



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 City's consideration or determination.		
REFERENCE DOCUMENTS:	City of Canning Town Planning Scheme No. 40; and State Planning Policy No. 3.1 – Residential Design Codes of WA.		

POLICY STATEMENT
<p>The City 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 City to process them efficiently and within statutory timeframes.</p> <p>This policy provides guidance on the exercise of discretion under the City of Canning Town Planning Scheme No. 40 (the City's 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 City's Scheme.</p> <p>This policy also applies to planning proposals referred to the City but for which it is not the final decision making authority.</p>

1. Scope

This Policy applies to all planning applications and proposals that are required to be advertised for public comment.

2. Definitions

Unless otherwise defined, words and expressions in this policy are as defined in Appendix 1 of the City of Canning Town Planning Scheme No. 40 (the City's Scheme), the *Planning and Development Act WA 2015* or the Residential Design Codes of WA (R-Codes), or as defined below:

<i>planning proposals</i>	Includes – but is not necessarily limited to: <ul style="list-style-type: none"> • applications for development approval (development applications); • variations to the deemed-to-comply provisions of the Residential Design Codes of WA (R-Codes); • local planning policies; • local development plans; • local structure plans; and • town planning scheme amendments.
<i>owners and occupiers</i>	Means the owners and occupiers of properties that, in the opinion of the City, may be affected by a planning proposal and/or any other identified stakeholder that may be affected.

3. Legal Status

- (1) This policy is a planning policy prepared, advertised and adopted pursuant to Clause 2.7.12 of the City's Scheme. The policy augments and is to be read in conjunction with the provisions of the City's Scheme. If there is conflict between this local planning policy and the Scheme, then the Scheme shall prevail.
- (2) This policy has due regard to, and should be read in conjunction with state planning policies. Of particular relevance to this policy is the State Planning Policy 3.1 – Residential Design Codes.
- (3) This policy has due regard to, and should be read in conjunction with the City's other local planning policies. Of particular relevance to this policy is Local Planning Policy SRS227 – Residential Development.

4. Guidance for giving notice of certain development applications

In addition to where notice is prescribed under sub-clause 2.3.7.1 of the City's Scheme, public notice will also be given of the following development applications under sub-clause 2.3.8.4 prior to consideration of approval, where the application involves:

- (1) 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 listed under Appendix 4 of the City's Scheme; or
- (2) Development on a site listed on the Register of Heritage Places under the *Heritage of Western Australia Act 1990* or listed under Appendix 4 of the City's Scheme, where that application involves the permanent or semi-permanent alteration to the built fabric of any structure on the land; or
- (3) The development of Residential Buildings as per Local Planning Policy SRS224 - Bentley and Wilson Precincts, where the proposal is outside the Education and Technology Precinct of the said Policy; or
- (4) Family day care centres where the proposal:
 - (a) Is located in a multiple or grouped dwelling development; or
 - (b) Is located in a single dwelling where the parent lot is less than 350m² in area; or
- (5) Home occupations where the proposal:
 - (a) Is located in a multiple or grouped dwelling development: or
 - (b) Is located in a single dwelling where the parent lot is less than 350m² in area; or
 - (c) Involves more than one (1) customer or client on the premises at any one time or more than three (3) customers or clients per day; or
 - (d) Involves substantial visually discernible building modifications or additions; or
 - (e) Will be substantively visible from any adjoining property; or
 - (f) May result in noise, smell or other emissions considered to be in excess of those normally appropriate for a dwelling; or
- (6) Satellite dishes in the circumstances, where development approval is required; or
- (7) Variations to development standards set out under the City's Scheme or within a Local Planning Policy that have the potential to significantly impact on the amenity of surrounding residents.

5. Duration and commencement of public consultation

- (1) 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. 5.00pm) on the date shown on the advertising materials relating to the matter.
- (2) Any submissions received after this date may not be included in the assessment and determination of the proposal.
- (3) An additional seven (7) calendar days will be added to the public notification period for any planning proposal where the notice period commences:
 - (a) Within the Easter Public Holiday period; or
 - (b) Between 20 December and 3 January.

6. Means and extent of notice of applications

Table 1 – Means and extent of notice of applications

Consultation Methods	R-Code Design Principles Assessment	Development Applications (c)	Local Structure Plan	Town 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	Complex – 60 days; Standard – 42 days.	21 days / 28 days
Local Newspaper (a)	No	No	Yes	Yes	Yes
Council Notice Boards	No	No	Yes	Yes	Yes
Sign(s) on Site (b)	No	No	No	Yes, if proposing rezoning of land.	No
Notice to	Yes,	Refer Table 2	Yes:	Yes (Spatial	Yes (Spatial

Consultation Methods	R-Code Design Principles Assessment	Development Applications (c)	Local Structure Plan	Town Planning Scheme Amendment	Local Planning Policy / Local Development Plan
Owners	properties affected by variation only.	below.	Residential 100m; Commercial 150m; and Industrial 200m	Proposals only): Residential (specific R-Coding) 100m; Commercial 150m; and Industrial 200m	Proposals only). All owners within boundaries of Policy to be consulted. Further Referral area to be determined based on scale of Policy.
Notice to Occupiers	No	Refer Table 2 below.	Yes: Residential 100m; Commercial 150m; and Industrial 200m.	Yes (Spatial Proposals only): Residential (specific R-Coding) 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.
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	As required by Regulations	No

Notes:

- (a) The City will arrange the notice in a local newspaper circulating within the district.
- (b) The City will arrange for sign(s) to be erected on site in accordance with the City's relevant specifications. Sign(s) will be erected in a prominent position and where the land the subject of a proposal has more than one street frontage or where a site is very large, additional sign(s) on each street alignment may be required.
- (c) Where consultation is required due to non-compliance with a specific development standard or local planning policy under Town Planning Scheme No. 40, the application will be referred to owners of relevant affected abutting or facing lots.

