

Consultation on Planning Proposals – Information Sheet

Introduction

The City of Stirling welcomes residents & ratepayers to have a say in the planning proposals that shape your neighbourhood and our city. This information sheet provides general information to assist you and provide information on the requirements and processes applicable to consultation on planning proposals.

What is a Planning Proposal?

The City carries out a wide range of planning functions and is required to consider a wide range of planning proposals including:

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

Why does the City carry out advertising on Planning Proposals?

The City carries out advertising to provide residents and stakeholders the opportunity to have a say on planning proposals that may impact and/or interest them. The submissions received on any planning proposal are considered the decision maker whether it is the City, Council, Joint Development Assessment Panel or the West Australian Planning Commission prior to determining the planning proposal.

The City is required under planning legislation to advertise specific planning proposals for prescribed time periods. The planning legislation includes;

- Planning and Development (Local Planning Schemes) Regulations) 2015
- Residential Design Codes
- City of Stirling Local Planning Scheme No.3

The advertising periods for all planning proposals are contained within the City's Planning Consultation Procedure which can be viewed on the City's website.

What methods of advertising are carried out by the City relating to Planning Proposals?

The City uses a number of advertising methods to seek comment on planning proposals. The method of advertising for each planning proposal is contained within the City's Planning Consultation Procedure. The methods used by the City include:

- Website
- Letters to owner and occupiers
- Sign on Site
- Local Newspaper
- Notify relevant community groups and public authorities
- Public notice board

I have received a letter from the City on a Planning Proposal what should I do next?

The City advertises Development Applications for consultation where a development proposes variations to the City's planning and development policies and in the opinion of the City has a possible impact on the amenity of adjoining owners and occupiers.

The City advertises other planning proposals such as Local Planning Policies and Local Planning Scheme Amendments to seek comment from landowners and occupiers within 200m from the proposal site and also to relevant community groups.

If you have received a letter and want to view a proposal you can do so either by visiting the City's website to view the documentation or alternatively you can visit the City's Administration Centre at 25 Cedric Street, Stirling.

How can I comment on an advertised Planning Proposal?

All comments must be provided in written format and can be submitted through the City's website, via email to development@stirling.wa.gov.au, via letter addressed to the Chief Executive Officer, City of Stirling, PO Box 1533, Osborne Park, WA, 6916 or in person at City's Administration Centre at 25 Cedric Street, Stirling.

I wish to comment on a Planning Proposal what do I need to consider?

The City is only able to consider written submissions. Verbal communication with City 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 City when assessing the application.

What are Valid and Non-Valid Planning Considerations?

The City recognises that when considering the impacts of a planning or development proposal, those consulted may wish to object to the proposal for a number of reasons. The City's must balance this opinion with an assessment of the likely impacts of the proposal against the required development outcome sought by the City through its planning scheme and development polices.

Submissions received by the City must relate to valid planning considerations, and the matters that constitute valid planning considerations are detailed below.

Valid Planning Considerations	Non-Valid Considerations
<ul style="list-style-type: none"> 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. 	<p>The City cannot take into account matters which are not valid planning considerations, including but not limited to:</p> <ul style="list-style-type: none"> a) Perceived loss of property value b) Private disputes between neighbours including access & egress and easements c) Dividing fence issues d) Impact of construction work e) Trade competition concerns (in most circumstances) f) Personal morals or views about the applicant g) Matters that is controlled under other legislation

Please refer to Appendix 1 for further explanation on valid planning considerations.

I have made a submission what happens next?

The City will provide a summary of the planning issues raised in submissions to the Applicant and provide the opportunity for the applicant to respond for both development applications and strategic planning instruments.

Name and Address details of submitters will not be provided to an applicant or be published by the City in any Council report.

Applicants can respond by:

- Providing the City 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.

Where the application is presented to;

- The City's Planning & Development Committee (for consideration),
- Council (for consideration or determination), and/or
- The Metropolitan North West Joint Development Assessment Panel (for determination)

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

All persons who lodge submissions will receive notification of the decision made.

Where a decision is made by the Metropolitan North West 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 City will advise all persons who lodged a submission of the decision made.

If you have any further queries relating to consultation on planning proposals you can contact the City via email at development@stirling.wa.gov.au or via telephone on (08) 9205 8555.

Appendix 1 - Further information on Valid Planning Considerations

a) Matters to be considered by the City under Clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015

Clauses to be Considered	Please consider if this clause is relevant to your submission
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	
(c) any approved State planning policy;	
(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);	
(e) any policy of the Commission;	
(f) any policy of the State;	
(g) any local planning policy for the Scheme area;	
(h) any structure plan, activity centre plan or local development plan that relates to the development;	
(i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;	
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses;	
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	
(k) the built heritage conservation of any place that is of cultural significance;	
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the	

locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	
(n) the amenity of the locality including the following (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; □	
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	
(s) the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	
(u) the availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability;	
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	
(w) the history of the site where the development is to be located;	
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	
(y) any submissions received on the application;	
(za) the comments or submissions received from any authority consulted under clause 66;	
(zb) any other planning consideration the local government	

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

This information is dependent on the location of the lot subject to advertising and the applicable planning framework that the planning proposal is required to meet. The relevant policy to which a submission can reference will be included in the City's letter to you and identified on the City's website.

For more information on the City's Local Planning Scheme No.3 please visit the following link:

<https://www.stirling.wa.gov.au/development/Schemes-policies-codes-and-legislation/Pages/Planning-schemes-and-legislation.aspx>

For more information on the City's Planning Policies please visit the following link:

<https://www.stirling.wa.gov.au/development/Schemes-policies-codes-and-legislation/Pages/Planning-and-development-policies.aspx>

For more information on the City's Structure Plans and Local Development Plans please visit the following link:

<https://www.stirling.wa.gov.au/development/Schemes-policies-codes-and-legislation/Pages/Structure-Plans-and-Local-Development-Plans.aspx>

c) Any development standard requiring the decision maker to exercise judgement against the Design Principles of the R-Codes.

This information is dependent on the variations proposed to the Deemed-to-Comply requirements of the Residential Design Codes which are subject to advertising. The relevant clause/s to comment on will be included in the City's letter to you and identified on the City's website.

For more information on the Residential Design Codes please visit the following link <https://www.planning.wa.gov.au/Residential-design-codes.aspx>

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Disclaimer:

This information is produced by the City of Stirling in good faith and the City accepts no responsibility for any ramifications or repercussions for providing this information. Verification with the original Local Laws, planning schemes and other relevant documents is recommended for detailed references.