



LOCAL PLANNING POLICY – CONSULTATION OF PLANNING PROPOSALS

1.0 PURPOSE

1.1 This policy provides guidance on the exercise of discretion under Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and Local Planning Scheme No. 3 (Scheme) in terms of when public consultation is undertaken for planning proposals, and the means and duration of public consultation periods where these are not prescribed by the Deemed Provisions or the Scheme. The policy also provides guidance on the exercise of discretion under the Regulations in terms of the means of public consultation for scheme amendments and strategic proposals (e.g. public open space strategy) where not expressly prescribed by the Regulations.

2.0 APPLICATION OF POLICY

2.1 This policy applies to all planning proposals within the Scheme area of the City of Nedlands and includes Strategic Planning proposals, Scheme Amendments, Activity Centre Plans, Structure Plans, Local Planning Policies, Local Development Plans and Development Applications.

3.0 OBJECTIVES

- 3.1 To recognise the importance of community and stakeholder engagement in the assessment of and determination of planning proposals.
- 3.2 To provide a consistent approach to the methodology in which the City undertakes engagement in relation to the form and duration of public consultation periods for planning proposals.
- 3.3 To recognise that discretion should be applied on a case-by-case basis given the varying degree of significance, scale and nature of planning proposals in the undertaking of public consultation with the community.

4.0 DEFINITIONS

4.1 For the purpose of this Policy the following definitions apply:

Complex Development Application	<p>A Complex Development Application is defined by the following criteria:</p> <ul style="list-style-type: none"> (a) Involves multiple dwellings; or (b) Where the City deems there is wider community significance requiring a greater level of consultation.
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5.0 POLICY MEASURES

5.1 In addition to the requirements of Regulations, Scheme, Residential Design Codes (R-Codes) and any relevant Local Planning Policy, consultation of planning proposals shall be undertaken in accordance with Table 1.

Table 1 – Consultation of planning proposals

* Required under the Planning and Development (Local Planning Schemes) Regulations 2015

Planning Proposal Type		Minimum advertising period	Minimum advertising radius	Letters to owners and occupiers	Sign on site	Local newspaper notice	Notice boards	Website notice	Community information sessions	Social media
Strategic Proposals		21 days	#1	#1	#1	Yes	Yes	Yes	Yes	Yes
Structure Plans		Min. 14 days Max. 28 days*	200 metres	#2	#2	#2	Yes	#2	Yes	#1
Scheme Amendment	Basic	Nil* Unless directed by the Minister for Planning	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Standard	42 days*	100 metres	Yes	Yes	Yes*	Yes*	Yes*	#1	Yes
	Complex	60 days*	200 metres	Yes	Yes	Yes*	Yes*	Yes*	Yes	Yes
Local Planning Policy		21 days*	N/A	N/A	N/A	Yes*	Yes	Yes	#1	Yes
Activity Centre Plan		Min. 14 days Max. 28 days*	200 metres	#2	#2	#2	Yes	#2	Yes	Yes
Local Development Plan		14 days*	#1	#2	#2	#2	Yes	#2	#1	#1
Development Applications		14 days*	Refer to Clauses 5.2.3 & 5.3.1	#2	#2	#2	N/A	#2	N/A	N/A
Complex Development Applications		21 days	200 metres	Yes	Yes	Yes	Yes	Yes	Yes	Yes

#1 At the Discretion of the City of Nedlands

#2 A minimum of one consultation method is to be used - as prescribed by the Regulations



Supplementary information to Table 1

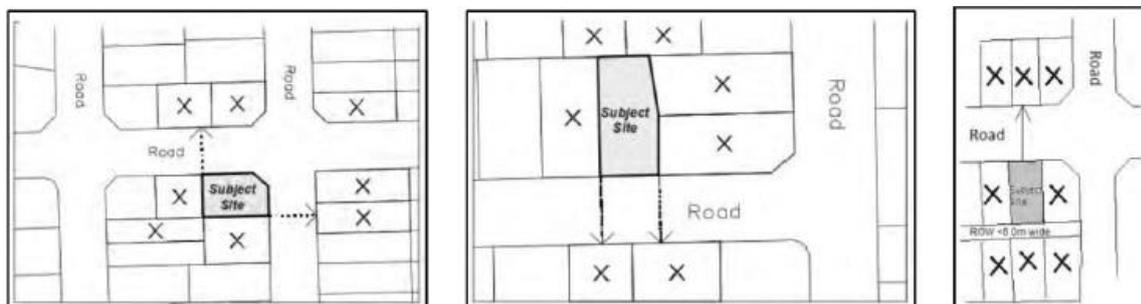
5.2 Development applications (R-Codes)

- 5.2.1 Where a development application is required to be assessed under the R-Codes, it will be advertised to only those properties, which in the opinion of the City, are likely to be directly affected by the proposal.
- 5.2.2 In respect to this, a planning assessment is a matter of technical opinion and where in the opinion of the City there is no adverse impact on an adjoining residential property owner/occupier, advertising will not be undertaken.
- 5.2.3 Table 2 and Figure 1 contains the method and distance for advertising in relation to R-Code proposals.
- 5.2.4 Where not specified in Table 2, Elements or Parts of the R-codes will not be advertised, unless in the opinion of the City, the proposal is considered to have an adverse impact on adjoining properties.

