

CITY OF SUBIACO
LOCAL PLANNING POLICY 7.3

Public Consultation for Planning Proposals

ADMINISTRATIVE

Version	Date	Comment
1.0	26 July 2016	Adopted
2.0	23 March 2021	Reviewed
3.0	23 November 2021	Reviewed
4.0	27 August 2024	Reviewed

AUTHORITY

- Planning and Development (Local Planning Schemes) Regulations 2015 (**LPS Regulations**)
- City of Subiaco Local Planning Scheme No. 5 (**Scheme**)
- Residential Design Codes (**R-Codes**)
- Planning and Development (Development Assessment Panels) Regulations 2011 (**DAP Regulations**)

STATUTORY BACKGROUND

This local planning policy (**the Policy**) is made pursuant to Schedule 2, Part 2, Division 2 of the LPS Regulations relating to local planning policies.

Schedule 2 of the LPS Regulations includes Deemed Provisions for local planning schemes (Deemed Provisions). The LPS Regulations also includes a range of mandatory and discretionary provisions for the public consultation of planning proposals.

Part 2 of the R-Codes requires the City to notify potentially affected neighbours of a proposed development in certain circumstances.

Under the DAP Regulations, development applications determined by a Development Assessment Panel (DAP) are subject to local government requirements for notification and advertising.

This policy does not replace or alter the City's obligations under the *Freedom of Information Act 1992* or the *Copyright Act 1968* (Cth).

This Policy applies in conjunction with the Scheme, R-Codes and any other relevant local planning policies.

PURPOSE

Stakeholder engagement is an important part of the planning process. Different levels and approaches to public consultation are appropriate for different planning proposals.

Pre-lodgement discussions between neighbours can be beneficial in resolving issues before the planning process commences and promoting good neighbourly relations.

This Policy guides:

- The exercise of discretion under the Deemed Provisions for undertaking public consultation of planning proposals
- The different consultation approaches for different planning proposals.

APPLICATION

This Policy applies to consultation undertaken by the City in relation to planning proposals.

This Policy also clarifies consultation processes for applications referred to the City where another planning authority is the final decision maker.

POLICY

1.0 Objectives

- Provide consistent consultation processes for planning proposals.
- Provide an appropriate balance between allowing for meaningful community participation in the planning process and the requirement to process planning proposals in an efficient manner within prescribed statutory timeframes.
- Encourage pre-lodgement consultation between neighbours on planning proposals prior to lodgement.

2.0 Definitions

- The following terms are defined for the purpose of this Policy:

Consultation: advertising and notification as referenced in the [LPS Regulations](#).

Deemed Provisions: the provisions contained in Schedule 2 of the [LPS Regulations](#).

Planning proposals: applications for development approval, and strategic planning proposals.

Scheme: [City of Subiaco Local Planning Scheme No. 5](#) (LPS 5).

Section 31 Reconsideration: Means the provisions contained in section 31 of the [State Administrative Tribunal Act 2004](#).

State Administrative Tribunal Application: Means 'application' as defined in the [State Administrative Tribunal Act 2004](#).

State Administrative Tribunal: Means 'tribunal' as defined in the [State Administrative Tribunal Act 2004](#).

- All other terms, words and expression used in this Policy have the same meaning as they have in the Scheme.

3.0 Preliminary Discussion with Adjoining Neighbours

- 3.1 Applicants are strongly encouraged to discuss planning proposals with the adjoining owners and occupiers that would be notified under clause 7.0 of this Policy, prior to the lodgement of a development application.
- 3.2 Applicants who undertake pre-lodgement consultation prior to lodgement may be eligible for a 25 per cent discount to their development application fees, subject to meeting clause 5.0 of Local Planning Policy 7.2 - Refunding, Reducing and Waiving Planning Fees.

