

Local Planning Policy 1 – Development Assessment (LPP1)

Management Procedure

Relevant Delegation

1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as Local Planning Policy 1 – Development Assessment (LPP1).

2. Introduction

Local Government's have a critical role implementing state government legislation, including undertaking development assessment delegated from the *Planning and Development (Local Planning Schemes) Regulations 2015*, and *Planning and Development (Development Assessment Panel) Regulations 2011*.

While there are key legislated elements of the development assessment process, many procedural elements and principles of planning law often lack transparency as they are conducted behind closed doors.

This Policy clarifies the City of Kalamunda's approach to development assessment and alignment with the City's values. Respecting the needs of both the City's applicants, and the regulatory requirements of relevant planning framework.

This Policy will form part of the City of Kalamunda Planning Framework. As a Local Planning Policy, it will prevail over other City of Kalamunda Local Planning Policies in the event of inconsistency. This Policy must be read in conjunction with the wider planning framework, as relevant to the matter being considered.

3. Objectives

The policy aims to facilitate industry-leading customer experience by:-

- Provide a transparent process and expectations to guide applicants through the complex standards of the planning framework;
- Establish industry leading best-practice approaches to development assessment;
- Establish genuinely streamlined workflows that allow for fast approvals.

- d) Provide a permission-based approach to development by removing the requirement for development approval for minor, or low-impact development that demonstrates a good planning outcome.

4. Definitions

Terms in this Policy take their normal meaning, as evidence that it provides guidance without the use of complex technical language.

5. Policy Application

This Policy applies to all applications for development and subdivision that the City of Kalamunda is responsible for either providing recommendations or comments on proposed development to determining authorities, or is the determining authority.

Nothing in this Policy removes the local government's discretion to require Development Approval where it is considered that a proposal may result in unacceptable impacts or where required under the Local Planning Scheme and in consideration of Clause 67 of the Deemed Provisions.

Permitted development under this Policy does not remove the requirement to obtain any other approvals, permits, or licences required such as building and health permits.

6. Requirement for Development Assessment

- 6.1 To deliver a customer-focused development assessment service within target timeframes, applicants must furnish well-made, assessment ready applications at the time of submission. The onus is on the applicant to ensure the information submitted is complete, accurate, and capable of being fully assessed once received, without the need for further information to be provided.
- 6.2 Applications that are unclear, illegible, or fail to provide the required information will not be accepted for lodgement and will be returned to the prospective applicant with a summary of what is required for the application to be accepted, and a guide on the available pathways for that application type.

- 6.3 Council strongly recommends the engagement of a professional planner and other qualified professionals, to assist with the preparation of development application, and all stages of the development application process.

7. Pre-lodgement

7.1 Education

Information is provided on the City of Kalamunda website to assist applicants in submitting their application in the form of fact sheets and checklists, which provide guidance on information required to enable an assessment against the planning framework to be completed. A self-assessment form is available for development types eligible for the Gateway pathway to show what information can unlock faster processing times.

7.1.2 Planning Advisory

The Administration encourages applicants to discuss and seek guidance on development proposals prior to lodgement. The City provides an appointment based Duty Planner service for verbal and in-person enquiries where general opinions are provided, and made without prejudice. For written planning information Written Planning Advice can be sought, and for comment on the potential planning merit of an application Complex Planning Advice/Pre-Development Application and Design Review Panel feedback is available.

*Please refer to the City's Schedule of Fee's for the cost of these services.

7.1.3 Pre-Development Applications

For certain types of development applications, the City encourages applicants to submit a Pre-Development Application to discuss the merit of the proposal, and how it would be assessed against the planning framework prior to submitting a formal Development Application (fees apply).

The City of Kalamunda strongly encourages a Pre-Development Application meeting for the following types of development:

- a) Residential multi-unit development, mixed use developments, subdivisions greater than three (3) lots;

- b) Commercial development applications (except minor additions/alterations);
- c) Industrial development applications (except minor additions/alterations);
- d) Proposals within the 'development' zones
- e) Proposals within Town Centres;
- f) Sites requiring the removal of large trees to facilitate development.