Table 2 – Referral Areas for Development Applications requiring advertising

Category 1 (Adjacent Properties – Refer Part 8 for description)	Category 2 (100m Radius)	Category 3 (200m Radius)
Family Day Care Centre *	Bed and Breakfast	Child Day Care Centre (within residential zone)
Home Occupation *	Child Day Care Centre (other than residential zone)	Club Premises
Residential Building (<5 units or if in single building < 10 rooms)*	Community Building	Extractive Industry
Satellite Dishes *	Community Purpose	Fuel Depot
Cottage Industry *	Convenience Store	Hazardous Industry

Home Business *	Educational Establishment	Noxious Industry
	Funeral Parlour	Public Amusement
	Home Store	Public Exhibition
	Hotel	Public Worship (> 50 patrons)
	Market	Reception Lodge
	Mechanical Repair Station	Take-Away Food Outlet (with drive-through and/or operating 24 hours per day)
	Medical Consulting Rooms	Tavern
	Motel	Telecommunications Infrastructure
	Public Worship (<50 patrons)	Spray Painting (Non-Automotive)
	Residential Building (other)	
	Restaurant	
	Restricted Premises	
	Retirement Village	
	Salvage Yard	
	Take-Away Food Outlet (tenancy within an existing building and not involving drive-through)	
	Transport Depot	
	Use Not Listed †	
	Vehicle Workshop	
	Veterinary Clinic / Veterinary Hospital	

*Where required to be advertised under Part 4 of Policy.

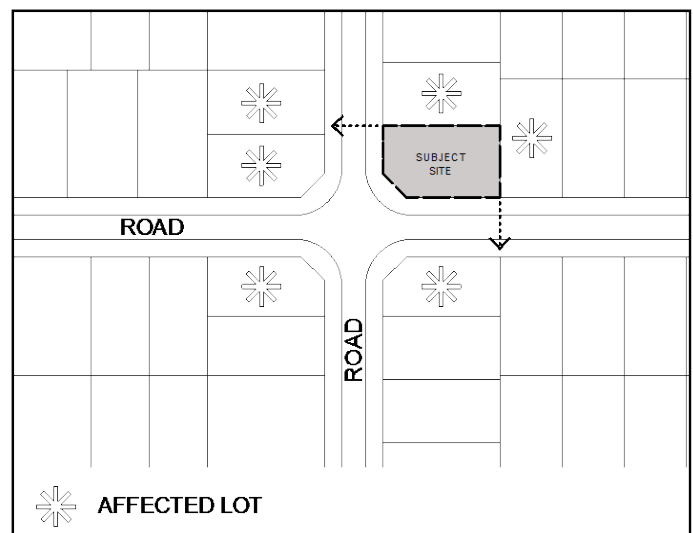
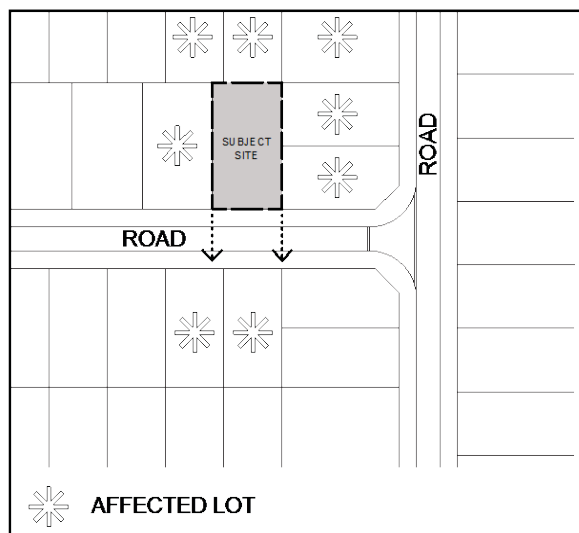
†Depends on the proposal involved, however a minimum of 100m referral area required.

7. Community Information Sessions

- (1) A community information session may be held for a planning proposal where in the opinion of the City, 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.
- (2) The information session will be held during the public consultation period, normally at least one 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. Adjacent Properties

For the purposes of this Policy, adjacent properties will be identified according to the diagrams below:



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

The applicant may provide the City 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:

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

10. No comments received

Where no comments are received on a proposal from a notified owner or occupier, the City 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.

11. Opportunity for applicant to respond to submissions

For Category 2 and 3 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 notice 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 by law or as otherwise specified in this policy.

12. 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 by law.

13. Submissions report to an external decision making authority

- (1) 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 City 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.
- (2) In these circumstances, all submitters will be informed in writing of:
 - (a) The City'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
 - (b) The external responsible authority's determination.

14. 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.

15. Notification of submitters of decision

- (1) 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
- (2) In the case of a petition, notification will be given to the person/s responsible for lodging the petition with the City.

16. 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.

17. Variations to policy

The Director Planning and Regulation 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 town planning impact beyond the referral areas identified.

GOVERNANCE REFERENCES

Statutory Compliance	Planning and Development Act 2005; and City of Canning Town Planning Scheme No. 40
Process Links	<i>Adjoining Owners Comment Form: Variation to the Residential Design Codes (TRIM D13/159544)</i>

POLICY ADMINISTRATION

Directorate		Officer Title	Authority to Approve
Planning and Regulation		Director Planning and Regulation	Council
Version	Decision Reference	Synopsis	Delegation No
1	July 2015	Draft Local Planning Policy (NEW)	N/A
1	OCM 13/10/2015 (PR-058-15)	Adopted	