

FUTURE PLANNING COMMITTEE

Recommendation from the Future Planning Committee: Review of Local Planning Policies 1 and 37

File Reference:	PLA/9/0001
14.5 Appendices:	<ol style="list-style-type: none"> 1. Current version of Local Planning Policy 1 'Public Notification/Advertising Procedure' 2. Current version of Local Planning Policy 37 'Community Consultation on Planning Proposals' 3. Draft revised Local Planning Policy 37 'Community Consultation on Planning Proposals'
Attachments	No

Date:	7 August 2018
Reporting Officer:	L. Parker
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

That Council advertise the draft revised Local Planning Policy 37, as contained in the Appendix 3, for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- Council's Urban Planning Business Unit have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.
- This report deals with a review of the following LPPs:
 - LPP1 'Public Notification/Advertising Procedure'; and
 - LPP37 'Community Consultation on Planning Proposals'.
- In reviewing the LPPs, consideration has been given to a number of matters including: the effectiveness of the current policies including any issues of interpretation, application and gaps or deficiencies; like policies of other local governments; alignment with relevant State legislation, policy and/or guidelines (where applicable); greater clarity in the objectives of the policies; and, improving the presentation and ease of use.
- The following actions are proposed as a result of the review:
 - That LPP37 be amended as detailed within the report and the Appendices.
 - That LPP1 to be revoked, as it is now redundant, with all provisions either currently superseded or proposed for incorporation into LPP37.
 - That draft LPP37 be advertised for public comments.

TABLED ITEMS:

Nil.

BACKGROUND:

The subject policies were previously policies forming part of the Town Planning Scheme No. 1 (TPS 1) Policy Manual.

Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed the policies

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as forming part of the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt a number of planning policies as Local Planning Policies, including the policies which are the subject of this review.

DETAILS:

Officers have undertaken a review of LPP1 and LPP37 by considering:

- the effectiveness of the current policies including any issues of interpretation, application and gaps or deficiencies;
- like policies of other local governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the policies; and
- improving the presentation and ease of use (for both the public and the Town's officers) of the policies.

The review of each of the policies is summarised as follows:

LPP1 'Public Notification/Advertising Procedure'

The matters dealt with by the Policy are almost entirely covered by and/or superseded by the provisions of LPP37 'Community Consultation on Planning Proposals', which is the primary policy guiding the public advertising and community consultation requirements for planning proposals of all kinds.

The exception to the above is Clause 2.2.3(f) which outlines that the posting of consultation letters to owners/occupiers should coincide with the first week that a related newspaper notice is published, where both methods of consultation are required for a particular planning proposal. This clause is proposed for inclusion in the draft revised LPP37.

As existing LPP1 is otherwise redundant, it is recommended that LPP1 be revoked at the time of adoption of the recommended revisions to LPP37.

LPP37 'Community Consultation on Planning Proposals'

This policy was adopted in November 2016, and replaced the former administrative policy GEN3 'Community Consultation', which dealt almost exclusively with consultation requirements for development applications.

LPP37 is the primary policy guiding the public advertising and community consultation requirements for planning proposals of all kinds, including development applications, local planning scheme amendments, structure plans and local planning policies.

The policy is currently being implemented successfully, however improvements have been identified to assist applicants, community members and the administration in utilising the policy, such as reference to the increasing use of online consultation tools (i.e. Town's 'Your Thoughts' online consultation hub, etc.). The proposed changes include:

1. Incorporating standardised formatting changes consistent with all other reviewed policies

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2. Linking the policy to the strategic outcomes of the Town's Strategic Community Plan
3. Removing references to position titles to reflect the current organisational structure and management
4. Changes to the format and layout of existing Table 1 (under Clause 1) to:
5. Move the development application consultation requirements to Clause 2
 - a. Name and categorise existing Table 1 (which is actually 4 separate tables) as Tables 2A, 2B, 2C and 2D
 - b. Improve clarity, user-friendliness and substantially reduce the length of the Policy through deletion of repetitive text in the tables and their replacement with a tick and cross style format
 - c. Group like categories of development types together
 - d. List online consultation methods (Council's website and 'Your Thoughts' online consultation hub)
 - e. Clarify the requirement for on-site signage when undertaking consultation for 'AA' discretionary uses, namely Residential Building (short term accommodation) and Family Day Care
 - f. Specify matters to be considered when consulting in relation to a proposed Home Occupation
 - g. Modify the consultation requirements for demolition of properties listed on the Town's Municipal Heritage Inventory to instead refer to properties heritage listed under the Scheme, located within a designated heritage area under the Scheme or entered in the State Register of Heritage Places, to align with the demolition and heritage provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*.
6. Changes to the format and layout of current Table 2 (now moved under Clause 1 as Table 1) to:
 - a. Include online consultation methods; and
 - b. Reformat to a tick and cross style to remove duplicated text, reduce its length and improve its readability/ease of use.
7. Changes to existing Clauses 3 to 18 to:
 - a. Consolidate and reduce the number of clauses
 - b. Reorder the clauses to reflect a more logical sequence
 - c. Reflect the changes to existing consultation requirements and layout of Tables 1 and 2
 - d. Separate the current paragraph-style clauses into separate provisions to provide for improved readability and ease of reference
8. Changes to Clause 4 'Holiday Periods' to exclude the whole of the weeks in which Christmas Day to the day after New Year's Day (inclusive) falls from the consultation period for a planning proposal
9. Incorporating Clause 2.2.3(f) of obsolete LPP1 under Clause 8 'Letters and Email Notices'
10. New provisions under Clause 9 'Sign(s) on Site' and Clause 10 'Newspaper Notice' to:
 - a. Detail acceptable on-site signage materials; and
 - b. Require evidence to be submitted of the installation of any required signs or publication of required newspaper notices within 5 working days of installation/publication.
11. Changes to existing Clause 10 (proposed Clause 7 'Requirement for consultation within a strata development') to:

