

LOCAL PLANNING POLICY

LPP20: ADVERTISING OF PLANNING PROPOSALS

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| <i>Responsible Department</i> | Development Services |
| <i>Resolution Number</i> | C.3537 |
| <i>Resolution Date</i> | 21/11/2018 |
| <i>Next Scheduled Review</i> | 2022 |
| <i>Related Shire Documents</i> | Local Planning Scheme No. 6 |
| <i>Related Legislation</i> | Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 |

OBJECTIVES

The primary objectives of this Policy are to:

- Appropriate consultation occurs on planning proposals commensurate with the expectations of the community;
- The level of advertising of similar types of proposals is consistent over time; and
- Advertising of proposals is used as part of a meaningful community consultation process.

PRELIMINARY

Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails. This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

APPLICATION OF THE POLICY

Application of Policy

This Policy applies to:

- Applications for Development Approval made under Part 7 of the *deemed provisions for local planning schemes*;
- Structure Plans proposed under Part 4 of the *deemed provisions for local planning schemes*;
- Local Planning Policies made under Part 2 of the *deemed provisions for local planning schemes*; and
- Amendments to the Scheme proposed under Part 5, Division 4 of the *Planning and Development Act 2005* (the Act).

The Policy is to be read in conjunction with the Scheme, the Act, any associated Regulations and any other relevant Local Planning Policy.

If a provision of the Policy is inconsistent with the Scheme, Act or Regulations, the Scheme, Act or Regulations prevails.

Policy Exclusions

This Policy excludes the following types of proposals:

- Applications for Single House and Outbuilding R-Codes Approval made under Part 5 of the R-Codes, for which the process outlined in the R-Codes applies;
- Subdivision and amalgamation proposals made under Part 10 of the Act; and
- Extraordinary planning proposals, such as Local Planning Strategies, Review of the Local Planning Scheme, for which specific advertising will be identified at the appropriate time.

BACKGROUND / ISSUES

The deemed provisions for local planning schemes and Act require the Shire to advertise certain planning proposals. In many cases, the type and length of advertising is prescribed. However, there is usually a need for the Shire to exercise discretion on the extent and the methods used to advertise a proposal.

The Policy will clarify the method and extent of advertising for various development proposals in order to provide consistency in how proposals of a similar nature are dealt with by the Shire.

In all cases where consultation is required to be undertaken in accordance with this Policy, proponents are strongly encouraged to begin that process separately to Council's formal procedures. Whilst not a formal requirement, the early consultation with potentially affected parties may assist in identifying any concerns/issues.

POLICY MEASURES

1. Advertising Applications for Development Approval

Table 1 shows the levels of advertising employed by this Policy for applications made under Part 7 of the *deemed provisions for local planning schemes*.

Table 1 Levels of Advertising of Planning Applications under Part 7 of the deemed provisions for local planning schemes.

| Level | Advertising Required | Type of Advertising | Minimum Advertising Period |
|-------|--|--------------------------|----------------------------|
| 1 | None. This level is used where no variation to a standard requirement is necessary in order to approve a proposal. | N/a | N/a |
| 2 | Owners of properties that abut the proposal site or are located opposite <u>and</u> are affected by a variation to standard requirements, such as a setback relaxation. The intent of this level is to limit advertising to those immediately affected by a variation to a standard requirement rather than inform of a development as a whole. | Postal and/or electronic | 14 days |

| Level | Advertising Required | Type of Advertising | Minimum Advertising Period |
|-------|---|--|----------------------------|
| 3 | <p>All owners of properties that abut or are located opposite the proposal site.</p> <p>The intent of this level is to inform the immediate vicinity of an impending development.</p> <p>The immediate vicinity will generally be determined as those properties that share a common boundary with the proposal site, or would share a common boundary if a road reserve or other public place is removed.</p> | <p>Postal and/or electronic</p> <p>Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme)</p> | 21 days |
| 4 | <p>All owners of properties in the nearby vicinity.</p> <p>The nearby vicinity will generally be determined as those properties either wholly or partly within:</p> <ul style="list-style-type: none"> • 250m radius of the centre of the proposal site in urban areas; or • 500m radius of the centre of the proposal site in rural or rural residential areas; or • 3,000m radius of the centre of the proposal site for proposed Industry – Extractive or Industry – Mining. <p>If the application is for an Industry – Extractive or Industry – Mining all those landowners that directly front onto the proposed Council controlled haulage route</p> | <p>Postal and/or electronic</p> <p>Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme)</p> <p>Newspaper (if 'A' use or a 'use not listed' in the zoning table of the Scheme)</p> <p>Notification to the relevant progress association or Chamber of Commerce</p> | 21 days |

