

6.18 PUBLIC CONSULTATION

This document has been prepared under Schedule 2 of the 'Planning and Development (Local Planning Schemes) Regulations 2015' and the City of Stirling 'Local Planning Scheme No.3'.

1. INTRODUCTION

This Policy is used by the City to ensure a consistent approach to consultation on planning proposals and supplements the advertising requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

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

2. OBJECTIVES

This Policy aims to ensure that:

- The community is appropriately informed of planning proposal and is given the opportunity to express its views in a consistent way.
- The community understands the need to focus views on relevant planning considerations when making submissions on planning proposals.
- Applicants have the opportunity to understand community views during the assessment process.
- Determination of planning proposals is based on the planning framework, taking into consideration community views.

3. SCOPE

This Policy applies to the advertising (where required) of:

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

Note: This Policy does not apply to specific planning strategies, projects, or new schemes, the advertising of these will be determined on a case by case basis in line with the minimum advertising requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 (where applicable) and having regard to this Policy.

4. REQUIREMENTS

All development applications and strategic planning instruments shall be advertised in accordance with this Policy.

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

4.1 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 date after the day on which the City publishes the notices as per the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015.
- c) An 'excluded holiday period day', that is in —

(i) a period commencing on 25 December in a year and ending on the next 1 January; or

(ii) a period of 7 days commencing on Good Friday in a year.

is not to be counted in calculating an advertising period as per the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015.

- 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.

4.2 PUBLIC CONSULTATION REQUIREMENTS – DEVELOPMENT APPLICATIONS:

	Time period (Calendar Days)	Sign on Site	Letters to Owners / Occupiers	Website	Ward Councillors
Standard Application	14 days or a longer period of time agreed upon between the applicant and local government	No	Yes – to adjoining	Yes	Yes
Complex Application	28 days or a longer period agreed upon between the applicant and local government	Yes	Yes – all within 200m, and properties in the vicinity of the proposed development who, in the view of the local government, are likely to be affected by the granting of development approval	Yes	Yes

- (i) All applications subject to consultation will be posted on the City's website and will include the plans and documents submitted with the application.
- (ii) 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.
- (iii) Advertising to adjoining landowners/occupiers is to be carried in accordance with the figures below which depict typical lot layouts within the City.

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- (iv) Sign on sites are to be provided in accordance with the Western Australian Planning Commission's Erecting Signs for Notice of Development Applications form. The City may request the provision of larger signs depending on the size, type and complexity of development.
- (v) All expenses incurred by the City as a result of advertising Complex 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 Application where there are varying lot types



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

4.3 PUBLIC CONSULTATION REQUIREMENTS – STRATEGIC PLANNING INSTRUMENTS:

	Standard Amendment	Complex Amendment	Precinct and Standard Structure Plans (New or Amendment)	Local Development Plan (New or Amendment)	Local Planning Policy (New or Amendment)	Development Contribution Plan
Time period (Calendar Days) (i)	42 days	60 days	42 days	Not less than 14 days	Not less than 21 days	60 days
Website	Yes	Yes	Yes	Yes	Yes	Yes
Admin Centre Notice Board	Yes	Yes	Yes	Yes	Yes	Yes
Relevant public authorities	Yes	Yes	Yes	Yes	Yes~	Yes
Letters to Owners / Occupiers (ii)	Yes~ – all within 200m (iii)	Yes~ – all within 200m (iii)	Yes~ (v)	Yes~ (v)	Yes~ – all within 200m (iii)	Yes~ – all within 200m (iii)
Sign on Site (iv)	Yes~	Yes~	Yes~	Yes~	Yes~	Yes~
Local Newspaper Notice (v)	Yes~	Yes~	Yes~	Yes~	Yes~	Yes~
Community groups (vi)	Yes~	Yes~	Yes~	Yes~	Yes~	Yes~
Planning Framework List	Yes~	Yes~	Yes~	Yes~	Yes~	Yes~
Social Media (vii)	Yes~	Yes~	Yes~	Yes~	Yes~	Yes~
Ward Councillors	Yes`	Yes`	Yes`	Yes`	Yes`	Yes`

~ Denotes a non-statutory requirement that will be carried out at the discretion of (depending on the type of planning document advertised) the Manager Development Services or Manager City Future as appropriate.

` Denotes the City's standard internal process.

