



CITY OF VINCENT

GUIDELINES AND PROCEDURES

POLICY NO. 4.1.5 – COMMUNITY CONSULTATION

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GUIDELINES AND PROCEDURES FOR COMMUNITY CONSULTATION

1. LEVEL OF CONSULTATION

- 1.1 This policy recognises that different issues will require different levels of consultation depending on the level of complexity, risk, political sensitivity and the subsequent impact on the community.
- 1.2 All residents are included in the Community Consultation Policy.

2. COMMUNICATIONS

Unless required for privacy and/or personal safety/security purposes, all forms and correspondence should include a contact name, telephone number and Email address (if applicable).

Submissions will be accepted via:

- (a) Mail;
- (b) Email;
- (c) Facsimile;
- (d) Standard Submission Form;
- (e) Website Submission Form (where applicable).

2.1 Appendix 1 contains the following templates to be used in all consultation, as follows:

- (a) Letter and Submission Form Templates – Non-Planning Matters
- (b) Letter and Submission Form/Table Templates – Planning Matters
- (c) Document: 'Further information for Town Planning Matters' – (to go out with all planning items)

2.2 Community Consultation must be in accordance with 'Community Consultation - Engagement Guidelines', (see Appendix 5).

2.3 In addition to the traditional communication channels outlined within this Policy i.e.: newspaper advertising, the City's website, letters, the quarterly newsletter etc, the City now offers three additional digital/social channels which have an avid following, and should be utilised in community consultation (where appropriate) to extend the consultation's reach:

- Facebook
- Twitter
- City of Vincent e-newsletter(s)

For advice on how to best utilise these tools contact the City's Marketing services.

2.4 Record keeping should be kept for significant, high-profile or extensive consultation projects – as deemed by a Director (or above) by using Appendix 5 - Community Engagement Action Plan template. This can then be used for reporting (if required) to the Mayor, Council, CEO, Director, the public and so on.

3. SUBMISSIONS

- 3.1 To enable the Council to properly consider submitters' comments, only written comments will be considered in arriving at decisions on planning proposals. Verbal comments cannot be considered as they are not able to be conveyed verbatim to the Council nor recorded for future reference.
- 3.2 All written submissions/responses received by the City during the prescribed consultation period will be reported to the Council for its consideration.
- 3.3 Where possible, all non-petition related submissions will be acknowledged by individual replies via letter, or email.
- 3.4 Where a petition is received, only the person lodging the petition will be acknowledged in writing.
- 3.5 Where possible submissions/responses received after the closing date for submissions, where these are received in sufficient time, will be included into the Officer's report. Any submissions/responses received after the close of the agenda will be tabled at the Council meeting and endorsed "Late Submissions".
- 3.6 As the responsible planning authority, the Council is not authorised to consider 'non-planning' matters, such as effect on property values and disputes between neighbours. Therefore, submissions should not focus on such matters.
- 3.7 The opinions of neighbours and the wider community where relevant, assist the Council by highlighting local issues which need to be considered. However, the Council is not obliged to agree with, or uphold, every opinion expressed, nor to incorporate all suggestions into its decision.
- 3.8 The Council has a duty to take into account all relevant considerations and to ensure that any irrelevant considerations do not influence the decision. In addition to neighbour and community submissions, relevant considerations include the requirements prescribed in TPS1, R-Codes, the City's Policies and Strategies, the City's local heritage inventory, State legislation, comments from government agencies and advisory groups, and any other relevant matter.
- 3.9 In its consideration of any Planning proposal, the Council has a duty to properly balance its consideration of all relevant factors in an objective and impartial manner.
- 3.10 Advice to submitters following decision

Following the City's decision on a Planning proposal, all submitters and the applicant will receive written advice of the decision.

4. AGENDA REPORT FORMAT – LISTING OF SUBMISSIONS

Where more than **five (5) objections** are received, these shall be reported to Council giving a summary of the comments and the Officer's comments/recommendation. In considering the submissions received the City may elect for a development application to be determined by the Council regardless of the number of objections received.

5. AGENDA REPORT – INCLUSION OF EXTENT OF ADVERTISING

All Agenda reports will include an aerial photograph which depicts the development applications site and identifies all properties which have been the subject of consultation.

