

1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning 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.

3. OBJECTIVE

- 3.1 To develop a method by which proposals can be classified according to their likely impact.
- 3.2 To clearly define the different levels of consultation that will be undertaken and advice that will be provided in respect of a range of land use and development proposals, to provide the community with adequate and appropriate opportunities to be kept informed and comment on and respond to issues and proposals.
- 3.3 To detail the requirements for consultation based on the level of impact of the proposal.
- 3.4 To outline the process the Council will use when undertaking consultation and considering submissions.

4. POLICY STATEMENT

4.1 Definitions:

“*Adjoining*” means any land (or owner of land) which abuts an application site or is separated from the site only by a pathway, driveway, right-of-way or similar thoroughfare (excluding a public road reserve).

“*Affected Person*” means a person who owns (or occupies) land that adjoins an application site or the enjoyment of which, may be detrimentally affected by the use or development on an application site.

“*Nearby Land*” means any land (other than adjoining land) which may be adversely affected by a development proposal and, where appropriate, may include owners (or occupiers) within a neighbouring local government.

“*Notify*” means written communication by the local government or the proponent of a development proposal containing relevant information about the development proposal for the purpose of advice or seeking comment.

“*Relevant Information*” means the principle details of a development proposal as determined by the author of any notification to be sufficient to describe the proposal and its potential impacts. Each notification is to provide further information as to where and when full particulars of the development proposal can be inspected during the period during which comments are sought.

“*Submitters*” means those affected persons who have provided written comment on a proposal within the formal comment period, or shortly thereafter at the discretion of the local government.

4.2 Consultation level requirement by Development Proposal Type

- a. The below matrix is the basis upon which the appropriate level of consultation with affected persons and the community will generally be determined for land use and development proposals.
- b. Where proposals occur that do not clearly fall within the matrix, or where circumstances indicate that the standard level would not be appropriate, the local government shall use its discretion to establish the consultation process required.
- c. Notwithstanding compliance, proposals that are considered to have a substantial impact due to their scale, size or nature may require consultation.

| Development Proposal Type | Consultation Level |
|---|--------------------|
| Design Guidelines | D |
| Local Planning Policies | D |
| Management Plans (local) | C |
| Outline Development Plans | C |
| Planning Applications (permitted uses) | A |
| Planning Applications (discretionary) <ul style="list-style-type: none"> • likely to impact on surrounding owners; or • not likely to impact on surrounding owners | B A |
| Planning Applications (discretionary after advertising) <ul style="list-style-type: none"> • impacts are confined to adjoining properties and the immediate vicinity of the proposal; or | C D |

| | |
|--|----------------------|
| <ul style="list-style-type: none"> impacts affect the broader locality in addition to adjoining properties | |
| Residential Design Codes Performance Criteria Assessment | B |
| Structure Plans - General Structure Plans - Oakajee | D E |
| Strategic Plans / Documents: <ul style="list-style-type: none"> impacting on the Shire in general; or impacting on specific sectors / areas of the community | E D |
| Subdivision Referrals | A |
| Local Planning Scheme Amendments | D |
| Local Planning Scheme Review | E |
| Townsite Plans / Strategies | D |

4.3 Level A – No Consultation

No consultation will occur where the proposal:

- a. Is determined by the Chief Executive Officer (under delegation) as having no predictable detrimental impact on the character or amenity of the immediate or general locality;
- b. Is determined by the local government as not being required or is precluded under relevant legislation; or
- c. Has previously occurred, and only minor modifications or modifications that address concerns previously raised are proposed.

4.4 Level B – Consultation with owners of adjoining land

- a. Where, in respect of any proposal, the Acceptable Development Provisions of the Residential Design Codes are not complied with, the owner(s) of land adjoining the application site affected by the non-compliance will be consulted unless the proponent has already undertaken the necessary consultation and secured agreement or obtained comment.
- b. Where (in respect of other proposals) a proposed development will be visible from any road or other public place and/or will be likely to have an impact on the streetscape, visual amenity and ambience of properties in immediate proximity to the site, the owners of properties adjoining, and those on the other side of any street immediately opposite the application site, will be consulted.
- c. The local government may undertake one or more of the following:
 - i. Consult with the owners of properties determined as being potentially affected by a development proposal in writing providing a minimum of 14 days (or such other period as may be prescribed by the relevant legislation) for the lodgement of any submissions.
 - ii. Where an affected land owner is consulted by the proponent of a development proposal, evidence of the acceptability of the proposal should be provided by way of a signed letter of no-

objection and endorsement by way of no-objection comment, signature, printed name and full address on a copy of the plan(s) submitted for approval.

