



Planning Consultation Procedure

Responsible Directorate	Planning and Development
Responsible Officer	Director Planning and Development
Affected Business Unit/s	Development Services City Planning

This is an adopted procedure of Council used by the City to ensure a consistent approach to consultation on planning proposals.

Information sheets are available on the City's website to help applicants, residents and our community understand and participate in planning consultations.

Purpose

Council's adoption of a public consultation procedure on planning proposals ensures that:

- The community is appropriately informed so individuals and groups can express opinions.
- The community has a consistent way of responding to the City on planning proposals.
- The community understands the need to focus opinions on relevant planning considerations when making submissions on planning proposals.
- Applicants have the opportunity to understand community opinions during the assessment process.
- Opinions are assessed by the City against the relevant planning framework.
- Decision makers have information on the likely impacts of a planning proposal.

Scope

This consultation procedure applies to the advertising of:

- Development Applications;
- Local Planning Scheme Amendments;
- Local Planning Policies;
- Structure Plans;
- Activity Centre Plans; and
- Local Development Plans.

This Procedure does not apply to specific planning strategies, projects, or new schemes, which will be subject to their own communication strategy in line with the minimum advertising requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 (where applicable).



Procedure

All development applications and strategic planning instruments the subject of the Planning Consultation Procedure shall be advertised in accordance with the Procedure.

Where there is an inconsistency between this Procedure and Local Planning Scheme No. 3 or the *Planning and Development (Local Planning Scheme) Regulations 2015*, those provisions shall prevail.

Advertising requirements

The following requirements apply to all planning proposals advertised by the City:

- a) All consultation material is to be worded in plain English, subject to legislative requirements.
- b) Advertising commences on the same date in which letters are sent by the City and application is advertised on the City's Website.
- c) Advertising over holiday periods is to comply with the following requirements;

(i) Declared Public Holidays

Where a consultation period falls over a declared public holiday, 1 day additional advertising shall be added to the prescribed period.

- Australia Day;
- Labour Day;
- Anzac Day;
- Western Australia Day;
- Queen's Birthday.

(ii) Christmas Holiday Period

Where a consultation period falls over the Christmas holiday period (18 December – 9 January) an additional 14 days advertising shall be added to the prescribed period.

(iii) Easter Holiday Period

Where a consultation period falls over the Easter holiday period (seven days before and seven days after Easter Sunday) an additional 14 days advertising shall be added to the prescribed period.

(iv) Weekends and School Holidays

Advertising periods shall not be extended where a consultation period falls over a weekend or School Holiday period (Outside of Christmas & Easter Periods).



- d) Where a planning proposal is required to be advertised to an adjoining local authority (Cities of Bayswater, Cambridge, Joondalup, Swan, Vincent and Wanneroo), the City will notify the adjoining local authority of the proposal to allow them the opportunity to advertise to their community. In this instance the City will provide an additional 7 days to the consultation period to allow for this process to be undertaken by the adjoining local authority.

Variations to Public Consultation Requirements

In unusual circumstances the details relating to an individual planning proposal may give rise for a need to vary the advertising requirements of this procedure. The City may increase the length of the advertising period or require additional methods of advertising where it is deemed to be in the public interest, and relevant to consideration of the proposal.

The need to vary the public consultation arrangements for a development application shall be limited to the following development applications:

1. Where a development application would ordinarily be required to be advertised however is consistent with and therefore has no greater impact than one previously approved on the same site within the preceding two years. In this instance public consultation shall be waived.
2. Where a development application previously approved seeks to extend the period within which any development application must be substantially commenced. In this instance public consultation shall be waived.
3. The City may increase the length of the advertising period or require additional methods of advertising where it is deemed to be in the broader public interest.

Variations to the requirements of this Procedure may only be possible where they don't compromise the City's statutory obligations to comply with the timeframes prescribed by the Planning and Development (Local Planning Scheme) Regulations 2015.

Re-advertising of Proposals not yet Determined

Where a proposal has received opposing submissions during advertising and in response significant amendments have been made to the proposal which include new variations to the planning framework (other than previously advertised), the application shall be re-advertised for a period of 14 days. This will involve writing to all authors of previous submissions and all those previously written to.

Re-advertising may only be possible where it does not compromise the City's statutory obligations to comply with the timeframes and processes prescribed by the Planning and Development (Local Planning Scheme) Regulations 2015.



