

### Appendix 3: Nature and Extent of Consultation

In addition to the provisions of community consultation listed in the table below:

- Council Members and Precinct Groups are to be e-mailed weekly with a list of Planning, Building and Heritage matters which commenced advertising for public comment in that week. This list will be placed on the City’s internet website for the benefit of interested members of the community; and
- Plans and documentation relating to the Planning, Building and Heritage matters are to be displayed in the Administration and Civic Centre, and Library and Local History Centre during the comment period. This is to be accompanied by the relevant City of Vincent Community Consultation Submission Form - Planning, Building and Heritage Matters and notice.

No.	Description	Comment Period <sup>(1)</sup>	Written Notification <sup>(2)</sup>	Signs on Site <sup>(3)</sup>	Newspaper <sup>(3)</sup>
1	<b>Development Applications – Uses and Demolition</b>				
1.1	“X” Uses <sup>(4)</sup>	Will not be processed	-	-	-
1.2	Minor Nature Development (as defined in Policy No. 7.5.1 – <i>Minor Nature Development</i> )	Not required	-	-	-
1.3	“P”, “IP” and “AA” Uses <sup>(4)</sup> that involve the exercise of discretion	14 days	<b>Diagram A or Diagram B.</b>	No	No
1.4	“SA” and Unlisted Uses <sup>(4)</sup> – Not previously an approved use; or significantly increases the intensity of an approved use	21 days	<b>Diagram A or Diagram B.</b>	Yes	Local Newspaper
1.5	“SA” and Unlisted Uses <sup>(4)</sup> – Alterations and additions proposed to the existing approved use which does not significantly increase the intensity	14 days	<b>Diagram A or Diagram B.</b>	Yes for Taverns, Hotels, Night Clubs and the like. No to other uses.	Local Newspaper
1.6	Applications for Licensed Premises <sup>(5)</sup>	21 days	<b>150 metre radius<sup>(6)</sup></b>	No	No
1.7	Renewals and Applications for Variations of Existing Licensed Premises <sup>(5)</sup>	14 days	<b>150 metre radius<sup>(6)</sup></b>	No	No
1.8	Non-Conforming Use	21 days	<b>Diagram A or Diagram B.</b>	Yes	Local Newspaper
1.9	Change of Use for Home Business and Home Store	14 days	<b>Diagram A or Diagram B.</b>	No	No
1.10	Demolition of Existing Place/Building	14 days	<b>Diagram A or Diagram B.</b>	Yes for places on the City’s Municipal Heritage Inventory or State Register of Heritage Places	No



No.	Description	Comment Period <sup>(1)</sup>	Written Notification <sup>(2)</sup>	Signs on Site <sup>(3)</sup>	Newspaper <sup>(3)</sup>
<b>2</b>	<b>Development Applications – Residential Development</b>				
2.1	Minimum Advertising for Residential Development	14 days	<b>Diagram A or Diagram B.</b>	No	No
2.2	Single Dwelling – Three Storey	14 days	<b>Diagram A or Diagram B.</b>	No	No
2.3	Grouped Dwelling or Two Storey Multiple Dwelling Involving Four or More Dwellings	14 days	<b>75 metre radius<sup>(6)</sup></b>	No	No
2.4	Three Storey Multiple Dwelling	21 days	<b>100 metre radius<sup>(6)</sup></b>	Yes	Local Newspaper
2.5	Development Assessment Panel Applications or Four Storey or More Multiple Dwellings	21 days	<b>150 metre radius<sup>(6)</sup></b>	Yes	Local Newspaper

