



## Council Guideline

# Planning Applications

© City of Albany 2011

## Version Control

Version	Date	Status	Distribution	Comment
01	21/07/09	Adopted	Minutes	16.2.1
02	02/02/2010	Revised	Corporate Document Register	Formatting only.
03	19/10/10	Revised	Corporate Document Register	Council OCM 19/10/10
04	15/02/11	Revised	Minutes	Council OCM 15/02/11
05	19/04/11	Revised	Minutes	Council OCM 19/04/11
06	11/10/11	Revised	Minutes	Council OCM 11/10/11

## Table of Contents

Objective.....	3
Scope .....	3
Policy Statement.....	3
Legislative Context.....	3
Review and Position Date .....	3
TABLE A – APPLICATION LEVEL AND REQUIREMENTS .....	4
APPENDIX ‘A’ – DECISION MECHANISM .....	5
APPENDIX ‘B’ – DECISION MAKING MATRIX.....	6

## **Objective**

The purpose of these Guidelines is to provide guidance to the development industry, public and staff charged with processing development applications.

The primary objectives of this Guideline are:

- To ensure sufficient information is lodged to facilitate an informed decision by the City of Albany;
- To promote a transparent planning process that the community and the development industry can have confidence in; and
- To facilitate industry, community and regulator engagement.

## **Scope**

These Guidelines apply to all applications for planning scheme consent lodged with the City of Albany.

## **Policy Statement**

All applications for Planning Scheme Consent received by the City of Albany are to be classified in accordance with appendix B (Decision Making Matrix), and processed in accordance with Table A (Application Level and Requirements) and decided upon in accordance with appendix A (Decision Mechanism).

## **Legislative Context**

*Planning and Development Act 2005;*  
Residential Design Codes;  
Town Planning Scheme No. 1A and 3.

## **Review and Position Date**

Executive Director Planning and Development Services to review on or before 11 October 2012.

**TABLE A – APPLICATION LEVEL AND REQUIREMENTS**

Level Application	Advertising (where required under Scheme or R-Codes @)	Referral	Legislation	Detail Supplied	Processing Times (Working Days)*
<b>1</b>	<ul style="list-style-type: none"> <li>• Sign on-site</li> <li>• Immediate Neighbours</li> <li>• Newspaper Advertising</li> </ul>	<ul style="list-style-type: none"> <li>• Neighbours Only<sup>^</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Single Policy Issue</li> </ul>	<ul style="list-style-type: none"> <li>• Plans</li> <li>• Justification Report</li> <li>• Neighbours Comments</li> </ul>	Permitted Uses – 25 working days.
<b>2</b>	<ul style="list-style-type: none"> <li>• Sign on-site</li> <li>• Newspaper advertising</li> <li>• Neighbourhood+</li> </ul>	<ul style="list-style-type: none"> <li>• Neighbourhood+</li> <li>• Ward Councillors (copy plans)</li> <li>• Councillors Weekly Update</li> </ul>	<ul style="list-style-type: none"> <li>• Scheme Compliance</li> <li>• Council Policy Compliance</li> <li>• State Policy Compliance</li> </ul>	<ul style="list-style-type: none"> <li>• Plans</li> <li>• Justification Report</li> <li>• Images (elevations)</li> </ul>	Discretionary Uses – 30 working days. Advertised Uses – 42 working days.
<b>3</b>	<ul style="list-style-type: none"> <li>• Consultation Pamphlet Distributed</li> <li>• Photomontage / or Image Provided</li> <li>• Letter to Locality#</li> <li>• Pre-assessment Councillor Inspection</li> <li>• Post Advertising Community Inspection</li> <li>• Sign(s) on site</li> <li>• Newspaper Advertising</li> <li>• Press Release (for major projects)</li> <li>• Developer Contact No.</li> </ul>	<ul style="list-style-type: none"> <li>• Community (Locality)#</li> <li>• All Councillors (copy plans)</li> <li>• Technical Input Reports (independent) on Technical Information</li> <li>• Councillors to advise on issues requiring attention</li> </ul>	<ul style="list-style-type: none"> <li>• Scheme Compliance</li> <li>• Council Policy Compliance</li> <li>• State Policies Considered</li> <li>• Procedural Fairness</li> <li>• Legal Capacity to Make Decisions Determined</li> <li>• State Agency Guidelines Identified</li> </ul>	<ul style="list-style-type: none"> <li>• Plans</li> <li>• Constraints Map</li> <li>• Agency Consultation</li> <li>• Sub-Consultants Reports</li> <li>• Images</li> <li>• Justification/Audit Against All Planning Instruments</li> <li>• Contact Details (Liaison Officer)</li> </ul>	

\* Planning Application processing times against stated KPI's are to be published quarterly from **March 2011**. These KPI's are consistent with the ISO 9001 Planning Team Manual and the Planning Team Service Plans, forming part of Council's Financial Sustainability Framework.

<sup>^</sup> Except if proposal is an application under R-Codes (then referral to neighbours as per the definition within the R-Codes), notification to be sent to 3 properties either side of subject land on same side of street, 3 properties opposite and 3 properties behind.

+ Shall generally mean the street block the application is within, however the full extent of those to be consulted shall be at the discretion of assessing officer.

# Shall generally mean the locality (suburb) the application is within, however the full extent of those to be consulted shall be at discretion of assessing officer.