Content of Notification Letters

The content of notification letters provided to landowners and residents should be appropriate for the proposal being advertised. The letters must meet the statutory notification requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 and the City's Local Planning Scheme No 3. Letters should be written in plain English and clearly advise:

- What the proposal is that the City is seeking comment on, including (where appropriate) the specific aspects where the decision maker is required to exercise discretion.
- Why the City is consulting with the particular individual.
- Who the decision maker will be.
- How comment / submissions can be made and how to make a valid submission.
- How further information can be obtained.
- What happens to submissions received.
- What further notification the City will provide.

Application of Procedure

Consultation on Development Applications

Definitions:

Standard Development Application	<i>A development application required to be advertised under Local Planning Scheme No. 3 that is not defined as a Complex Development Application.</i>
Complex Development Application	<i>A development application:</i> <i>(i) with an estimated value of \$2 million and over excluding:</i> <ul style="list-style-type: none"> - Single Houses - Grouped Dwellings - Warehouses - Located within the Industry Zone - Located within the Service Station Zone. <i>(ii) Which proposes 10 or more Multiple Dwellings.</i> <i>(iii) Which proposes Telecommunications Infrastructure.</i>

Public Consultation Requirements – Development Applications

	Time period (Calendar Days)	Sign on site	Letters to Owners / Occupiers	City of Stirling Website	Ward Councillors
Standard Development Application	21 days	No	Yes – to adjoining	Yes	Yes
Complex Development Application	21 days	Yes	Yes – all within 200m	Yes	Yes



- a) All applications subject to consultation will be posted on the City's website and will include the plans and documents submitted with the application
- b) The City will advertise variations to development standards to affected landowners/occupiers such as variations to Setbacks, Retaining Walls, Boundary Walls and Visual Privacy that may impact upon their property, as determined by the City.
- c) Advertising to adjoining landowners/occupiers is to be carried in accordance with the figures below which depict typical lot layouts within the City.
- d) A sign on site is to be provided for all Complex Development Applications and is to be placed on each street boundary of the subject site. A minimum sign size of 5m² and up to 10m² is required and may include a perspective of the proposed development.
- e) All expenses incurred by the City as a result of advertising Complex Development Applications to landowners/occupiers are to be payable by the applicant in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.



Figure 1 – Example of the extent of consultation for a Standard Development Application where there are varying lot types