No.	Description	Comment Period <sup>(1)</sup>	Written Notification <sup>(2)</sup>	Signs on Site <sup>(3)</sup>	Newspaper <sup>(3)</sup>
<b>3</b>	<b>DEVELOPMENT APPLICATIONS – NON-RESIDENTIAL AND MIXED-USE DEVELOPMENT</b>				
3.1	Minimum Advertising for Non-Residential and Mixed-Use Development	14 days	<b>Diagram A or Diagram B.</b>	No	No
3.2	Three Storey Non-Residential or Mixed-Use Development	14 days	<b>100 metre radius<sup>(6)</sup></b>	Yes	No
3.3	Four Storey Non-Residential or Mixed-Use Development	21 days	<b>150 metre radius<sup>(6)</sup></b>	Yes	Local Newspaper
3.4	Telecommunication Facilities – Low Impact	Notification Only	In accordance with the procedure outlined within the: Tele-communication Code of Practice; Tele-communication Act; Draft Industry Code-Deployment of Radio-communication Infrastructure.	No	No
3.5	Telecommunication Facilities – Other	21 days	In accordance with the procedure outlined within the: Tele-communication Code of Practice; Tele-communication Act; Draft Industry Code-Deployment of Radio-communication Infrastructure.	Yes	Local Newspaper

No.	Description	Comment Period <sup>(1)</sup>	Written Notification <sup>(2)</sup>	Signs on Site <sup>(3)</sup>	Newspaper <sup>(3)</sup>
4	<b>STRATEGIC PLANNING AND HERITAGE MANAGEMENT</b>				
4.1	Amendments to the Town Planning Scheme	In accordance with Town Planning Regulations	To owner(s) and occupier(s) of adjacent affected properties in accordance with the Town Planning Regulations as determined by the City of Vincent.	Yes if it affects a specific property	Local and State Newspaper
4.2	New and Amendments to Planning Policies	28 days	To owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent. To Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.	Yes if it affects a specific property	Once a week for four consecutive weeks in a local newspaper
4.3	New and Significant Amendments to Structure Plans and Associated Plans	28 days	To owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent. To Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.	Yes if it affects a specific property	Local Newspaper
4.4	Planning and Heritage Projects and Initiatives	28 days	To owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent. To Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.	Yes if it affects a specific property	Local Newspaper

## 5. Notes

(1) The number of days in the Comment Period excludes public holidays, and Easter and Christmas-New Year Festive Periods as per the Table shown in Clause 5 – Holiday Periods.

(2) In instances where the applicant submits to the City written documentary evidence that the owner(s) and occupier(s) of all or some adjacent affected properties have no objection to their proposal, the City will still undertake consultation in accordance with this policy. If the applicant does submit such documentary evidence, then this evidence will be considered together with the public submissions.

The owner(s) and occupier(s) of adjacent affected properties include those properties in an adjoining local government where that municipality readily provides the address of the affected properties and the name and address of the affected owners(s) and occupier(s).

Where a subject or an adjacent affected property contains between one (1) unit and twenty (20) units, inclusive, the owner(s) and occupier(s) of all units on that property, are to be notified in writing.

Where a subject or an adjacent affected property contains more than twenty (20) units, the body corporate/strata company and the owner(s) and occupier(s) of the directly affected units, as determined by the City, are to be notified in writing.

If a right-of-way exists between the proposed development site and an adjacent affected property, the owner and occupier of that affected property will still be sent written notification by the City.

The City will rely on its rate records for the purpose of notifying owner(s) and occupier(s) of the adjacent affected properties. The onus is on the owner(s) and occupier(s) of a property within Vincent to inform the City in writing of any changes in their address details as and when this occurs.

(3) Details of the Written Notification Letters, Signs and Newspaper Notices are addressed in Clause 9 – Written Notification Letters and Clause 10 – Consultation Signs and Newspaper Notices of Policy No. 4.1.5 relating to Community Consultation.

