



EMP-PLA-010 | Consultation Requirements

Strategic Context

Strategic Link	Policy Objective
☑ United ☑ Safe & Healthy ☑ Beautiful & Respected ☑ Prosperous & Equitable	The objective of this Policy is to set out the principles and requirements for consultation in relation to planning matters considered by the Shire of Halls Creek, to ensure consultation is undertaken consistently, lawfully and proportionately, and that affected persons and the community are provided with appropriate notice and opportunity to comment in accordance with applicable planning legislation and policy.

Introduction

1. Consultation is an important part of the planning process and assists the Shire of Halls Creek to make informed, transparent and balanced planning decisions. Appropriate consultation provides affected landowners, occupiers, stakeholders and the broader community with an opportunity to be informed about planning proposals that may affect them and to make submissions where relevant. This Policy has been developed to provide a clear and consistent framework for when and how consultation is undertaken in relation to planning matters, ensuring that consultation is proportionate to the nature, scale and potential impact of the proposal and supports fair and well-informed decision-making.

Purpose

2. The Shire of Halls Creek Planning Scheme No. 2 provides for the advertising of planning proposals for public comment. It is important to provide guidance on the manner and method for advertising these proposals having regard to the requirements of the State Planning Framework.

Policy Scope

3. This policy applies to the advertising of planning proposals in the Shire in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. This policy will be applied by the Shire when making discretionary decisions relating to advertising of development seeking planning approval. In the context of this policy, planning proposals include Development Applications, Local Planning Scheme amendments, Local Planning Strategies, Local Planning Policies, Structure Plans, Activity Centre Plans and Local Development Plans. In circumstances where advertising is undertaken, comment will be sought by owners and occupiers of properties that, in the opinion of the Shire, may be affected by the proposal and/or other stakeholders where these are identified. This policy also applies to Planning Applications for which the Shire is not the final decision-making authority.



Policy Statement

4. This policy is to provide for a consistent approach to the circumstances when public notice is undertaken, and the means and duration of public notice periods, of planning proposals. This policy is to recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into, planning proposals, and the administrative need to process planning proposals in an efficient manner, and within prescribed statutory timeframes. This policy is to outline the process the Council will use (or instruct) when undertaking advertising and considering submissions. This policy is to ensure that, before making final decisions on planning proposals of any kind, persons likely to be affected are given an opportunity to comment. Within the operative statutory framework, this policy is to achieve an appropriate balance between the community's reasonable expectations and applicants' development entitlements.

Principles Underpinning the Policy

Principle Name	Principle Definition
Meaningful Community Engagement	The Shire of Halls Creek is committed to engaging with community members in a genuine and inclusive manner on planning and development matters that may affect them.
Transparency in Decision-Making	Consultation processes will provide clear, accessible information to support community understanding of planning proposals and potential impacts.
Respect for Cultural and Community Context	Engagement approaches will recognise the cultural diversity of the Shire, including Aboriginal communities, and adapt consultation methods to suit local communication preferences and needs.
Fairness and Equity	All affected stakeholders will be provided reasonable opportunity to participate in consultation processes, regardless of location, language, or access to digital services.
Proportionate Consultation	The level and method of consultation will reflect the scale, nature, and potential impact of the planning proposal.
Timeliness and Certainty	Consultation timeframes will be clear and consistent, ensuring statutory requirements are met while providing certainty to applicants and the community
Responsiveness and Feedback	Community input will be genuinely considered in decision-making, and outcomes of consultation will be communicated where appropriate.
Legislative and Planning Compliance	Consultation processes will comply with statutory planning requirements and State planning policy directions.
Accountability and Record-Keeping	Consultation activities and outcomes will be documented to support transparency and auditability of planning decisions.



Definitions

Term	Meaning
Complex Application	As per the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Decision Maker	The body, organisation or authorised person legally vested with the power to make decisions, pursuant to relevant legislation and applicable planning policy frameworks.
Development	As per the <i>Planning and Development Act 2005</i> definition.
Standard Application	All planning proposals which do not fall under the definition of complex application.

Policy Details

5. Advertising Not Required

5.1 Advertising is not required where a proposal complies with the requirements of the Shire of Halls Creek Local Planning Scheme No. 2, associated local planning policies and (where applicable) State Planning Policy 7.3 – Residential Design Codes - Volume 1.

6. Informal Consultation

6.1 Informal consultation and communication between the applicants and adjoining property owners is strongly encouraged prior to lodgement with the Shire. A courteous, neighbourly approach will, in many situations enable an outcome to be achieved which best meets the interests of all parties involved.

7. Advertising of Land Uses

7.1 The Zoning Table of LPS2 (see Clause 17 of LPS2) categorises land uses as follows:

- 'P' means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 the deemed provisions;
- 'I' means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to, the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
- 'X' means that the use is not permitted by this Scheme.