Concept plans and a summary of the proposal are required to be provided with any Pre-Development Application. Once the documentation has been received the Administration will contact the applicant with a meeting appointment.

Detailed written advice will be issued following the meeting. The pre-lodgement written advice target timeframe is 21 days, from receipt of a valid application.

8. Lodgement

8.1 Key Objectives

- 8.1.1 To ensure that all applications have met the relevant requirements for lodgement.
- 8.1.2 To ensure that any additional information requested by Council, prior to the lodgement of the application, is reasonable and is consistently applied.
- 8.1.3 To ensure the time lodgement of application, and the notification and referral of applications as required to complete an assessment under the relevant planning framework.

8.2 Submission

Applications must be submitted to the City via email at enquiries@kalamunda.wa.gov.au.

8.3 Preliminary Review

Upon submission, the Administration will undertake a preliminary review of the application, to ensure all relevant details are provided on the form, all mandatory documents have been provided, and the application is ready for assessment.

During the preliminary review, applications that are unclear, illegible, or fail to provide the required information will be returned to the applicant, together with confirmation of matters to be addressed prior to re-submission.

There will be one opportunity to seek escalation of the preliminary review comments.

Following the preliminary review, if the application is acceptable, the Administration will process the application at which point a development application reference number and a fee will be provided for payment. Failure to make payment within two business days will result in the application being returned.

8.4 *Acceptance*

Upon payment of fees, the application is considered lodged, which is the start of the assessment period.

9. **Assessment**

9.1 *Key Objectives*

9.1.1 To undertake an assessment in a timely manner in accordance with regulatory requirements such as referrals.

9.1.2 To make recommendations and determinations in an orderly manner, without bias, and managing conflicts of interest to maintain transparency and trust in the planning system.

9.2 *Allocation and Assessment*

The application will be allocated to a Statutory Planner for assessment.

Where there is a perceived or actual conflict of interest, the assessment and recommended determination will be subject to independent peer review, from a suitably qualified planner from another Local Government, or a planning consultant.

9.3 *Communication and Updates*

The Administration will contact the applicant at key points during the assessment process.

Applicants will receive notification of the Officer managing their application at the time of allocation.

Applicants are encouraged to contact the allocated Officer in the first instance for all enquiries and requests for updates. The applicant nominated is the only point of contact with an Officer, all other stakeholders should seek to limit communication through the applicant.

9.4 *Consultation and Engagement*

This Policy acknowledges that consultation and engagement are slightly different concepts when dealing with regulatory processes. This Policy reflects informing and consulting levels of engagement which are the appropriate engagement philosophies for development applications, rather than collaboration or empowerment.

- 9.4.1 Where advertising is not mandatory, or at the discretion of the Administration, the Administration will only advertise a development application if it is an Officers technical opinion the development is likely to impact the amenity of a neighbouring property or streetscape.

Advertising will not be undertaken

- a) if neighbour planning concerns are reasonably foreseeable and can be adequately considered in the assessment; and
- b) if the limits of the planning framework make meaningful change because of feedback unlikely.

- 9.4.2 If advertising occurs, respondents will receive an acknowledgement of their submission, and a notification of the outcome of the assessment. If advertising does not occur, immediately adjoining neighbours will be informed that a development approval has been issued.

9.5 *Referrals*

When reviewing a Development Application Officers are required to consider a range of relevant planning matters and the impact of the development on things like traffic, bushfire, the environment, flooding, building design – among any other relevant planning consideration.

The nature of these matters may require advice from government agencies, internal subject matter experts, and sometimes neighbouring local governments. Referrals may generate a request for additional information to support the development application.

9.6 *Additional Information*

If a development application is not accompanied with sufficient information to complete a development assessment, or a referral during assessment requires additional information, the assessing Officer will request that further information be provided within 21 days.

Extensions of time will only be granted in exceptional circumstances. If an applicant cannot provide evidence of progress towards the provision of the requested additional information an extension will not be granted.

If an Applicant does not provide additional information it is unlikely that a development assessment can be completed. An inability to complete an assessment will result in a development application being refused.

