



SHIRE OF JERRAMUNGUP

DRAFT LOCAL PLANNING POLICY NO. 11 - A GUIDE ON PUBLIC CONSULTATION FOR DEVELOPMENT APPLICATIONS

1.0 BACKGROUND

This Policy provides a general guide on public consultation, however does not negate the Council's option to advertise any application.

Public consultation allows adjacent landowners or the broader community to be part of the planning process, and can assist the Council in making decisions on proposed landuses or developments.

Council has the general discretion to advertise any application for public comment under Clause 9.4.2 of the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

The Shire of Jerramungup's Local Planning Scheme includes statutory requirements and there is compulsory advertising for specific types of applications.

Clause 9.4 of the Scheme stipulates the types of planning applications that are legally required to be the subject of community consultation and sets out advertising procedures.

In addition, Part 4 of the Residential Design Codes (R-Codes) deals with neighbour consultation associated with the development of land for any of the residential purposes dealt with by the R-Codes.

2.0 PURPOSE OF POLICY

The purpose of this policy is to provide guidance for proponents and Council for the advertising of applications for planning approval.

3.0 POLICY BASIS

Clauses 2.2 and 2.4 of the Scheme provide for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

The Policy does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

4.0 POLICY STATEMENT

This Policy will apply to all zoned land under the Shire of Jerramungup Local Planning Scheme 2.

5.0 OBJECTIVES

To provide an explanation of how advertising for different applications types will be conducted.

To provide guidance to applicants who propose to undertake their own consultation for any application involving a variation of the Residential Design Codes.

To provide a general explanation of the advertising process, and available means of advertising.

To ensure that neighbours who may be affected by a proposal are given fair and equal opportunity to be informed on specific applications.

6.0 TYPES OF APPLICATIONS TO BE ADVERTISED

6.1 Residential and Rural Residential Development

Whilst Council has the ability to advertise any application it generally only advertises applications for residential development where;

- (i) A variation to the Residential Design Codes is proposed;
- (ii) A variation to a Local Planning Policy is proposed, or where the applicable Policy recommends advertising.
- (iii) A discretion is to be exercised under the Scheme and there is a variation to a Scheme requirement.
- (iv) In the opinion of Council, the development requires advertising to assist with assessment of the application in terms of amenity, streetscape or a matter requiring community input.
- (v) It is large scale development which has potential to attract wide community interest.
- (vi) The development warrants consultation with a relevant authority such as the Department for Water, Health Department of WA etc

Specific examples of the types of applications that will require public consultation include (but are not limited to);

- Any residential development that includes a variation to the Residential Design Codes Acceptable Development standards. Examples include a setback variation.
- Two storey dwellings in a Residential zone will be advertised to adjacent landowners where compliance with the privacy requirements are proposed to be achieved through provision of screening, and / or where the application does not comply with the 'deemed to comply' privacy setbacks of the Codes.
- All transported dwellings.
- Any development in the Rural Residential zone proposing a variation to the Scheme requirements (such as a building height exceeding 5 metres or involving a modified or relocated building envelope).
- Any application for an outbuilding proposing a variation to the setbacks applicable under the Residential Design Codes, the Scheme or a Subdivision Guide Plan.
- Any application for an outbuilding which proposes a variation to the recommended wall height, roof height or floor area under Local Planning Policy No 16 – Outbuildings.

- Any application in a flexible coded area where there is some discretion over the application of density code or standards to be applied to the development. Examples include a single house seeking to utilise R15 development standards on a large lot in the R2/15 flexible coded area. This does not include lots that have already been subdivided to an R15 density.
- Any application that has potential for members of the public to attend a site including and not limited to a home occupation, home business, bed and breakfast, tourist accommodation and the like.
- Any application for ancillary accommodation.
- Any application for grouped dwellings in a flexible coded area above the base code involving the need for Council discretion over density.
- Other instances where deemed necessary by Council or a Council Officer.

