

The Shire has prepared this guide to assist public works authorities to understand the information to be supplied when consulting with the Shire under Part 6 of the Planning and Development Act 2005.

Part 6 of the Act establishes a framework requiring public authorities to consult with the responsible authority (the Shire) and to have due regard to relevant planning considerations when exercising statutory powers.

This guide outlines the information the Shire requires to facilitate effective consultation and informed decision-making.

- Section 6(2) and 6(3) of the Planning and Development Act 2005 public authorities exercising powers in respect of public works are required to have due regard to:
 - a) *the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and*
 - b) *the orderly and proper planning, and the preservation of the amenity, of that locality at that time; and*
 - c) *any advice provided by the responsible authority in the course of the consultation required under subsection (3) in respect of the exercise of the right.*

While Part 6 does not require the public authority to obtain planning approval, it does require genuine consultation and proper consideration of planning matters. Public authorities should be able to demonstrate how the requirements of section 6 have been addressed in their decision-making processes.

Consultation at various stages of the project is outlined below. Please note not all stages are applicable to each public work consultation (i.e. public housing or port works are generally not subject to site selection).

Stages	Public Authority to undertake/provide details of;
1. Preliminary scoping/Site Selection	<p>The Public Authority should;</p> <ul style="list-style-type: none"> • Undertake initial consultation with Shire officers regarding the preliminary proposal. <p><i>This enables the Shire to determine the appropriate level of consultation at each stage and whether the proposal requires formal consideration by Council (for example, where significant planning issues arise or where verge parking is proposed).</i></p> <ul style="list-style-type: none"> • Prepare a site selection assessment and consultation report/plan that includes consultation with all relevant stakeholders, in addition to the Shire. <p>If available information should also be provided detailing</p> <ul style="list-style-type: none"> • Potential Site locations, • Concept plans, • Scope of works, • Anticipated impacts; and • Identification of any environmental, heritage, traffic, or amenity issues likely to arise. <p><i>Early engagement at this stage assists in identifying strategic planning issues prior to the detailed design stage.</i></p>
2. Site Design and Layout	<p>This stage occurs once site selection and tenure arrangements have been confirmed.</p>

	<p>The Public Authority should provide;</p> <ul style="list-style-type: none"> • The outcomes of consultation with stakeholders (including Council/Shire Officers) • Details of any early or proposed site works • Any concept or preliminary designs of proposed development • Information regarding access, servicing, and infrastructure integration • Details of any proposed parking arrangements (including verge parking, if applicable) <p>In this stage the Public Authority should also address any significant community concerns identified to date and demonstrate how these have been or will be considered in the design.</p>
<p>3. Detailed Design – Formal Part 6 Consultation</p>	<p>The Public Authority should submit a formal Public Works referral to the Shire that typically includes;</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Cover letter referencing s. 6(2) and s. 6(3) of the Planning and Development Act 2005; <input type="checkbox"/> Description of the proposal and its purpose; <input type="checkbox"/> An assessment of how the proposal aligns with: <ul style="list-style-type: none"> ○ the Local Planning Scheme ○ Any relevant Local Planning Policies; ○ Structure plans, strategies, or other adopted planning documents; <input type="checkbox"/> Plans, drawings, and any supporting technical documents (including design review panel reports) <input type="checkbox"/> Preliminary impact assessment as applicable (traffic, noise, environmental, drainage, bushfire, heritage etc.) <input type="checkbox"/> The proposed timeframe for the Shire’s feedback
<p>4. Shire of Broome – Formal Feedback</p>	<p>The Shire’s planning officers will assess the proposal having regard to:</p> <ul style="list-style-type: none"> • Local Planning Scheme intent and zoning; • The principles of orderly and proper planning; • The preservation of amenity, design, and integration with local infrastructure. <p>The Shire will provide written advice under Part 6 of the Planning and Development Act 2005.</p> <ul style="list-style-type: none"> • Depending on the significance of the proposal, or where verge parking is requested, a Council Resolution may be required. • The Shire’s response may; <ul style="list-style-type: none"> ○ Raise no objection, ○ Support the proposal subject to comments or recommended design modifications . ○ If planning concerns exist, outline these with the relevant planning justification.

<p>5. Consideration of Shire advice and decision</p>	<p>The Public Authority must have due regard to the Shire's advice. Although it does not bind the Authority, the Authority should document how the Shire's advice was considered with due regard to;</p> <ul style="list-style-type: none">• Local Planning Scheme intent and zoning;• The principles of orderly and proper planning;• The preservation of amenity, design, and integration with local infrastructure. <p>The Public Authority should then;</p> <ul style="list-style-type: none">• Refine the proposal where appropriate;• Incorporate reasonable design modifications;• Record its final decision and advise the Shire with outcomes including responses from consultation.
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Please note that if a public authority undertakes public works without consulting the Shire as required under Part 6 of the Planning and Development Act 2005, it may be in breach of its statutory obligations in accordance the Act.