Table 2 – Development application advertising requirements R-Codes

Proposal	Advertising requirement
Boundary wall height/length	To affected adjoining owners only.
Building Height	To affected adjoining owners only.
Visual Privacy	To affected adjoining owners only.
Open Space	To affected adjoining owners only.
Boundary fence	To affected adjoining owners only.
Lot boundary setbacks	To affected adjoining owners only including diagonally to the rear if a rear setback variation is proposed.
Front setback	To affected adjoining landowner/s or occupiers, within 5 properties in either direction of the subject site, on both sides of the street.
Site works	To affected adjoining landowners/ occupiers directly adjacent and across the street if the site works variation is within the front setback area as per Figure 1 below.
Overshadowing	To affected adjoining owners only.
External fixtures and Utilities and Facilities	At officer discretion and to affected adjoining landowners/ occupiers directly adjacent and across the street as per Figure 1 below.

Figure 1 – Adjoining / adjacent landowners





5.3 Development applications (Other)

5.3.1 Development applications that require community engagement, other than those assessed under the R-Codes, are to be advertised for a minimum radius of 100m. These include (but are not limited to) the following applications:

- Changes to a non-conforming use;
- Variations to site and development requirements of the Scheme or a Local Planning Policy requirement;
- Uses not specified in the Zoning Table of the Scheme; and
- A proposed land use which is identified as 'A' in the Zoning Table of the Scheme.

5.4 Minor amendments to structure plans & activity centre plans

5.4.1 Under Schedule 2, Part 4, Clause 29(3) and Part 6, Clause 45 (3) of the Regulations, the City will consider an amendment to an approved Structure Plan or Activity Centre Plan as minor and not requiring consultation where the proposed amendment does not:

- (a) Materially alter the purpose and intent of the plan; and
- (b) Adversely impact on the amenity of adjoining landowners or surrounding area.

Note: Consent from the Western Australian Planning Commission (WAPC) is also required for amendments to Structure Plans and Activity Centre Plans to be considered minor and not require advertising.

5.5 Social media

5.5.1 In accordance with Table 1, the City will provide broadcast of a planning proposal via social media outlets. Comments or posts on Social Media are not considered submissions or formal responses.

5.6 Community information sessions

5.6.1 The City, where a proposal is deemed to be complex or of community significance, will undertake a Community Information Session for the community and elected members. The information session consists of the following:

- (a) 1-hour information drop-in session, held at the City of Nedlands Administration Building or otherwise designated location as agreed to by the City.
- (b) Plans and details of the proposal to be made available by the applicant for display.
- (c) City's technical officers to be available to answer any questions, take questions on notice and/or to explain and educate the community on specific details of an application.



- (d) Meeting to provide the community and elected members the opportunity to hear what the community has to say, to discuss issues and to direct questions towards the applicant (when present).
- (e) No presentations are required for Community Information Sessions.
- (f) Information session to be held outside of business hours, usually between 5pm-7pm on a nominated weeknight.

5.7 Signs on site

5.7.1 Table 1 references planning proposal types which require a sign to be placed on the subject site(s). Where this is required, the following shall apply:

- (a) The applicant is responsible for the cost of on-site signage as required by this policy.
- (b) The sign shall be erected wholly within the property boundaries in a prominent location that can be easily viewed by passers-by from the street(s). In the case of corner sites 2 signs may be required, one to each street frontage.
- (c) The sign shall remain on site for the entirety of the advertising period.
- (d) The dimensions of the sign shall be a minimum of 1500mm in length x 1500mm in width.
- (e) The sign shall be removed within 7 days of the conclusion of the consultation period.

General requirements

5.8 Advertising period

- 5.8.1 The commencement date of consultation is to be two days after the date notification letters are sent to the community.
- 5.8.2 Submissions are deemed to have closed at 5pm (close of business) on the date shown on the notification relating to the planning proposal.
- 5.8.3 The minimum number of days for consultation specified in this Policy are taken to be days in succession and not to be taken as business days.
- 5.8.4 A development application may not be progressed until the consultation period has ended regardless of whether submissions have been received from neighbours, stakeholders or other affected parties.