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- a. More clearly outline the circumstances where consultation for a development application within a strata development will not be required; and
 - b. Specify that notification of the Council's decision will be provided to all owners and occupiers within the strata development in such circumstances.
12. Changes to Clauses 13 'Submissions received by Council' to state the clause applies in respect to any planning proposal, not only development applications.
 13. Clarify the situations where an application before SAT may be the subject of further community consultation.

A copy of draft revised LPP37 is contained in the Appendices to this report. For comparison, the current and operative versions of LPP1 and LPP37 are also contained as Appendices.

Legal Compliance:

Local Planning Policies

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the policy with or without modifications, or not proceed.

Policy Implications:

The review of LPP1 and LPP37, and proposed draft revised LPP37 provides greater clarity in the objectives, application and applicable requirements, and forms part of a review of all of the Town's LPPs.

Alignment with State Government Legislation

The changes to applicable consultation requirements for demolition of existing properties/structures also aligns with relevant State Government legislation, namely the demolition and heritage provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

State Planning Policy 3.1 - Residential Design Codes

Part 4 of the Residential Design Codes (R Codes) provides that local governments may adopt policies requiring community consultation to be undertaken with adjoining properties where variations to the deemed-to-comply requirements of the R-Codes are proposed as part of a development proposal. The review of LPP37 has considered the existing scope of R Code variations that are specified as requiring consultation and these are considered to remain relevant and appropriate.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
Application of Policies which could be clearer in their intent, and in some instances could have been more effective if clearer and containing additional requirements.	Moderate	Likely	Low	Support the proposed draft revised Policy for the purposes of community consultation.
The continued operation of obsolete policies creating uncertainty or confusion to applicants and members of the community	Low	Some likelihood	Low	Support the proposed draft revised Policy for the purposes of community consultation (including revocation of LPP1).
The continued operation of clauses within LPP37 that are unclear, confusingly worded or limited in their applicability to development applications only, rather than planning proposals of all kinds.	Moderate	Likely	Medium	Support the proposed draft revised Policy for the purposes of community consultation.

Strategic Plan Implications:

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.

Economic

EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.

Civic Leadership

CL1 – Everyone receives appropriate information in the most efficient and effective way for them; and

CL2 – A community that is authentically engaged and informed in a timely manner.

Financial Implications:

There will be a cost for advertising of the proposal in the Southern Gazette newspaper, with their being funds available to cover this cost.

Sustainability Assessment:External Economic Implications:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

Existing LPP37 is currently proving effective in guiding the public advertising and community consultation requirements for planning proposals of all kinds, and has made existing LPP1 largely redundant further to reviews conducted in previous years. Changes have been identified to improve its structure and formatting, clarify consultation requirements for a small number of land use/development types, and reflect the increasing use of online consultation tools. The consultation requirements listed within the tables contained in the Policy have also been reduced in length and simplified by deleting duplicated text and amending them to a tick and cross style format, reducing the overall length of the policy by over three (3) pages.

The review has considered the operative policies of other local governments, some of which are substantially shorter in length than both the current and draft revised versions of LPP37. While shorter, the majority of these policies do not specify circumstances where consultation will not be required and so result in the requirement to consult for development applications that propose variations of any kind to the Residential Design Codes, even in circumstances where such variations are extremely minor in nature, have negligible adverse impact on surrounding properties or the streetscape, and are routinely supported under delegated authority and at a Council level. Additionally, many of these shorter policies provide for significant discretion by officers and Council to modify, reduce or require additional consultation methods for a broad range of proposals without outlining the scope or circumstances where such discretion will be exercised. Existing LPP37 has the significant advantage of addressing both of these matters, delivering confidence, certainty and consistency to the public and applicants of when consultation will or will not be required, and greater efficiency in the use of time and resources by applicants and officers. Accordingly, these aspects of existing LPP37 are proposed to remain (albeit in a revised format) as part of draft revised LPP37.

It is recommended that the Future Planning Committee recommend to Council that draft revised Local Planning Policy 37, as included in the Appendices, be advertised for public comment. A further report will be presented to Council in the future following the conclusion of the consultation period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policy (in its current revised form or in a further modified form). It will be necessary at this time to also formally revoke the current Local Planning Policy 1 'Public Notification/Advertising Procedure'.

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RESOLVED BY EXCEPTION RESOLUTION:

Moved: Cr V Potter

Seconded: Cr Vernon

That Council advertise the draft revised Local Planning Policy 37 'Community Consultation on Planning Proposals', as contained in the Appendix 3, for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon