

1.0 COMMUNITY CONSULTATION

1. Background

Local Planning Scheme No. 7 (the Scheme) requires that all uses listed as “SA” uses under Table 1 - Zoning Table are to be advertised for public comment. The Scheme also provides Council the discretion, under Clause 8.2.2, to advertise “an ‘AA’ use, for any other development which requires the Planning Consent of the Council”. Additionally, as set out in Clause 4.2.5, the Council may also advertise uses not specifically mentioned in the Zoning Table.

Clause 64 (3) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* states that advertising may be carried out in one or more of the following ways:

- (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
- (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
- (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
- (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.

Given the open nature of choice of advertising procedures, the purpose of this Policy is to further define the specific advertising requirements of the Scheme and to set out the procedures to be fulfilled in such advertising. The Policy also incorporates the specific advertising procedures for other (non development) matters as contained in the Scheme and these inclusions are appropriately notated.

The target public, extent, duration and manner in which a community consultation process will be undertaken is set out in the following Community Consultation Policy.

The local government will separately consult with State Government Departments and other agencies as considered appropriate.

2. Objective/s

The objective of the Policy is to ensure that an appropriate level of community consultation is undertaken to keep any potentially affected landowner aware of a development proposal or any other matter which may affect them and to allow them ample opportunity to make a submission in order for their concerns to be considered by Council prior to it making a decision on the subject proposal.

3. Legal Status / Considerations

The Policy is adopted as a Local Planning Policy pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

4. Special Procedural Considerations

Content of Notices

Where it has been determined that a development application is to be referred to adjoining landowners, the letter, sign and newspaper notice (where required) shall contain the following information:

- The site location, summary of proposal, plans (where practicable) of the proposal.
- The nature of the discretionary decision involved and/or the nature of the specific matter(s) that may cause an impact on adjoining lands.
- The availability of the full application details of the proposal at Waroona Shire's office.
- The last date by which comments are to be lodged with the Shire.

Written Notice to Adjoining Neighbours

Notices to be posted to owners/occupiers are to be sent during the first week in which the newspaper advertisement appears where there is a requirement to also place an advertisement in a newspaper. The consultation period shall not be less than the required statutory period and shall commence on the day the newspaper advert is published or the day on which consultation letters are mailed to adjoining owners, whichever is the later.

Sign On Site

The sign shall be located in a prominent position on the subject site (two or more signs may be required if the property is large or has more than one street frontage) and be installed by the same day as the first advertisement is published in the newspaper and must remain in place for the duration of the advertising period.

Cost of Advertising

In accordance with the Council's determination on 'Fees & Charges', in the adopted budget, the cost (+10% service charge + GST) of the placement of a notice in the newspaper and/or placing a sign on site shall be borne by the proponent.

No Response Received

Where comments from adjoining landowners is sought and no response is received within the advertising period it will be assumed that there is no objection and the application will be determined without any further consultation.

Neighbour Addresses

Council will rely on its Rates records “address for service” data in identifying the contact addresses for owners and occupiers of adjoining properties. Council will keep a printed list of all owners and occupiers notified and their respective addresses on the application file.

Applicant to be informed

Where submissions raise objections or key issues, the local government may provide the applicant with either:

- A summary of the submissions; or
- The submissions (generally removing private submitter personal details of name and address).

The local government, at its discretion, may provide the applicant the opportunity to submit a written response to the objections or issues prior to either determining the application or reporting to Council.

Council Decision

The results of a community consultation process should not be construed as binding on Council. Council shall give due regard to all submissions in its consideration of any proposal advertised for public comment. However, Council’s role in making any decision is to consider and act in the best interests of all its electors and general community.

Notification to Submitters on Outcome

Following the Council decision, both the applicant and any person who made a written submission will be advised in writing of that decision.

5. Policy Statement

Table 1 below sets out the consultation practices to be followed for the various development and land use categories and other matters.

TABLE 1 CONSULTATION PROCEDURES					
USE CLASS / ISSUES	COMMENT PERIOD	WRITTEN NOTICE TO NEIGHBOURS	ADVERT ON WEBSITE	SIGN(S) ON SITE	ADVERT IN LOCAL PAPER
ALL DEVELOPMENTS OVER \$7 MIL IN ALL ZONES (EXCEPT SPECIAL INDUSTRY)					
All Developments Valued Over \$7 million. (1)(2)	14 days minimum	To owners and occupiers of affected properties.	Yes	Yes	Minimum one placement
DEVELOPMENT SUBJECT TO RESIDENTIAL DESIGN CODES					
Proposal does not comply with 'Deemed to Comply' criteria. (3)	14 Days	To owners and occupiers of the affected adjoining properties.	Yes		
URBAN ZONES (1 TO 9) & RURAL ZONES (11 TO 16 & 18)					
Uses designated 'SA' with a local impact. (4)	14 days	To owners and occupiers of affected neighbour properties. ²	Yes		
Uses designated 'SA' with a regional impact. (5)	14 days	To owners and occupiers of affected neighbour properties. ²	Yes	Yes	One placement.
Uses designated 'AA' with no impact and/or non-compliance. (6)		No consultation required.			
Uses designated 'AA' with a local impact or non-compliance. (4)	14 days	To owners and occupiers of affected neighbour properties.	Yes		
Uses designated 'P' with no impact and/or non-compliance.		No consultation required.			
Uses designated 'P' with a local impact and non-compliance. (4)	14 days	To owners and occupiers of affected neighbour properties.	Yes		
Uses designated 'P' with a regional impact. (5)	14 days	To owners and occupiers of affected neighbour properties.	Yes	Yes	One placement.
Home Based Business with local impact or non-compliance. (4)	14 days	To owners and occupiers of affected neighbour properties.	Yes		
SPECIAL INDUSTRY ZONE (10)					
Development with no impact outside Zone		No consultation required.			

