

Policy Number:	LPP 005
Policy Type:	Local Planning Policy
Policy Name:	Consultation
Policy Owner:	Chief Executive Officer

Authority:

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes)
 Regulations 2015
 State Planning Policy 3.1 Residential Design Codes
 Shire of Nannup Local Planning Scheme No.3 (LPS No. 3)

OBJECTIVES

The objectives are to:

1. Clearly define the level of consultation relevant to planning issues.
2. Detail the requirements for consultation based on the level of impact.
3. Outline the process the local government will use when undertaking consultation and considering submissions.

DEFINITIONS

The following definitions are relative to this policy:

Adjoining:

Refers to any land or owner of land which abuts an application site or is separate from it only by a pathway, driveway or similar thoroughfare.

Affected Person:

Means a person who owns land:

1. that adjoins an application site; or
2. the enjoyment of which may be detrimentally affected by the use of an application site or the erection of a building on an application site.

Development:

As set out in the *Planning and Development Act 2005* or associated Regulations.

Land:

Includes any building or part of a building created on the land.

Neighbouring Land:

Any land, other than adjoining land which may be detrimentally affected by the use of an application site for the creation of a building on an application site (and includes properties in a neighbouring local government area).

Notification:

Written advice provided by the local government in accordance with the requirements of the policy, however does not provide persons notified with an opportunity to formally respond to, and comment on, the information conveyed.

Submitters:

Those affected persons who have provided written comment on a proposal within the formal comment period or shortly thereafter at the discretion of the local government.

Works:

Any physical alterations made to land or property within the municipality, either by the local government or a government agency, or third party authorised by the relevant agency.

Approval Types:

In relation to Schedule 1, any reference to the following letters has the following definition:

- “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
- “D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.
- “A” means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.
- “X” means a use that is not permitted by the Scheme.

POLICY

The minimum level of consultation used by the local government shall relate to the extent of community impact or interest associated with the proposed development, project or local government works, and shall be selected according to the following categories:

Level 1 - NO CONSULTATION (approval type 'P' or 'X')

- i) No predicable detrimental impact on the character or amenity of the immediate or general locality likely;
- ii) Consultation is not required or is precluded under relevant legislation;
- iii) Consultation has previously occurred, and only minor modifications or modifications that address previous concerns raised are proposed.

Level 2 – ADJOINING LANDOWNER COMMENT (approval type 'D' or 'A')

- i) Development, use or works involve additions or alterations that are visible or have an apparent impact on the owner or occupier of land immediately adjacent to the side of the property affected.
- ii) Statutory requirements for notification exist (SPP 3.1 Residential Design Codes).

Method of Consultation

The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.

Where the land owner/occupier is consulted by the proponent of a development proposal, evidence of the acceptability of the proposal shall be provided by way of a signed letter of no-objection and endorsement by way of no objection comment, signature, printed name and full address on a copy of the plan(s) submitted for approval.

Level 3 – SURROUNDING (NEARBY) PROPERTIES COMMENTS (approval type 'D' or 'A'):

- i) Development, use or works involve potential detrimental impacts on the land adjoining the application site or other neighbouring land, the use or enjoyment of which may be affected by the proposal.

Method of Consultation

The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.

Dependent upon the level of impact in the area, the local government may also publish a notice of the development proposal in a paper, published weekly, that provides coverage of the Shire of Nannup inviting comment/submissions within a specified period.

The local government may also seek comment through advertising on its website and having information available at the Shire office.

Level 4 – LOCALITY/SHIRE WIDE & STATE WIDE (approval type ‘D’ or ‘A’)

Development, use or activities that are likely to affect the amenity, character or function of an area greater than surrounding properties including the whole Shire, proposals, projects or local government functions that are of Shire-wide, Regional or State significance.

Method of Consultation

The local government may give notice or require the applicant to give notice in the following manner:

1. Publish a notice of the development proposal in a paper, published weekly, that provides coverage of the Shire of Nannup or where State-wide notification is required, the West Australian newspaper;
2. Arrange for a sign or signs to be placed in a prominent position(s) on the development proposal site;
3. Consult with the owners/occupiers of properties determined as being potentially affected by a development proposal (in writing) providing a minimum of 21 days for the lodgement of any submissions;
4. Consult with the owners/occupiers of land beyond the foregoing areas where, in the opinion of the local government, there will be an impact; and
5. Consult as necessary with other affected government agencies or statutory authorities as the case requires, drawing attention to the form of the development proposal and inviting comment within a period not being less than 21 days or, where appropriate, such longer period as may be necessary.
6. The local government will seek comment through advertising on its website and having information available at the Shire office.

Functions and Proposals Subject To Consultation

Schedule I outline the matrix upon which the appropriate level of consultation with affected persons and the community may be determined, for key local government activities and types of development. Where proposals occur that do not clearly fall within the matrix, or where circumstances indicate that the standard level would not be appropriate, the criteria outlined above shall be used to establish the consultation process required.

