POLICY NO:
Dev CP505 – Local Planning Policy - Public Consultation – Planning Matters

GOVERNANCE INFORMATION			
Procedure Link:	NA	**Administrative Policy Link:**	NA

ADMINISTRATION INFORMATION								
Version:	1	New	OCM	30/09/20	Res: 269-20	**Synopsis:**	Policy created and endorsed by Council
Version:	2	SDev CP505	OCM	31/03/21	Res: 61-21	**Synopsis:**	Amended and adopted by Council
Version:	3	SDev CP505	OCM	28/09/22	Res: 243-22	**Synopsis:**	Reviewed and adopted by Council
Version:	4	SDev CP505	OCM	25/10/24	Res: 275-24	**Synopsis:**	Reviewed and Adopted by Council
Version:	5	SDev CP505	OCM	29/04/26	Res: 80-26	**Synopsis:**	Policy reviewed and updated to reflect LPS9, endorsed by Council
Version	6	Dev CP505	OCM	28/10/26	Res: 249-26	**Synopsis**	Biennial review adopted by Council

1. RESPONSIBLE DIRECTORATE

Development Services

2. PURPOSE OR OBJECTIVE

This Policy is designed to clearly define consultation required to meet the statutory and 'standard' consultation requirements for planning matters. R.76A and Schedule 2, cl. 64 and cl. 87 of the Planning and Development (Local Planning Schemes) Regulations 2015 establishes when consultation is required and gives discretion on how an application is to be advertised. This Policy establishes the circumstances where consultation will be exercised, in order to:

(a) provide a consistent approach to the types of applications where public notice is given, based on the level of a proposal's potential 'impacts;'
(b) consistently apply standard means and duration (statutory timeframes) of public notices; and
(c) recognise the balance between the community being informed of, and having reasonable opportunity for input into, planning proposals (transparency and engagement), and the need to process planning proposals within prescribed statutory timeframes (efficiency).

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015.*

3. APPLICATION

3.1 This policy is applicable to the entire local government area of the Shire of Dardanup and will be applied by the Shire when making discretionary decisions relating to public notice of planning proposals.

3.2 Planning proposals in the context of this policy include development applications; Structure Plans; Scheme Amendments and Local Development Plan.

3.3 For the purposes of this policy, in circumstances where consultation is undertaken it will be to the land owners only that, in the opinion of the Shire, may be affected by the proposal and/or other stakeholders where these are identified.

3.4 The Policy also applies to Planning Applications for which the Council is not the final decision-making authority.

4. DEFINITIONS

The following are definitions for the purposes of this policy only:

'Adjoining' 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 or occupies land that adjoins an application site.

'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' means —

a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or

b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval.

'Consult' means either:

(a) 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

(b) 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 and includes the Shire's Development Assessment Unit.

"Excluded Holiday Period' means a day that is in:

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

(b) a period of 7 days beginning on Good Friday in a year;

Unless otherwise defined in the *Planning and Development (Local Planning Schemes) Regulations, 2015.*

'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.

'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**.**

'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.

5. POLICY

5.1 In addition to any applications for development approval that are complex applications pursuant to the Scheme, subject to any application that meets one or more of the criteria below, is considered "Complex" –

- Any application lodged for determination by a Development Assessment Panel, pursuant to the Planning and Development (Development Assessment Panels) Regulations; and
- Any application for a Child Care Premises within 100 metres of a Dwelling.

This Policy is to be read in conjunction with Community Development Policy Exec CP090– Community Engagement.

<u>Consultation Categories Levels and Methods</u>

5.2 In those instances where consultation is to be conducted, the consultation will be undertaken in accordance with the Consultation Matrix table (Schedule1) in this Policy and all other provisions of this policy, unless varied by the legislation referenced in this policy.

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

5.4 All public notices for comment will articulate the following:
(a) The reasons for undertaking the consultation;
(b) Set out details of the proposal or a part thereof for which comment is being sought;
(c) Explain any policy variations being sought;
(d) Set out how a member of the public could provide comment; and
(e) Specify the timeframe within, where any comments or submissions should be made.