4.0 Public Consultation for Development Applications

- 4.1 Consultation is required for standard development applications where the proposal involves a significant exercise of discretion in terms of the Scheme, R-Codes or local planning policy provisions, and involves any of the following:
 - (a) Potentially significant urban design or streetscape impacts
 - (b) A significant variation from the bulk, scale or design of the existing surrounding buildings
 - (c) Potentially significant amenity impacts on nearby residential areas or neighbours as determined by the City.
- 4.2 A planning proposal is considered to be a complex development application where it proposes:
 - (a) All of the criteria in sub-clauses 4.1(a) – (c) of this Policy; and
 - (b) 10 or more grouped dwellings; or
 - (c) 20 or more multiple dwellings; or
 - (d) A non-residential or mixed-use development with a total floor space of 5,000m² or more; or
 - (e) Involves land uses that are not specifically referred to in the zoning table of the Scheme; or
 - (f) Significant strategic planning impacts in terms of any of the following:
 - i. The implementation of a strategic planning objective of the City's Local Planning Strategy
 - ii. The scale of the development
 - iii. Is considered by the City to be significantly different from the predominant and expected pattern of land use within the locality.
- 4.3 A development application that does not meet the above criteria is still able to be advertised at the discretion of the City if it is:
 - (a) Considered in the public interest; and
 - (b) Appropriate to do so under clause 64(1)(c) of the Deemed Provisions.

5.0 Waiving Standard Development Application Consultations

- 5.1 The City may waive consultation requirements for standard residential development applications subject to sub-clause 4.1 of this Policy in cases where the applicant has done all the following:
 - (a) Has sought non-objection from the owners and occupiers of the adjoining properties (identified by the City under clause 7.0 of this Policy)
 - (b) Provides for each landowner/occupier consulted with under sub-clause 5.1(a) all the following:

- i. A copy of all plan(s) (site plan, floor plan and elevations), with each plan required to be signed by the owner/occupier(s)
- ii. A Form 1 (Attachment A) containing the following information:
 - Full name
 - Property address
 - Current residential address (if different to property address)
 - Current telephone number
 - Current email address
 - Statement of non-objection
 - Date of consent
 - Signature of person(s)
- (c) For the owner(s), the signatures of all owners on the Certificate of Title are required
- (d) Ownership details will be verified by the City.

6.0 Strategic Planning Proposals Consultation

- 6.1 Strategic planning proposals that require consultation include any of the following:
 - (a) Local planning policies
 - (b) Structure plans
 - (c) Local development plans
 - (d) Scheme amendments.
- 6.2 Clause 7.0 and Table 1 summarise the duration, means and extent of consultation for strategic planning proposals.
- 6.3 The LPS Regulations detail the advertising processes of strategic planning proposals, including instances where advertising can be waived, or where additional advertising may be required.

7.0 Public Consultation Duration, Means and Extent

- 7.1 The duration, means and extent of public consultation will be in accordance with Table 1.
- 7.2 Consultation shall meet all the following:
 - (a) Commence on the day after the notice is published on the City's website
 - (b) Extend for the time period listed in Table 1 or otherwise provided by the LPS Regulations
 - (c) Take into consideration any holiday periods as per sub-clause 7.3 of this Policy
 - (d) Conclude at 5pm on the date shown on the advertising material relating to the planning proposal.

Table 1: Consultation duration, means and extent					
	Time period (a)	Local newspaper notice (b)	Sign on site (c)	Letter to owners and occupiers (d)	Website notice (e)
Standard Development Applications	14 days	No	No	Yes	Yes

Complex Development Application	28 days	Yes (weekly)	Yes	Yes	Yes
Basic Scheme Amendment	Only to be advertised if and as directed by the Minister for Planning.				
Standard Scheme Amendment	42 days	Yes	Yes, if proposing rezoning	Yes if proposing rezoning, within minimum 100m radius of site boundary	Yes
Complex Scheme Amendment	60 days	Yes	Yes, if proposing rezoning	Yes if proposing rezoning, within minimum 100m radius of site boundary	Yes
Local Planning Policy	Minimum 21 days	Yes	No	No	Yes
Structure Plan	42 days	Yes	Yes	Yes – within Structure Plan area	Yes
Local Development Plan	Minimum 14 days	Yes	Yes	Yes – within LDP area and 100m radius of area boundary	Yes
Notes					
(a) The public consultation period stated or a longer period as modified or required under sub-clause 7.3 of this Policy.					
(b) Refer sub-clause 7.5 of this Policy.					
(c) Refer sub-clause 7.6 of this Policy.					
(d) Refer sub-clause 7.7 of this Policy.					
(e) Refer to sub-clause 7.8 of this Policy.					