6.2 Other Development

6.2.1 Explanation of Scheme Requirements

The land throughout the Shire of Jerramungup is zoned under the Shire of Jerramungup Local Planning Scheme No 2 and is subject to specific development controls.

In addition to Residential and Rural Residential, there are a range of different zonings under the Scheme such as Rural, Townsite, Town Centre, Service Commercial, Light Industry and General Industry.

The permissibility of landuses is designated under the zoning table (Table 1) of the Scheme (Attachment 1). Different landuse permissibility includes;

- “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- “D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.
- “A” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4.
- “X” means a use that is not permitted by the Scheme.

6.2.1.1 Permitted Landuses – “P” Uses

In most cases permitted landuses would not be advertised for comment. Notwithstanding that the land use may be permitted, Council may still advertise the ‘development’.

An example is a ‘service station’ which is ‘permitted’ in the General Industry zone. The use may not be advertised, however Council may still advertise the proposed service station building, which is the development.

6.2.1.2 Discretionary Landuses – “D” Uses

In dealing with ‘discretionary’ land uses not all applications have to be advertised for public comment.

Council has discretion to advertise any 'discretionary use' and in determining whether to advertise a D use will have regard for factors such as:

- The size, scale, bulk or type of development;
- The objectives of the relevant zone;
- Normal planning considerations such as traffic, streetscape and amenity which may have implications for the wider locality;
- Potential for any emissions or environmental issues;
- Application of relevant buffers;
- Landuse compatibility;
- Proximity to residential, rural residential or any dwellings;
- Whether the use attracts members of the public and visitors to the site.
- Any other matter considered relevant.

It is solely the Council's decision as to whether it considers public consultation necessary for any discretionary landuse, and this can only be examined on a case by case basis.

6.2.1.3 "A" Uses

The Shires Scheme requires compulsory advertising for a minimum of 21 days for any 'A' use.

Council may advertise the proposal using one of more of the following methods;

- a) Letters to surrounding landowners; and/or
- b) A notice in an official newspaper circulating in the area; and/or
- c) A sign erected on the site advertising the application.

6.2.1.4 Use Not Listed

It is not possible for the Scheme to list every available landuses, and there may be proposed uses which are;

- (i) Not defined under the Shires Scheme or the WAPC Model Scheme text and/or
- (ii) Defined under the Shires Scheme or the Model Scheme text but are not listed under the scheme zoning table (Table 1).

Any application for a 'use not listed' has to be referred to Council, and Council has three options as to how it processed the application as follows;

1. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.
2. Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval.
3. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Where Council proceeds with option 2, compulsory advertising is required (similar to 'A' uses). Council may advertise the proposal using one of more of the following methods;

- a) Letters to surrounding landowners; and/or
- b) A notice in an official newspaper circulating in the area; and/or
- c) A sign erected on the site advertising the application.