Consultation Procedure

Where there is an inconsistency between this Policy and the *Planning and Development (Local Planning Schemes) Regulations 2015*, then the Regulations prevail to the extent of any such inconsistency.

Consideration of Submissions

Upon closure of the comment period the following actions are to be undertaken by the responsible officer:

1. Write to all submitters acknowledging receipt of the submission, and advise of the process of determining the issue or action. Where appropriate, this requirement may be replaced by an advert in the local weekly newspaper with written notification to those outside the circulation area, in which case written notification to submitters after the decision is made should be undertaken by the responsible officer.
2. All submissions will be taken into account in the determination of the issue or action, and recommendations/decisions made in accordance with the level of officer delegation relevant to the proposal.
3. When a decision is to be made by Council (as distinct from a delegated officer), a summary of submissions or the actual submission(s) where provided will be taken into account by the Council in determining the application/proposal or action to be taken.
4. The local government has a responsibility to consider the economic, social and environmental impacts of any proposal. Specifically matters to be taken into account in the consideration of proposals and submissions are outlined in LPS No. 3 clause 10.2.

Cost of Consultation

The costs of the consultation requirements specified within this policy are generally reflected in the Planning Application or other fee, however in some cases the costs are to be met by the applicant/proponent.

Related Policies:	ADM 19 Community Consultation
Related Procedures/ Documents	Schedule 1- Consultation Levels LPP005 Attachment 1.docx
Delegation Level:	CEO, Development Services Officer
Adopted:	OM 22 April 2010
Reviewed:	OM 25 January 2018

SCHEDULE 1

Consultation Levels

FUNCTION	CONSULTATION LEVEL
BUILDING	
Building applications	1
Assessment of structures on boundaries (SPP 3.1 s6.3.2)	2
Demolition - licences outside of townsites	1
- licences within townsites	2
- Heritage building/structure	3
Signage	1
PROPERTY MANAGEMENT	
New community buildings/facilities	
Shire catchment function	4
- Local catchment function	3
Refurbishment of buildings	
- Non-Heritage	2
- Heritage	4
Disposal of community building or Council property	
- Non-Heritage	2
- Heritage	4
Use or development of Council reserves where planning approval not required.	
- Consistent with approved plans or strategies.	1
- not associated with approved plans/strategies.	3
Change of use of Council buildings/properties – Minor	1
- Major	3
ENGINEERING/WORKS	
Forward infrastructure management programs (5 year Program)	4
Road and works construction manual	4
Road resurfacing	1
Reconstruction and new construction works	
1. consistent with annual programming and involving no significant detrimental impacts on the immediate locality;	2
2. likely to have significant detrimental impacts on the locality beyond those already notified;	4
3. minor works (excluding normal maintenance) not associated with annual programming where no detrimental impacts on the locality are likely.	2

SCHEDULE 1

HEALTH	
Offensive Trades	2
Public events & concerts	
- 'A or D' * uses or likely detrimental impacts on the locality	4
- 'P' * uses where unlikely to involve detrimental impacts on the locality	1
PLANNING	
Local Planning Scheme Review	4
Local Planning Strategies	4
Management Plans (Local)	4
Outline Development Plans & Structure Plans – Minor	3
- Major	4
Scheme Amendments	4
Development - 'P' or 'X' Uses	1
Development - 'D' or 'A' Uses	
- where there are likely detrimental impact to surrounding landowners	2
- where there is no likely detrimental impact to surrounding landowners	1
Development - 'A' or 'D' Uses	
- where impacts are confined to adjoining properties and the immediate vicinity of the proposal.	2
- where impacts affect the broader locality, in addition to adjoining properties.	3
- all development applications (other than for a single dwelling and associated outbuildings) shall be referred to relevant State Government agencies, servicing authorities and stakeholders as determined by the local government.	3
Bed and Breakfast	2
Extractive Industries	3
CORPORATE	
Policy/Local Laws	
- Local impact or involves specific user groups	3
- Shire/State/Regional impacts	4
Reserve use permits	1
Changes to Council function/service provisions (eg Recreation Centre and Library opening times, prices etc.)	2
Forward Plan – development	4
Forward Plan - statutory advertising period	4
New rating structure or format	4

SCHEDULE 1

Advertising of rates, annual proposal	4
Specific area rates	4
Budget – advertising	4
Loan proposals not in budget (advertising local)	4
Plans and Strategies	
- Council functions impacting on the Shire in general;	4
- impacting on specific sectors of the community (eg. Youth, disabilities etc)	3
Community managed projects involving Council, which impact on other sectors.	3

* As defined under the Shire of Nannup Local Planning Scheme No. 3 Section 4.3.2.