7.3 The City will consider the following holiday periods when determining consultation timing:

7.3.1 For development applications and externally initiated planning proposals, the excluded holiday period days as per the LPS Regulations cannot contribute to the calculation of minimum consultation timeframes.

7.3.2 For City initiated planning proposals, consideration of the following holiday periods is required when determining the consultation timeframe:

(a) Consultation shall not commence between 1 December and 8 January; and

(b) An additional seven (7) days will be added to the timeframe where any part of the period falls between one week before or after Easter Sunday.

7.4 Requests for changes to public consultation periods will not be granted by the City unless all the following are met:

(a) Substantial extenuating circumstances occur¹

(b) The requested changes do not contravene the timeframes provided by the LPS Regulations.

7.4.1 If an extension to the consultation period is granted by the City under sub-clause 7.4, three business days shall be provided in addition to the consultation period established under clause 7.0 of this Policy.

¹ Extenuating circumstances do not include, for example, an owner or occupier being absent from their place of residence during any part of the consultation period without personal arrangements in place for the checking of their mail.

- 7.5 The notice in a newspaper circulating within the district will be arranged by the City. The notice:
- (a) Must contain the content, and be in the form required by the LPS Regulations.
 - (b) May be included once or as often as deemed necessary by the City.
- 7.6 Signs are to be placed on site:
- 7.6.1 For complex development applications as per sub-clause 4.2:
- (a) The applicant is responsible for all the following:
 - i. The manufacture and erection of sign(s) on the subject site (to coincide with the public consultation period)
 - ii. Removal of the signs at the conclusion of the public consultation period.
 - (b) All expenses associated with the sign(s) shall be borne by the applicant, as per clause 64A(2) of the Deemed Provisions.
 - (c) The number and location of sign(s) shall be determined by the City.
 - (d) Sign(s) shall be erected in a prominent position on the site to the satisfaction of the City and meet all the following:
 - i. Photographic evidence of the sign(s) being satisfactorily placed on site is to be supplied to the City, by the applicant on or before the commencement of the public consultation period
 - ii. Where a subject site has more than one street frontage, or where a site is very large, additional sign(s) on the street frontage(s) may be required as determined by the City
 - iii. The sign(s) shall be erected on, or within 0.5m, of the property boundary and be clearly visible from outside the property boundary.
 - (e) All the following are applicable for the manner and form of the sign(s):
 - i. Shall be as per clause 64(5) and clause 86(3) the Deemed Provisions, and the City will provide the template text;
 - ii. A graphical colour representation of the development must be included on the sign, which may comprise a 3D streetscape render of the proposal, or other graphical representation agreed by the City
 - iii. A graphical representation is not required on the sign where the nature of the proposal would not require it (e.g. demolition only).
- 7.6.2 For strategic planning proposals:
- (a) The manufacture and erection of sign(s) shall be the responsibility of whoever prepared the proposal; and
 - (b) The number, location, manner and form of sign(s) shall be as per the relevant part of the LPS Regulations.
- 7.7 Letters are to be sent to owners and occupiers:
- 7.7.1 For standard development applications:

- (a) Letter(s) will be sent by the City to owners and occupiers of all abutting properties (sharing any common boundary, including diagonally opposite or separated by a right of way, access way or public street) as shown in Figures 1 to 3.
- (b) The extent of consultation may be reduced at the City's discretion in the following circumstances for applications relating to:
 - i. A side or rear setback variation behind the building line or to the visual privacy requirements in the R-Codes. In this instance, only the owner/occupier of the property onto whose boundary the discretion is sought will be notified.
 - ii. Development that is not readily visible from the street (primary and/or secondary streets, and/or a right of way). In this instance, the City may reduce the extent of consultation that would otherwise be required under sub-clause 7.7.1. The City may waive the advertising requirement for properties on the opposite side of a street or right of way as applicable.
- (c) For applications relating to a property within a Heritage Area, the extent of consultation shall be increased by one abutting property, in addition to the properties identified in sub-clause 7.7.1 (refer to Figure 3 below).