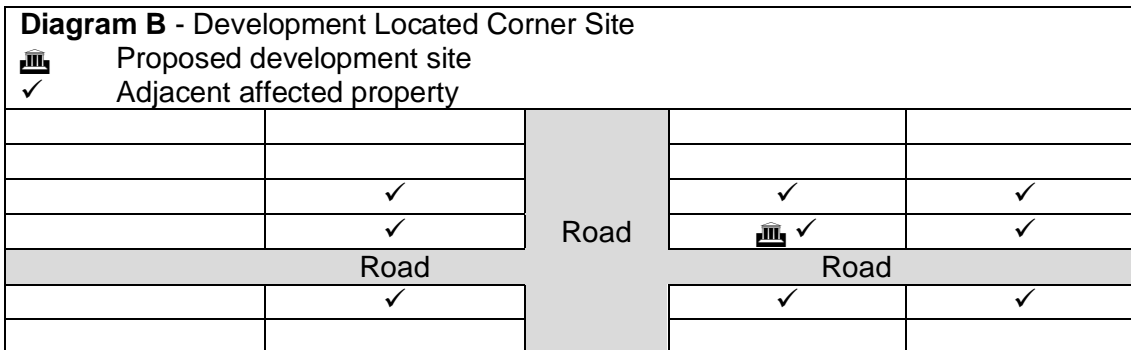
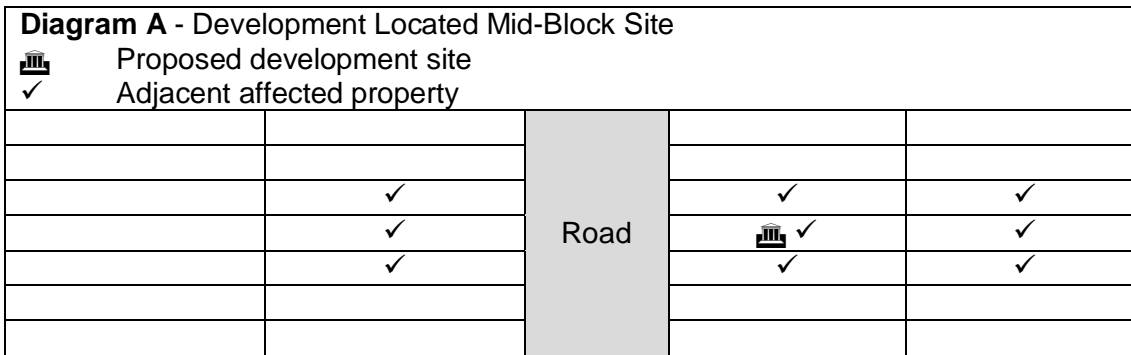
- (4) Clause 13 of the City of Vincent Town Planning Scheme No. 1 classifies land uses for each scheme area using the following codes and meanings:
- X - means a use that is not permitted by the Scheme;
  - P - means that the use is permitted by the Scheme;
  - IP - means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council;
  - AA - means that the use is not permitted unless the Council has exercised its discretion by granting planning approval; and
  - SA - means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37.

Clause 15 of the City of Vincent Town Planning Scheme No. 1 defines Unlisted Uses. These are uses which are not listed in the Zone table of Town Planning Scheme No. 1.

- (5) Licensed Premises include any proposal for a use for which a liquor license is to be applied in accordance with the Department of Racing Gaming and Liquor.
- (6) To owner(s) and occupier(s) of adjacent affected properties within the prescribed radius of the site. This may be extended at the discretion of the City.

**6. Extent of Consultation – Diagrams**

Applied to:    1.3                    2.1                    3.1  
                   1.4                    2.2  
                   1.5  
                   1.8  
                   1.9  
                   1.10



## Frequently Asked Questions

### **SHOULDN'T A DEVELOPMENT COMPLY WITH THE REQUIREMENTS?**

Proposed developments within the City are assessed under the City of Vincent Town Planning Scheme, relevant planning policies or the Residential Design Codes which:

- aims to control and guide development and growth in a responsible manner and
- accommodate and respond to change.

Whilst the Town Planning Scheme and relevant planning policies aim to respond to best practice planning principles, they can not cater for all development scenarios. For this reason they have been developed with a focus on what they are trying to achieve rather than on how to achieve it. This is more clearly explained in the next section. This approach, which is called a 'performance based approach', may require the City to exercise some discretion. Where discretion is required the application will be advertised, generally for a minimum of 14 days, in accordance with Policy No. 4.1.5 relating to Community Consultation.

Following the period of consultation, the City's Officers will consider the merits of the application to ensure that the proposal is appropriate and will not have an undue impact on the amenity of the area. All comments or submissions received by the City will be considered when determining any development application/proposal, in the context of the City's legal responsibilities, the interests of the affected community and the reasonable expectations and rights of the applicant.