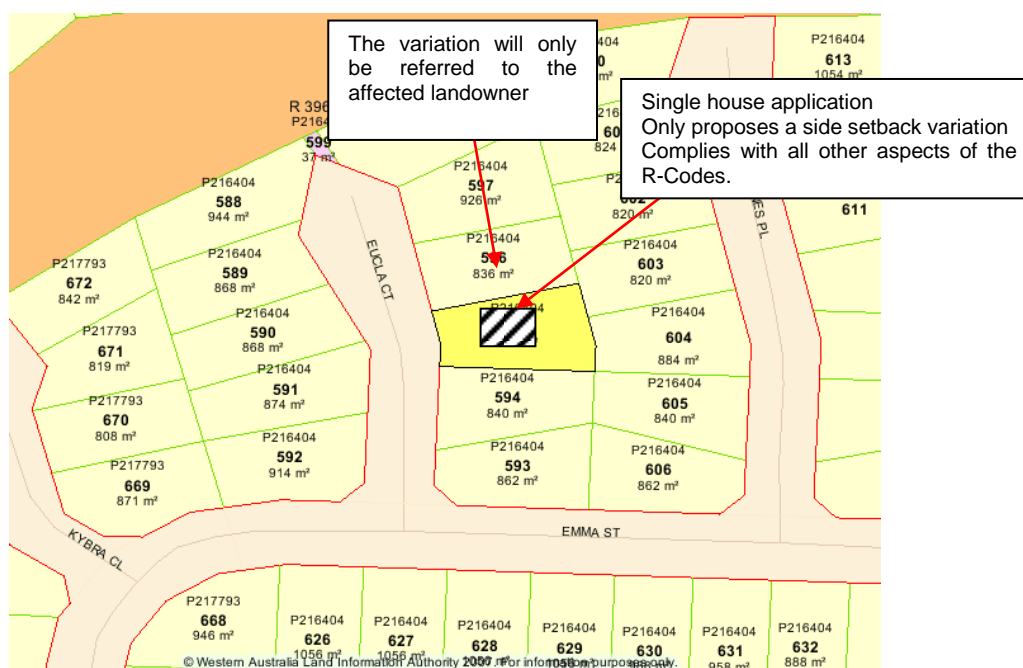
7.0 Levels of consultation

To assist to guide both applicants and Council officers, this Policy outlines a range of different levels of advertising for different types of applications as follows:

- **Level 1 – Referral to affected landowner for specific variation**

Level 1 consultation will apply to Residential development where the proposed variation is measurable, specific and only has potential to impact on specific lots. It will mostly apply to single storey development entailing a variation to the 'deemed to comply' requirements of the Residential Design Codes.

Where there is a variation to the 'deemed to comply' R Code requirements, the application will only be referred to those landowners directly affected by the proposed variation (for a 14 day comment period). For example, if an application only involves a side setback variation but complies with all other R Code requirements, that application will only be referred to the directly affected neighbour who shares the affected side boundary – refer example below.



- **Level 2 – Referral to all surrounding Landowners for broader variations**

In some cases variations are broader, may have potential for wider impact and it may be more difficult to ascertain which lots may be directly impacted on.

Residential and Rural Residential Development

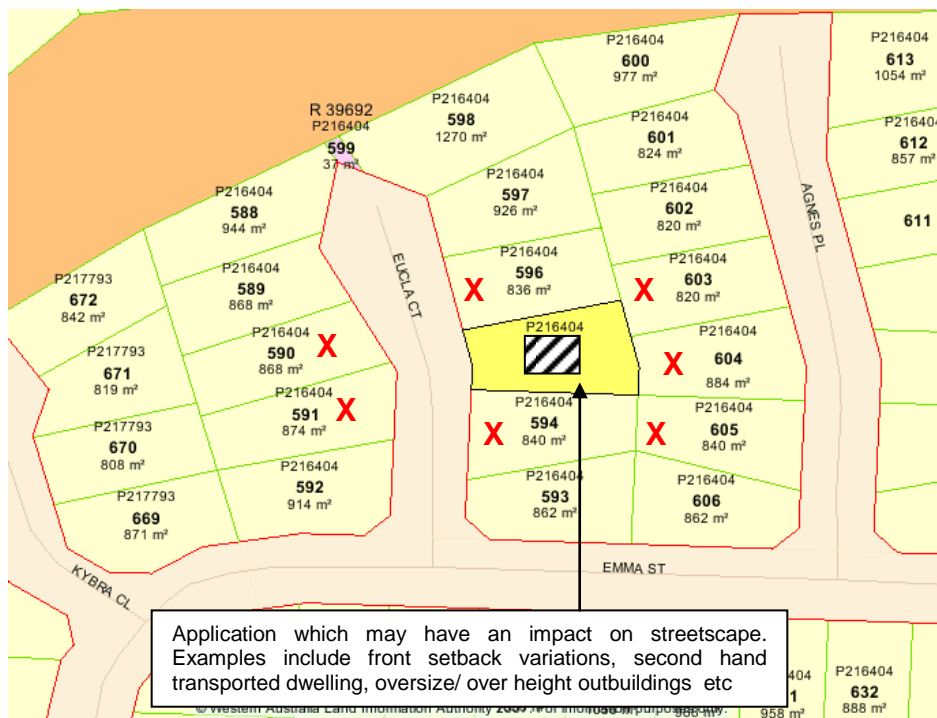
Examples where broader consultation may be warranted for Residential and Rural Residential development include;

- An application which may have an impact on streetscape, such as a front setback variation, front fence or second hand transported dwelling.
- An over height and oversized outbuilding which may be visible from a number of neighbours properties.