7.7.2 For complex development applications as per sub-clause 4.2:

- (a) Letters will be sent by the City to all owners and occupiers within a 200 metre radius of the site boundary; and
- (b) Letter(s) will be sent by the City to any other owners and occupiers of properties in the vicinity of the proposed development, who, in the City's opinion are likely to be affected.

7.7.3 For strategic planning proposals:

- (a) Consultation for strategic planning proposals is detailed in Table 1.

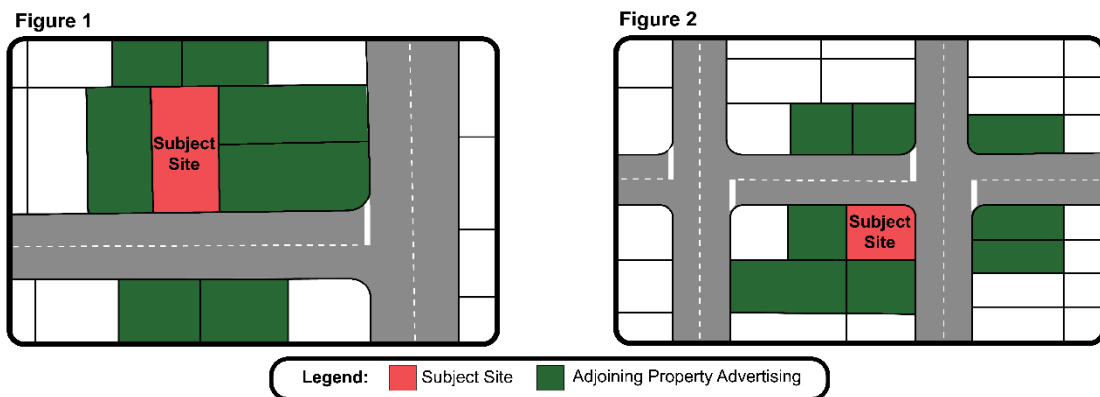
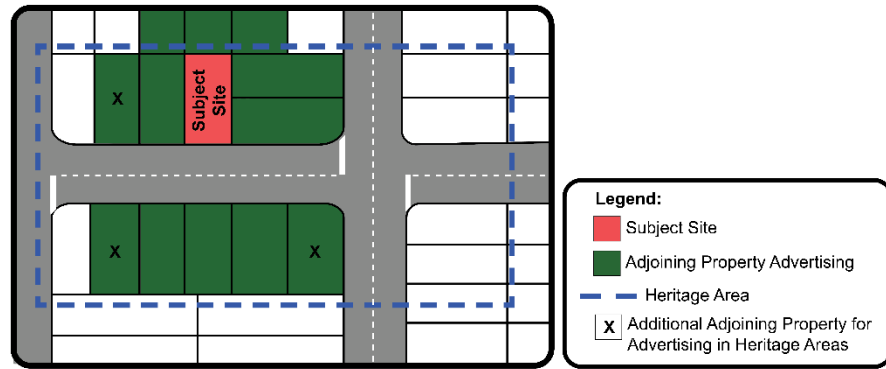


Figure 3



Note: The extent of consultation depicted in Figures 1, 2 and 3 are examples and do not account for every possible scenario. It is at the City's discretion to advertise to owners and occupiers as required in accordance with the intent of this Policy.

