Title	**ADVERTISING OF DEVELOPMENT APPLICATIONS**
Policy Number (Governance Purpose)	**LPP 5.24**

Policy Type

Local Planning Policy

Citation

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This policy may be cited as Local Planning Policy (LPP) 5.24

Introduction

The Town Planning Scheme includes a number of clauses relating to public notice for development applications. Many requirements relating to public notification of development applications are mandatory, while others provide the City with discretion as to whether a proposal is to be advertised and the method of advertising.

This policy provides guidance on the exercise of discretion under Town Planning Scheme No. 3 in terms of when public notice is given for development applications, and the means and duration of public notice periods, where these periods are not prescribed by the Town Planning Scheme.

Community feedback helps identify local issues and impacts that should be considered as part of the assessment process.

This policy provides guidance for the consistent advertising of development applications. Each application will continue to be assessed on its individual merits, having regard to the Town Planning Scheme and other relevant planning considerations. It should not be assumed that the City is limited only to the provisions of this policy when exercising its planning discretion.

Applicants are strongly encouraged to discuss proposals with adjoining owners and occupiers prior to the submission of any development application. It is important to note that this Local Planning Policy does not constitute part of the Town Planning Scheme and therefore does not bind the City in respect of any application for planning approval but requires the City to have due regard to the provisions of the Policy, including its objectives.

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Should there be any conflict between this Policy and the Town Planning Scheme, then the provisions of the Scheme prevail.

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

Objectives

- To provide for a consistent approach to the circumstances when public notice is undertaken, and the means and duration of public notice periods, of planning proposals.
- To recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into, planning proposals, and the administrative need to process planning proposals in an efficient manner, and within prescribed statutory timeframes.
- To outline the process the City will use when undertaking advertising and considering submissions.
- To ensure that, before making final decisions on planning proposals of any kind, persons likely to be affected are given an opportunity to comment.
- To ensure that persons likely to be affected by a planning proposal have an opportunity to comment before a decision is made, while balancing community interests with the reasonable expectations of landowners and applicants to develop their land in accordance with applicable planning controls.
- To provide greater consistency and transparency around when development applications are advertised and how the community can provide feedback.

Application

This policy applies to the entire Scheme area of the City of Cockburn and will be applied by the City when making discretionary decisions relating to advertising of development applications only. In circumstances where advertising is undertaken, it will include both

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owners and occupiers of properties that, in the opinion of the City, may be affected by the proposal and/or other stakeholders where these are identified.

This policy also applies to Development Applications for which the City is not the final decision making authority, such as application to be determined by a Development Assessment Panel or the Western Australian Planning Commission (if advertising is permitted).
This policy does not apply to planning scheme amendments, local/district structure plans, the adoption of local planning policies, planning strategies, local development plans or any other strategic planning document.

This policy does not apply to planning referrals to statutory bodies or government agencies as required under clause 66 of the Deemed Provisions.

This policy does not apply to public engagement undertaken by the City.

Policy Provisions

(1) Requirement to give notice of certain Development Applications

In addition to where notice is prescribed by the Scheme, public notice will also be given of the following development applications prior to consideration for approval where the application:

- Involves development on a site listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, listed on the Scheme Register of Heritage Places or included in a Heritage Area declared under the Scheme, where that application involves the permanent or semipermanent alteration to the built fabric of any structure on the land

- Proposes the demolition of any building or structure on a site listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, listed on the Scheme Register of Heritage Places or included in a Heritage Area declared under the Scheme or a site listed on the Municipal Inventory

- Involves a significant exercise of discretion in terms of the Scheme, Residential Design Codes or Policy provisions

- Involves potentially significant urban design or streetscape impacts

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- Represents a significant variation to the bulk, scale or design of the existing surrounding buildings

- Has potentially significant amenity impacts on nearby residential areas or neighbours in terms of visual impact, streetscape, privacy, noise, intensity of use, traffic generation and adequacy of parking

- Has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or are significantly different from the predominant and expected pattern of land use with the locality

Notwithstanding the above, planning proposals that do not meet the above criteria are able to be advertised, at the discretion of the City if it is considered in the public interest to do so.