- (i) The Planning and Development (Local Planning Schemes) Regulations 2015 stipulates that advertising commences on the date after the day the notice is published in accordance with the Regulations.
- (ii) Letters will be sent to owners and occupiers who, in the view of the City, are likely to be affected by the approval of the proposal. Refer to the minimum extent of consultation in Figure 1 above. The City may advertise to additional properties which are potentially directly affected by the proposal or as resolved by Council.
- (iii) For Scheme Amendments, Local Planning Policies and Development Contribution Plans, letters will be sent where the application applies to a specific site or area (or otherwise deemed appropriate by the Manager Development Services or Manager City Future). Letters will be sent to those properties located within the area and those within the radius specified in the table above. Where the proposal does not relate to a specific site or area, the requirement to send letters to owners and occupiers does not apply.

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- (iv) 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 at the discretion of (depending on the type of proposal advertised) the Manager Development Services or Manager City Future as appropriate.
- (v) Advertising in local newspapers will be at the discretion of (depending on the type of proposal advertised) the Manager Development Services or Manager City Future as appropriate.
- (vi) Community groups as identified on the community groups register maintained by the Development Services Business Unit.
- (vii) Advertising on social media will be carried out where considered suitable by (depending on the type of proposal advertised) the Manager Development Services or Manager City Future as appropriate, and will be done in collaboration with the City's Customer and Communications Business Unit. The type of social media channels to be used for engagement will be decided upon agreement between the Development Services or City Future business units and the Customer and Communication Business Unit.

4.4 OTHER CONSULTATION

To ensure that the City engages as widely as possible on changes to the City's strategic planning documents, the City's officers have compiled a list of individuals and businesses (the Planning Framework List) who have requested to be kept informed of changes to the City's planning framework. Whenever changes to the City's planning framework are proposed, these individuals will be notified.

At the discretion of the Manager Development Services or Manager City Future, the City will consult with individuals and/or organisations who may be able to add value to the strategic planning process. This may include, but is not limited to, emailing previous applicants for development approval, private planning consultants who often represent landowners or developers, building industry companies, and peak industry bodies.

4.5 WAIVING PUBLIC CONSULTATION REQUIREMENTS

The City may waive the public consultation requirements where a Standard development application relates to development that does not comply with the requirements of Local Planning Scheme No.3, if the City is satisfied that the non-compliance is of a minor nature. This ability does not apply to development applications that Local Planning Scheme No.3 requires to be advertised for public comment.

Under the Planning and Development (Local Planning Schemes Regulations) 2015 the local government may decide to not advertise a 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 Regulations also allow a local government to determine not to advertise amendments to a Structure Plan or Local Development Plan if, in the view of the local government, the amendment is of a minor nature. The decision to not advertise any of these documents can only be made by Council.

5. CONSIDERATION OF SUBMISSIONS

All written material submitted to the Council in response to the advertising of a planning proposal must be received by the close of business on 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.

5.1 WHAT MATTERS CAN BE CONSIDERED

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

These views 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
<ul style="list-style-type: none"> a) Matters to be considered by the City under 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. 	<p>The City cannot take into account matters which are not valid planning considerations, including but not limited to:</p> <ul style="list-style-type: none"> 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

5.2 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.

5.3 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.

5.4 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 the City of Stirling Meeting Procedures Local Law 2009. (Further information is available on the Petitions page of the City's website.)

5.5 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.

5.6 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.

5.7 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.

7. 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:

Local Planning Scheme No.3 - Local Planning Policy History:

<i>Action</i>	<i>Council Date</i>	<i>Resolution No.</i>	<i>Effective Date</i>
Adopted	7 Dec 21	1221/028	13 Dec 2021

ATTACHMENT 1: DEFINITIONS

Standard Application	A development application required to be advertised under Local Planning Scheme No.3 that is not defined as a Complex Application.
Complex Application	<p>A development application:</p> <ul style="list-style-type: none"> (a) for a use that is not specifically referred to in the zoning table under Local Planning Scheme No.3 in respect of the zone in which the development is located; or (b) with an estimated value of \$2 million and over excluding: <ul style="list-style-type: none"> - Single Houses - Grouped Dwellings - Warehouses - Located within the Industry Zone - Located within the Service Station Zone; or (c) which proposes 10 or more Multiple Dwellings; or (d) which proposes Telecommunications Infrastructure; or (e) which proposes Child Care Premises (except development that is a class P use in relation to the zone in which the development is located).

ATTACHMENT 2: ADMINISTRATIVE MATTERS

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.

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	<i>a%</i>	<i>b%</i>	<i>c%</i>
OBJECT	<i>d%</i>	<i>e%</i>	<i>f%</i>
CHANGES REQUESTED	<i>g%</i>	<i>h%</i>	<i>i%</i>
OTHER (Not stated / No opinion / No objection)	<i>x%</i>	<i>y%</i>	<i>z%</i>

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.

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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 Policy provides the applicant with an opportunity to respond to submissions and where appropriate may result in adjustments to proposals being made.

This information is considered sufficient to allow the decision maker to understand the issues raised.