- 7.8 Where specified in Table 1, a notice will be placed on the City's consultation website for the public consultation period. The notice shall include any documents and information required by the LPS Regulations.
- 7.8.1 For development applications, subject to the agreement of the applicant in accordance with the *Copyright Act 1968* (Cth), the City will include plans and documents for the planning proposal on its website for the duration of the public consultation period. Plans on the City's website are for viewing purposes only and are not to be downloaded, modified, reproduced, printed or otherwise stored and/or altered.

8.0 Receipt of Submissions

- 8.1 The City's preferred method of collecting submissions is via electronic means to enable efficient future contact.
- 8.2 The option remains for community members to provide a hardcopy submission.
- 8.2.1 Hardcopy submissions should contain an email address to enable submitters to be notified on the progress of a planning proposal in a timely manner.
- 8.2.2 If a hardcopy submission is provided without an email address, the City will make all attempts to provide written contact described in sub-clause 10.4 in a reasonable timeframe.
- 8.3 Where a submission is made on behalf of another person, it must be accompanied by a letter of authorisation from the person whose views are being represented, including all the following details:
- (a) Full name and signature
 - (b) A statement confirming that the submission is being made on their behalf
 - (c) A current contact address, telephone number and email address.
- 8.4 Any submission(s) received after the date established in clause 7.0 may be noted as late submissions and included in the planning proposal assessment.
- 8.5 Where no response is received, it will be assumed that the recipient does not wish to comment on the planning proposal.

9.0 Additional Notice of a Development Application Previously Advertised

- 9.1 Additional public notice may be given where:
- (a) A planning proposal is subsequently modified prior to its final determination, which results in additional variations; or
 - (b) An application to amend an existing development approval is received under clause 77 of the Deemed Provisions, and additional variations arise from the proposed amendments.
- 9.1.1 Additional public notice shall be given in the same manner under the provisions of this Policy, as if the modified/amended proposal was received as a new development application.
- 9.2 Additional informal notice to previous submitter(s) may be provided where amended plans are received prior to the final determination of a planning proposal (subject to the amended plans not triggering a sub-clause 9.1 notification under this Policy).
- 9.2.1 Informal notice of the plans may be given to the person(s) who originally made a submission on the application.
- 9.2.2 The informal notice period may:
- (a) Commence on any weekday at the discretion of the City
 - (b) Extend for a period of three business days from the date of commencement
 - (c) Conclude at 5pm on the third day.
- 9.2.3 Informal notice shall be given to previous submitters electronically where possible.

10.0 Procedural Matters

- 10.1 Public consultation plans and documents shall be available for the duration of consultation as per sub-clause 7.8 of this Policy.
- 10.1.1 Where required by the LPS Regulations, the planning proposal plans and documents shall be made available for public viewing during the consultation period on the City's website, subject to the agreement of the applicant.
- (a) Hardcopies of plans and documents will not be provided to members of the public.
 - (b) Members of the public are not permitted to copy, scan, photograph or otherwise reproduce copies of the plans and documents.
- 10.1.2 Plans and documents will not be available after the conclusion of the consultation period unless otherwise required under sub-clause 9.0 of this Policy.
- 10.1.3 Where required by the LPS Regulations, the plans and documentation may be viewed at the City's Administration Office without an appointment.
- 10.1.4 Should a community member wish to discuss the proposal with one of the City's officers, an appointment will be required.
- 10.2 A community information session may be held at the discretion of the City in relation to a significant strategic planning proposal where:
- (a) A session will assist the community's understanding of the proposal; and/or
 - (b) Provide the opportunity to view additional information such as visual presentations.
- 10.2.1 The information session may be held:

