



Local Planning Policies - 5.6 Local Planning Policy - Neighbour Consultation on Development

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Purpose

This local policy intends to provide clear direction and explanation as to the basis for the Shire's community consultation requirements. It intends to influence the quality of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

To ensure this policy remains relevant and effective, it will be regularly reviewed and updated. The Shire will apply this local planning policy to each case on its merits to achieve a balance between consistency and appropriate site related building and construction works.

Statutory Authority

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended)

Planning Objective

- To ensure courtesy notifications are provided to owner/occupiers in the immediate vicinity of proposed demolition work or building work that is exempt from development approval.
- To ensure natural justice and procedural fairness is afforded to affected parties and to improve the transparency of delegated decision-making as part of the development application process.
- To provide guidance as to when a courtesy notification or an advertising letter is to be provided to owner/occupiers in the immediate vicinity of proposed demolition work or building work that is subject to development approval.
- To clarify what information will be made available for public viewing.
- To provide guidance as to when a development application may be subject to broader community consultation, and the obligations of proponents in such cases.



Statutory Basis

This policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations (Deemed Provisions).

This policy should be read in conjunction with the Shire's Local Planning Scheme no. 4 (LPS 4), Local Planning Policy Framework and Local Laws.

Policy Provisions

Not all demolition work or building work is subject to a building permit or development approval. This local policy applies to demolition work, building work and development for which the Shire is the Permit Authority or the Determining Authority.

It is best practice that builders notify neighbouring properties prior to commencing work, however this does not always occur. It is Council policy that a courtesy notification process is undertaken by staff when receiving an application for demolition work or building work not subject to development approval. Demolition and building applications must be determined within a statutory time frame and cannot be withheld unless the documentation is incomplete.

Community consultation is embedded into the development application process and allows for submissions to inform the decision-making process. The means and extent of notification is informed by the nature of the proposed development and the site context.

Procedural administrative determinations such as those in response to applications to extend time, minor amendments to development applications otherwise exempt under the Deemed Provisions or that do not rely on Council discretion, or requests to amend a building permit or builder's details are not subject to community consultation.

Courtesy Notification Requirements

Courtesy notification letters are to be delivered to properties in the immediate vicinity of proposed demolition work or building work that is subject to development approval for which the Shire is the Determining Authority. Correspondence will be addressed to the owner/occupier and, if tenanted, the expectation is the occupier notify their estate agent or the absentee owner directly. Should a complex have a dedicated mailbox for the Strata Manager they will also be notified.

Courtesy notifications shall be distributed in the immediate vicinity of proposed works in circumstances where there is no ability to make a formal submission.

The immediate vicinity shall include any property with a shared boundary or directly opposite a street or right-of-way fronting the site.



Advertising Letter Requirements

Advertising letters are to be delivered and addressed in the same manner as courtesy notification letters.

Advertising letters shall invite affected parties to view the application and allow a minimum of fourteen (14) days in addition to a further three (3) working days when sent by post to make a written submission. The period between the Christmas and New Year public holidays shall not count towards the advertising period.

Should the development application rely on a variation to a local planning scheme requirement, or the design principles contained in the R-Codes, variation(s) are to be acknowledged.

Should the development application be determined at an Ordinary Council Meeting, or by a Development Assessment Panel, any party who makes a submission will be subsequently notified of the meeting dates.

The immediate vicinity shall include any property with a shared boundary or directly opposite a street or right-of-way fronting the site.

Proponent Obligations for Development Applications

The Shire will make available for public viewing a copy of all relevant development application materials. Should a proponent not wish the location of panic rooms, inbuilt safes, or other sensitive information to be viewed by the public a redacted plan set must be provided for advertising purposes.

The proponent must erect at their own cost and maintain for the duration of the advertising period an A1-dimensioned sign on the primary street frontage. In the case of strata complexes the signage may be directed to be erected on each public street fronting the parent lot. The sign must be fabricated or laminated to provide weather protection. The Shire will provide a template for the sign and confirm the required location(s).

The proponent may be directed to publish at their own cost a public notice in a locally circulated newspaper and provide proof of posting. The Shire will provide a template for the public notice.

In accordance with the Shire's Schedule of Fees and Charges the distribution of more than ten (10) advertising letters attracts an administrative fee payable prior to determination of the application.

Where a Construction Environmental Management Plan is a requirement for demolition work or building work, the proponent must notify owner/occupiers prior to the commencement of works. Local Planning Policy 8 – Construction Environmental Management Plans further details notification and complaints resolution obligations.



Consultation for Complex or Community Sensitive Development Applications

Complex development applications include proposals determined by a Development Assessment Panel, proposals seeking to significantly alter the original heritage fabric of a Category 1 heritage-listed place, or an ‘A’ use in the local planning scheme that requires advertising in accordance with Clause 64 of the Deemed Provisions.

Community sensitive development applications are likely to be of broader community interest such as restricted or child care premises, due to their proximity to sensitive land uses such as places of worship or education facilities, or due to their potential to impact locally or regionally significant views.

In addition to the erection of signage, complex and community sensitive development applications require a public notice to be published, advertising letters to be more-widely distributed, and advertising on the Shire’s website.

Variations to this Policy

The Shire may apply discretion as to the means in which community consultation is undertaken and, in the case of development applications, the time frame to receive written submissions.

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Policy Reference	Formal Description	Service Line
LPP 6	Consultation on Developments	Development Services
Implementation:		
Adoption	July 2024	Development Services
Review Date	22 September 2026	Development Services