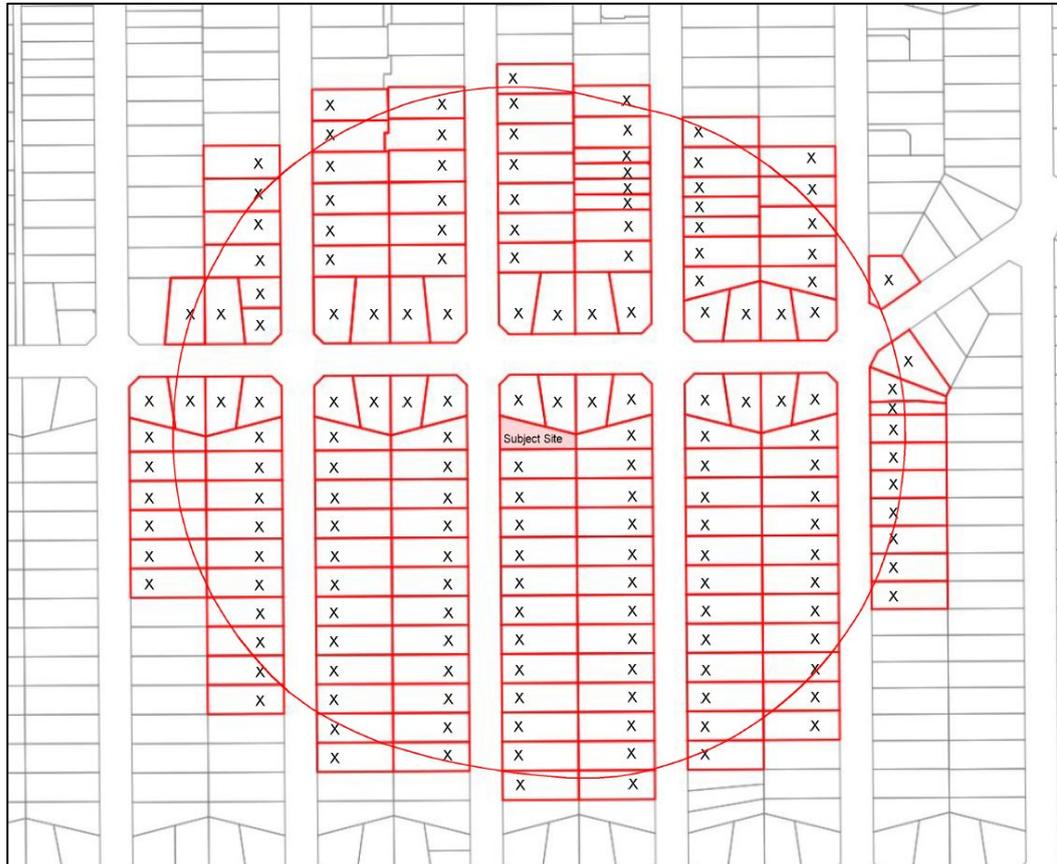


Figure 2 – Example of the extent of consultation for a Complex Development Application or Strategic Planning Instrument based on a 200m radius from the boundary of a subject site

Re-advertising of Development Applications

The City may receive amended plans from the applicant following public consultation of a development application. Where an application has been previously advertised and the City has received new amended plans following the public consultation period the application will be subject to a further consultation period where, in the opinion of the City:

- a) The amended plans result in a significantly different proposal to that which was previously advertised; or
- b) The amended plans potentially have a greater impact upon the amenity of adjoining property owners and occupiers.

Notwithstanding the above, any re-advertising may only be undertaken where it does not compromise the City's statutory obligations to comply with the timeframes and processes prescribed by the *Planning and Development (Local Planning Scheme) Regulations 2015*.



Public Consultation Requirements for Strategic Planning Instruments

	Time period (Calendar Days)(i)	Local Newspaper notice (ii)*	Sign on site (iii)*	Letters to Owners / Occupiers (iv)	Notify relevant community groups/public authorities (vii)	Internet site	Public Notice Board	Ward Councillors
Standard Scheme Amendment (v)	Not less than 42 days [^]	Yes [^]	Yes	Yes – all within 200m (vi)	Yes [^]	Yes [^]	Yes [^]	Yes
Complex Scheme Amendment (v)	Not less than 60 days [^]	Yes [^]	Yes	Yes – all within 200m	Yes [^]	Yes [^]	Yes [^]	Yes
Structure Plan (New or Amendment#)	28 days	Yes [^]	Yes [^]	Yes [^] – all within 200m	Yes [^]	Yes [^]	Yes [^]	Yes
Activity Centre Plan (New or Amendment#)	28 days	Yes [^]	Yes [^]	Yes [^] – all within 200m	Yes [^]	Yes [^]	Yes [^]	Yes
Local Development Plan (vi) (New or Amendment#)	Not less than 14 days [^]	Yes [^]	Yes [^]	Yes [^] – all within 200m	Yes [^]	Yes [^]	Yes	Yes
Local Planning Policy (New or Amendment#)	Not less than 21 days [^]	Yes [^]	Yes	Yes – all within 200m (vi)	Yes [^]	Yes [^]	Yes [^]	Yes
Developer Contribution Plan	Not less than 60 days [^]	Yes [^]	N/A	Yes – to owners of affected properties	Yes [^]	Yes [^]	Yes [^]	Yes

* The *Planning and Development (Local Planning Schemes) Regulations 2015* permits costs and expenses incurred by the City in advertising a proposal, in addition to any fees paid for the application, to be payable by the applicant.

[^] Denotes that the minimum consultation specifications listed are statutory requirements contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*

The *Planning and Development (Local Planning Schemes Regulations) 2015* allow a local government not to advertise a Local Planning Policy or Local Development Plan (or amendments to a Local Planning Policy, Activity Centre Structure Plan, Structure Plan or Local Development Plan,) where the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area. The decision not to advertise any of these documents can only be made by Council.