6. STATUTORY CONSULTATION

6.1 LOCAL GOVERNMENT ACT 1995 (and its regulations)

Wherever the Act prescribes that **LOCAL PUBLIC NOTICE** is to be given on a matter this means that it is:

- Published, at least once, in a newspaper circulating generally throughout the City,
- Exhibited, for a reasonable time and not less than 7 days, on the Notice Board at the Administration and Civic Centre as well as at the City's Library and Local History Centre and on the website.

Wherever the Act prescribes that **STATEWIDE PUBLIC NOTICE** is to be given on a matter, the requirements listed above are the same except the newspaper in which it is published must be in circulation generally throughout the State (s.1.7. and s.1.8.).

All statutory advertising will be carried out in accordance with the respective legislative requirements.

Please note the additional (low-cost and efficient) digital communication channels that are now available when consulting the community:

- Facebook
- Twitter
- City of Vincent e-newsletter(s)

The City's Marketing services can provide additional information and assistance when utilising the additional forms of digital media.

See Appendix 1 – For the Statutory Consultation Items.

7. NON-STATUTORY AND GENERAL CONSULTATION

See Appendix 2 – for a list of General Consultation Items.

8. TOWN PLANNING, DEVELOPMENT AND HERITAGE MATTERS

8.1 INTRODUCTION

This part of the Policy Guidelines is intended to provide the community, applicants, Council Members and City Officers with the objectives, guidelines and requirements of the community consultation process specific to Town Planning, development and heritage matters.

8.2 KEY PRINCIPLES AND PREPARATION OF SUBMISSIONS

Submissions play a key role in the decision-making process in relation to Planning, Building and Heritage matters where they align with the following principles:

- (i) Comments should be substantiated, where possible, and address the impact of the matter on:
 - (a) the *orderly and proper planning* of the locality, as contained in the relevant City Policy and Residential Design Codes;
 - (b) the *conservation of the amenities* of the locality. 'Amenity' means all those factors which combine to form the character of the area to residents and passersby and shall include the present and likely future amenity; and
 - (c) the design, scale and relationship to existing buildings and surroundings of any proposed building or scale.

Residential development is required to comply with relevant Design Principles/Design Solution and Deemed-to-Comply Standards under the City's Planning Policies and the Residential Design Codes. These development requirements address various design elements, such as housing density, streetscape, boundary setbacks, open space, access and car parking, site works, building height, privacy and design for climate (overshadowing).

The R Codes provide that both the Deemed-to-Comply and Design Principle based provisions can be applied to assess an application:

- The Design Principles are general statements of the means of achieving an objective; and
- The Deemed-to-Comply provisions illustrate one way of satisfactorily meeting corresponding performance criterion (a straight forward pathway to assessment and approval).

If a proposal complies with the applicable Deemed-to-Comply, it automatically means that the proposal complies with the corresponding Design Principle criterion, and thus the fulfilment of the objective. Accordingly, the City cannot refuse an application if it complies with the Deemed-to-Comply criterion. The City will not seek the community's comment on those aspects, which comply with the Deemed-to-Comply criterion.

In relation to submissions, it is to be noted that:

- (i) Comments received which are based on civil or non-planning matters will not be considered. Examples of such matters include impact on property values, views or vistas and dividing fences.
- (ii) Submissions received which are based on civil or non-planning matters, as determined by the City, will not be included when considering Planning, Building and Heritage matters and do not require referral to the Council for consideration.
- (iii) Comments relating to compliant aspects of a proposal will not be considered.

8.3 RE-ADVERTISING

Amended proposals received after expiration of the consultation comment period require further consultation prior to determination where the amended proposals involve **further variation** to the development requirements.

Amended proposals received after expiration of the consultation comment period do not require further notification or consultation prior to determination where the amended proposals **do not involve further variation** to the development requirements.

Development applications for **development which were previously advertised within the past 12 months** and subsequently approved by the City, and are not significantly different or do not involve further variation to the development requirements to the previous application, do not require notification or consultation.

8.4 MEDIATION

The Chief Executive Officer, Director of Planning Services or Manager Planning and Building Services may exercise their discretion to seek and, if agreed by parties involved, undertake mediation between an applicant and a person(s) who has lodged a written submission in relation to a Planning, Building and Heritage matter to resolve concerns and achieve a positive outcome for all parties involved.

