

Introduction

This Local Planning Policy sets out how the Shire will consult and engage with the community on planning proposals, over and above the statutory minimum requirements.

The Shire considers that the involvement of all community members – be they residents, landowners, businesses, visitors or other interested parties - in making plans and decisions on planning proposals is essential in order to ensure that the use and development of land in the Shire is meeting the needs of the community, is sustainable and results in the best possible outcomes for all.

Community engagement on major proposals in the Shire is a key element of the Shire's Local Planning Strategy with individual strategies and actions

Purpose

The objectives of this Local Planning Policy are:

- To involve the community in the production of strategies and plans for the use and development of land in the Shire.
- To enable community members to have their say on proposals for the use and development of land in the Shire.
- To enable Council to understand the issues that matter to the community; and
- To ensure accountability in decisions on strategic plans and development proposals.

Application

This Policy applies to the advertising (where required) of:

- Development Applications
- Local Planning Scheme Amendments
- Local Planning Policies
- Local Structure Plans
- Precinct Plans; and
- Local Development Plans.

This Policy does not apply to:

- local planning strategies
- new local planning schemes
- developer contribution plans; or
- subdivision applications.

The advertising of these will be determined on a case-by-case basis in line with the advertising requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 (where applicable) and having regard to this Policy.

Policy Statement

All development applications and strategic planning instruments shall be advertised in accordance with this Policy.

Where there is an inconsistency between this Policy and Local Planning Scheme No.8 or Planning and Development (Local Planning Scheme) Regulations 2015, the provisions of the Scheme or the Regulations 2015 shall prevail.

All planning proposals

The following requirements apply to all planning proposals advertised by the Shire:

- 1) All consultation material is to be worded in plain English, subject to legislative requirements.
- 2) Advertising commences on the date after the day on which the Shire publishes the notices consistent with the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015.
- 3) An 'excluded holiday period day', that is in –
 - a) a period commencing on 25 December in a year and ending on the next 1 January; or
 - b) a period of 7 days commencing on Good Friday in a year is not to be counted in calculating an advertising period consistent with the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015.
- 4) Where a planning proposal is required to be advertised to an adjoining local authority (Cities of Bunbury or Busselton or Shires of Dardanup or Donnybrook/Balingup), the Shire will notify the adjoining local authority of the proposal to allow them the opportunity to advertise to their community.
- 5) All applications posted on the Shire's website will include the plans and documents submitted with the application.
- 6) Advertising to nearby landowners is to be carried out in accordance with the figures below which depict typical lot layouts within the Shire.
- 7) Sign on sites are to be provided in accordance with the Western Australian Planning Commission's Erecting Signs for Notice of Development Applications form. The Shire may request the provision of larger signs depending on the size, type and complexity of development.
- 8) All expenses incurred by the Shire as a result of advertising proposals to landowners are to be payable by the applicant in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

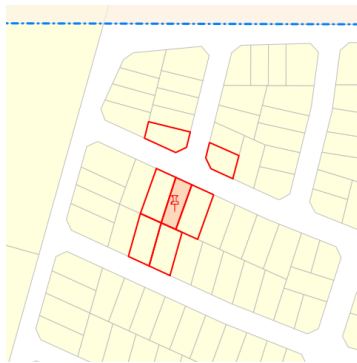


Fig.1 – adjoining neighbours areas

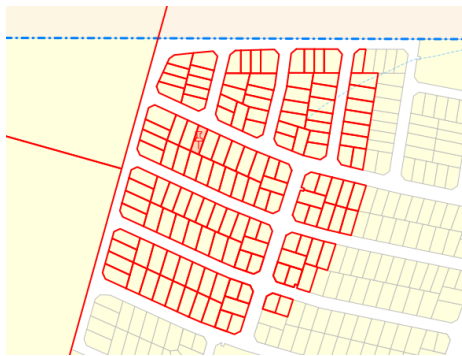


Fig.2 – within 200m urban areas



Fig.3 – within 500m rural

Pre-Application consultation

The Shire of Capel’s Local Planning Strategy promotes greater community collaboration in the land use and spatial planning of the Shire, specifically through Strategies ST41 and ST42 and Actions AC41 and AC42.

