

### Scheme Provisions:

#### LPS #10

Clause 4.3 of Local Planning Scheme No.10 requires applications for development approval classed as 'A' be subject to formal advertising pursuant to the Cl. 64 of the "Deemed Provisions" of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and if classed 'D' may be advertised at the Council's discretion, also pursuant to the same clause.

#### LPS # 11

Clause 3.2 of Local Planning Scheme No.11 requires applications for development approval classed as 'A' be subject to formal advertising pursuant to the Cl. 64 of the "Deemed Provisions" of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and if classed 'D' may be advertised at the Council's discretion, also pursuant to the same clause..

### Other References:

Shire of Northampton Local Planning Scheme No. 10  
Shire of Northampton Town Planning Scheme No. 9  
Planning and Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations 2015

### Special procedural considerations:

In any event all applications requiring vehicular access to roads under the control of Main Roads WA (North West Coastal Highway, part Port Gregory Road/George Grey Drive) shall be forwarded to the Main Roads WA seeking comment, prior to the Council determining the proposal.

## 1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('the Scheme'). It may be cited as the Consultation for Planning Proposals local planning policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

## 2.0 OBJECTIVE

- 2.1 To develop a method by which proposals can be classified according to their likely impact.
- 2.2 To clearly define the different levels of consultation that will be undertaken and advice that will be provided in respect of a range of land use and development proposals, to provide the community with adequate and appropriate opportunities to be kept informed and comment on and respond to issues and proposals.
- 2.3 To detail the requirements for consultation based on the level of impact of the proposal.
- 2.4 To outline the process the local government will use when undertaking consultation and considering submissions.

### 3.0 POLICY STATEMENT

#### 3.1 Definitions

For the purposes of this policy:

**“Adjoining”** means any land (or owner of land) which abuts an application site or is separated from the site only by a pathway, driveway, right-of-way or similar thoroughfare (excluding a public road reserve).

**“Affected Person”** means a person who owns (or occupies) land that adjoins an application site or the enjoyment of which, may be detrimentally affected by the use or development on an application site.

**“Nearby Land”** means any land (other than adjoining land) which may be adversely affected by a development proposal and, where appropriate, may include owners (or occupiers) within a neighbouring local government.

**“Notify”** means written communication by the local government or the proponent of a development proposal containing relevant information about the development proposal for the purpose of advice or seeking comment.

**“Relevant Information”** means the principle details of a development proposal as determined by the author of any notification to be sufficient to describe the proposal and its potential impacts. Each notification is to provide further information as to where and when full particulars of the development proposal can be inspected during the period during which comments are sought.

**“Submitters”** means 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.

#### 3.2 General

3.2.1 The over-arching principle of this policy is that the local government will advise and consult with the community about initiatives involving proposed new or extended land uses and developments, in an endeavour to ensure openness and accountability in the decision-making processes and to gauge public opinion.

3.2.2 The need to engage the community will be based on the degree to which the proposals concerned impact upon the site itself, the land immediately surrounding the site, the locality within which the site is situated or, in some cases, the whole of the settlement concerned or the Shire in its totality. The degree to which a given property, area, locality or district will be impacted will vary dependent upon the form of land or development involved. Issues that will be taken into account when assessing degrees of impact will include such aspects as the visual impact, noise or disturbance impact, traffic generation and vehicle movement and distribution, community convenience or inconvenience and community expectation with respect to provision of services.

3.2.3 In relation to complex issues, the local government will exercise flexibility in determining the level of consultation that is required and the best means by which maximum public feedback may be obtained.

#### 3.3 Consultation Category Levels and Methods

3.3.1 The method of consultation used will relate to the likely extent of the impact on the community or the interest likely to be generated by the community with respect to the proposed land use or development and will be selected according to the following categories:

3.3.2

Level A – NO CONSULTATION

No consultation will occur where the proposal:

- a. is determined as having no predictable detrimental impact on the character or amenity of the immediate or general locality;
- b. is determined by the local government as not being required or is precluded under relevant legislation; or
- c. has previously occurred, and only minor modifications or modifications that address concerns previously raised are proposed.

3.3.3

Level B – CONSULTATION WITH OWNERS/OCCUPIERS OF ADJOINING LAND

- a. Where, in respect of any proposal, the 'Deemed-to-Comply' Provisions of the Residential Design Codes are not complied with, the owners/occupiers 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.
- b. Where (in respect of other proposals) a proposed development will be visible from any road or other public place and/or will be likely to have an impact on the streetscape, visual amenity and ambience of properties in immediate proximity to the site, the owners/occupiers of properties adjoining, and those on the other side of any street immediately opposite the application site, will be consulted.
- c. Method of Consultation
  - i. 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 (or such other period as may be prescribed by the relevant legislation) for the lodgement of any submissions.
  - ii. Where an affected land owner/occupier is consulted by the proponent of a development proposal, evidence of the acceptability of the proposal should 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.

