



6.1.2 ADVERTISING OF PLANNING PROPOSALS

1. Purpose

The purpose of this Policy is to clarify the extent of advertising to be undertaken for the range of planning proposals considered by the local government.

2. Objectives

The objectives of this Policy are to ensure:

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

3. Application of Policy

3.1. This Policy applies to:

- (i) Amendments to the Scheme proposed under Part 5, Division 4 of the *Planning and Development Act 2005* (PD Act);
- (ii) Local Planning Policies made under Part 4 of the *Planning and Development (Local Planning Schemes) Regulations Deemed provisions for Local Planning Schemes 2015* (Regulations);
- (iii) Advertising of Heritage Protection proposals made under Part 3 of the Regulations;
- (iv) Structure plans proposed under Part 4 of the Regulations;
- (v) Local Development Plans made under Part 6 of the Regulations; and
- (vi) Applications for Development Approval made under Part 7 of the Regulations.

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

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

4. Policy Exclusions

4.1. The provisions of this Policy do not apply to the following types of proposals:

- (i) Applications for Single House and Outbuilding requiring assessment under the Design Principals of State Planning Policy 7.3 Residential Design Codes (R-Codes). The process for consultation associated with such applications as outlined within the R-Codes applies;
- (ii) Subdivision and amalgamation proposals made under Part 10 of the PD Act; and
- (iii) Extraordinary planning proposals, such as Local Planning Strategies, Townsite Expansion Strategies and Review of the Local Planning Scheme, for which specific advertising requirements are identified in the Regulations.

5. Definitions

For the purposes of this Policy, any definitions used are the same as outlined in Schedule One of the Scheme.

6. Background / Issues

6.1. The provisions of the Shire of Manjimup's Local Planning Scheme No 4 (the Scheme) and the PD Act require the local government to advertise certain planning proposals. In many cases, the type and length of advertising is prescribed. However, there is usually a need for the local government to exercise discretion on the extent and the methods used to advertise a proposal.

6.2. 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 local government.

7. Advertising of Scheme Amendments

7.1. Scheme Amendments are to be advertised in accordance with the requirements of the PD Act and Regulations.

7.2. In addition to the advertising requirements of the Regulations, the following advertising shall be completed in respect of Scheme Amendments:

- i) Where the 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 postal advertising requirements of this Policy,
- ii) by notice in the local newspaper and on all of the Shire's social media account(s).

7.3. Notwithstanding clause 7.2(i) above, landowners/occupiers located greater than 200m but not more than 500m may be consulted where Shire Officers determine the proposal may impact on those properties.

8. Local Planning Policies

Local Planning Policies are to be advertised in accordance with clause 87 of the Regulations for a 21 days period. The Shire considers it appropriate to publish notice in the local newspaper in addition to the Shire's social media account(s).

9. Advertising of Heritage Protection Proposals (i.e Heritage Listings)

Advertising of heritage protection proposals is to be in accordance with the advertising requirements contained in Part 3 of the Deemed to Apply provisions of the Regulations. Comments shall be sought the relevant local historical society or association (where one is in operation).

10. Advertising of Structure Plans

10.1. Structure Plans are to be advertised for a minimum of 42 days, with the form of advertising to be in accordance with the Regulations.

10.2. 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 Structure Plan area are to be informed in writing of the proposal in accordance with the postal advertising requirements of this Policy.

10.3. Notwithstanding clause 10.2 above, landowners/occupiers located greater

than 200m but not more than 500m may be consulted where Shire Officers determine the proposal may impact on those properties.

11. Local Development Plans

Where it has been determined necessary to give notice, Local Development Plans are to be advertised in accordance with clause 50 of the Deemed to Apply Regulations for a period of 21 days.

12. Advertising Applications for Development Approval

12.1. Complex applications (use not listed) are to be advertised in accordance with clause 64(3) of the Deemed to Apply provisions of the Regulations.

12.2. For all applications relating to uses that are identified by Local Planning Scheme No 4 as either "A" class land uses or extension to a non-conforming use shall be advertised over a period of 21 days as follows:

- a. Erection of a Sign on Site;
- b. Correspondence to relevant government agencies;
- c. Letters to adjacent and nearby landowners (plus occupiers within a townsite);
- d. Advertisement in the Local Paper;
- e. Listing on the Shire website and social media pages; and
- f. Advice to the Ward Councillor.

12.3. With respect to the extent of surrounding/adjacent landowners/occupiers to be notified, where the use is identified within the Environmental Protection Authority document "Guidance for the Assessment of Environmental Factors", unless site specific studies demonstrate to the satisfaction of the Shire that no detrimental impacts will result, all landowners located within the recommended buffer distances be notified of the proposal.

12.4. In all other circumstances, only those landowners/occupiers that may, in the opinion of the Chief Executive Officer be impacted by a development proposal shall be consulted.

13. Development requiring a Heritage Assessment

Where it has been determined that a heritage assessment is to be carried out prior to the approval of any development proposed to a place in a heritage area or entered on in the heritage list, advertising is to occur following points b, c and f above.

14. Other development requiring advertising

Advertising to affected adjacent and nearby landowners (plus occupiers within a townsite) and where applicable government agencies, will occur by postal advertising or email in the following circumstances:

- (i) Development where relaxation of standards identified by the Local Planning Scheme;
- (ii) Development that does not meet the deemed to comply provisions of the Shire's Local Planning Policies;
- (iii) All Second-hand relocated buildings;
- (iv) Land Clearing outside of Building Envelopes; and
- (v) Proposed Camp Grounds for Seasonal/Backpacker Workers.