TABLE 1 CONSULTATION PROCEDURES					
USE CLASS / ISSUES	COMMENT PERIOD	WRITTEN NOTICE TO NEIGHBOURS	ADVERT ON WEBSITE	SIGN(S) ON SITE	ADVERT IN LOCAL PAPER
boundaries.					
Uses with local impact (4)	14 days	To owners and occupiers of affected neighbour properties.	Yes		
Uses with regional impact. (5)	14 days Minimum	To owners and occupiers of affected neighbour properties.	Yes	Yes	Minimum One placement.
SPECIAL USE ZONES (17)					
Uses with local impact. (4)	14 days.	To owners and occupiers of affected neighbour properties.	Yes		
Uses with regional impact. (5)	14 days	To owners and occupiers of affected neighbour properties.	Yes	Yes	One placement.
OTHER MATTERS					
Setback / Building Envelope Variation (Local Impact) (3)	14 days	To owners and occupiers of affected neighbour properties.	Yes		
Setback / Building Envelope Variation (No Impact). (6)	No consultation required.				
Industry - Extractive (in conjunction with Extractive Industry Licence Notice)	14 days	To owners and occupiers of affected neighbour properties.	Yes	Yes	One placement.
Telecommunications (Mobile Phone) Tower / Oversized Satellite Dishes.	14 days	To owners and occupiers of affected neighbour properties.	Yes	Yes	One placement.
Extension to Non-Conforming Use.	14 days	To owners and occupiers of affected neighbour properties.	Yes		
Use Not Listed With Local Impact. (4)	14 days	To owners and occupiers of affected neighbour properties.	Yes		
Use Not Listed With Regional Impact. (5)	14 days	To owners and occupiers of affected neighbour properties.	Yes	Yes	One Placement.
"X" Use (Prohibited)	Application cannot be approved by Council.				

NOTATIONS

1. Developments Over \$7 million.

For any development proposal with a value over \$7 million the local government is to use discretion at the level of advertising required. Where a development has significant regional impact the local government may elect to advertise the proposal for a longer period of time and may require the placement of more than one advertisement in the local paper.

2. Neighbour Referrals

The minimum extent of neighbour referrals shall be to the owners of each property abutting the subject development site (i.e., immediately adjoining its boundaries) and any property located fronting a common road directly opposite the subject site. The local government has the discretion to advertise to a wider area as considered appropriate.

3. Affected Neighbour Lots

With regard to variations in relation to physical features such as setbacks and building height, direct notification shall be limited to lots sharing the affected portion of the appurtenant boundary.

4. Local Impact

Where a development proposal or use is considered in the opinion of the local government to have the potential to cause an adverse impact on only the immediate neighbouring land for any of the following reasons; visual amenity (mass, scale, height, lighting,), noise, odour, hours of operation; or any other deemed impact on amenity, then such application will be deemed to have a 'local impact' and only adjoining owners will be notified in writing by Council.

5. Regional Impact

Where a development proposal or use is considered in the opinion of the local government to have the potential to cause an adverse impact beyond the boundaries of the adjoining properties, then such application will be deemed to have regional significance. In addition to the notices being served to adjoining landowners, a sign will also be required to be placed on the subject site inviting submissions from the wider community and a notice shall be published in a local newspaper inviting submissions.

6. No impact

Where a development proposal or use is considered in the opinion of the local government to have no adverse impact beyond the property boundary, for any of the following reasons; visual amenity (mass, scale, height, lighting,), noise, odour, hours of operation; or any other deemed impact on amenity, then such application will be deemed to have 'no impact'. Where, in the opinion of the local government a setback variation or building envelope variation is considered to be minor in nature, the local government may determine that the variation has 'no impact'.

7. Exercising of Delegation

Decisions made in respect of this policy regarding the level of impact of a proposal or extent and form of consultation shall be in accordance with the register of delegations of the local government. Only duly authorised officers may make such determinations.

Adoption/Amendments

Draft: **26.07.05 OCM05/088**
Final: **27.09.05 OCM05/117**
Amendment/s: **12.12.13 OCM13/12/135**
 22.11.16 OCM16/09/094