

Policy P301 Advertising of Planning Proposals

Responsible Business Unit/s	Development Services
Responsible Officer	Director Development and Community Services
Affected Business Unit/s	Development Services

Policy Purpose

This policy provides guidance on the manner and method of advertising development applications and strategic planning proposals having regard to the requirements of the State planning framework and the City of South Perth Town Planning Scheme No. 6 (the Scheme).

This policy acts as a guide, however engagement with the community on each planning proposal should be undertaken in the most appropriate and meaningful way having regard to the objectives and intent of the policy.

Statutory Requirements

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, the manner and method of this advertising is outlined in Schedule 2, clause 64 of the Regulations.

In addition to the requirement to advertise in the Regulations and the Scheme, Part 4 of State Planning Policy 7.3 Residential Design Codes – Volume 1 requires that in some instances the City advertise development applications to adjoining property owners. Where, in the opinion of the City, advertising is necessary under Part 4 of the R-Codes Volume 1, this policy shall apply. Should there be any conflict between this policy and the Regulations, the provisions of the Regulations shall prevail.

Strategic planning proposals (scheme amendment, structure plans, local planning strategy, and local planning scheme) will be the subject of their own tailored engagement strategy. Depending on the scale and complexity of the proposal this may include preliminary consultation prior to the advertising required under the Regulations.

Under the *Planning and Development (Development Assessment Panels) Regulations 2011*, development applications which are to be determined by a Development Assessment Panel (DAP) are subject to local government requirements for advertising. This policy therefore applies to all DAP applications.

This policy does not replace or alter the City's obligations under the *Freedom of Information Act 1992*.

Policy Objectives

1. To provide for a fair and consistent approach to the circumstances that advertising is undertaken, and the means and duration of advertising.
2. To recognise the balance between the need for the community and relevant stakeholders to be informed of, and have reasonable opportunity to provide feedback on planning proposals, and the administrative need to process planning proposals in an efficient manner, and within prescribed statutory timeframes.
3. To outline the process the City will use when undertaking advertising and considering submissions.
4. To ensure that, before making a final decision on a planning proposal, properties that are likely to be affected by a planning proposal are informed about the proposal and are given adequate opportunity to provide feedback.
5. To achieve an appropriate balance between an applicants' development entitlements and the community's expectations.

Policy Application

This policy applies to all planning proposals within the City of South Perth where advertising is undertaken by the City or is being considered to be undertaken by the City. In the context of this policy, the term planning proposals is as per the definition contained in the policy.

Policy Status

This policy is made pursuant to Schedule 2, Part 2 - Local Planning Policies, of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Policy statement

1. Relationship to P103 Stakeholder Engagement

All consultation undertaken by the City shall have due regard to P103 Stakeholder Engagement.

2. Requirement to advertise planning proposals

The requirement to advertise a planning proposal is prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). This includes which proposals require advertising, length of advertising periods, methods of advertising, and who shall be advertised to.

3. Duration of advertising period

The duration of advertising periods shall be as prescribed by **Table 1** of this policy.

The commencement date of an advertising period shall be the day after the day on which the online notice is published on the City's website.

4. Availability of documents

During the advertising period, relevant application material will be made available for public viewing. Relevant application material shall include the application form, relevant plans/reports, and any accompanying material such as supporting justification, plans or reports that the City considers should be published.

All proposals will be available for viewing digitally on the City's website or engagement portal (Your Say South Perth), and, where outlined in **Table 1**, in hard copy for public viewing at the South Perth Civic Centre, and South Perth and Manning libraries. All proposals may be viewed in hard copy at the South Perth Civic Centre by appointment.

5. Advertising of applications for development approval

Not all applications for development approval will require advertising to be undertaken. Where a proposed development will not, in the opinion of the City, impact on any other property, advertising will not be required unless required by the Regulations. Types of development that often will not impact on other properties may include minor works such as fences, patios and outbuildings, or changes of use from one use to another that will cause a lesser than or similar impact to the existing use.

An application for development approval made to the City shall be advertised in accordance with **Table 1** where

- The application is considered a complex development application, or
- The application is considered a standard development application and is required to be advertised in accordance with Part 8 of this policy
- The application is required to be advertised under Part 4 of the Residential Design Codes - Volume 1.

6. Table 1 - Means and extent of advertising planning proposals

The below table outlines the means and duration of advertising for types of planning proposals. The definition for each type of planning proposal is contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A development application will be considered complex where it meets the criteria outlined in Part 7 of this policy. All other applications shall be considered as a standard application. Standard applications will only be advertised where required under Part 8 of this policy. Where an advertising area is specified it shall include all properties that are within or partially within the specified radius measured from any part of the site to which the planning proposal applies.