4.5 Level C – Consultation with owners of nearby land

- a. Where a proposed land use or development is determined by the local government as having the potential to impact on not only the use or enjoyment of land adjoining the application site but also other surrounding land, the owners of those properties within the catchment specified below will be consulted.
- b. The local government may undertake one or more of the following:
 - i. The owners of properties determined as being potentially affected by a development proposal (generally owners of all land within a radius of 60m of the boundary of the application site for land within an urban area or within an existing settlement) will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.
 - ii. Dependent upon the level of impact in the area, the local government may also publish a notice of the development proposal in a newspaper circulating in the area inviting comment within a specified period, with an additional fee to be levied on the applicant pursuant to the local government's schedule of fees and charges.

4.6 Level D – Consultation with owners of land in the locality

- a. Where a proposed land use or development is determined by the local government as having the potential to impact upon the use or enjoyment of land within an area or a settlement, but not extending to the whole of the municipality or specific interest groups within that area, the community within the affected area will only be consulted.
- b. The local government may undertake one or more of the following:
 - i. publish a notice of the development proposal in a newspaper circulating in the area;
 - ii. arrange for a sign or signs to be placed in a prominent position(s) on the site;
 - iii. consult the owners of all land within a radius of 100m of the boundary of the application site for land within an urban area or within an existing settlement, or 500m radius for land within a rural area, except where it is determined by the local government that the proposal will not have any significant impact on certain portions of the area;
 - iv. consult with the owners of land beyond the foregoing areas where, in the opinion of the local government, there will be an impact along key transportation facilities, tourist routes or view-sheds; and/or
 - v. consult as necessary with other affected government agencies or statutory authorities as the case requires,
- c. Drawing attention to the form of the development proposal and inviting comment within a period not being less than 14 days or, where appropriate, such longer period as may be necessary to comply with

relevant legislation (Section 2.4.1 of Local Planning Scheme No.2 requires a minimum of 21 days in the case of Local Planning Policies).

4.7 Level E – State Wide Consultation

Where proposals or projects are of State, regional or shire wide significance the community will be consulted in a manner as determined by the local government. In relation to complex issues, the local government may exercise flexibility to determine the level of consultation that is required and the best means by which maximum public feedback may be obtained. No delegation is afforded in this regard.

4.8 Submissions

- a. The local government will only accept submissions where:
 - i. It has been signed by the submitter and contact details, including address for correspondence, is provided.
 - ii. Comments on the development are provided in eligible written English.
 - iii. A petition will only be considered where it:
 - is addressed to the Chief Executive Officer;
 - is made entirely by electors of the local government;
 - states the request/reason(s) on each and every page of the petition;
 - contains the names, addresses and signatures of the electors making the request, and the date each elector signed; and
 - states the name of a single person upon whom, and an address at which, notice to the all the petitioners can be given.
- b. All submissions received will be summarised for reporting to the Shire Council, with:
 - i. Submissions treated in confidentiality (unless otherwise prescribed by the relevant legislation), although Councillors may request a copy of any/all submissions;
 - ii. Matters taken into account from submissions being based on valid planning grounds, including, but not limited to:
 - Considerations outlined in the relevant town planning scheme, local government policy and/or strategy;
 - Potential for detrimental impact on the enjoyment of nearby properties from such causes as the effect on views to and from the development site, overshadowing, privacy, noise impact, or the scale, height, external appearance and bulk of proposed new developments;
 - Impact of the proposal on streetscape and the amenity of the locality;
 - Heritage values or significance;
 - The adequacy of access, egress, parking and manoeuvring including disabled access;

- Traffic generation and probable effect on safety and traffic movement;
 - Removal of, or increased threat to, natural vegetation;
 - The assessed fire hazard appropriate to the land and the proposed new land use and development;
 - Any other environmental consideration including but not limited to potential for soil erosion or land degradation, water quality degradation, or increased environmental risk;
 - Potential loss of any community service or benefit;
 - Adequacy of community and public utility services; and
 - Any other matter relevant to orderly and proper planning.
- c. The local government upon determination the application may either:
- i. Send to each submitter a letter
 - acknowledging receipt of the submission;
 - advising of the determination of the development proposal concerned, providing reasons for that determination; and
 - advising the name and position of the officer of the local government from whom further information can be obtained.
 - ii. Place an advertisement in the local paper providing public advice as to the outcome of the matter;

4.9 Delegation

Authority is delegated to the Chief Executive Officer for the following:

- a. To accept submissions received shortly after the formal comment period.
- b. Determine the level of consultation required for each application, other than level E.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005

Adopted at the 19 February 2014 Ordinary Meeting of Council