*@Where an application involving the assessment of an element under the performance criteria of the R-Codes is made, such element shall be referred to adjacent landowners as per the consultation procedure stipulated within the Codes, except where in the opinion of the City of Albany's Executive Director Planning and Development Services, the variation is not likely to impact on the amenity of adjoining landowners. For the purposes of clarity all applications under the performance criteria of the Codes for Boundary Setbacks, Retaining Walls, Street Setbacks, Overlooking, Overshadowing and Building Height are to be referred to adjacent landowners. Where a proposal complies with the R-Codes yet is likely to be publicly controversial or of great interest to the adjoining landowner/s in the opinion of the City of Albany's Executive Director Planning and Development Services, a notification letter to surrounding landowners is to be sent explaining the proposed development and how the proposal complies with the Codes. In relation to all applications to be determined by Council the above procedure will be applied except there will be a presumption of possible adverse impact and in all cases the adjacent landholders will be notified.*

## APPENDIX 'A' – DECISION MECHANISM

(Refer Appendix B to determine whether the proposal is an A, B or C application)

### (a) SIMPLE APPLICATION

The application will be determined by an officer within the Planning and Development Services Directorate following receipt of comment from an adjoining landowner.

### (b) LARGER PROJECTS

The application will be determined by either the Manager or Executive Director within the Planning and Development Services Directorate after adjacent landowners, ward Councillors, and in some matters the community generally have been consulted and the concerns raised have been “adequately addressed” \* (refer process and clarification below).

\* ***“Adequately addressed” requires:***

Where an application is advertised and:-

- (a) No submissions were received the application is to be determined on its merits.
- (b) Submissions objecting or seeking changes to the proposal were lodged, but were non-substantive, then a planning officer shall liaise with the person(s) who lodged the submission prior to determining the application. Depending on the submissions received the Executive Director Planning and Development Services shall determine if it warrants Council’s consideration.
- (c) Submissions were lodged with substantive arguments against the proposal then the Executive Director Planning and Development Services may refuse the application or refer the application to Council for determination.

### (c) COMPLEX PROJECTS

The application will be determined by Council at an ordinary Council Meeting.

## APPENDIX 'B' – DECISION MAKING MATRIX

Application Type	Req.	Mech.	Application Type	Req.	Mech.
<b>RESIDENTIAL</b>			Veterinary Clinic	1	B
Single House (R-Codes)	1	A	Veterinary Hospital	2	B
Home Occupation	1	A	Funeral Parlour	2	B
Relocated Dwelling	1	A	Public Utility	1	A
Family Day Care	1	A	Public Amusement	1	B
Institutional Home	1	B	Cemetery	3	C
Grouped Dwellings (<10 units)	1	A	Garden Centre	2	B
Grouped Dwellings (10 - 25 units)	2	B			
Grouped Dwellings (>25 units)	2	C			
Aged Persons Dwellings (<20 units)	1	A	<b>RURAL</b>		
Aged Persons Dwellings (>20 units)	1	B	Chalets	1	B
Multiple Dwellings (2 storeys)	1	A	Caravan Park	3	C
Multiple Dwellings (> 2 storeys)	2	B	Kennels (<10 kennels)	2	B
			Kennels (>10 kennels)	2	C
Home Business	2	B	Silviculture	1	A
Aged Persons Village	2	B	Stockyards	2	B
Residential Building (<10 rooms)	1	B	Horticulture	1	B
Residential Building (>10 rooms)	2	B			
Institutional Building (<10 rooms)	2	B	Winery	2	B
Institutional Building (>10 rooms)	3	B			
Nursing Home	2	B	Rural Industry	2	B
<b>COMMERCIAL / CULTURAL</b>			<b>INDUSTRIAL</b>		
Consulting Rooms	2	B	Fuel Depot	2	C
Bulky Goods Outlet	1	B	Light Industry	1	A
Cinema	2	B	General Industry	2	B
Fast Food Outlet	2	B	Noxious Industry	3	C
Holiday Accommodation (<10 units)	1	A	Service Industry	1	A
Holiday Accommodation (10 – 25 units)	2	B			
Holiday Accommodation (>25 units)	3	C	Extractive Industry (Hard Rock)	3	C
Hotel	3	C	Extractive Industry (Other)	2	B
Office (<300m <sup>2</sup> NLA)	1	B	Vehicle Repair Station	1	B
Office (>300m <sup>2</sup> NLA)	2	B			
Liquor Store	2	B	Junk Yard	2	C
Motel	3	C	Transport Depot	1	B
Night Club	3	C	Warehouse	1	A
Restaurant	2	B	<b>EXCEPTIONS:</b>		
Service Station	2	B	• Expansion or upgrading of existing land uses within confine of current lot (notwithstanding above requirement).	1	A
Shop (<300m <sup>2</sup> NLA)	1	B	• Where prescribed maximum number units/rooms places application into alternate decision making category.	2	B
Shop (>300m <sup>2</sup> NLA)	2	B	• Use not Listed and declared as prohibited land use.	-	A
Tavern	3	C	• Use not Listed and declared discretionary land use.	2	B
Vehicle Sales/Hire	1	A	• Applications that are inconsistent with Council Policy* (refer clarification below)	2	B/C
Education Establishment (<30 students)	1	B			
Education Establishment (>30 students)	2	C			
			<b>OTHER REQUIREMENTS:</b>		
House of Worship (<40 seats)	2	B	* Where a development application does not comply with an adopted local planning policy staff shall either refuse the application, or where there is significant merit to relax the provisions of such a policy the item will be presented to Council for consideration.		
House of Worship (>40 seats)	3	C	* Where an application is required to be referred to the Great Southern Joint Development Assessment Panel, Council and staff do not have delegation to make a decision (ie. applications over \$7 million in value, or where valued between \$3 million and \$7 million and the proponent chooses to make application via the DAP).		
Day Care Centre	2	B			
Private Recreation	2	B			
Club Premises	2	B			
Hospital (<18 beds)	2	B			
Hospital (>18 beds)	3	C			
Medical Clinic	2	B			
Museum	2	B			
Restricted Premises	3	C			

# APPLICATION FLOW CHART

