



## Local Planning Policy 1.4 – Public Consultation for Planning Matters

**Objectives:** Place

**Outcome:** 2.1 - A diverse, well planned built environment.

**Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

### Purpose

1. Guide where the Shire will advise and consult with the community or affected landowners about planning matters to ensure openness and accountability in the decision-making process.
2. Gauge public comment when required or when deemed appropriate.
3. Detail the requirements for consultation based on the level of the proposals 'impact'.
4. Set out the process the Shire will use when undertaking consultation and considering submissions.

### Definitions

**Adjoin** refers to any land or owner of land which abuts an application site or is separated from it only by a road, pathway, driveway or similar thoroughfare.

**Affected Person** means a person who owns land that adjoins an application site or as determined by radius of this policy.

**Application Site** means the land upon which a land use, development or public work is proposed to be undertaken.

**Advise** means action in writing taken by the Shire or another to acquaint the recipient with details of an intended land use or development on an information only basis.

[Complex application includes applications requiring consultation level 'C' and 'D'](#)

**Consult** means either:

Personal (evidence by signed documentation) or written contact with an affected property owner(s) by the party proposing to undertake a land use or development; or

Written notification by the Shire to affected persons inviting comment on the proposal.

**Development** as defined under the *Planning and Development Act 2005*.

**Development Assessment Unit** means a technical advisory group to consider and recommend determination of development applications as established under Local Planning Policy or Shire Operating Procedure.

**Land** includes any building or part of a building created on the land.

**Land owner** means the person(s) listed as the registered owners on the Certificate of Title or in the case of Reserve land is the authority listed on the Management Order. On Reserve land with Management Order to the Shire of Serpentine Jarrahdale, The Department of Lands

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**Nearby Land** means any land, other than neighbouring or adjoining land, which may be adversely affected by a development proposal and, where appropriate, may include owners of land within a neighbouring Shire.

[Non-complex application – applications requiring consultation level A or B](#)

**Notify** means written communication by the Shire or the proponent of a development proposal containing relevant information about the development proposal for the purpose of advice or seeking comment.

**Public Advertisement** means notification by way of an advertisement in a local newspaper, signs erected on the application site or signs on public notice boards.

**Relevant Information** means the principal details of a development proposal as determined by the Shire to be sufficient to describe the proposal and its potential impacts. Each such notification is to provide further information as to where and when full particulars of the development proposal can be inspected during the period which comments are sought.

**Submitters** means people who have provided written comment on a proposal within the formal comment period

### Background

This Policy is designed to clearly define consultation required to meet the statutory and 'standard' consultation requirements for planning matters.

Clause 64(1) of the Deemed Provisions establishes when consultation is required under the Scheme. Clause 64(3) of the Deemed Provisions sets out minimum consultation requirements and gives discretion on how an application is to be advertised. This Policy establishes the circumstances where this discretion will be exercised.

### Policy

#### 1. [Consultation Categories Levels and Methods](#)

~~In those instances where consultation is to be conducted, the consultation will take either the form of a letter and/or a public advertisement in a local newspaper, unless otherwise specified in a Community Engagement Plan.~~ All items advertised for public comment will articulate the following:

- i) The reasons for undertaking the consultation.
- ii) Set out details of the proposal or a part thereof in respect of which comment is being sought;
- ~~iii) Explain any policy variations being sought;~~
- ~~iv) iii) Set out how a member of the public could provide comment; and~~
- ~~v) iv) Specify the timeframe within which any comments or submissions should be made.~~

Where deemed appropriate by Officers, consultation may occur with government departments/referral agencies at any consultation level.



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### 2. Level A – No Consultation

No consultation will occur where the proposal:

- i) Is determined as having no predictable detrimental impact on the character or amenity of the immediate or general locality or that of adjoining landowners; and
- ii) Is not required under Clause 64(4) of the Deemed Provisions;
- iii) 'P' Uses unless the works component varies any requirements of the Scheme; the deemed-to-comply requirements of the R-Codes and outside an approved building envelope
- iv) Residential/Incidental development located within a building envelope OR compliant with the deemed-to-comply requirements of the R-Codes

### 3. Level B – Consultation with immediate surrounding landowners/Owners of Adjoining Land

~~For a Residential development where the Deemed to Comply provisions of the Residential Design Codes are not complied with,~~ For development where the affected the landowner(s) are considered those of land directly adjoining the application site affected by the non-compliance or those within a radius of less than 200m, will be consulted unless the proponent has already undertaken the necessary consultation and secured agreement or obtained comment. Including development proposing a variation to the Deemed to Comply criteria of the R-Codes except where located within an approved building envelope, consultation will be undertaken by doing some or all of the following:

- A Notice Published on the Shire's website;
- Make a copy available at the Offices for inspection; and/or
- If the document is a notice and the Shire considers it appropriate it published in a local newspaper

Where, in respect of other proposals, a proposed development:

- i) ~~will be visible from any road or other public place; and~~
- i) ~~will be likely to have an impact on the streetscape or amenity of properties in immediate proximity to the site;~~
- ii) ~~the owners of properties adjoining, and those on the other side of any street immediately opposite the application site, will be consulted.~~

The owners of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days (or such other period as prescribed by the relevant legislation) for the lodgement of any submission.

