



6.1.2 ADVERTISING OF PLANNING PROPOSALS

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.

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.

Application of Policy

This Policy applies to:

- (i) Applications for Development Approval made under Part 9 of the Scheme;
- (ii) Advertising of Heritage Protection proposals made under Part 7 of the Scheme;
- (iii) Structure plans proposed under Part 6 Division B of the Scheme;
- (iv) Local Planning Policies made under Part 2 of the Scheme; and
- (v) Amendments to the Scheme proposed under Part 5 Division 4 of the Act.

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

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

Policy Exclusions

This Policy excludes the following types of proposals:

- (i) Applications for Single House and Outbuilding Codes Approval made under Part 4 of the Codes, for which the process outlined in the Codes applies;
- (ii) Subdivision and amalgamation proposals made under Part 10 of the 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 will be identified at the appropriate time.

Definitions

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

Background / Issues

The Scheme and 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.

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.

Advertising Applications for Development Approval

For all applications relating to uses that are identified by Local Planning Scheme No 4 as either "A" class land uses or a "Use Not Listed" shall be advertised over a period of 21 days in the following manner:

- a. Erection of a Sign on Site;
- b. Correspondence to relevant government agencies;
- c. Letters to adjacent and nearby neighbours;
- d. Advertisement in the Local Paper;
- e. Listing on the Shire website; and
- f. Advice to the Ward Councillor.

The above advertising requirements shall also apply where a relaxation of standards identified by Local Planning Scheme No 4, where in the opinion of the Chief Executive Officer the relaxation has potential to impact on the locality. Where the relaxation is likely to impact on the adjacent landowners only point (c) shall apply.

In reference to the extent of surrounding/adjacent landowners to be notified, where the use is identified within the Environmental Protection Authority document "Guidance for the Assessment of Environmental Factors", all landowners located within the recommended buffer distances be notified of the proposal. In all other circumstances, only those landowners that may, in the opinion of the Chief Executive Officer be impacted by a development proposal shall be consulted.

Advertising of Heritage Protection Proposals

Advertising of heritage protection proposals is to be in accordance with the advertising requirements contained in Part 7 of the Scheme. Comments shall be sought the relevant local historical society or association (where one is in operation)

Advertising of Structure Plans

Structure Plans are to be advertised for a minimum of 28 days, with the form of advertising to be in accordance with the Planning and Development Act 2005 and associated regulations.

All owners of land wholly or partly located within the Structure Plan area or wholly or partly located within 500m 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.

Advertising of Scheme Amendments

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

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 500m of the outer edges of the rezoning area are to be notified in accordance with postal advertising requirements of this Policy.

A full copy of the Scheme Amendment and supporting documentation in either hard copy or electronically is to be provided to those public authorities identified by the local government when initiating the Scheme Amendment.

Administration

Postal Advertising

Postal notifications will be addressed to the owner or owners 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.

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

Letters informing of a proposal are to be based upon Schedule Fourteen of the Scheme 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

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 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.

The notice placed on the sign shall be generally in accordance with Schedule Fourteen of the Scheme or in the case of a Scheme Amendment, the appropriate form of notice

contained in the Planning and Development Regulations.

The local government 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 local government in the event the sign is stolen or damaged.

Newspaper Notices

The *Manjimup-Bridgetown Times* published by West Australian Regional Newspapers 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 Schedule Fourteen of the Scheme 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.

Shire Website

Notice given on the Shire Website shall be generally in accordance with Schedule Fourteen of the Scheme or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.

Where a website 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

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.

Form of Submissions

Verbal submissions will not be considered by the local government.

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).

Written submissions will be accepted by the local government via post, facsimile or email, subject to being received prior to close of business on the day submissions close.

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.

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

The local government will consider a development proposal in the light of all submissions received during the advertising period.

Submissions will be considered by the local government against the matters to be considered contained in clause 10.2 of the Scheme and on generally accepted planning grounds.

Notwithstanding 4.6.1, submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the local government.

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

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

Notification to a submitter is to be sent within five (5) working days of the date of decision.

Where the local government 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 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 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 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

Where a notification is delivered by postal service under clause 4.1 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

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

All Applications for Development Approval that require advertising under this Policy are deemed to be subject to a notice under clause 9.6 of the Scheme and subject to the 90 day deemed refusal period outlined in clause 10.10.2 of the Scheme.

ADOPTED – 24 May 2018
EFFECTIVE – 6 June 2018
NEXT DUE FOR REVIEW – May 2020

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