9. WRITTEN NOTIFICATION LETTERS

The City is responsible for preparing and distributing all written notification letters to the owner(s) and occupier(s) of adjacent affected properties, government agencies and the applicant, in accordance with clause 12 and to be accompanied by the City of Vincent Community Consultation Submission Form - Planning, Building and Heritage Matters.

9.1 City's Obligations

The City is responsible for preparing and distributing all written notification letters to the owner(s) and occupier(s) of adjacent affected properties, government agencies and the applicant, where applicable.

9.2 Notification letters

9.2.1 Where the Form seeks a comment on a planning element that requires the City to exercise discretion the Form will include:

- a description of the Planning Element (e.g. Ground Floor Setback);
- a reference to the applicable policy clause (e.g. Residential Design Codes - 6.8.1);
- the Design Principles Criteria (if applicable);
- the Deemed-to-Comply Standard (if applicable);
- what is proposed for that element; and
- space for a comment on that element.

9.3 Consultation for Development Application on City of Vincent Boundary Streets and Roads

*9.3.1 Where a development application is located on a City of Vincent boundary street or road, consultation to the extent specified in Appendix 3 – “*Nature and Extent of Consultation*”, shall be carried out by the City with the occupier/resident of the properties located in the adjoining Local Government District; and

*9.3.2 In these circumstances, a letter will be sent to the neighbouring Local Government Authority to inform them of the development application and the addresses where consultation letters have been sent within their boundary.

(*amended OMC 26/02/2013)

The notification letters are to be accompanied by:

- (a) The City of Vincent Community Consultation Submission Form - Planning, Building and Heritage Matters. The Form includes details of the Planning, Building and Heritage matter that is being advertised; comment period; space for the submitter to provide their name, address and other contact details; questions whether the submitter objects to or supports the matter; space for the submitter's comments; and whether the submitter objects or not to their names being contained in the Council Meeting Agenda report relating to the matter.
- (b) Where the Form seeks a comment on a planning element that requires the City to exercise discretion the Form will include:
 - a description of the Planning Element (e.g. Ground Floor Setback);
 - a reference to the applicable policy clause (e.g. Residential Design Codes - 6.8.1);
 - the Design Principles Criteria (if applicable);
 - the Deemed-to-Comply Standard (if applicable);
 - what is proposed for that element; and
 - space for a comment on that element.

9.4 Post Council Correspondence

- (1) For planning applications which are determined at an Ordinary Meeting of Council the City must inform the applicant of the determination, including a rationale for the decision, following the confirmation of the Council Minutes. At this time the City is to also inform any persons who made a submission in relation to the determined application.

A proforma letter, submission form and frequently asked questions for Planning and Development matters are shown in Appendix 4.

10. CONSULTATION SIGNS AND NEWSPAPER NOTICES

- (1) The applicant is responsible for supplying and installing the consultation signs and publishing the newspaper notices, and all associated costs.
- (2) The applicant is to advise the City of the date on which the sign will be erected and the notice will be published, a minimum of five (5) working days prior to the sign being erected and the notice being published, in order to achieve the same closing date for the comment period. If there are different closing dates for the comment period the latest date will be the official closing date.
- (3) The applicant is to submit evidence of the sign being erected and the notice being published, such as dated photographs of all signs erected on the property and a copy of the notice published in the newspaper, a maximum of five (5) working days after the sign erection and notice publication date.
- (4) The wording of the signs and notices for development applications is to be in the form prescribed as follows:

“City of Vincent Town Planning Scheme No. 1
Notice of Application to Use or Develop Land.

Notice is given that **(insert name of applicant)** has applied to the City of Vincent for a **(insert particulars of development)** on **(insert address of subject land)**, being on **(insert title details of subject land)**.