10. Determination

10.1 Key Objectives

10.1.1 To ensure that applications are determined in a timely manner.

10.1.2 To ensure that applications are determined by the Administration, Council, or the relevant Planning Panel, as delegated.

10.1.3 To ensure that the determination provides certainty and minimises the need for further information at later stages of approvals, and minimises the need for either modification or further approvals.

10.1.4 To ensure the decision upholds the integrity of the planning system.

10.2 Targets

The Local Governments target for Development Application processing times is for 50% of applications to be determined with 'total days' within the statutory timeframes, in addition to normal statutory timeframes.

The focus on total days links to customer experience. The Administration acknowledges that being compliant with a statutory timeframe may not represent the true journey of an application through the assessment and determination process and is often not a meaningful measurement.

11. Post—Determination

11.1 Key Objectives

11.1.1 To ensure the Applicant and relevant stakeholders are notified of decisions in a timely manner.

11.1.2 To ensure Applicants are provided post-determination support to assist them to progress to the next phase of their development, which often includes further regulatory approvals from the Administration like Building and Health.

11.2 Notice of Determination

Once a Notice of Determination is finalised the Administration will email the Applicant and landowner the Notice and approved documents.

11.3 *Post-Determination Support*

The Administration will record any key conditions of approval that require follow-up inspections. If an application is likely to be complex to implement the Administration will provide a Condition Clearance Guide. The Guide includes notes for each condition and the City's general expectations, key contacts, and potential pathways for clearing each condition.

12. Development Approval Exemptions

12.1 *Objectives*

- 12.1.1 Provide a permission-based approach to development by removing the requirement for development approval for minor, or low-impact development that demonstrates a good planning outcome.

12.2 *Limitations*

Nothing in this Policy removes the local government's discretion to require Development Approval where it is considered that a proposal may result in unacceptable impacts or where required under the Scheme, and in consideration of Clause 67 of the Deemed Provisions.

Approval is required for all development or land uses except as specified within Clause 61 of the Regulations, within LPS3, as identified within this Policy or as identified in any other relevant Local Planning Policy adopted by the City.

- 12.3 Except as otherwise provided in the Scheme, works and/or uses specified in Tables 1 and 2 below do not require development approval.

The provisions set out within Table 3 outlines modifications to the Residential Design Codes (R-Codes) and replaces the 'deemed to comply' requirements where relevant.

Table 1: Development Works Exemptions

Description		Applicable Zones	Conditions
1	The erection or installation of, or alterations or additions to, any of the following on the same lot as a Residential Aged Care Facility, or a Park Home Park – (a) Outbuilding (b) External Fixtures (c) Patio (d) Deck (e) Garage (f) Carport	All Zones	a) Where any structure is proposed adjoining any side/rear boundary of the overall lot, the structure is to comply with the requirements of the R-Codes Part B, Table 2a as though they applied to the site. b) In addition to the above conditions Outbuildings are to meet the following criteria: i. Not exceed a wall height of 3m. ii. Not exceed a ridge height of 4.2m.
2	The erection or installation of, or alterations or additions to, any of the following on the same lot as any non-rural and non-residential development – a) A deck. b) Retaining walls. c) Shade sails. d) A patio.	Residential* Mixed Use Commercial Private Clubs and Institutions General Industry Light Industry	a) The works comply with the requirements of DPS 2 (as amended). b) The works do not result in the modification or impact to vehicle access or parking at the site. c) The works associated with a deck or retaining walls are up to or below 500mm above the natural ground level. d) *Where a Shade Sail is associated with a Child Care Centre, located within a Residential Zone.
3	Any external alterations to an existing non-rural and non-residential building façade.	Mixed Use Commercial Private Clubs and Institutions General Industry Light Industry	a) The works comply with the requirements of LPS3 (as amended). b) The works do not result in the modification of or impact to vehicle access or parking at the site. c) The works do not result in the height of the building being increased.