2. Table 2 outlines the level of advertising to be used for certain Applications for Development Approval.

Table 2 – Advertising Levels for Particular Uses / Proposals

| Use / Proposal | Advertising Level |
|---|----------------------|
| Any use listed as 'P' or 'D' in the Zoning Table of the Scheme and: | |
| • No variation to a standard requirement is proposed. | 1 |
| • A variation to setbacks, building height, retaining walls or similar minor variation is proposed. | 2 |
| • A variation to car parking, landscaping, plot ratio or similar significant variation is proposed. | 3 |
| • The proposal is for a Home occupation, Home Business, Home Store, Public Utility or Residential Building. | 3 |
| • Where the proposal is for Workers Accommodation. | 4 |
| • Where the proposal is for a development within the Commercial zone with a value of greater than \$7 million. | 4, plus sign on site |
| Any use listed as 'A' in the Zoning Table or is development and/or a 'use not listed' in the Scheme and: | |
| • No variation to a standard requirement is proposed. | 3 |
| • Where one or more variations to standard requirements are proposed. | 4 |
| • Where a proposal is considered by the Shire to have an effect upon the locality. | 4 |
| • Where the proposal is for a Child Care Premises, Community Purpose, Consulting Rooms, Industry – Cottage or Nursing Home. | 3 |
| • Where the proposal is for a Place of Worship, or a Restaurant. | 4 |
| • Where the proposal is for Workers Accommodation or Industry – Extractive. | 4 |
| An Application for Development Approval for a non-exempt advertisement under Schedule 5 of the Scheme. | 1 |
| Extensions and Changes to a Non-Conforming Use. | 3, plus Councillors |
| An Application for Development Approval for parking commercial vehicles pursuant to Clause 4.20 of the Scheme. | 2 |

3. *Advertising proposals to designate a heritage area or amend the Northam Municipal Heritage Inventory or advertising development proposals that may affect a place of cultural heritage significance or an entry on the Inventory or in a designated heritage area*

- a) Advertising of proposals to establish or amend the Northam Municipal Heritage Inventory is to be in accordance with the advertising requirements contained in Part 8 of the *deemed provisions for local planning schemes*.
- b) Where proposed development may affect a place of cultural heritage significance or an entry on the Inventory, any application for Development Approval shall be advertised in the following manner:
 - (i) All owners of properties that abut or are located opposite the proposal site are to be informed in writing of the proposal in accordance with this Policy.
 - (ii) Erection of a sign in accordance with this Policy;
 - (iii) Publication of a notice in accordance with this Policy including a notice published electronically on the Shire's website; and
 - (iv) Inviting comment from the relevant local historical society or association (where one is in operation).

4. Advertising of Structure Plans

- a) Development Plans are to be advertised in accordance with Part 4 of the *deemed provisions for local planning schemes* as follows:
 - (i) All owners of land wholly or partly located within the Structure Plan area or wholly or partly located within 200m of the outer edge of a Development Plan area are to be informed in writing of the proposal in accordance with this Policy;
 - (ii) A sign is to be located on each street frontage of the Structure Plan area in accordance with this Policy;
 - (iii) A notice is to be published electronically on the Shire's website and in the newspaper in accordance with clause 6.3 of this Policy; and
 - (iv) A full copy of the Structure Plan and supporting documentation in either hard copy or electronically is to be provided to those public authorities identified by the Shire when adopting a Structure Plan for advertising.
- b) Structure Plans are to be advertised for the following period of time:
 - (i) 14 days for Structure Plans proposing less than 50 lots or where the Structure Plan is a substantial modification to an existing approved Structure Plan; or
 - (ii) 28 days for Structure Plans proposing more than 50 lots.
- c) Advertising of Local Development Plans are to be advertised for a period of 14 days as follows:
 - (i) All owners of land within a 200m radius of the centre of the proposal site in urban areas;

- (ii) A notice is to be published electronically on the Shire's website.

5. Advertising of Local Planning Policies

- a) Draft Local Planning Policies are to be advertised in accordance with Part 2 of the *deemed provisions for local planning schemes*.
- b) Where a draft Local Planning Policy will affect a specific area of land, the following is to occur:
 - (i) Advertising in accordance with the advertising procedures of clause 64 of Part 8 of the *deemed provisions for local planning schemes*;
 - (ii) All owners of land wholly or partly located within the Local Planning Policy area are to be informed in writing of the proposal in accordance with this Policy;
 - (iii) Where practicable, a sign is to be located on each street frontage of the Local Planning Policy area in accordance with this Policy; and
 - (iv) A notice is to be published electronically on the Shire's website.
- c) The comment and/or approval of the Western Australian Planning Commission is to be sought on Local Planning Policies that seek to vary the Residential Design Codes of Western Australia.

6. Advertising of Scheme Amendments

- a) Scheme Amendments, excluding Basic Scheme Amendments, are to be advertised in accordance with the requirements of the Act and Regulations.
- b) Where a Scheme Amendment relates to the rezoning of an area of land, owners of land wholly or partly within the rezoning area or wholly or partly within 200m of the outer edges of the rezoning area are to be notified in accordance with this Policy.
- c) A full copy of the Scheme Amendment and supporting documentation in either hardcopy or electronically is to be provided to those public authorities identified by the Shire when initiating the Scheme Amendment.
- d) Scheme Amendment proposals and supporting documentation, excluding Basic Scheme Amendments, are to be advertised electronically on the Shire's website.