3.3.4

Level C – CONSULTATION WITH OWNERS/OCCUPIERS OF NEARBY LAND

Where a proposed land use or development is determined by the local government as having the potential to impact on not only the use or enjoyment of land adjoining the application site but also other neighbouring land, the owners/occupiers of those neighbouring properties will be consulted.

a. Method of Consultation

- i. The owners/occupiers of properties determined as being potentially affected by a development proposal (generally owners of all land within a radius of 60m of the boundary of the application site for land within an urban area or within an existing settlement) will be consulted in writing providing a minimum of 14 days (or such other period as may be prescribed by the relevant legislation) for the lodgement of any submissions.
- ii. Dependent upon the level of impact in the area, the local government may also

publish a notice of the development proposal in a newspaper circulating in the area inviting comment within a specified period.

3.3.5

Level D – CONSULTATION WITH OWNERS/OCCUPIERS OF LAND IN THE LOCALITY

Where a proposed land use or development is determined by the local government as having the potential to impact upon the use or enjoyment of land within an area or a settlement but not extending to the whole of the municipality or specific interest groups within that area, the community within that area will be consulted.

a. Method of Consultation

The local government shall:

- i. publish a notice of the development proposal in a newspaper circulating in the area;
- ii. arrange for a sign or signs to be placed in a prominent position(s) on the site;
- iii. consult the owners/occupiers of all land within a radius of 100m of the boundary of the application site for land within an urban area or within an existing settlement, or 500m radius for land within a rural area, except where it is determined by the local government that the proposal will not have any significant impact on certain portions of the area;
- iv. consult with the owners/occupiers of land beyond the foregoing areas where, in the opinion of the local government, there will be an impact along key transportation facilities, tourist routes or view-sheds; and/or
- v. 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 to comply with relevant legislation.

3.3.6

Level E – CONSULTATION WITH ENTIRE SHIRE

In certain circumstances, where there is either a statutory or strategic document of Shire wide significance, consultation will be undertaken in accordance with the legislative requirements, the highest level of consultation outlined in this Policy and any other consultation required by Council.

3.4 Form of Submissions

3.4.1 To be considered valid, any submission will be required to be signed by the submitter who must provide contact details including an address for correspondence.

3.4.2 Reasons for any objection to a development proposal should also be included.

3.4.3 A petition will only be considered valid where it:

- is addressed to the Chief Executive Officer;
- is made entirely by electors of the local government;
- states the request/reason(s) on each and every page of the petition;
- contains the names, addresses and signatures of the electors making the request,

- and the date each elector signed; and
  - states the name of a single person upon whom, and an address at which, notice to the all the petitioners can be given.

### 3.5 Consultation Matrix

- 3.5.1 Schedule 1 of this policy outlines the matrix upon which the appropriate level of consultation with affected persons and the community will generally be determined for land use and development proposals.
- 3.5.2 Where proposals occur that do not clearly fall within the matrix, or where circumstances indicate that the standard level would not be appropriate, the local government shall use its discretion to establish the consultation process required.
- 3.5.3 Notwithstanding compliance, proposals that are considered to have a substantial impact due to their scale, size or nature may require consultation.

### 3.6 Consideration of Submissions

- 3.6.1 While not detracting from the substance of any submission, all submissions received will be summarised when a report is required.
- 3.6.2 Submissions shall be treated in confidentiality (unless otherwise prescribed by the relevant legislation), however Councillors may request a copy of any/all submissions.
- 3.6.3 Matters to be taken into account in the consideration of submissions are outlined as follows but must be based on valid planning grounds:
- Considerations outlined in the relevant local planning scheme, local government policy or strategy;
  - Potential for detrimental impact on the enjoyment of nearby properties from such causes as the affect on views to and from the development site, overshadowing, privacy, noise impact, or the scale, height, external appearance and bulk of proposed new developments;
  - Impact of the proposal on streetscape and the amenity of the locality;
  - Heritage values or significance;
  - The adequacy of access, egress, parking and manoeuvring including disabled access;
  - Traffic generation and probable effect on safety and traffic movement;
  - Removal of, or increased threat to, natural vegetation;
  - The assessed fire hazard appropriate to the land and the proposed new land use and development;
  - Any other environmental consideration including but not limited to potential for soil erosion or land degradation, water quality degradation, or increased environmental risk;
  - Potential loss of any community service or benefit;