- (a) Prior to the public consultation period, during the preparation of the strategic planning proposal (where the proposal is City initiated); or
 - (b) During the public consultation period. Information sessions held during the public consultation period, should be held soon after the consultation commences to allow participants to make a formal written submission on the planning proposal after the session.
- 10.3 An opportunity to view documents, or be provided with copies of submission(s) received during a public notice period will not be provided to any person or applicant unless required by law or as specified elsewhere in this Policy. Where any copies of submission(s) are to be provided, personal details of the author(s) will be removed.
 - 10.3.1 A written summary of the key issues raised in submission(s) will be provided to the applicant upon request for development applications or Scheme amendments. The summary will not include identification or personal details of the author(s) of any submission.
- 10.4 Generally submitters will receive the following correspondence from the City:
 - 10.4.1 Notification of a determination under delegated authority by an authorised officer of the City; or
 - 10.4.2 Notification of a relevant item being considered by Council, or a committee of Council; and
 - 10.4.3 Notification of a decision of Council, or a committee of Council; and/or
 - 10.4.4 Notification of any other event directly relevant to the planning proposal to which they made a comment, at the discretion of the City.
- 10.5 Officer reports to Council will include a summary of the issues raised in the submissions received during consultation.
 - 10.5.1 If the text of a submission is to be included in the report, the author's personal details will be removed.
 - 10.5.2 Full copies of submissions will be made available to Elected Members upon request, but will not be made available to members of the public unless required by law.
 - 10.5.3 Where submissions are received after the conclusion of the consultation period, they will be addressed as per sub-clause 8.4 of this Policy.
- 10.6 For development applications determined by the DAP, public notice will be given of the applications in the same way as those determined by the City under clause 7.0 of this Policy.
 - 10.6.1 Where requested, a full copy of any submissions received by the City will be forwarded to the DAP.
 - 10.6.2 The authors of submissions received during the public consultation period for a DAP application will be:
 - (a) Informed of Council's recommendations with respect to the application
 - (b) Notified of the date of the DAP meeting at which the application will be considered
 - (c) Notified of the determination of an application by the DAP.

- 10.6.3 The City will provide details of the decision on its website following a DAP determination, including signed minutes.
- 10.7 Where a planning proposal is referred to the City by another planning authority (such as DevelopmentWA or the Department of Planning, Lands and Heritage), that authority is responsible for undertaking any public consultation.
- 10.7.1 Where a Metropolitan Region Scheme (MRS) application is referred to the City and the Western Australian Planning Commission is the final decision maker:
- (a) The City may elect to undertake public consultation for the proposal where the proposal:
 - i. Is inconsistent with the purpose of the MRS zone; or
 - ii. May have a significant impact on the amenity of the locality.
 - (b) The extent and duration of public consultation shall be determined with reference to (and in accordance with) clauses 3.0 and 6.0 of this Policy. Whether the application is treated as a standard or complex development application is at the discretion of the City.
- 10.7.2 Any person wishing to obtain a copy of a final decision must obtain that from the relevant decision maker.

11.0 Notification for Interested Parties on a SAT Application

- 11.1 Upon receipt of written advice that a State Administrative Tribunal (SAT) application has been lodged, the City will advise all parties who made a submission on the original decision that an application has been received.
- 11.1.1 This notification shall be made in writing within ten (10) days of the City receiving written advice under clause 11.1 and will only contain information regarding the:
- (a) Reviewable decision; and
 - (b) Tribunal's reference number; and
 - (c) Contact details.
- 11.2 The City will not provide updates on the progress of any SAT application to those parties.
- 11.3 For section 31 reconsiderations, the City will notify any submitters that provided comment on the original proposal. The City will not seek further submissions unless directed by SAT.

**Attachment A
Form 1 for Non-objection**

This form is to be provided for evidence of non-objection under clause 5.0 of this Policy.

Name: (insert name of owner or occupier)

Property address: (insert address)

Residential address: (insert residential address if different to property address)

Telephone number: (insert contact telephone number)

Email address: (insert contact email address)

Statement of non-objection: *I (name) certify that I do not object to the proposal at (address relating to development application) and consent to being contacted by the City if required to verify the iteration of plans being consented to*

Date: (insert date of consent)

Signature of person: (insert signature)

Signature of person: (if multiple owners/occupiers)

Signature of person: (if multiple owners/occupiers)

Signature of person: (if multiple owners/occupiers)