Type of Planning Proposal	Advertising period (i)	Minimum extent of letters to Owners and Occupiers (iv)	Local Newspaper Notice	Online notice	Sign(s) on site (vi)	Hard copies (vii)
Standard Development Application	14 days(ii)	Properties in the vicinity likely to be affected	No	Yes	No	No
Complex Development Application	28 days	All within 200m	No	Yes	Yes	No
Local Development Plan (LDP)	14 days (iii)	All within affected area and within 100m	No	Yes	Yes	No
Standard Scheme Amendment	42 days	All within amendment area and within 100m (v)	Yes	Yes	Yes (v)	Yes
Complex Scheme Amendment	60 days	All within amendment area and within 200m (v)	Yes	Yes	Yes (v)	Yes
Structure Plan	42 days	All within affected area and within 200m	Yes	Yes	No	Yes
Local Planning Policy (LPP)	21 days (iii)	All within affected area (v)	Yes	Yes	No	Yes
Local Planning Strategy	21 days	All landowners and occupiers of the City	Yes	Yes	No	Yes
Local Planning Scheme	90 days	All landowners and occupiers of the City	Yes	Yes	No	Yes

(i) Minimum advertising periods for all planning proposals are outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

(ii) Not all applications are required to be advertised. Where a standard application is advertised under this policy the advertising period shall be 14 days. Refer to Part 5.

(iii) Advertising periods are a minimum and may be increased based on the content on the proposal.

(iv) The area of advertising outlined is a minimum only. The extent of advertising may be increased having regard to matters listed in Part 9.

(v) Letters and signs on site will only be required where the planning proposal affects a particular area or specific properties.

(vi) Details of requirements for signs (size, information on sign, location of sign) will be provided to the applicant, as required.

(vii) Documents will be available for public viewing during business hours at the South Perth Civic Centre, and South Perth and Manning Libraries. In all cases hard copy documents may be viewed by appointment at the Civic Centre.

7. Complex development applications

An application for development approval will be considered a complex application if it meets any of the following criteria:

- The proposed development is for a use that is not listed in the Scheme;
- The proposed development is seeking bonus height under Element 21 and 22 of the Canning Bridge Activity Centre Plan
- The proposed development is seeking approval for a height above the base height under the South Perth Activity Centre Plan

Notwithstanding the above, any application for development approval received by the City may be considered a complex application at the discretion of the Manager Development Services. In considering whether an application is advertised as a complex application, the following criteria shall be considered

- The potential impact of the development on amenity for nearby residents in terms of visual impact (bulk and scale), streetscape, privacy, noise, intensity of use, traffic generation and/or adequacy of parking
- Strategic planning impacts of the development in terms of the implementation of a strategic planning objective, or that it is significantly different from the predominant and expected pattern of land use with the locality.

8. Standard development applications

All applications for development approval that are not considered complex will be considered a standard application.

A standard application will only be advertised where it meets any of the following criteria:

- The development is a 'class A' use in relation to the zone in which the development is located; or
- The development relates to the extension of a non-conforming use; or
- The development does not comply with the requirements of the Scheme and the non-compliance is not of a minor nature as determined by the local government; or
- The development requires a heritage assessment to be carried out (refer to Schedule 2, clause 11 of the Regulations for detail on when this is required); or
- The development is of a kind identified in the Scheme as an application that is required to be advertised; or
- Properties within the vicinity are, in the opinion of the City, likely to be affected by the proposal.

In all instances where a standard application is advertised, letters to landowner and occupiers will only be sent to those properties that the local government identifies as likely to be affected by the proposed development.

9. Likely to be affected

In considering if a property is likely to be affected a planning proposal, the City will consider matters including but not limited to:

- visual impact (bulk and scale)
- streetscape impact
- privacy impact

- noise generation
- intensity of use
- traffic generation
- parking provision
- alignment with the local planning framework (Scheme, local planning policies, etc.).

10. Variations to advertising periods

With the exception of local development plans and local planning policies, extension to the advertising period is not permitted by the Regulations. An increase to the minimum advertising period for local development plans and local planning policies may be considered where the Manager Development Services determines a longer advertising period is necessary having regard to the likely impact of the proposal.

11. Holiday periods

Where part of the advertising period takes place during an **excluded holiday period**, these days shall be excluded from the advertising timeframe.

For local development plans and local planning policies, an extended advertising period may also be considered during other holiday periods (such as school holidays), having consideration of the content of the planning proposal and the relevant stakeholders.

12. Late submissions

Any submissions received after the closing date may be considered only if received in sufficient time to allow for reporting. Consideration of late submissions is at the discretion of the Manager Development Services. A lack of response will not be construed to be either supportive or opposed to a proposal.

13. Cost of advertising

Regulation 49 of the *Planning and Development Regulations* 2009 permits the City to recoup from an applicant any costs and expenses incurred by the City in undertaking advertising a planning proposal.