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

Schedule 1 – Consultation Matrix

DEVELOPMENT PROPOSAL	CONSULTATION LEVEL	CONSULTATION PERIOD
Local Planning Scheme Review	4*	90 days
Development Strategies/Local Planning Strategies for Selected Areas	4	42
Scheme Amendments - Basic	1	-
Scheme Amendments - Standard	3	42 days
Scheme Amendments - Complex	3	60 days
Structure Plans	3	42 days
Development proposing a variation to a scheme standard	2	14 days
Building Envelope Amendment/Relocation	2	14 days
Development 'A' Uses on zoning table in LPS9	2	14 days
Complex application (including DAP)	3	42 days
Any proposal requiring a Heritage assessment to be carried out	2	14 days
Extension to Non-Conforming Uses	2	14 days
Cancel, amend, or extend Development Approval (s.77 applications)	1	-
Local Development Plan as a condition of subdivision	1	-
Local Development Plan	3	14 days

Consultation periods in Schedule 1 do not include any "Excluded Holiday Period"
*Additional consultation requirements may be described in the Planning and Development (Local Planning Schemes) Regulations 2015.
#The minimum public consultation is 21 days, however additional workshops with key stakeholders may be required where deemed appropriate.

Table 1 – Consultation Level Legend

Consultation Level Description	Consultation Level
No Consultation	1
Consultation with owners and occupiers of adjoining Land	2
Consultation with owners and occupiers of the land in the locality	3
Community Engagement Plan	4

6 COST OF CONSULTATION

6.1 The full cost of the consultation requirements for Level 3 and 4 specified within this policy are to be met by the applicant.

6.2 Council's schedule of fees and charges sets the cost for consultation.

7 ACCESS TO PLANNING APPLICATIONS WHERE NO CONSULTATION REQUIRED

7.1 In situations where a member of the public requests access to view a development proposal which does not require public consultation, the written consent of the applicant/owner must be obtained to view the documents submitted. In the event written consent is not obtained, the Shire will not provide access to the documents unless a formal application under the Freedom of Information Act is made to the Shire and has been approved by the Shire's Freedom of Information Officer following due process.

8 FORM OF SUBMISSION

8.1 Submissions can be made via email to records@dardanup.wa.gov.au, or in writing to the Shire's postal address.

8.2 To be considered valid, any submission will be required to:

(a) be signed by the submitter;

(b) provide contact details for the submitter including an address for correspondence (including email address); and

(c) detail the reasons for any objection to the proposal.

9 CONSIDERATION OF SUBMISSIONS

9.1 All submissions received will be acknowledged in writing within 7 days of receipt, either by email as a first preference, or by postal mail (letter) if no email address is provided.

9.2 All submissions will be summarised into 'issues' in a Schedule of Submissions document by the assessing officer, prior to a determination being made. The assessing officer will provide comment and/or a recommendation with regard to the matters raised in the submission.

9.3 Matters to be taken into account in the consideration of the submission are outlined as set out in clause 67 of the Deemed Provisions. This policy does not increase the scope of the matters that may be considered in clause 67.

9.4 If the matter is to be determined by the Council rather than by a delegated officer, any person or organisation (other than a government agency or service provider) that has made a submission will be notified in writing (either by email or postal mail) of the details of the Council meeting, on the Friday prior to the Council meeting once the Agenda is made available to the public.

9.5 In making the determination on the application/planning matter, Council or the delegated decision-maker will consider the Schedule of Submissions.

9.6 Once a determination of the matter has been made, a letter or email will be sent to each submitter detailing the determination of the development proposal.

10. REFERENCE DOCUMENTS

Planning and Development Act, 2005
Planning and Development (Local Planning Schemes) Regulations, 2015
Shire of Dardanup Local Planning Scheme No.9
Policy Exec CP090 – Community Engagement

Appendix 1 - Consultation Level detailed

Level '1' – No consultation

1.1 No consultation will occur where the proposal meets any of the following points:

(a) is determined as having no predictable detrimental impact on the character or amenity of the immediate or general locality likely, and is not required under Clause 64 of the Deemed Provisions;

(b) has previously occurred and only minor modifications, or modifications that address previous concerns raised, are proposed; and

(c) for those proposals identified with 'Consultation Level 1' in the Matrix table in Schedule 1 of this policy.