5.9 Additional public notice of proposal previously advertised

- 5.9.1 Additional public notice may be given where:
 - (a) A planning proposal is subsequently modified prior to its final determination (including under Section 31 requests for reconsideration) and additional variations arise from the modifications; or



- (b) An application to amend an existing planning approval is received under clause 77 of the Deemed Provisions, and additional variations arise from the proposed amendments.

5.9.2 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.

5.10 Form and content of submissions

5.10.1 For comments to have validity, submissions shall be in the following format:

- (a) Submissions must be in writing, either submitted in electronic format in a “Your Voice” submission (preferred by the City) or an email or in hard copy format delivered in person to the City’s offices or via the post; and
- (b) Submissions must be legible, signed by all submitters, dated and include the submitters full name, impacted property address, email address and/or the capacity in which they make the submission (e.g.: visitor/business owner/resident) and postal address (if different to the impacted property address).

5.10.2 The City has a duty to take into account all valid planning considerations and to ensure that any irrelevant considerations do not influence the decision. Valid planning considerations include:

- (a) matters to be considered by the City under Clause 67 of Schedule 2 of 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.

5.11 Applicant opportunity to respond to submissions

5.11.1 Where submissions are received on a planning proposal, the City’s officers will compile a summary of submission themes which upon request will be provided to the applicant and invite the applicant to provide a response to submissions and/or revised plans to address any issues raised during the consultation. If the applicant elects to provide a response to the submissions and the application is referred to Council for determination or referral to JDAP or WAPC (where applicable), this response will be included in the report to Council (as either report content or an attachment).



5.12 Submission reporting

5.12.1 Where an application is referred to Council or JDAP for determination the officers report or Responsible Authority Report (RAR) will include an attachment summarising the submissions received and officer comments relating to the issue / theme raised. The authors personal details will not be identified. Full copies of submissions will be made available to Elected Members as a confidential attachment but will not be available to members of the public unless required by law.

5.13 Holiday periods – consultation exclusion period(s)

5.13.1 The City will not undertake consultation of planning proposals during the following dates:

- December 15th – January 15th
- Between one (1) week prior to, and (1) week after, Easter Sunday.

5.13.2 Where advertising is due to commence during these periods, consultation will begin at the last day of the exclusion period. No advertising time frames will be permitted to close or commence during the exclusion period(s).

5.13.3 An exception to this requirement may be applied at the discretion of the City upon receipt of a request for extenuating circumstance. In such circumstances the advertising period may begin before the exclusion period and recommence once the exclusion period has lapsed. Days during the advertising period will not be counted towards number of days advertised.

5.13.4 Where a consultation period falls over a declared public holiday, additional advertising days shall be added to the prescribed period, equal to the number of public holidays.

5.14 Landowners and occupiers

5.14.1 The City will send correspondence to both landowners and occupiers in accordance with the requirements of Table 1 of this policy.

Note: Landowners and occupiers can register to receive electronic notifications only by subscribing to electronic community engagement via the City of Nedlands Planning Department.

5.15 Late submissions

5.15.2 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.



5.16 Availability of documents for viewing by the public

- 5.16.1 Plans and documents (including technical reports) are subject to Copyright laws, as such, the reproduction (including photographs and screenshots) of plans or reports is not authorised.
- 5.16.2 Plans and relevant documents to a planning proposal will only be made available during the consultation period. Such plans and documents will not be available to the public after the consultation period unless they appear on a public agenda or minutes.
- 5.16.3 Requests for copies of plans must be accompanied with written and signed approval from the author of those plans or documents and/or consent from the current property owner of the site in question.

6.0 VARIATIONS TO POLICY

- 6.1 Variations to this Policy shall be assessed against the objectives of this Policy.
- 6.2 Applicants seeking variations to this Policy are required to submit a detailed written statement addressing each of the objectives of this policy for the City's assessment.

7.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 7.1 Notwithstanding the above, the city may waive the consultation requirements in respect of residential planning applications involving the exercise of discretion under the R-Codes or this policy in cases where:
 - (a) The applicant provides a copy of the plan including a certification by the owners and occupiers of the adjoining property stating that they have no objections to the proposal. Signatures should include all persons shown as owners on the Certificate of Title. The certification must include:
 - The full name of the owner/s and occupier/s certifying non-objection clearly printed with their signature;
 - A printed statement of no objection to the proposal;
 - A copy of the proposed development plans signed by the owner/s and occupier/s; and
 - A current contact address and a contact telephone number.
 - (b) As part of assessment of the application, the assessing officer will confirm by phone to verify the non-objection.

8.0 RELATED LEGISLATION

- 8.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.



8.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development (Development Assessment Panels) Regulations 2011
- City of Nedlands Local Planning Scheme No. 3
- State Planning Policy 7.3 – Residential Design Codes
- City of Nedlands – Community Engagement Policy

Council Resolution Number	SCM Item 6
Adoption Date	2 May 2019 Special Council Meeting
Date Reviewed/Modified	24 September 2019