- A relocated building envelope for a Rural Residential lot. These applications warrant wider consultation especially where it varies a Subdivision Guide Plan, or has potential for visual impact on a wider range of landowners due to the topography.
- Any application which has potential to impact on amenity.

Broad consultation will include;

- Referral to all landowners who share a property boundary with the lot being developed (as a minimum); and
- Referral to landowners located directly across the road (at the Planning Officers or Council discretion).



Plan 2 – Shows a fictitious example where an application / broader variation may have a potential wider impact. In these cases the application may be referred to all immediate adjacent landowners (who share a property boundary with the development lot), and may also be referred to landowners living across the street. The red X shows the extent of consultation.

Non Residential Development

Level 2 consultations can also be conducted for non residential development such as commercial, industrial or rural related land uses.

Non residential developments may seek variations to development standards such as setbacks or parking which warrant Level 2 consultation.

- **Level 3 – Additional Advertising Methods**

There are some applications which will warrant a higher level of public consultation due to the extent of the variation proposed, scale of development, potential for impact on amenity or their landuse classification.

In some cases it is in the Councils interest to seek a wider community view, particularly where Council considers that the type of development may attract wide community interest and wishes to keep them informed on new developments. For these applications, a combination of advertising methods may be employed and letters may need to extend beyond just the immediate neighbours (captured in a Level 2 consultation).

In addition to letters to adjacent and nearby landowners, Council can require an advertising notice to be published in a local newspaper, and / or erection of an advertising sign on site.

Due to broad range of potential landuses and applications, use of Level 3 consultation will be determined by the Shire, having regard for relevant matters such as buffers and impact on amenity.

Examples of the types of applications that will generally require Level 3 advertising includes tourist developments, intensive agriculture, cottage Industry, rural industry etc They will mainly be uses that have potential impacts such as emissions, traffic increases and/ or potential to attract people/ visitors to the site.

As a minimum, this Policy proposes that letters to landowners and newspaper advertising be utilised for any 'A' use or any 'use not listed'.

The use of an advertising sign on site would only be utilised under exceptional circumstances.

8.0 Consultation by Owners

This Policy recommends that generally the Shire conduct consultation where it is deemed necessary as;

- It ensures that neighbours do not feel pressured or intimidated as they can liaise with the Shire directly, rather than an adjacent landowner.
- It ensures that advertising periods are specified in any correspondence or newspaper adverts to give people time adequate time to view plans at the Shire office and to make submissions.
- In the case where advertising is statutory, Council has records of advertising and that its legal obligations have been met.
- Council Officers are often in a better position to answer any queries from the public on technical matters.

Notwithstanding the above, it is recognised that notifications may be carried out by the applicant for any variation to the Residential Design Codes. If applicants or owners conduct their own advertising they must;

1. Provide neighbours with advice that the submission can be lodged directly with the Shire.
2. Utilise the neighbour consultation form provided in the Residential Design Codes (Attachment 2) and obtain the neighbours signatures on the development plans. This acts as a record so that the Shire knows that the affected owners have sighted the plans.
3. Lodge written comments from all affected landowners as proof that advertising has been conducted. If all neighbours comments cannot be provided by the applicant, then the Shire will conduct independent advertising for 14 days.