Level '2'– Consultation with owners and occupiers of adjoining land

2.1 On R-Coded lots where the Deemed to Comply provisions of the Residential Design Codes are not complied with, the owner(s) of land adjoining the application site affected by the non-compliance will be consulted unless the proponent has already undertaken the necessary consultation and secured agreement or obtained comment.

2.2 Where a proposed land use or development is identified with 'Consultation Level 2' in the Matrix table in Schedule 1 of this policy, or where a proposed development:

(a) will be visible from any road or other public place; and

(b) will be likely to have an impact on the streetscape or amenity of properties in immediate proximity to the site;

the owners of properties adjoining, and those on the other side of any street immediately opposite the application site, will be consulted.

2.3 The owners and occupiers of the properties determined as being potentially affected by a development proposal will be consulted in writing, enabling the lodgement of any submission within the relevant period identified in the Matrix table in Schedule 1 of this policy (or such other period as prescribed by the relevant legislation).

Level '3' – Consultation with owners and occupiers of the land in the locality

3.1 Where a proposal is identified with 'Consultation Level 3' in the Matrix table in Schedule 1 of this policy, or is determined by the Shire as having the potential to impact upon:

(a) the use and enjoyment of land within an area but not extending to the whole of the Shire district; or

(b) specific interest groups within that area;

the community within that area will be consulted.

3.2 The Shire will:

(a) publish a notice of the development proposal in a newspaper circulating in the area containing details of the proposal;

(b) publish a notice, plan, application of the proposal on the Shire's website and also place a copy on the notice board at the front of the Administration Building and make a copy of the document available for public inspection;

(c) require the applicant to place a notice of the development proposal on a sign in a prominent position on the property that is subject of the development proposal, in the manner and form approved by the Commission;

(d) provide written notice in the form of a letter to all land owners and occupiers within a radius of at least 200m of the application site for land within the townsite boundaries or at least 500m radius for land outside of a townsite;

(e) consult with the owners and occupiers 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;

(f) consult as necessary with other affected government agencies or statutory authorities as the case requires; and

(g) consider utilising social media platforms to direct community members to the Shire's website to view applications available for consultation.

3.3 The notice and letters referred to in Clause 4.12 must detail the relevant information of the application, enabling the lodgement of any submission within the relevant period identified in the Matrix table in Schedule 1 of this policy (or such other period as prescribed by the relevant legislation).

Level '4' – Community Engagement Plan

4.1 Where a proposal is identified with 'Consultation Level 4' in the Matrix table in Schedule 1 of this policy, and for planning matters that are deemed by officers to be of State, regional or shire-wide significance, officers will be required to prepare and implement a 'Community Engagement Plan' consistent with Policy Exec CP090 – Community Engagement.

4.2 Specific objectives for Level 4 consultation which must be taken into consideration when preparing the Community Engagement Plan, include (but may not be limited to) the following:

(a) Raise awareness about a particular issue/matter;
(b) Establish communication links with the community and identify which sections of the community are to be targeted in the engagement plan;
(c) Encourage active participation in programs;
(d) Collect views, opinions and ideas;
(e) Foster community pride, support and 'ownership'; and
(f) Build trust and confidence between Council and the community.

4.3 Consultation mechanisms for Level 4 consultation will include the items listed at (a) – (d) below as a minimum, and may also include items (e)-(j), as determined by the Development Assessment Unit and/or the Manager Development Services:

(a) Newspaper advertising*;
(b) Letter/mail box drops or Council notices;
(c) Signage and displays in relevant locations;
(d) Notice to be displayed on Council's website;
(e) Media releases – press, radio, television (subject to availability and budget);
(f) Formation of community or advisory committees under *Local Government Act 1995*;
(g) Formation of working groups;
(h) Workshops, forums or briefing/information sessions;
(i) Public meetings; or
(j) Other procedures as required including utilising social media platforms to direct the community to the Shires website.

4.4 *Notwithstanding the consultation methods adopted, consultation for 'Level 4' proposals will include a comprehensive local newspaper notice repeated over the duration of the process (minimum of 2 notices) associated with a formal comment period of 28 days, or such longer period that may be necessary to comply with relevant legislation.