### **HOW CAN THE COUNCIL APPROVE A NON-COMPLYING APPLICATION?**

A planning application for residential development is generally assessed against the Residential Design Codes and the City's Residential Design Elements Policy. Both the Codes and the City's Policy comprise two approaches for assessing and determining a planning application:

1. Design Principles/Design Solution and
2. Deemed-to-Comply Provisions.

'Design Principles/Design Solution' describe the outcome that is sought rather than the way that it can be achieved. For example, when considering privacy requirements the Performance Criteria Design Principles/Design Solution state that the direct overlooking of active habitable spaces (e.g. bedrooms, living areas) should be minimised through building layout, location of major openings and screening. No hard and fast rule is defined. By focussing on the desired outcome rather than providing a prescriptive rule creative designs are not stifled and a wide range of designs can be contemplated.



Deemed-to-Comply' illustrate one way of satisfactorily meeting the Design Principles/Design Solution. This provides some certainty to an applicant by defining one of the ways to meet the Design Principles/Design Solution, but it is not necessarily the only way. If an application does not meet the Deemed-to-Comply Provisions the Council needs to determine if the application still meets the Design Principles/Design Solution (i.e. does it achieve the desired outcome). It is in situations like this that the Council needs to exercise discretion in deciding whether the Design Principles/Design Solution have been met.

The City is not allowed to refuse an application for a particular element if the application meets the Deemed-to-Comply Provisions for that element. City Officers assess each application to identify where the Deemed-to-Comply Provisions have been met and therefore must be accepted. Those elements that do not meet the Deemed-to-Comply Provisions, and therefore must be assessed against the Design Principles/Design Solution, are identified and are listed for consideration by the neighbours and affected parties, and ultimately for assessment by the City.

For further information on assessing a planning application, including definitions of common planning terminology, visit our website [www.vincent.wa.gov.au/communityconsultation](http://www.vincent.wa.gov.au/communityconsultation) (scroll down to Definitions of Planning Terminology)

### **CAN I OBTAIN MORE INFORMATION ABOUT THE PROPOSAL?**

Yes. Large scale site plans, plans, elevations and other relevant information is available for public viewing at the Administration and Civic Centre, 244 Vincent Street (cnr Loftus Street), Leederville between 8.00am and 5.00pm, Monday to Friday (excluding public holidays) or at the Library and Local History Centre during opening hours as follows:

Monday	9.00am to 6.00pm
Tuesday	9.00am to 8.00pm
Wednesday	9.00am to 6.00pm
Thursday	9.00am to 8.00pm
Friday	9.00am to 5.00pm
Saturday	9.00am to 1.00pm
Sunday	1.00pm to 4.00pm
Public Holidays	Closed

You may also contact the Planning Officer, whose name appears on the consultation letter, if you have any questions or visit the City of Vincent website [www.vincent.wa.gov.au](http://www.vincent.wa.gov.au) under "Community Consultation".

## WHAT SHOULD MY SUBMISSION SAY?

A submission should be made on the enclosed ‘*Community Consultation Submission Form*’; (the form may also be downloaded from [www.vincent.wa.gov.au](http://www.vincent.wa.gov.au)). If you wish to provide further comments regarding an application you can attach a separate page/letter to the ‘*Community Consultation Submission Form*’.

Your submission should clearly state the reasons why you object to, or support the development proposal and should relate directly to the variations proposed by the development to the standards of the Scheme, the Codes or any relevant planning policies as identified in the referral letter. Typical variations that may arise include privacy; overshadowing; height, bulk and scale; streetscape and character; and car parking.

A good submission is:

- **Brief and to the point:** If your submission needs to be lengthy because of the issues involved or a number of grounds for objection, then it is a good idea to include a single page summary sheet for easy reference.
- **Supported by reason and facts:** Take the time to gather the facts. Talk to the Planning Officer who is dealing with the application prior to writing your submission and make sure that you understand what is proposed. Base your submission on the facts, not on hearsay. Once you are sure of the facts, prepare your submission based on how the proposal will affect you and the enjoyment of your property.

As the responsible planning authority, the City is not authorised to consider ‘non-planning’ matters. Therefore, submissions which are based on civil or non-planning matters will not be considered. Examples of such matters include possible impact on property values, vistas or dividing fences.