Therefore, prior to formally initiating a complex scheme amendment, the Council requires a proponent to undertake preliminary community engagement where the proposal:

- relates to a specific defined site or sites; and
- is likely to result in significant physical or land use changes to a locality; or
- is likely to result in significant impacts on the amenity of a locality.

In addition, prior to submission of an application for a Local Structure Plan or Precinct Plan, Council requires a proponent to undertake preliminary community engagement where the proposal:

- is likely to result in significant physical or land use changes to a locality; or
- is likely to result in significant impacts on the amenity of a locality.

This requirement does not apply to proposed amendments to an existing Local Structure Plan or Precinct Plan.

Finally, prior to the submission of a complex development application, Council may require a proponent to undertake preliminary community engagement where the proposal:

- is likely to result in significant physical or land use changes to a locality; or
- is likely to result in significant impacts on the amenity of a locality.

The nature of the required community consultation will be subject to agreement between the proponent and the Council on a case-by-case basis. However, the following principles will apply:

- Community consultation on complex scheme amendments, local structure plans and precinct plans must be targeted to the community within the Locality in which the proposal is located and others with the agreement of the Shire of Capel.
- The consultation should be open to other community members within and outside of the Shire of Capel.
- The consultation must involve at least one community information session to be held in a suitable and accessible public venue, ideally within the locality in which the proposal is located.
- The consultation period should run for a minimum of 21 days.

Council will consider comments received in response to preliminary community engagement before deciding whether or not to initiate a complex scheme amendment, or advertise a local structure plan, precinct plan or complex development application.

Strategic planning proposals

Table 1 – Strategic Planning Proposals Consultation Requirements

Consultation Element	Scheme Amendment		Local Planning Policy	Local Structure Plans / Precinct Plans	Local Development Plans
	Complex	Standard			
Time Period	Minimum 60 days	Minimum 42 days	Minimum 21 days	Minimum 14 days	Minimum 14 days
Letters to affected owners	Yes – Radius of min 200m in urban area or 500m in rural area	Yes – Radius of min 100m in urban area or 500m in rural area	Yes - Radius of min 200m in urban area or 500m in rural area	Yes - Radius of min 200m in urban area or 500m in rural area	No
Letters to Agencies & Stakeholders	Yes	Yes	Yes	Yes	No
Newspaper Notice	Yes – 2 weeks	Yes – 1 week	Yes – 1 week	Yes – 1 week	No
Website Notice	Yes	Yes	Yes	Yes	Yes
Social Media	Yes	No	No	Yes	No
Sign on Site	At officer discretion	At officer discretion	At officer discretion	Yes	No
Documents in Shire Offices / Libraries	Yes	Yes	Yes	Yes	Yes
Community Information Session	At officer discretion	No	At officer discretion	At officer discretion	No
Government Gazette	Yes	Yes	No	No	No

Development Applications

Where consultation is required on a development application, the duration and methods of consultation will be determined by its classification as either 'Complex' or 'Standard'.

A Complex Development Application is one which involves:

- a use of land where the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located.
- significant variation to the provisions of the local planning scheme, local planning policy or other element of the local planning framework.
- the demolition of a building in a heritage place; and/or
- significant strategic impacts in terms of the implementation of a strategic planning objective, the scale of development, or is significantly different from the predominant and expected pattern of development within the locality.

A Standard Development Application is one which requires consultation under the Scheme or Regulations, but which does not fall under the definition of 'Complex' Development Application.

