

**POLICY NO. LPP 4.1****PUBLIC CONSULTATION****PURPOSE**

To formalise Council's position on the extent of direct community consultation to be undertaken with property owners and occupiers for various planning proposals.

POLICY STATEMENT**1. APPLICATION**

This Policy applies to all planning applications and proposals that are required to be advertised for public comment. Nothing in this Policy limits the operation of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Town Planning Scheme No. 6 or any applicable State Planning Policies.

2. OBJECTIVES

The objectives of this Policy are:

- To provide guidance to City staff, applicants and the general public as to Council's requirements for public consultation on planning matters.
- To provide guidance to applicants as to Council's requirements for applicant-initiated public consultation.

3. OPERATION

In each case mentioned below, consultation is to occur by traditional post, and electronic mail where electronic mail contact details are available within the City's property system.

3.1 Amendments to Town Planning Scheme No. 6

- 3.1.1 With the exception of omnibus amendments, all spatial (map) amendments to Town Planning Scheme No. 6 (TPS 6) are required to be referred to surrounding landowners and occupiers in accordance with the following table:

Proposed Zoning/Coding	Referral Radius
Residential Development, Business Development or Development	50m
Residential (specific R-Coding) or Rural	100m
Commercial	150m
Industrial	200m

Note: the radius is to be measured from the boundaries of the subject rezoning/recoding

- 3.1.2 All administrative amendments (ie. cost sharing provisions) to TPS 6 are required to be referred to only the owners of land that are yet to make a finalised contribution to the applicable arrangement.

3.2 Amendments to Guided Development Schemes

- 3.2.1 All spatial (map) amendments to any of the City's Guided Development Schemes are required to be referred to the owners and occupiers of lots that are situated within



50m of the boundaries of the subject site(s), unless otherwise specified by the Guided Development Scheme.

- 3.2.2 All administrative amendments (ie. cost sharing provisions) to any of the City's Guided Development Schemes are required to be referred to only the owners of land that are yet to make a finalised contribution to the applicable arrangement.

3.3 Structure Plans

- 3.3.1 All proposed Structure Plans are required to be referred to the owners and occupiers of land within, and abutting the Structure Plan area, in accordance with the following table:

Proposed Zoning/Coding	Referral Radius
Residential (specific R-Coding) or Rural	100m
Commercial	150m
Industrial	200m

Note: where there are a number of zonings, advertising is to be as per the greater distance identified in the table.

- 3.3.2 For the purposes of Clauses 29(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 – Deemed Provisions, an amendment to a Structure Plan is considered to be of a minor nature, which does not require advertising, if the amendment:

- (i) Is in accordance with the stated principles, aims and/or objectives of the Structure Plan;
- (ii) Would achieve a development outcome which is the same or similar in principle to that of the Structure Plan;
- (iii) Does not change the intended lot/dwelling yield by more than 10 per cent;
- (iv) In the opinion of the City, proposes a more appropriate development outcome than identified in the Structure Plan;
- (v) Relates to only a minor relocation or reorientation of proposed roads;
- (vi) Only marginally varies the shape, size, function or location of public open space;
- (vii) Only marginally varies the boundary and/or location of land use classifications and/or residential densities;
- (viii) In the opinion of the City, the amendment does not adversely impact upon the amenity of adjoining landowners and occupiers, including restricting the use and development of adjoining land; and
- (ix) Does not significantly impact on infrastructure provision or the environment.



- 3.3.3 Amendments to Structure Plans which do not comply with the criteria listed in Clause 3.3.2 are required to be referred to the owners and occupiers of land within and surrounding the subject site, in accordance with the following table:

Proposed Amendment	Referral Radius
Amendment to road layout, public open space provision or residential density	50m
Increase or relocation of commercial zoning	100m
Increase or relocation of industrial zoning	150m

Note: where there are a number of zonings, advertising is to be as per the greater distance identified in the table.

Note: the radius is to be measured from the boundaries of the subject modification.