## WHAT IF I AM SATISFIED WITH THE PROPOSED DEVELOPMENT APPLICATION? DO I HAVE TO MAKE A SUBMISSION?

No. You should judge whether or not the proposal will affect you. This may involve some discussion with the Planning Officer handling the application. If you are satisfied with the proposed development, there is no need to make a submission (however, you may wish to do so). In any case, a Planning Officer will make an assessment of the proposal. This includes matters such as overshadowing, privacy, noise, traffic and building design.

## **WHAT WILL HAPPEN TO MY SUBMISSION?**

Your submission, along with others received, will be considered as part of an overall assessment. In some cases the concerns raised in submissions may be forwarded to the applicant for their response (your personal details will not be disclosed). Sometimes this leads to a redesign of the development.

The submissions received form part of the assessment of an application and must be balanced with the City's statutory obligations.

The City is obliged to determine a development application within 60 days. Given this timeframe, it is not usually possible to have a second community consultation period for a redesigned development application. However, if you make a submission and elect to be kept informed on the Community Consultation Form, the contact officer will advise you if and when the matter is to be determined by Council. You are welcome to attend the Council meeting and may wish to take the opportunity to address Council on the development application during public question time, where you have the opportunity to speak for up to 3 minutes. You may also wish to contact the Mayor or Councillors by email or telephone. Council member contact details available on our website – just search 'mayor and council' or visit: [www.vincent.wa.gov.au/Your\\_Council/About\\_Your\\_Mayor\\_Councillors](http://www.vincent.wa.gov.au/Your_Council/About_Your_Mayor_Councillors)

You can also contact the Planning Officer handling the application for information on any changes to the proposed development following on the community consultation process.

## **WILL THE APPLICANT OR ANYONE ELSE KNOW THAT I HAVE MADE A SUBMISSION?**

The Council has a policy relating to Privacy Management and will not disclose names and other personal information to a third party, without your prior consent. The Council is subject to the Freedom of Information laws and does not publish the names or addresses of those who make submissions. However, in some circumstances the applicant may be advised of the source and issues raised in the submissions to enable them to resolve any problems raised. You will be advised in such cases.

## **SHOULD I SIGN A PETITION?**

You may find that someone has started a petition to object or support a development proposal. Someone may also ask you to sign a proforma letter (this is a standard letter signed by various people). The City will consider any petitions or letters which are received. However, an individual letter about how the proposal will affect you gives the City a much clearer picture of the likely effects.

## **WILL THE APPLICATION BE REPORTED TO THE COUNCIL FOR DETERMINATION?**

Primary responsibility for making decisions rests with the elected Council, at a Council Meeting. However, for some development applications, the Council has also delegated some decision-making responsibility to the Chief Executive Officer.

Details on what is required to be reported to the Council are outlined in the Delegated Authority Register, which is available on the City's website. Generally, it is only larger applications which are determined by the Council (e.g. a patio or addition to a dwelling would generally not require the Council's determination).

However, if there are more than five (5) written objections received for an application, the application must be reported to the Council for determination.

## **CAN A DECISION BE APPEALED?**

Once a decision has been made, the applicant can appeal that decision or any element of the decision to the State Administrative Tribunal (SAT) if they are dissatisfied with the outcome.

## **THIRD PARTY PARTICIPATION IN PLANNING APPEALS**

Generally there are no third party appeal rights in relation to planning decisions in Western Australia, however, in certain circumstances it may be possible for a third party to participate in a planning appeal. The usual way is for a third party to provide a witness statement to the City and, if required, to give evidence at the hearing.

In certain circumstances (e.g. a legal or some other direct, material or special interest), the SAT may allow a third party who has a sufficient interest in a matter to make a submission – it should be noted that generally, it is not sufficient that the third party holds genuine and strong views or has taken an active interest in relation to the matter even when the third party is a body such as a community group or association. A third party who wishes to make a submission should write a letter to the SAT, to explain their position.

Further information may be obtained by visiting the SAT website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or by telephoning (08) 9219 3111.