Table 2 – Development Application Consultation Requirements

Consultation Element	Development Application	
	Standard	Complex
Time Period	14 days minimum	21 days minimum
Letters to affected owners	At officer discretion	Yes – Radius of min 100m in urban areas or 500m in rural areas
Letters to agencies and stakeholders	At officer discretion	Yes
Newspaper notice	No	No
Website notice	No	Yes
Social Media	No	Yes
Sign on Site	No	Yes
Documents in Shire Offices /Libraries	No	Yes
Community Information Session	No	No
Government Gazette	No	No

Procedure

Making a submission

The Shire is only able to consider written submissions. Verbal communication with Shire officers via telephone or at the administration centre and comments provided through social media platforms will not be considered as a submission to a development application. All written submissions received within the public consultation period raising valid planning considerations will be taken into consideration during the assessment of the application.

Submissions received highlighting non valid planning considerations will not be considered by the Shire when assessing the application. All written material submitted to the Council in response to the advertising of a planning proposal must be received by the close of business on the closing date for submissions identified by the Shire.

Consideration of submissions

This written material will be considered by officers in reporting on the planning proposal, subject to the following:

- The submission being received by the Shire during the public consultation period.
- Officers will assess and report on valid submissions received based on the written content only.
- Officers will not conduct any investigation into the origin, usual residential address of authors, or age of authors.
- More than one response received from the same address will be counted as individual responses were signed by different people, excepting where the content is identical.
- When one person signs more than one response (unless one of these is a petition) those responses shall be classified as one response.

The Shire recognises that when considering the impacts of a planning or development proposal, those consulted may express the view that a proposal adversely affects them. The Shire's officers must be satisfied that there is a factual or realistic basis to the views expressed on a proposal and must balance this view with an assessment of the likely impacts of the proposal.

These views must relate to valid planning considerations, and the matters that constitute valid planning considerations are detailed below.

The Shire may seek professional opinions and independent advice to assist with this assessment.

Valid Planning Considerations	Non-Valid Considerations
<p>a) Matters to be considered by the Shire under the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations); and/or</p> <p>b) The requirements of Local Planning Scheme No.8 or applicable Planning Instrument (Structure Plan, Local Development Plan or Planning Policy which requires the decision maker to exercise judgement; and/or</p> <p>c) Any development standard requiring the decision maker to exercise judgement against the Design Principles of the R-Codes.</p>	<p>The Shire cannot take into account matters which are not valid planning considerations, including but not limited to:</p> <p>a) Perceived loss of property value</p> <p>b) Private disputes between neighbours including access & egress and easements.</p> <p>c) Dividing fence issues</p> <p>d) Impact of construction work</p> <p>e) Trade competition concerns (in most circumstances)</p> <p>f) Personal morals or views about the applicant</p> <p>g) Matters that are controlled under other legislation</p>

The Shire will provide a summary of the planning issues raised in submissions to the Applicant and provide the opportunity for the applicant to respond to each submission. Applicants, if they respond, should do so in a timely manner to ensure assessment timeframes are maintained. Applicants can respond by:

- Providing the Shire with additional comment or justification to address the planning issue raised in the submission; and/or
- Amending the proposal to address the planning issue raised in the submission.

The applicant's response to issues raised in submissions will be included in the report provided to the decision maker.

The Shire will consider late submissions only where these are received in sufficient time to allow for their reporting. Where this occurs the Shire will note submissions which have been received after the closing of the advertising period.

Notice of decision

All persons who lodge submissions will receive notification of the decision made. Additionally, where the application is presented to;

- Council (for consideration or determination), and/or
- The Regional Joint Development Assessment Panel (for determination).

Submitters will receive further notification by the Shire of those specific meeting dates and details.

Where a decision is made by the Regional Joint Development Assessment Panel, Western Australian Planning Commission, the Minister for Planning or State Administrative Tribunal on a Statutory Planning Instrument or Development Application, the Shire will advise all persons who lodged a submission of the decision made.

Department:	Development Services	Next review:	August 2024
Reviewer:		Legislation:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Adopted:	2 August 2023	Delegation:	166
Amended:		Risk:	
Policy ref #:	LPP 6.7	Version:	1.0