- 3.3.4 Advertising timeframes for Structure Plan proposals shall be in accordance with the following table:

Structure Plan Proposal	Timeframe
New Structure Plan Proposal	42 days
Amendment to Structure Plan	21 days

3.4 Local Development Plans

- 3.4.1 Where consultation is required due to non-compliance with a specific development standard, the plan will be referred to the owners and occupiers of land within and surrounding the subject site for comment.
- 3.4.2 All other consultation shall be determined on a case-by-case basis, having regard to any potential adverse impacts on owners and occupiers within the area covered by the plan or an adjoining area.
- 3.4.3 Advertising timeframes for Local Development Plan proposals shall be in accordance with the following table:

Local Development Plan Proposal	Timeframe
New Local Development Plan Proposal	21 days
Amendment to Local Development Plan Proposal	21 days

3.5 Development Applications

- 3.5.1 Where consultation is required due to non-compliance with a specific development standard under TPS 6, the application will be referred to the owners and occupiers of potentially affected abutting and/or facing lots for comment.
- 3.5.2 Except for a complex application, where consultation is required due to the proposed use being listed as an "A" use within Table 1 of TPS 6 or as required by a Local Planning Policy, the application will be referred to the owners and occupiers of surrounding land for comment in accordance with the radius stipulated in the following table:



50m Radius	100m Radius	200m Radius
Bed and Breakfast	Amusement Parlour	Agriculture – intensive
	Child Care Premises	Animal Establishment
	Cinema/Theatre	Animal Husbandry – intensive
	Commercial Vehicle Parking	Civic Use
	Consulting Rooms	Club Premises
	Convenience Store (with fuel sales and/or operating 24 hours per day)	Community Purpose
	Fast Food Outlet (tenancy within an existing shopping centre and not involving a drive-through)	Corrective Institution
	Funeral Parlour	Educational Establishment
	Home Store	Exhibition Centre
	Hospital	Fast Food Outlet (with drive-through and/or operating 24 hours per day)
	Hotel	Industry – Extractive
	Industry – Light	Industry – General
	Industry – Service	Industry – Noxious
	Liquor Store	Industry – Rural
	Market	Night Club
	Medical Centre	Place of Worship
	Motel	Reception Centre
	Motor Vehicle Repair	Recreation – private
	Office	Residential Building
	Restricted Premises	Restaurant
	Service Station	Tavern
	Showroom	Telecommunications Infrastructure
	Transport Depot	
	Veterinary Centre	

Note: the land uses of Family Day Care, and Home Business have been excluded from the above table as the advertising requirements for those uses have been specifically included in Local Planning Policy 2.5 - Home Based Activities.

- 3.5.3 Where an applicant wishes to undertake public consultation in lieu of the City, the applicant is required to obtain correspondence from all landowners and occupiers as required by this Policy. If correspondence from all landowners and occupiers is not able to be provided, the City will advertise the proposal in accordance with Clauses 3.5.1 or 3.5.2.
- 3.5.4 Where an application involves only signage in association with an existing approved "A" use within Table 1 of TPS 6, the application will not be referred out for comment.
- 3.5.5 In applying Clauses 3.5.1 - 3.5.3 and 3.5.6, the radius is to be measured from the boundaries of the subject lot, unless the proposal relates to an existing commercial tenancy, in which case, the radius is to be measured from that tenancy.



3.5.6 All complex applications (as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*), should be referred to the owners and occupiers of surrounding land within a radius of 200m for comment.

3.5.7 Advertising timeframes for Development Applications shall be in accordance with the following table:

Development Applications	Timeframe
Complex	35 days
Other	21 days

3.6 Holiday Periods

When consultation occurs over an extended public holiday period (ie. Christmas and Easter), the advertising period shall be extended so as to take into account any public holidays, subject to compliance with statutory timeframes specified by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3.7 Exceptional Circumstances

When an application triggers the potential for a town planning impact which is beyond the radii or timeframe expressed in this policy, the Director Planning and Development may authorise wider consultation, having regard to the technical assessment of the proposal.

GOVERNANCE REFERENCES

Statutory Compliance	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 City of Gosnells Town Planning Scheme No.6
Industry Compliance	
Organisational Compliance	
Process Links	Nil.

LOCAL PLANNING POLICY ADMINISTRATION

Directorate		Officer Title		Contact:
Planning & Development		Manager Development Services		9397 3000
Risk Rating	Low	Review Cycle	Triennial	Next Due: 2025
Version	Decision To Advertise	Decision to Adopt	Synopsis	
1.	OCM 433/11/09/2012		Draft policy to be advertised for public comment for a period of not less than 21 days.	
2.		OCM 586/27/11/2012	To provide guidance on the extent of direct community consultation required for various planning proposals.	
3.		OCM 3/13/02/2018	Administrative changes and incorporating provisions from LPP 3.1.	
4.		OCM 37/09/03/2021	Modifications to align with Planning and Development (Local Planning Schemes) Regulations that were recently amended.	
5.		OCM 199/23/08/2022	Minor changes incorporating consulting both owners and occupiers through electronic means and traditional post.	