4	The installation of a water tank.	All Zones	a) In addition to the requirements set out under Clause 61(1), Item 12 of the Deemed Provisions, the volume of the water tank is no more than 10,000L where required for firefighting purposes in accordance with State Planning Policy 3.7: Bushfire.
5	Temporary builders' office, construction fencing and associated amenities.	All Zones	a) Be associated with approved building work for the subject site. b) Wholly contained within the lot to which the work is occurring. c) Be on site for a period no greater than 24 months. d) Be removed within 14 days following the completion of the associated building works.
6	Any other works as determined by a suitably qualified City planner in writing on a case-by-case basis.	All Zones	a) Confirmation must be received through a Request for Written Planning Advice and be provided by an officer of at least a Principal/Coordinator level or higher.

Table 2: Land Use Exemptions

Description		Applicable Zones	Conditions
1	Tavern	Commercial Centre	a) The lot on which the Tavern is located does not directly adjoin a Residential property. b) The lot is not within 200m for an existing or proposed Educational Establishment, Child Care Centre, or Place of Worship where the following circumstances exist: i. The frontage and/or primary access point of the proposed premises forms the predominant view from the existing or proposed Educational Establishment, Child Care Centre, or Place of Worship; and ii. Signage and advertising materials for the proposed licenced premises forms the predominant view from the existing or proposed Educational Establishment, Child Care Centre, or Place of Worship. c) Car parking requirements are provided in accordance with LPS3 (as amended).
2	Home Business	All Zones	a) The Home Business has been previously approved at another address within the local government. b) The Home Business has not received any complaints at its original approved address c) Confirmation must be received through a Request for Written Planning Advice and be provided by an officer of at least a Principal/Coordinator level or higher.
3	Any other use as determined by a suitably qualified City planner in writing on a case-by-case basis.	All Zones	a) Confirmation must be received through a Request for Written Planning Advice and be provided by an officer of at least a Principal/Coordinator level or higher.

Table 3: Modification of R-Codes

Description	Conditions
1 Part B – Clause 5.1.3 – Lot Boundary Setbacks C3.1(ii)	To be replaced with: For carports, patios, verandahs or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*: a) Is no more than 10m in length. b) Structures do not exceed an equivalent wall height of 3m. c) Structures do not exceed a ridge height of 4.2m. d) Is located behind the primary street setback; and e) Has eaves, gutters, and roofs setback at least 450mm from the lot boundary. <i>Note: *There are separate building code requirements which may also apply.</i>
2 Part B – Clause 5.3.5 – Vehicular Access C5.1	To be replaced with: Vehicle access to on-site car parking spaces to be provided via the lowest available street in the hierarchy, as follows: a) Where available, from a right-of-way or communal street available for lawful use to access the relevant site and which is trafficable and drained from the property boundary to a constructed street; or b) From the secondary street or primary street where no right-of-way or communal street exists.

3	 Part B – Clause 5.3.7 – Site Works C7.2 – Table 4	To be replaced with: <table><tr><th>Height of site works and/or retaining walls</th><th>Required minimum setback</th></tr><tr><td>1m or less</td><td>0m</td></tr><tr><td>1.5m</td><td>1.5m</td></tr><tr><td>2m</td><td>2m</td></tr><tr><td>2.5m</td><td>2.5m</td></tr><tr><td>3m+</td><td>3m</td></tr></table>	Height of site works and/or retaining walls	Required minimum setback	1m or less	0m	1.5m	1.5m	2m	2m	2.5m	2.5m	3m+	3m
Height of site works and/or retaining walls	Required minimum setback													
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4	Part B – Clause 5.4.3 – Outbuildings C3 (ii)	To be replaced with: Large and multiple outbuildings: a) Individually or collectively does not exceed 60m² in area or 10% in aggregate of the site area, whichever is the lesser. b) Is set back in accordance with Table 2a. c) Does not exceed a wall height of 3m. d) Does not exceed a ridge height of 4.2m. e) Is not located within the primary or secondary street setback area. f) Does not reduce the open space and outdoor living area requirements in Table B.												

Legislation	<i>Local Planning Scheme No. 3</i>
Adopted	XX XXXXX XXXX (OCM XXX/2XXX)
Reviewed	Nil
Next Review Date	2030

Draft for Advertising