	<p>k. Adequacy of community and public utility services; and</p> <p>l. Any other matter relevant to orderly and proper planning.</p>												
3.6.4	<p>Once a determination of the matter has been made, a letter will be sent to each submitter (or the notice person in the case of a petition):</p> <ul style="list-style-type: none"> <li>• acknowledging receipt of the submission;</li> <li>• advising of the determination of the development proposal concerned, providing reasons for that determination; and</li> <li>• advising the name and position of the officer of the local government from whom further information can be obtained.</li> </ul>												
3.6.5	<p>Where appropriate, in lieu of writing to each submitter, the local government may place an advertisement in the local paper providing public advice as to the outcome of the matter.</p>												
3.6.6	<p>For 'E' level consultations, the method of responding to comments received will be determined as part of the consultation strategy.</p>												
<p><b>3.7 Cost of Consultation</b></p>													
<p>The full costs of the consultation requirements specified within this policy are to be met by the applicant.</p>													
<b>4.0 RESPONSIBILITY</b>	<p>Authority is delegated to the Chief Executive Officer for the following:</p> <ol style="list-style-type: none"> <li>a. Accept submissions received shortly after the formal comment period.</li> <li>b. Determine the consultation level.</li> </ol>												
<b>5.0 ADOPTION</b>	<table border="1"> <tr> <td data-bbox="581 1077 865 1098">20 February 2009</td> <td data-bbox="873 1077 1157 1098">Advertising</td> <td data-bbox="1166 1077 1435 1098">(Minutes 1.6.2)</td> </tr> <tr> <td data-bbox="581 1102 865 1123">17 April 2009</td> <td data-bbox="873 1102 1157 1123">Final Adoption</td> <td data-bbox="1166 1102 1435 1123">(Minutes 3.6.3)</td> </tr> <tr> <td data-bbox="581 1127 865 1190">V2 16 June 2014</td> <td data-bbox="873 1127 1157 1190">Advertising / Final Adoption</td> <td data-bbox="1166 1127 1435 1190">(Minutes 6.8.1)</td> </tr> <tr> <td data-bbox="581 1194 865 1245">V3 15 June 2018</td> <td data-bbox="873 1194 1157 1245">Advertising / Final Adoption</td> <td data-bbox="1166 1194 1435 1245"></td> </tr> </table>	20 February 2009	Advertising	(Minutes 1.6.2)	17 April 2009	Final Adoption	(Minutes 3.6.3)	V2 16 June 2014	Advertising / Final Adoption	(Minutes 6.8.1)	V3 15 June 2018	Advertising / Final Adoption	
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## SCHEDULE 1 – CONSULTATION MATRIX

Development Proposal Type	Consultation Level
Design Guidelines	D
Local Planning Policies	D
Management Plans (local)	C
Development Applications (permitted uses)	A
Development Applications (discretionary) <ul style="list-style-type: none"> <li>• likely to impact on surrounding owners/occupiers; or</li> <li>• not likely to impact on surrounding owners/occupiers</li> </ul>	B A
Development Applications (discretionary after advertising) <ul style="list-style-type: none"> <li>• impacts are confined to adjoining properties and the immediate vicinity of the proposal; or</li> <li>• impacts affect the broader locality in addition to adjoining properties</li> </ul>	C D
Residential Design Codes Design Principle Assessment	B
Structure Plans	D
Strategic Plans / Documents: <ul style="list-style-type: none"> <li>• impacting on specific sectors / areas of the community</li> <li>• impacting on the entire Shire</li> </ul>	D E
Subdivision Referrals	A
Local Planning Scheme Amendments	D
Townsite Plans / Local Planning Strategies	D
Local Planning Scheme Review	E

**A            None**

**B            Owners/Occupiers of adjoining land**

**C            Owners/Occupiers of nearby land**

- Within radius of 60m.
- May also publish notice in a newspaper.

**D            Owners/Occupiers of land in the locality**

- Publish notice in a newspaper.
- Sign or signs to be placed on the site (Scheme Amendments/Structure Plans).
- Within 100m radius for urban area or 500m radius for rural area
- Beyond foregoing areas where impact along key transportation facilities, tourist routes or view-sheds.
- As necessary with government agencies or statutory authorities.

**E            Entire Shire Consultation**