ADMINISTRATION

Postal and/or Electronic Advertising

Postal and/or electronic (email) notifications will be addressed to the owner or owners at the postal (and email addresses – where provided) details listed in the Shire's rates database for the particular property as it exists on the date the notification is sent.

The minimum advertising period will begin the working day following the date of postage.

Letters informing of a proposal are to be based upon clause 86(3) of Part 11 of the *deemed provisions for local planning schemes* and include the following information:

- a) Details of the development, including a copy of any plans or proposal that will assist in communicating the intent of the proposal;
- b) Explanation as to why the proposal is being advertised, such as the need to vary a standard requirement (giving details of the variation) or to meet the advertising requirements of the *deemed provisions for local planning schemes*;
- c) The date by which any written comments are to be lodged;
- d) The local government officer to which enquiries may be made;
- e) Notification that any submission made cannot be considered a confidential document and may be released to the public domain as part of the Shire's consideration of the proposal; and
- f) Notification that not making a submission will be construed by the Shire that the person or party has no objection to the proposal.

Sign on Site

Where required by the Policy or Scheme, a sign will be located on the street boundary of the proposal site for the entire length of advertising. The location should be easily seen by passers-by and located so as not to cause a traffic hazard or impede access to the lot.

The sign board is to be 750mm long x 500mm wide and erected to provide a minimum clearance of 600mm between ground level and the bottom of the sign board.

The notice placed on the sign shall be generally in accordance with clause 86(3) of Part 11 of the *deemed provisions for local planning schemes* or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.

The Shire is to photograph the sign once installed, ensuring the photograph is date stamped with the date of installation.

The applicant or owner of the proposal site is to undertake reasonable endeavours to ensure the sign remains visible at all times during the advertising period and to notify the Shire in the event the sign is stolen or damaged.

Newspaper Notices

The Advocate will be construed by the Scheme, Act and Regulations as the newspaper that is circulated within the Scheme area and will be used for all notices, where practicable.

Newspaper notices shall be generally in accordance with clause 86(3) of Part 11 of the *deemed provisions for local planning schemes* or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.

Where a newspaper notice is required as part of the advertising process, the advertising period for the proposal will begin from the date of first publication in the newspaper with this date also used for other forms of notification.

Informing of Councillors

Councillors are to be informed of Applications for Planning Approval for Extensions and Changes to a Non-Conforming Use in accordance with Table 2 of this Policy. Councillors will also be advised of all applications within Advertising Level 4.

Councillors are to be informed in the manner outlined in this Policy.

Where a Councillor is an owner of property that is subject to notification, the person is to be informed by separate notices, firstly as an owner of land affected and secondly as a Councillor.

Form of Submissions

Verbal submissions will not be considered by the Shire.

Written submissions are to include the name and contact details of the person making the submission and identify the property affected by the proposal (if relevant). It is required that an email address or phone number is provided so that any further consultation can be undertaken by that medium.

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.

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.

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.

Content of Submissions

The form and content of submissions should be based on planning grounds and preferably addressing the matters contained within Clause 67 of the *Planning and Development Act 2005*.

Consideration of Submissions

The Shire will consider a planning proposal in the light of all submissions received during the advertising period.

Submissions will be considered by the Shire against the matters to be considered contained in clause 67 of the *deemed provisions for local planning schemes* and on generally accepted planning grounds.

Notwithstanding clause 6.6.1 here-above, submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the Shire.

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.

Consideration of Late Submission

Should a submission be received after the official submission period, Council Officers will make reasonable endeavours to include these within the consideration of the matter.

Should an application be made to make a late submission due to extenuating circumstances Council Officers can upon a formal request, grant an extension.

Acknowledgement of Submissions

The Shire will notify each person that made a submission on a proposal of the decision made in relation to the proposal.

Notification under clause 6.7.1 here-above is to be sent within five (5) working days of the date of decision.

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.

Where a planning proposal is to be considered at an Ordinary or Special Meeting of the Council of the Shire of Northam, 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.

The form of notification under this section can be either posted letter or email.

Where a person or party informed of a planning proposal in accordance with clause 6.1 of this Policy has not made a written submission on it, the Shire is not required to provide acknowledgement under this section.

Guarantee of Receipt

Where a notification is delivered by postal service under clause 6.1 of this Policy, the Shire does not guarantee its delivery where the notification is addressed in accordance with the address details contained on its rates database.

Advertising Costs

Except where an applicant is required by the Shire of Northam's 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.

Deemed Refusal

All Applications for Development Approval that require advertising under this Policy are deemed to be subject to a notice under clause 64 of the *deemed provisions for local planning schemes* and subject to the 90 day deemed refusal period outlined in clause 75(1)(a) of the *deemed provisions for local planning schemes*.