7.2 'P' land uses are permitted uses in principle and therefore do not require advertising. The advertising of 'D' or 'I' land uses is at the discretion of the Shire, taking into account whether the proposed use is likely to affect the amenity of adjoining or surrounding properties. All 'A' uses are required to be advertised in accordance with the requirements of Clause 64 of the Regulations. An application for a change of use will be advertised in accordance with the standard development requirements above unless wider consultation is considered necessary.



8. Advertising of Standard Development Applications

- 8.1 Applications which seek a performance assessment in relation to the Design Principles of State Planning Policy 7.1 Residential Design Codes Volume 1, may be advertised at the discretion of the Shire if it is considered there may be impact on the amenity of adjoining owners and occupiers.
- 8.2 Non-residential development which seeks the exercise of judgement have regard to the Shire of Halls Creek Local Planning Scheme No. 2 provisions, Council Policy, a Local Planning Policy, adopted structure plans, activity centre plans or local development plans may be advertised at the discretion of the Shire if it is considered there any be a possible impact on the amenity of the adjoining owners and occupiers.
- 8.3 Advertising of standard planning applications shall be in accordance with Table 1 unless discretion is exercised by the Shire to an alternate approach.

9. Advertising of Complex Applications

- 9.1 Advertising of standard planning applications shall be in accordance with the Table 1 unless discretion is exercised by the Shire to an alternate approach.

10. Advertising Timeframes

- 10.1 The advertising period of planning proposals shall be in accordance with the Advertising Period listed in Table 1.
- 10.2 To enable the decision maker to achieve the statutory timeframes associated with the assessment of planning applications, formal requests for an extension to the advertising period will not generally be preferred. Relevant comments received outside of the advertising period, including after the closing date, will be considered where possible.
- 10.3 Where consultation is to occur over the Easter being a period of seven days commencing on Good Friday, or Christmas period, being the period from 25th December to 1 January (inclusive), these days will be excluded from the total duration of consultation in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

11. Development Applications

- 11.1 Development applications where the Shire is not the responsible authority or decision maker. Where the Shire is not the responsible authority or decision-maker for a development application:
 - a) The Shire will not undertake community consultation for the development application.
 - b) In providing a recommendation to the responsible authority the Shire will provide advice on whether community consultation is appropriate, and if so, will outline the recommended consultation methods and relevant stakeholders having regard to the requirements of this policy.



Table 1 – Advertising Methods

Type of Planning Proposal (at discretion of the Shire)	Advertising period	Minimum extent of letters to Owners and Occupiers	Local Newspaper Notice	Online notice	Sign(s) on site	Hard copies
Standard Development Application	14 days	Properties in the vicinity that may be affected	No	Yes	No	No
Complex Development Application	28 days	All within 200m radius	No	Yes	Yes	No
Local Development Plan (LDP)	14 days	All within LDP area and within 100m radius	No	Yes	Yes	No
Basic Scheme Amendment	Only to be advertised if and as directed by the Minister of Planning.					
Standard Scheme Amendment	42 days	All within amendment area and within 100m radius	Yes	Yes	Yes	Yes
Complex Scheme Amendment	60 days	All within amendment area and within 200m radius	Yes	Yes	No	Yes
Structure Plan/Precinct Structure Plan	42 days	All within Structure Plan area and within 200m radius	Yes	Yes	No	Yes
New/Amended Local Planning Policy	21 days	No	Yes	Yes	No	Yes
Local Planning Strategy	21 days	All landowners and occupiers of the Shire	Yes	Yes	No	Yes
Local Planning Scheme	90 days	All landowners and occupiers of the Shire	Yes	Yes	No	Yes
Notes: i. Joint Development Assessment Panel applications are to be advertised in accordance with the type of planning proposal. ii. For proposals through the Significant Development Pathway (SDP) pathway, consultation will be undertaken by the SDP. Public notice and relevant information/links to plans and technical documents will be published on the Shire's website, subject to the Department of Planning, Lands and Heritage requirements.						



- iii. Advertising amendments to the State Register of Heritage Places is to be in accordance with the Heritage Act 2018

12. Acceptable Submissions

- 12.1 Verbal submissions will not be considered by the Shire.
- 12.2 Written submissions are to include the name and contact details of the person making the submission and identify the properties affected by the proposal (if relevant). An email address or phone number is required for further consultation.
- 12.3 Written submissions will be accepted by the Shire via post, facsimile or email, subject to being received prior to close of business on the day submissions close.
- 12.4 The Shire reserves the right to not publish or consider either wholly or in part a submission that it considers to be defamatory to any party.
- 12.5 Where a person or party has been informed of a planning proposal and no submission is received by the closing date for submissions, the Shire will construe that the person or party has no objection to the proposal.
- 12.6 The form and content of submissions should be based on planning grounds and preferably address the matters contained within Clause 67 of the Planning and Development Act 2005.

