

<b>Responsible Directorate</b>	Development Services
<b>Responsible Business Unit/s</b>	Statutory Planning
<b>Responsible Officer</b>	Manager Statutory Planning and Compliance
<b>Affected Business Units</b>	Statutory Planning and Compliance

## Objective

- Ensure development applications are advertised in a timely manner, with potentially affected owners and occupiers in the vicinity provided with an opportunity to comment.
- Ensure a consistent approach is taken towards advertising development applications in accordance with Clause 64 of the Planning and Development Regulations 2015. (The Deemed Provisions)
- Provide guidance and definition of “Complex Applications.”

## Introduction

Development applications are categorised through the zoning table of the Shire’s Local Planning Scheme No.3 (LPS3). Land use permissibility in the various zones is classified to the following divisions and their definitions:

- ‘P’ means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme.
- ‘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 any relevant development standards and requirements of this Scheme.
- ‘D’ means that the use is not permitted unless the Shire has exercised its discretion by granting development approval.
- ‘A’ means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after advertising the application in accordance with Clause 64 of the deemed provisions.
- ‘X’ means that the use is not permitted by this Scheme.

In respect of a use that is not specifically referred to in the zoning table and that cannot be determined as falling within a class referred to in the zoning table, the Shire may -

- determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the Shire; or
- determine that the use may be consistent with the objectives of a particular zone and advertise under Clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

In respect to the specific land uses highlighted above, advertising of Development Applications may be required. Advertising may not be necessary for all Development Applications. All development shall be advertised in accordance with Clause 64 of the Deemed Provisions.



Land Use	Advertising
'P'	Where the proposed works are compliant with the provisions of LPS3, Local Planning Policies (LPPs) and State Planning Policies (SPPs) the application will generally not be advertised. The Shire holds discretion whether to advertise the development application if there is a proposed variation in relation to the works, which is not minor in nature. This will be assessed on a case-by-case basis depending on the scale of the variation. Importantly, if a variation to a site or development requirement is likely to adversely affect adjoining landowners, the application would be required to be advertised.
'D'	Where the use and works propose a variation to LPS3, LPPs and SPPs the Shire may advertise the development application depending on the variation and the level of impact on others. As with the above, if a variation to a site or development requirement is likely to adversely affect adjoining landowners, the application would be required to be advertised.
'A'	All Development Applications require advertising under the Clause 64 (4) of the Deemed Provisions.
'X'	Are not permitted and are refused without Advertising the application.

This streamlined process ensures greater certainty and minimises delays for the Applicant. The advertisement of a Development Application shall adhere to specific circumstances and requirements as provided throughout this policy.

## Policy Provisions

### 1. Land Uses Requiring Advertising

Clause 64 of the Deemed Provisions requires that the Shire advertise applications for development approval where it relates to or is:

- Development that is a class 'A' use in relation to the zone in which the development is located; or
- The extension of a non-conforming use; or
- Development that does not comply with the requirements of this Scheme; or
- Development for which the Shire requires a heritage assessment to be carried out under clause 11(1) of the Deemed Provisions; or (State Heritage Application)
- Are of a kind identified in LPS3's schedule as an application that is required to be advertised.

The Shire may advertise any other application (including **P**, **I** and **D** land uses) for development approval where the Shire is of the opinion that the:

- Works component of the Development Application proposes non-compliance with an additional site and development requirements under Schedule 4 of the LPS3 or any other relevant planning framework (LPPs, SPPs, etc).



- g. Development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development.

## 2. Complex Applications

A 'Complex Application' is defined under the Regulations as:

- “(i) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or*
- (ii) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for Development Approval.”*

The term 'Complex Application,' shall include a Development Application for the following proposed land uses:

- a. Telecommunication Infrastructure (High Impact Facility only).
- b. Service Stations.
- c. Child Care Centres.
- d. Caravan Parks
- e. Non-conforming land use or extension.
- f. Any Use not listed.
- g. Industry - Extractive
- h. A Development Application as determined by the Shire which is likely to have a broader external impact in relation to:
  - i. Noise
  - ii. Odour
  - iii. Dust
  - iv. Traffic
  - v. The Natural Environment
- i. Any other Development Application as determined by the Shire to be of a nature and scale which will impact the broader community.

Complex Applications shall be advertised in accordance with the requirements under Clause 64 (4) of the Deemed Provisions.



## 3. Advertising Methodology

The following advertising methods shall apply to developments applications under Clause 1 and 2 of this policy and reflects the requirements prescribed within Clause 64 (3) and (4) of the Deemed Provisions

**Table 1 – Advertising Methodology**

Method	Complex Applications	All other applications
Time Period***	28 Days*	14 Days*
Notice to Owners and Occupiers in vicinity of proposed development**	<p>All within 200m or; the minimum Separation Distance if the application is of a type dealt within by the EPA Guidance Statement 3 (Separation between Industrial and Sensitive Land Uses).</p> <p>Whichever is the greater distance.</p>	<p>In considering the kinds of issues involving Scheme or policy variations that may adversely affect adjoining owners or occupiers, and thus require advertising, officers will undertake the following assessment:</p> <ol style="list-style-type: none"> <li>Make an initial assessment of the existing amenity of the area, as it pertains to matter such as private amenity, public amenity, streetscape, built form, traffic, safety, noise, vegetation etc</li> <li>considers the manner in which a proposed development may affect that existing amenity. For example: <ul style="list-style-type: none"> <li>- compromise private amenity due to setback and/or height variations to common boundaries;</li> <li>- compromise public amenity due to street setback variations and/or height variations;</li> <li>- lead to a significant increase in traffic, for example more than 20% of existing levels;</li> <li>- pose noise impacts which exceed assigned levels for sensitive receptors;</li> <li>- create the potential for odour impacts on the locality, particularly sensitive receptors;</li> <li>- create a built form which is not in keeping with the traditional forms in the area, or is proposed in an area which is highly visible to the public realm (such as town centre and along major roads);</li> <li>- have a potential impact the safety and security of the area;</li> <li>- have a severe impact vegetation in the area.</li> </ul> </li> </ol>



Method	Complex Applications	All other applications
Time Period***	28 Days*	14 Days*
		c. if the answer under b) is yes to one or more of the subpoints, the application needs to be advertised to at least all adjoining landowners, and any further area based on the potential impact.
Sign on site provided by the applicant or at the applicant's expense****	Yes	No
Website Advertising	Yes	No

\* Subject to longer period agreed upon between applicant and the Shire.

\*\* Where more than 100 letters are required to be distributed to owners and occupiers of affected properties, the Shire shall seek to reclaim costs in accordance with Clause 64A of the Regulations

\*\*\* Time periods shall include the Holiday Exclusion Period as prescribed.

\*\*\*\* To be provided in a Manner and Form approved by the Commission (WAPC)

Where the Shire receives amended plans through the addressing of submissions or through a request for further information; amended plans may be readvertised in accordance with the requirements under Table 1.

Where amended plans:

- a. Significantly alter the proposal which was previously advertised.
- b. Propose new elements of considered which were not previously advertised.

The Shire on the merits of the revised plan shall advertise the revised plans in accordance with Table 1.

Where amended plans reduce the impact/scope of the application, amended plans are not to be readvertised.

The Shire holds discretion over the requirement to readvertise the plans and may waive the requirement to readvertise any amended plans in accordance with this policy.



## Relevant Policies/Council Documents

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Serpentine Jarrahdale Local Planning Scheme No. 3

Office Use Only				
Relevant Delegations				
Council Adoption	Date	17 June 2024	Resolution #	OCM150/06/24
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	