- (i) The *Planning and Development (Local Planning Schemes) Regulations 2015* stipulates that advertising commences on the date of publication of the first notice in the local newspaper. If a local newspaper notice is not required, advertising will then commence on:
- the date letters are sent by the City; or



- the date notice is published on the City's website; or
 - the date signs are erected on site.
- (ii) Means an advertisement in the relevant Community Newspaper(s) to run for fourteen consecutive days.
- (iii) A minimum sign size of 1.0m x 1.5m is required to be displayed on each street boundary. Text shall be legible from the street and the font size shall be large enough to fill the sign. Signs shall only be required for those Scheme Amendments, Local Planning Policies, Structure Plans, Local Development Plans and Activity Centre Plans that relate to a specific site, or as otherwise deemed appropriate by the City officers.
- (iv) Means all owners and occupiers except those to whom Australia Post will not deliver 'unaddressed' mail. Includes lots which wholly or partly fall within a radius of the specified distance from the boundary of the subject lot on which the planning proposal is located (strata titled properties are deemed to fall within one lot). Where such radii cross the local government boundary, the City will notify the abutting local authority of the proposal to allow them the opportunity to advertise to their community if they wish. The City will provide an additional 7 days to the consultation period to allow that authority to consult with their community. The City may advertise to additional properties which are potentially directly affected by the proposal or as resolved by Council
- (v) For Scheme Amendments and Local Planning Policies (New or Amendment), letters will be sent where the application applies to a specific site or area (or otherwise deemed appropriate by the Manager City Planning). Letters will be sent to those properties located within the area and those within the radius specified in the table above.
- (vi) Where the Scheme Amendment or Local Planning Policy does not relate to a specific site or area, the requirement to send letters to owners / occupiers does not apply.
- (vii) Community groups as identified on the community groups register maintained by the City Planning Business Unit.

All expenses incurred by the City as a result of advertising Local Development Plans, Structure Plans to landowners/occupiers are to be payable by the applicant in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Consideration of Submissions

All written material submitted to the Council in response to the advertising of a planning proposal must be received by the closing date for submissions identified by the City. This written material will be considered by officers in reporting on the planning proposal, subject to the following:

- The submission being received by the City during the public consultation period.
- Officers will assess and report on valid submissions received based on the written content only.
- Officers will not conduct any investigation into the origin, usual residential address of authors, or age of authors.
- More than one response received from the same address will be counted as individual responses where signed by different people, excepting where the content is identical.

When one person signs more than one response (unless one of these is a petition) those responses shall be classified as one response.



What matters can be considered

The City recognises that when considering the impacts of a planning or development proposal, those consulted may form the opinion that a proposal adversely affects them. The City's officers must balance this opinion with an assessment of the likely impacts of the proposal, and must be satisfied that there is a factual or realistic basis to the opinions expressed on a proposal.

These opinions must relate to valid planning considerations, and the matters that constitute valid planning considerations are detailed below.

The City may seek professional opinions and independent advice to assist with this assessment.

Valid Planning Considerations	Non-Valid Considerations
a) Matters to be considered by the City under Clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations); and/or b) The requirements of Local Planning Scheme No.3 or applicable Planning Instrument (Structure Plan, Local Development Plan or Planning Policy which requires the decision maker to exercise judgement ; and/or c) Any development standard requiring the decision maker to exercise judgement against the Design Principles of the R-Codes.	The City cannot take into account matters which are not valid planning considerations, including but not limited to: a) Perceived loss of property value b) Private disputes between neighbours including access & egress and easements c) Dividing fence issues d) Impact of construction work e) Trade competition concerns (in most circumstances) f) Personal morals or views about the applicant g) Matters that is controlled under other legislation

Submissions on Development Applications

The City is only able to consider written submissions. Verbal communication with City officers via telephone or at the administration Centre and comments provided through social media platforms will not be considered as a submission to a development application. All written submissions received within the public consultation period raising valid planning considerations will be taken into consideration during the assessment of the application.

Submissions received highlighting non valid planning considerations will not be considered by the City when assessing the application.

Summary of issues raised in submissions provided to Applicant

The City will provide a summary of the planning issues raised in submissions to the Applicant and provide the opportunity for the applicant to respond for both development applications and strategic planning documents. Applicants, if they respond, should do so in a timely manner to ensure assessment timeframes are maintained. Applicants can respond by:

- Providing the City with additional comment or justification to address the planning issue raised in the submission; and/or
- Amending the proposal to address the planning issue raised in the submission.



The applicant's response to issues raised in submissions will be included in the report provided to the decision maker.