(2) Variations to the Residential Design Codes

The City, in accordance with Part A of the R-Codes, may advertise proposed variations to the R-Codes where in the opinion of the decision maker such a variation may adversely impact an adjoining owner.

The City will only advertise variations to the deemed-to-comply provisions of the RCodes. Submissions pertaining to compliant aspects of the dwelling design cannot be considered.

The City may waive the notification requirements in respect of residential planning applications involving the exercise of discretion under the Residential Design Codes where the applicant provides a copy of the application plan/s including a certification by the owners and occupiers of the adjoining property stating that they have no objections to the proposal. Signatures should include all persons shown as the owners on the Certificate of Title and ownership details will be confirmed.

Certifications must include:

- The full name of the owner/s and occupier/s certifying non-objection clearly printed and a signature
- A statement indicating no objection to the proposal; and

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- A current contact address and contact phone number

(3) Complex Applications

The following development applications shall be treated as complex applications for the purposes of Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (excluding amendments to existing authorised development):

- Childcare Centres in the Residential Zone
- Medical Centres in the Residential Zone
- Health Studios in the Residential Zone
- Smalls Bars in all zones
- Liquor Stores in all zones
- Restricted Premises in all zones
- Night Clubs in all zones
- New Activity Centres or substantial expansions of existing Activity Centres
- Any use not listed in the Zoning Table of Town Planning Scheme 3
- Proposals of $15 million or more (excluding public works, single or grouped dwellings and industrial developments)

Complex applications will be advertised for a minimum of 28 days by doing all of the following (in accordance with the Regulations):

- Publishing details of the proposal on Comment on Cockburn;
- Giving notice to owners and occupiers of every property within 200m of the proposed development; and
- Erecting a sign in a conspicuous place on the land subject of the application

In addition, the City will notify the relevant Community/Residents' Associations of the suburb within which the complex application is located. Should the subject site be located within 200m of a suburb boundary, the Community Association of that suburb will also be notified. The list of Community Associations that will be notified are found on the City's website.

Not withstanding the above, the City may treat any application before it as complex at the discretion of the City if it is considered in the public interest to do so.

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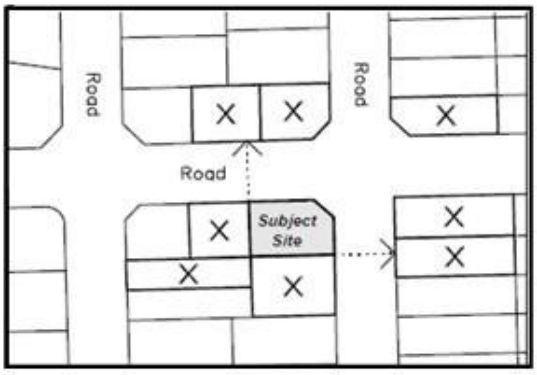
(4) Non-Complex Applications (excluding R-Code Variations)

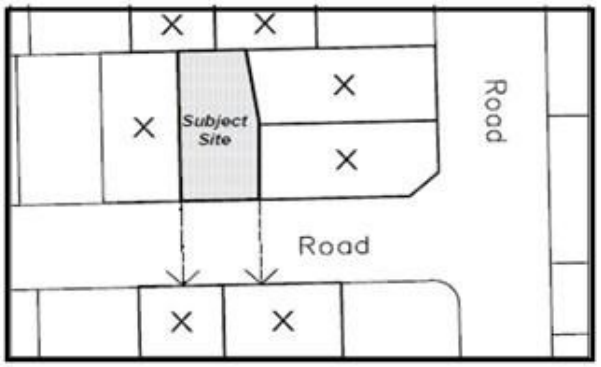
Development applications that require advertising (such as 'A' uses or uses identified in section (1) above) by notifying adjoining owners/occupiers of the proposal.

Adjoining property means any land (or owner of land) which abuts an application site or is separated from the site by only a pathway, driveway, right-of-way or similar thoroughfare.

Example 1



Example 2



The above examples are a minimal guide only and the City may, at its discretion, advertise the proposal to a larger radius. Logical geographical breaks may be taken into consideration when determining a larger radius, such as street ends, culs-de-sac, grouped dwelling arrangements and lot layouts.