### 4. Level C – Consultation with owners of the land in the locality

Where a proposed land use or development is determined by the Shire as having the potential to impact upon:

- i) the use and enjoyment of land within an area but not extending to the whole of the Shire district; or
- ii) specific interest groups within that area; ~~the community within that area will be consulted. Or such development including;~~
- iii) 'A' uses;
- iv) Use not listed;
- v) Any application that does not comply with the generic separation distance as listed under the Environmental Protection Authority Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses; or
- vi) Extension to a Non-Conforming Use

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The community within that area will be consulted as follows". ~~The Shire will:~~

- i) ~~Where appropriate,~~ publish a notice of the development proposal in a newspaper circulating in the area containing details set out in Appendix 1 of this Policy;
- ~~ii) Make a copy available for inspection at the Shire Offices~~
- iii) publish a notice of the development proposal on the Shire's website under the Public Comment section;
- iv) ~~Where appropriate,~~ cause the applicant to place a notice of the development proposal on a sign in a prominent position on the property subject of the development proposal in the form of ~~the Appendix 1 of this policy; to the Deemed Provisions.~~
- v) provide written notice in the form of a letter to all land-owners within a radius of at least 2400m of the application site for land within the townsite boundaries or at least 500m radius for land outside of a townsite;
- vi) consult with the owners of land beyond the forgoing areas where, in the opinion of the Shire, ~~there will be an impact along key transportation facilities, tourist routes or view sheds; they will be affected~~ or where an impact is likely to require a greater buffer under the Environmental Protection Authority guidelines consult with neighbours within proximity of double the proposed buffer; and
- vii) consult as necessary with other affected government agencies or statutory authorities as the case requires.

The notice and letters referred to in above must detail the relevant information of the application and invite comment within a period not being less than 21 days or, where appropriate, such longer period as may be necessary to comply with relevant legislation.:-

### 5. Level D – Community Engagement Plan

Where planning matters are of State, regional or shire-wide significance the community will be consulted ~~including Local Planning Policy Development/Review.~~ This level of consultation will require preparation of a Community Engagement Plan.

Specific objectives for Level D consultation which must be taken into consideration when preparing the Community Engagement Strategy, include but may not be limited to the following:

- i) Raise awareness about a particular issue/matter;
- ii) Establish communication links with the community and identify which sections of the community are to be targeted in engagement plan;
- iii) Encourage active participation in programs;
- iv) Collect views, opinions and ideas;
- v) Foster community pride, support and 'ownership'; and
- vi) Build trust and confidence between Council and the community.

Consultation mechanisms available for Level D include but are not limited to:

- i) Newspaper advertising;
- ii) Letter/mail box drops or Council notices;
- iii) Signage and displays in relevant locations;
- iv) Media releases – press, radio, television (subject to availability and budget);
- v) Notice to be displayed on Council's website;
- vi) Formation of community or advisory committees under Local Government Act 1995;
- vii) Formation of working groups;



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- viii) Workshops, forums or briefing/information sessions;
- ix) Public meetings; or
- x) Other procedures as required.

Notwithstanding the consultation methods adopted, a minimum level of consultation for Level D will be a comprehensive local newspaper notice repeated over the duration of the process (minimum of 2 notices) associated with a formal comment period of twenty one (21) days, or such longer period that may be necessary to comply with relevant legislation.

### 6. Form of Submission

To be considered valid, any submission will be required to be signed by the submitter who must provide contact details including an address for correspondence (including email address). Reasons for any objection to a development proposal should also be included.

Where a written submission is received prior to the determination of an application and the Shire did not call for formal submissions, the submission must be considered as set out below 'consideration of submissions'.

Submissions will not be considered as confidential, names and addresses will be reflected in that relevant schedule of submissions.