Categorisation of Submissions

Submissions received to any planning proposal will be categorised into one of the following types:

Submission Category	Description
A: Original unique submissions	Includes any uniquely worded and original letters and e-mails, even if only marginally different from each other, which: <ul style="list-style-type: none"> • Are addressed to the City of Stirling (Council, Mayor, Officers); and • Include the name and address of the author(s).
B: Pro-forma submissions	Includes identical (pro-forma) letters, emails or cards, including those with individual and unique comment, which: <ul style="list-style-type: none"> • Are addressed to the City of Stirling (Council, Mayor, Officers); and • Include the name and address of the author(s).
C: Petitions	Submissions received which meet the petition criteria as outlined in Clause 5.10 of the City of Stirling Meeting Procedures Local Law 2009. (Further information is available on the Petitions page of the City's website.)

Reporting Format

In all cases where submissions have been received, the following table is to be included in the report presented for Committee, Council, and/or Development Assessment Panel meeting.

SUMMARY TABLE: SUBMISSIONS RECEIVED - RELATIVE LOCATION

SUBMISSIONS RECEIVED	WITHIN 200m RADIUS OF PROPOSED SITE	REMAINDER OF THE CITY	ALL SUBMISSIONS
SUPPORT	a%	b%	c%
OBJECT	d%	e%	f%
OTHER (Not stated / No opinion / Conditional)	x%	y%	z%

In reporting on the percentages of submissions in support and opposition to an application or proposal, it is acknowledged that the numbers counted must not be seen as a referendum on whether a proposal should proceed or not. The examination of submission is instead a way of identifying planning issues that need to be considered and addressed.



In cases where no more than five submissions are received, the issues raised in the submissions are to be summarised in the following format as part of the reporting to the relevant Committee, Council, and/or Development Assessment Panel meeting.

SUBMISSION NUMBER	SUBMISSION DETAILS	OFFICER COMMENT
1		
2		
3		

In cases where more than five submissions are received, the issues raised in the submissions are to be summarised in the following format as part of the reporting to the relevant Committee, Council, and/or Development Assessment Panel meeting.

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
xx		
xx		
xx		

This procedure provides the applicant with an opportunity to respond to submissions and where appropriate may even mean adjustments to proposals are made.

This information is considered sufficient to allow the decision maker, be it Council, the Development Assessment Panel, Western Australian Planning Commission, and/or Minister for Planning, to understand fully the issues raised.

Consideration of Late Submissions

The City will consider late submissions only where these are received in sufficient time to allow for their reporting. Where this occurs the City will note submissions which have been received after the closing of the advertising period.

Correspondence to submitters

All persons who lodge submissions will receive notification of the decision made.

Additionally, where the application is presented to;

- The City's Planning & Development Committee (for consideration),
- Council (for consideration or determination), and/or



- The Metropolitan North West Joint Development Assessment Panel (for determination)

Submitters will receive further notification by the City of those specific meeting dates and details.

Where a decision is made by the Metropolitan North West Joint Development Assessment Panel, Western Australian Planning Commission, the Minister for Planning or State Administrative Tribunal on a Statutory Planning Instrument or Development Application, the City will advise all persons who lodged a submission of the decision made.

Councillor Requests for Further Information on the Outcomes of Advertising

Councillors may request, with a minimum of 48 hours' notice, the following be provided at the relevant Committee or Council meeting:

- A confidential copy of all submissions received; and/or
- A map identifying the location of all submitters identified

Relevant Policies/Management Practices/Documents

Nil.

Legislation/Local Law Requirements

The following documents and legislation are relevant:

- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations 2015
- City of Stirling Meeting Procedures Local Law 2009
- City of Stirling Local Planning Scheme No. 3
- City of Stirling Local Planning Scheme No. 3 Policy Manual
- Relevant State Planning Policies

Office Use Only				
Relevant Delegations	<<List any relevant delegations>>			
Initial Implementation	Date	16 Nov 2004 (Item 1.1/PL19)	Officer	
Reviewed/Modified	Date	31 May 2005 (Item 11.3/PS6 (Policy advertising period))	Officer	
Reviewed/Modified	Date	17 Oct 2006 (Item 11.1/PS3)	Officer	
Reviewed/Modified	Date	18 Aug 2009 (Resolution 0809/056)	Officer	



Reviewed/Modified	Date	8 December 2015 (Resolution 1215/038)	Officer	
		17 April 2018 (Resolution 0418/017)	Officer	