(5) Contents of Advertising Materials

In advertising a development application, the City will specify:

- The details of the proposal and any accompanying material in relation to the application
- The manner and form in which submissions may be made
- The applicable period for making submissions and the last day of that period
- How affected persons can view plans or seek further information

(6) Availability of Documents

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All plans and documents forming part of the development application shall be made available for public viewing and access during the public consultation period of that proposal. The documentation may be viewed at the City's Administration building without appointment.

Affected persons may also request digital copies of the material, subject to the City's privacy obligations.

(7) Applications where the City is not the decision maker

Public notice will be given of development applications where the City is not the decision maker in the same way as those where the final decision is made by the City. A full copy of any submission received will be forwarded to the decision maker. The City will inform submitters of the decision maker's final decision.

(8) Procedures for dealing with submissions

Copies of written submissions will be given to the applicant to provide the applicant the opportunity to respond to issues raised in any submissions. Personal details such as names, telephone numbers and addresses will not be given to the applicant.

Should the application be considered by Council, the applicant, the landowner, and all parties who have made a submission on the development application will be notified in writing of the date at which an item will be listed on a meeting agenda. In all cases, the City will endeavour to ensure that the written notification is provided at least one week prior to the scheduled meeting date.

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.

The applicant, the owner and all authors of submissions will be advised of the decision of the City in the form of a written notification of the decision (and any associated conditions advisory notes, or refusal reasons if deemed relevant by the City).

(9) Consideration of Submissions

The City, in assessing a development application, will have regard for any submissions received during public advertising. The City has a duty to properly balance its consideration of all relevant factors in an objective and impartial manner. The opinions

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of neighbours and the wider community (where relevant), help the City and the Council by highlighting local issues and concerns which need to be considered and assessed in the consideration of a development application.

However, the City's officers and the Council are not obliged to agree with, or uphold, every opinion expressed, nor to incorporate all suggestions into its decision.

As the responsible planning authority, the City cannot consider non-planning matters. Submissions which are based on civil or non-planning matters will not be considered. These include:

- Possible impact on property values
- Neighbour disputes
- Competition/business impacts
- Construction inconvenience during building works

If no submissions are received by the City within the prescribed time frame, it will be assumed that those who had been notified have no objection to the proposal.

Public notification is given to consider the impact a proposal may have on amenity. In assessing a development application, the City will give greater weight to planning related matters raised, rather than the number of signatures or volume of correspondence received. The City may decline to consider anonymous petitions or submissions where the identity and address of the signatories cannot reasonably be verified. Submissions will be treated confidentially if the submitter requests their identity remain confidential

The City will assess each submission on the merit of the planning issues it raises. The total number of submissions received, or the proportion of objections and nonobjections, is not a relevant consideration in the assessment process.

Public notification of a development application is therefore not intended to provide a mechanism for gauging community support or opposition by way of a 'vote', but to identify relevant planning matters for consideration.

(10) Duration of public notice

The periods for public notice of development applications are prescribed by Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015. These are:

- Complex applications: 28 days

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- Non-Complex applications: 14 days

The public notice period may be extended with the consent of the applicant.

The period for public advertising excludes *holiday periods* as defined by the Regulations. These periods are:

- A period commencing on 25 December in a year and ending on the next 1 January; or
- A period of 7 days commencing on Good Friday in a year

(11) Additional public notice of proposal previously advertised

Additional public notice shall be given in the same manner under the provisions of this policy where:

- a planning proposal is subsequently significantly modified prior to its final determination and additional variations arise from the modifications; or

- Where the application to amend an existing planning approval is received, and additional variations arise from the proposed amendments;

(12) Refusal of applications without giving of public notice

Any planning proposals may be refused by the City without the giving of public notice.

(13) Cost of Advertising

In accordance with the Planning and Development Regulations 2009, the City will recover the cost of advertising from the applicant. The cost of advertising shall be payable prior to the commencement of advertising. Additional advertising costs incurred by the City following the initial payment shall be recovered prior to the determination of the development application.

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