[7. Where an advertising period includes a day that is in a period commencing on 25 December in a year and ending on the next 1 January; or a period of 7 days commencing on Good Friday in a year, this shall be excluded from the advertising timeframe.](#)



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**TABLE 1 – CONSULTATION MATRIX**

| DEVELOPMENT PROPOSAL / PLANNING MATTERS  | CONSULTATION LEVEL |
|--|--------------------|
| Local Planning Scheme Review   | D*                 |
| Development Strategies for Selected Areas  | D                  |
| Scheme Amendment   | C*                 |
| Structure Plans  | C%                 |
| Subdivision Referrals from WAPC  | A                  |
| Development proposing a variation to the Deemed to Comply criteria of the R-Codes  | B                  |
| Development – 'P' Uses   | A                  |
| Development – 'D' Uses<br>—except the following which requires Level C consultation: <ul style="list-style-type: none"> <li>• 'Club Premises' in the Residential Zone;</li> <li>• 'Educational Establishment' in the Residential and the Rural Residential zone;</li> <li>• 'Plant Nursery' in the Rural Residential zone.</li> </ul>  | A                  |
| Development – 'A' Uses<br>—except the following: <ul style="list-style-type: none"> <li>• 'Agricultural – Intensive' in the General Agriculture and Culture and Natural Resource Use zones which Level B consultation is required.</li> <li>• 'Bed and Breakfast' in the Residential and Rural Residential zones which Level B consultation is required.</li> <li>• 'Family Day Care' in the Residential, Rural Residential and Mixed Use zones which Level B consultation is required.</li> <li>• 'Home Business' in the Residential zone for which Level B consultation is required</li> </ul> | C                  |
| Uses not mentioned in Zoning Table   | C                  |
| Extension to a Non-Conforming Use  | C                  |
| Extractive Industry  | C                  |



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|--|----|
| Local Planning Policy Development/Review | D# |
|--|----|

\* Additional consultation requirements prescribed in the Planning and Development (Local Planning Schemes) Regulations 2015.

# ~~The minimum public consultation is detailed in clause 1.17 of this Policy and in addition to this may include workshops with key stakeholders where deemed appropriate.~~

% Comment period must be a minimum of ~~42-44~~ days ~~and a maximum of 28 days~~ in accordance with Clause 18 of the Deemed Provisions.

### 7. Consultation Matrix

~~Table 1 outlines the appropriate level of consultation with affected persons and the community for land use and development proposals. Where proposals occur that do not clearly fall within the matrix, the criteria outlined above will be used to establish the consultation process.~~

~~Prior to commencing consultation of a development application, the application must be listed for discussion at the Development Assessment Unit meeting, where the Officer must present the level of consultation to be undertaken, consistent with this Policy.~~

### 8. Consideration of Submissions

All submissions received will be summarised into issues inserted into a Schedule of Submissions when determinations are being made. Those officers required to examine the submissions will also provide comment and/or a recommendation as to the way in which the submissions should be determined.

Matters to be taken into account in the consideration of the submission are outlined as set out in Clause 61 of the Deemed Provisions.

In making the determination on the application/planning matter, Council or the delegated decision-maker, will consider the Schedule of Submissions in accordance with Clause 67(y) of the Deemed Provisions.

Once a determination of the matter has been made, a letter will be sent to each submitter:

- i) Acknowledging receipt of submission;
- ii) Advising of the determination of the development proposal concerned; and
- iii) All submitters will be informed of when a council meeting will be considering a relevant application.

### 9. Cost of Consultation

The full cost of the consultation requirements specified within this policy are to be met by the applicant as per Council's fee schedule.

### 10. Access to Planning Applications where no consultation required

In situations where a member of the public requests access to view a development application which does not require public consultation, the written consent of the applicant/owner must be obtained to



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view the documents submitted. In the event written consent is not obtained the person must make formal application under the Freedom of Information Act.

### References

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|---|--|
| <b>Name of Policy</b>                         | Local Planning Policy: 1.4 Public Consultation for Planning Matters Policy   |
| <b>Previous Policy</b>                        | Local Planning Policy 27 – Stakeholder Engagement in Land Use Planning   |
| <b>Date of Adoption and Resolution Number</b> | 23 July 2018 - OCM063/07/18  |
| <b>Review dates and Resolution Numbers</b>    |  |
| <b>Next review date</b>                       |  |
| <b>Related documents</b>                      | <p><b>Acts/Regulations</b><br/> <i>Local Government Act 1995</i><br/> <i>Planning and Development Act 2005</i><br/> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><b>Plans/Strategies</b><br/>           Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b></p> <p><b>Delegations</b><br/>           11.1.1</p> <p><b>Work Procedures</b></p> |

Note: changes to references may be made without the need to take the Policy to Council for review.