15. Administration

Postal Advertising

- 15.1. Postal notifications will be addressed to the owner(s) at the postal details listed in the local government's rates database for the particular property as it exists on the date the notification is sent. Occupiers will be issued correspondence where located within townsites with postal services.
- 15.2. The minimum advertising period will begin the working day following the date of postage.
- 15.3. Letters informing of a proposal are to be based upon clause 86(3) of the Deemed to Apply provisions of the Regulations and include the following information:
- (i) Details of the development, including a copy of any plans or proposal that will assist in communicating the intent of the proposal;
 - (ii) 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 Scheme;
 - (iii) The date by which any written comments are to be lodged;
 - (iv) The local government officer to which enquiries may be made;
 - (v) Notification that any submission made cannot be considered a confidential document and may be released to the public domain as part of the local government's consideration of the proposal; and
 - (vi) Notification that not making a submission will be construed by the local government that the person or party has no objection to the proposal.

Sign on Site

- 15.4. Where required by this Policy or the Scheme, a sign will be located on the street boundary(s) 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.
- 15.5. The sign board will be of a 'post office' red with "SHIRE OF MANJIMUP PLANNING PROPOSAL" clearly shown in white block lettering 50mm high. 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.
- 15.6. The notice placed on the sign shall be generally in accordance with the manner and form approved by the Commission scaled to fit the sign board.
- 15.7. The local government is to photograph the sign once installed, ensuring the photograph is date stamped with the date of installation.
- 15.8. 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 local government in the event the sign is stolen or damaged.

Newspaper Notices

- 15.9. The *Manjimup-Bridgetown Times* published by West Australian Regional Newspapers will be construed by the Scheme, PD Act and Regulations as the newspaper that is circulated within the Scheme area and will be used for all notices, where practicable.
- 15.10. Where practical, if a development is located within or in close proximity to the Pemberton, Northcliffe or Walpole townsites, an advertisement shall

also appear within the local paper associated with that town

- 15.11. Newspaper notices shall be generally in accordance with Clause 86(3) of the Deemed to Apply provisions of the Regulations or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.
- 15.12. 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.

Shire Website and Social Media

- 15.13. Notice given on the Shire Website shall be generally in accordance with Clause 86(3) of the Regulations or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.
- 15.14. In addition to the notice on the Shire Website, a notice shall also be included on the Shire's social media page(s);
- 15.15. Where a website or social media 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 local newspaper with this date also used for other forms of notification.

Informing of Ward Councillors

- 15.16. Councillors for the Ward in which the proposal is situated are to be informed of Applications for Planning Approval relating to uses classified as "A" class uses or "Uses Not Listed" within Local Planning Scheme No 4 and those requiring Heritage Assessments.

Form of Submissions

- 15.17. Written submissions will be accepted by the local government via post, facsimile, website submission or email, subject to the submission being received prior to close of business on the day submissions close.
- 15.18. 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).
- 15.19. The following forms of submission will not be considered by the local government:
- a) Verbal Submissions;
 - b) Submissions lodged by persons under 18 years of age;
 - c) On-Line petitions, unless those petitions comply with the requirements applicable to petitions under the Shire of Manjimup Standing Orders Local Law 2013; and
 - d) Unsigned correspondence submitted by a third party.
- 15.20. The local government reserves the right to not publish or consider either wholly or in part a submission that it considers to be defamatory to any party.
- 15.21. Where a person or party has been informed of a development proposal and no submission is received by the closing date for submissions, the local government will construe that the person or party has no objection to the proposal.

Consideration of Submissions

- 15.22. The local government will consider a development proposal in the light of

all submissions received during the advertising period.

- 15.23. Submissions will be considered by the local government against the matters to be considered contained in clause 67 of the Deemed to Apply provisions of the Regulations and on generally accepted planning grounds.
- 15.24. Submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the local government.
- 15.25. Where a submission is received after the advertising period has ended, but prior to a decision being made on the proposal, the local government will note that the submission is late, but will make reasonable endeavours to consider the submission.

Acknowledgement of Submissions

- 15.26. The local government will notify each person that made a submission on a proposal of the decision made in relation to the proposal.
- 15.27. Notification to a submitter is to be sent within five (5) working days of the date of decision.
- 15.28. Where a development proposal is to be considered at an Ordinary or Special Meeting of the local government, each person who has made a submission is to be notified a minimum of five (5) working days prior to the date of meeting and informed of where an online copy of the report can be obtained.
- 15.29. The form of notification under this section can be either posted letter or email.
- 15.30. Where a person or party informed of a development proposal in accordance with of postal advertising requirements of this Policy has not made a written submission on it, the local government is not required to provide acknowledgement under this section.

Guarantee of Receipt

- 15.31. Where a notification is delivered by postal service under clause 15.1 of this Policy, the local government does not guarantee its delivery where the notification is addressed in accordance with the address details contained on its rates database.

Advertising Costs

- 15.32. Except where an applicant is required by the local government's schedule of fees and charges to pay certain advertising costs, costs associated with advertising are to be paid by the local government and offset by the application fee.

Deemed Refusal

- 15.33. All Applications for Development Approval that require advertising under this Policy are deemed to be subject to a notice under clause 64 or 66 of the Deemed to Apply provisions of the Regulations and subject to the 90 day deemed refusal period outlined in clause 75(2).

ADOPTED – 21 October 2021
EFFECTIVE – 3 November 2021
NEXT DUE FOR REVIEW – November 2025

The Administration of this Policy is by the Development and Regulation Division.