Attachment 1

Table 1 from the Shire of Jerramungup Local Planning Scheme No 2

TABLE 1 - ZONING TABLE

USES		ZONES							
		RESIDENTIAL	TOWNSITE	TOWN CENTRE	SERVICE COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL RESIDENTIAL	RURAL
1	aged or dependent persons dwelling	A	D	D	X	X	X	X	X
2	agriculture-extensive	X	X	X	X	X	X	X	P
3	agriculture-intensive	X	X	X	X	X	X	X	D
4	agroforestry	X	X	X	X	X	X	X	D
5	ancillary accommodation	D	D	D	X	X	X	D	D
6	animal establishment	X	X	X	X	X	X	A	D
7	animal husbandry - intensive	X	X	X	X	X	X	X	A
8	aquaculture	X	A	X	X	D	D	X	D
9	bed and breakfast	D	D	D	X	X	X	D	D
10	caretaker's dwelling	X	D	D	D	A	A	X	D
11	civic use	D	P	P	A	A	A	D	D
12	club premises	A	D	D	D	D	X	A	A
13	educational establishment	A	D	D	X	A	X	X	A
14	fast food outlet	X	D	D	A	X	X	X	X
15	fuel depot	X	A	X	X	D	D	X	A
16	grouped dwelling	D	D	D	X	X	X	X	X
17	home business	D	D	D	X	X	X	D	P
18	home occupation	D	D	D	X	X	X	D	P
19	hotel	X	A	A	X	X	X	X	X
20	industry - cottage	D	D	D	X	X	X	A	D
21	industry - extractive	X	X	X	X	X	X	X	P
22	industry - general	X	X	X	X	X	P	X	X
23	industry - light	X	A	X	D	P	P	X	X
24	industry - rural	X	A	X	X	A	D	X	A
25	industry - service	X	A	X	D	X	X	X	X
26	motel	X	D	P	X	X	X	X	X
27	motor vehicle repair	X	D	X	D	P	P	X	X
28	multiple dwelling	D	D	D	X	X	X	X	X
29	office	X	D	P	D	X	X	X	X
30	place of worship	D	D	D	X	X	X	A	D
31	plantation	X	X	X	X	X	X	X	D
32	plant nursery	X	D	D	D	P	P	X	D
33	recreation - private	X	A	A	A	D	X	X	X
34	residential building	D	X	D	X	X	X	X	X
35	restaurant	A	D	P	D	X	X	X	A
36	rural home business	X	X	X	X	X	X	X	D
37	rural pursuit	X	X	X	X	X	X	X	P
38	service station	X	D	D	D	P	P	X	X
39	shop	X	P	P	P	X	X	X	X
40	single house	P	P	D	X	X	X	P	P
41	tavern	X	A	A	D	X	X	X	X
42	tourist accommodation	D	D	D	X	X	X	X	D
43	transport depot	X	A	X	X	D	D	X	X
44	veterinary centre	X	A	A	A	D	D	X	D
45	warehouse	X	X	X	A	P	P	X	X

Attachment 2

**Form to be used by landowners
undertaking their own neighbour
consultation**

Note: Please note that landowners seeking to undertake residential development can liaise with their neighbours direct, and seek their neighbours comments on a development (using this form). You are under no obligation to sign this form, and can liaise with the Shire if you require advice. It is important to note that you can lodge your comments on this form directly to the Shire of Jerramungup if preferred.

**Residential Design Codes
Adjoining property owner comment on discretionary
approval application**

Adjoining property owner details

Name:

Lot no: Street no: Street name:

Suburb: Postcode:

Location of proposed development

Name:

Lot no: Street no: Street name:

Suburb: Postcode:

Details of matters on which council discretion is required and comment sought

- Plan attached Details of proposed codes variations, or matters on which council discussion is required

Adjoining property owners comments

I/we have inspected the plans and comment as follows:

(Attach additional information and plans if necessary)

Signed: Date: Phone:

Print name:

Signed: Date: Phone:

Print name:

Note: The council in determining the application under the Residential Design Codes will take into account the comments of adjoining owners. The council is not obliged to support the views of adjoining owners.

A COPY OF THE DEVELOPMENT PLANS SIGNED BY THE ADJOINING PROPERTY OWNER MUST BE ATTACHED TO THIS FORM WHEN LODGED WITH THE SHIRE, TO PROVE THAT THE NEIGHBOUR HAS SIGHTED THE PLANS.