	No

*Notes:*

- a) *The City will arrange the notice in a local newspaper circulating within the district.*
- b) *Where consultation is required for Development Applications 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.*
- c) *For amendments to previously advertised planning proposals, the City may reduce or waive elements of the consultation process taking into account how recent the previous consultation was, the level of public interest when the proposal was originally advertised, and the extent and significance of the amendments being made.*

**6 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 Development Application plans signed by the affected owner(s).

**7 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.

**8 Opportunity for applicant to respond to submissions**

For Tables 1A, 1B and 1C Development Applications, 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.

**9 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.

## **10 Submissions report to an external decision making authority**

- a) From time to time Development Applications 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 Development Application, 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.

## **11 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 depositions. 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.

## **12 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.

## **13 Refusal of development applications without giving of public notice**

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

## **14 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.

## **15 Variations to policy**

Notwithstanding Tables 1A, 1B and 1C the City may not require consultation to be undertaken, or require additional consultation (method and/or duration), where it is considered appropriate based upon the nature of a particular planning proposal to the discretion of the Manager City Planning/ Director Canning Development.

## Governance References

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

## Policy Administration

<b>Program</b>		<b>Officer title</b>	<b>Date last approved</b>
Canning Development		Director Canning Development	15 February 2022
<b>Version</b>	<b>Decision Reference</b>	<b>Synopsis</b>	<b>Delegation No.</b>
1	SD-014-19	Final adoption	
2	CD-032-21	Advertising of draft policy	
3	CD-001-22	Final adoption	