14. Applications where the City is not the decision maker

Advertising may be undertaken for planning proposals where the City is not the decision maker in the same way as those where the final decision is made by the City such as DAP applications. A full copy of any submissions received will be forwarded to the decision maker with the City's recommendation for their consideration.

15. Additional advertising of previously advertised proposal

Where advertising has been undertaken on a planning proposal and an applicant subsequently makes amendments to the proposal, which are considered significant by the City, additional advertising may be required.

Notwithstanding the above, any re-advertising shall only be required where it does not compromise the City's statutory obligations to comply with the timeframes and processes prescribed by the Regulations.

16. Advertising to adjoining local governments and other public authorities

Where a planning proposal may impact properties within an adjoining local government, the City will consult directly with the relevant local government administration only. Details of the proposal and the addresses of those properties that the City determines may be impacted will be provided to the relevant local government.

Where a planning proposal may affect a public authority, advertising shall be undertaken with that public authority in the same manner as with those properties likely to be affected by the proposal.

17. Refusal of applications without undertaking advertising

A planning proposal may be refused by the City without undertaking advertising.

18. Modification to the advertising period once advertising has commenced

The City shall not modify the length of the advertising period once the advertising period has commenced.

19. Opportunity for applicant to respond to submissions

At the end of the advertising period, copies of all written submissions, or a summary of the key issues raised, may be provided to the applicant to allow an opportunity to respond. Personal details of the submitters such as name, telephone number and address will remain confidential.

20. Submissions reported to Council

Reports to Council will outline the issues raised by submissions received during the advertising period. Personal details of the submitters such as name, telephone number and address will remain confidential.

21. Notification of consideration of a planning proposal by Council or Joint Development Assessment Panel

Council meetings and Joint Development Assessment Panel (JDAP) meetings are generally open to the public unless otherwise notified. Open meetings will make allowance for public statements, public questions, submission of petitions, and/or deputations in accordance with the relevant Act or Regulation. The applicant, and all parties who have made a submission on a planning proposal, will be notified in writing of the date(s) that the planning proposal will be considered by the relevant decision maker.

The City will aim to provide written notification of the meeting as soon as practical once the agenda for the meeting is confirmed.

22. Notification of decision

When a planning proposal is determined by the City, the applicant, and all authors of submissions will be advised in writing of the decision.

When the City is not the decision maker, all authors of submissions will be provided details of how to access the determination.

DEFINITIONS

Adjoining Properties

means all those properties with an adjoining boundary, including those adjoining diagonally.

Advertising

means the process of notifying relevant stakeholders and the general community through either direct notification or by having information available for public viewing.

Advertising period

Means the period of time that the City advertises a planning proposal.

Development application

means any application for development approval submitted under clause 62 of the Deemed Provisions.

Excluded holiday period

means the period:

- (a) beginning on 25 December in a year and ending on the next 1 January; or
- (b) the 7 days beginning on Good Friday in a year;

Planning proposal

means any proposal that requires approval under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other legislation, including but not limited to Local Planning Scheme, Local Planning Strategy, Structure Plans, Local Development Plans, Local Planning Policies, and Development Applications.

SUBMISSION CATEGORISATION

Any submissions received will be categorised into one of the following types:

A. Original unique submissions signed by the author

Includes any uniquely worded and original letters and emails, even if only marginally different from each other which:

- Are addressed to the City (Council, Mayor, Officers, CEO);
- Are signed by the author (unless email); and
- Include the name and address of the author(s).

B. Signed Pro-forma submissions

Includes copied pre-printed pro-forma letters or cards which;

- Are addressed to the City (Council, Mayor, Officers, CEO);
- Are signed by the author (unless email); and
- Include the name and address of the author(s).

C. Petitions

Any submission signed by occupants of more than one household.

D. All other written or printed material

Includes any other form of material, including that which has not got the author's signature or property address or does not fit into the categories above. Submissions that are not accompanied by a name and/or address will not be subject to any analysis by the City.

All category A and B responses, and the author or first signatory of category C responses will be:

- Acknowledged in writing by the City, and the author advised of the decision-making process (e.g. which Council meeting or JDAP meeting that the matter will be reported to, if applicable); and
- Advised of the outcome of the matter where the City is the decision maker.

No individual responses will be made to category D submissions.

LEGISLATION/ LOCAL LAW REQUIREMENTS

City of South Perth Town Planning Scheme No. 6

Planning and Development Regulations 2009

Planning and Development (Development Assessment Panels) Regulations 2011

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005

Heritage Act 2018

OTHER RELEVANT POLICIES/ KEY DOCUMENTS

Council Policy P103 'Stakeholder Engagement'.

State Planning Policy 7.3 - Residential Design Codes