13. Consideration of Submission

- 13.1 The Shire will consider all submissions received during the advertising period of the subject planning proposal.
- 13.2 Submissions will be considered by the Shire against the matters contained in clause 67 of the Deemed Provisions for Local Planning Schemes and on generally accepted planning grounds.
- 13.3 Submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the Shire. These can include (but not limited to);
- a) Perceived loss of property value
 - b) Private disputes between neighbours including access & egress and easements
 - c) Dividing fence issues
 - d) Matters that are usually dealt with by the building licence process
 - e) Impact of construction work
 - f) Trade competition concerns (in most circumstances)
 - g) Personal morals or views about the applicant
 - h) Matters that are controlled under other legislation
- 13.4 Where a submission is received after the advertising period has ended, but prior to a decision being made on the proposal, the Shire will note that the submission is late, but will make reasonable endeavours to consider the submission.

14. Acknowledgement of Submissions

- 14.1 The Shire will notify each person that made a submission on a proposal of the decision made in relation to the proposal. Notification will typically be sent within five (5) working days of the date of decision.



- 14.2 Where the Shire anticipates that a decision will not be taken for a period of greater than 28 days from the close of advertising, it will inform any person that has made a submission of the delay.
- 14.3 Where a planning proposal is to be considered at an Ordinary or Special Meeting of the Council each person who has made a submission is to be notified a minimum of five (5) days prior to the date of meeting and provided with a copy of the report on the matter or alternatively, informed of where an online copy of the report can be obtained.
- 14.4 The form of notification under this section can be either posted by letter or email.
- 14.5 Where a person or party informed of a planning proposal in accordance with this policy has not made a written submission on it, the Shire is not required to provide acknowledgement under this section.
- 14.6 Where no response is received within the time specified from the date of notification, the decision-maker may determine the proposal on its merits and issue its decision.
- 14.7 Submissions received on a proposal, including submitters details, may appear in a publicly available agenda, including Council or Joint Development Assessment Panel agendas.

15. Advertising Costs

- 15.1 Except where an applicant is required by the Shire of Halls Creek adopted Schedule of Fees and Charges to pay certain advertising costs, costs associated with advertising are to be paid by the Shire and offset by the application fee.

Accountability

16. Council is responsible for adopting this policy and providing strategic oversight of consultation practices for planning and development matters within the Shire of Halls Creek.
17. The CEO is accountable for ensuring effective implementation of this policy and that appropriate planning and communication systems are in place. The CEO may delegate operational responsibilities to relevant officers.
18. Planning officers are responsible for:
- a) Determining consultation requirements for development and planning proposals in accordance with this policy and statutory planning provisions
 - b) Preparing and distributing consultation materials
 - c) Managing public advertising and notification processes
 - d) Receiving, recording, and summarising community submissions
 - e) Ensuring consultation outcomes are reported to decision-makers
19. Communications officers are responsible for supporting accessible and culturally appropriate engagement methods, including public notices, media releases, and community liaison where required.
20. Council or delegated officers are responsible for considering consultation outcomes when determining planning proposals.
21. Applicants and developers are responsible for:
- f) Providing information required to support consultation processes
 - g) Funding consultation activities where required by legislation or policy
 - h) Responding to matters raised through consultation where appropriate



22. Community members and stakeholders are responsible for participating in consultation processes and providing submissions within advertised timeframes.
23. Officers are responsible for maintaining records of consultation activities and submissions in accordance with record-keeping requirements.

Related Documentation / Legislation

Legislation	Shire of Halls Creek Documentation
a. Planning and Development Act 2005 (WA). b. Planning and Development (Local Planning Schemes) Regulations 2015 (WA) c. State Planning Policy Framework d. Relevant State Planning Policies (SPPs) e. Residential Design Codes of Western Australia (R-Codes) f. Local Government Act 1995 (WA) g. Local Government (Administration) Regulations 1996 (WA) h. State Records Act 2000 (WA)	b. Shire of Halls Creek Local Planning Scheme a. Shire of Halls Creek Local Planning Strategy b. Shire of Halls Creek Strategic Community Plan c. Shire of Halls Creek Corporate Business Plan d. Shire of Halls Creek Community Engagement or Communications Strategy (where adopted) e. Shire of Halls Creek Risk Management Framework

Policy Review

24. This Policy will be reviewed every four (4) years from the date of endorsement, or earlier in the event of legislative change, audit findings or a resolution of Council.

Document Control

Relevant delegations	Nil		
Risk Evaluation	Moderate		
Council adoption	27 March 2025	Resolution	2025/029
Next review due	March 2029		