Any person wishing to comment on this proposal should do so in writing (via email or post) to:

Chief Executive Officer
City of Vincent
PO Box 82
LEEDERVILLE WA 6902

Email address: mail@vincent.wa.gov.au

no later than **(the date to be inserted is to be not less than the comment period after the date of the written notification letters)**”

www.vincent.wa.gov.au

(5) Signs Specifications

- (a) A separate sign is to be erected adjacent to each street frontage of the property that will accommodate the proposed development.
- (b) The signs are to have minimum dimensions of 1 metre long by 0.6 metres wide.
- (c) All title lettering is to be a minimum of 2.5 centimetres high and all minor lettering is to be at least 1.5 centimetres high.
- (d) Lettering is to be upright and in 'Arial' font only.
- (e) Lettering is to be black on white background.
- (f) The signs are to be made of weatherproof material and to be maintained in good order for the full duration of the comment period by the applicant.
- (g) The signs are to be located at a minimum height of 1.5 metres and a maximum height of 1.8 metres above the adjacent footpath level (to the bottom of signs), be placed on the property in an unobstructed position adjacent to each street frontage, and be maintained in that position for the full duration of the comment period by the applicant.
- (h) The signs are to be located outside any structure and are to be clearly readable and visible to the public, and be maintained as such for the full duration of the comment period by the applicant.

(6) Newspaper Notices Specifications

The notice is to be in a lineage format and published in the Public Notices/general news section of the newspaper. The advertisement is to appear in at least one newspaper circulating throughout the City or State.

11. DISPLAY, AVAILABILITY AND VIEWING OF PLANS AND DOCUMENTATION

- (1) Plans and documentation relating to the Planning, Building and Heritage Matters are to be:
 - (a) Displayed in the Administration and Civic Centre and Library and Local History Centre, during the comment period.
 - (b) Placed on the Website (in PDF format - to prevent unauthorised manipulation of the plans and so as not to breach Copyright legislation and requirements; and where the consent and indemnity form signed by the applicant and/or owner has been received).
 - (c) Provided in hard copy to persons who are unable to access plans via the Website (where the consent and indemnity form signed by the applicant and/or owner has been received).
 - (d) Included into the Agenda of a Council Meeting as a supplement to the Officer's report (including appropriate site plans, floor plans, elevations, overshadowing diagrams where applicable, and/or applicant's justification submission), and if the documentation is lengthy a copy is to be tabled at the Meeting.
 - (e) Displayed in the Administration and Civic Centre foyer from the date the Agenda is available to the Council Members immediately prior to the Council Meeting until the Council Meeting. During the Council Meeting, they will be displayed in the Council Chambers. The Agenda and supplementary plans and documentation are to be placed on the Website during this time.

- (2) On determination of the development application, or the development application or approval having lapsed, a Freedom of Information application will be required to be submitted and approved to access information on the development application, unless such information appeared in the public Agenda or Minutes of a Council Meeting.
- (3) Council Members and Precinct Groups are to be either faxed, e-mailed or mailed (if facsimile and e-mail are unavailable) weekly with a list of the 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.
- (4) All development applications, if agreed to by the applicant and/or owner, are to be accompanied with the signed consent and indemnity form, as follows:

"The applicant hereby consents to copies of this application and all accompanying plans and documents being made available to the Council and members of the public, under the provisions of the *Local Government Act 1995* and indemnifies the City against all loss and damage which it may suffer in respect of any claims brought against the City for infringement of copyright or breach of confidence relating from copies of any such plans or other documents being made available to members of the public.

12. ACCESS AND EQUITY

- (i) All consultation should be executed in conjunction with the City's Policy No. 3.10.2 relating to *Access and Equity*.
- (ii) In order to communicate to Culturally and Linguistically Diverse (CALD) groups, the City will provide written information in alternative formats, upon request. All written correspondence of a "consultative" nature will include a notice that advises that the information can be made available in another language (at the time of adoption of the revised Policy No. 3.10.2 the five (5) most frequently spoken languages in the City, other than English, were Italian, Vietnamese, Cantonese, Greek and Macedonian and the notice reflects these). Please note the standard wording and image below (image available on the Intranet):

Please note:

This document is available in other formats and languages.



Traduzione | Dĭch | 翻译 | μετάφραση | Превод

www.vincent.wa.gov.au/translate

- (iii) All public meetings undertaken are to be checked for access. The accessibility of the site should be communicated when promoting the meeting, e.g.: This venue is accessible.
- (iv) A variety of methods for finding information regarding items out for comment, viewing related documents and also providing feedback is to be available and clearly outlined. This information is to be included on the City's website and digital/social media channels (where appropriate – see Marketing services), hard copy information at the City's Library and Administration Centre, and also by phone on 9273 6000.