

POL 0069: Local Planning Scheme No. 24 Advertising Requirements

Purpose

To ensure consistency when advertising Development Applications that are an A use under the Shire of Esperance Local Planning Scheme.

Scope

This policy applies to all development that requires advertising as an A use under the provisions of the Shire of Esperance Local Planning Scheme.

Definitions

development: means the development or use of any land, including –

1. Any demolition, erection, construction, alteration of or addition to any building or structure on the land;
2. The carrying out on the land of any excavation or other works;
3. In the case of a place to which a protection order made under the *Heritage Act 2018* Part 4 Division 1 applies, any act or thing that –
 - a. Is likely to change the character of that place or the external appearance of any building; or
 - b. Would constitute an irreversible alteration of the fabric of any building.

A use: means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after advertising the proposal.

Practice



USES												
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Abattoir	X	Webpage & Social Media	X	X	X	X	Webpage	X	X	X	X	X
Aged care facility	Letter	X	X	X	X	X	X	X	X	X	X	X
Agriculture – Intensive	X	D	X	Letter & Webpage	X	X	X	X	X	X	X	
Amusement parlour	X	X	X	X	X	X	X	D	Webpage	Webpage	D	D
Animal establishment	X	D	Letter	D	Letter	X	X	X	X	X	X	X
Animal husbandry – intensive	X	D	X	Letter	X	X	X	X	X	X	X	X
Art gallery	I	D	Webpage & Social Media	X	Webpage	X	X	D	Webpage	Webpage	D	D
Betting agency	X	X	X	X	X	X	X	X	Webpage & Social Media	Webpage & Social Media	X	Letter & Webpage
Brewery	X	D	X	Letter & Webpage	Letter & Webpage	D	D	I	I	I	D	X
Caravan park	X	Letter, Webpage & Social Media	X	Letter & Webpage	Letter & Webpage	X	X	X	X	X	D	X
Child care premises	Letter	X	X	X	Letter	X	X	D	D	D	X	D
Civic use	X	D	X	X	Webpage	D	D	D	D	D	X	D
Club premises	X	Letter & Webpage	X	X	D	D	X	D	D	D	X	D
Commercial vehicle parking	Letter	D	Letter	D	Letter	D	D	X	X	X	X	X
Community purpose	X	X	X	X	Webpage	D	D	D	D	D	X	D

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Consulting rooms	Letter & Webpage	X	X	X	D	X	X	D	D	D	X	X
Convenience Store	X	X	X	X	Letter & Webpage	Webpage	X	P	D	D	Webpage	X
Corrective institution	X	Letter & Webpage	X	X	X	X	X	X	X	X	X	X
Educational establishment	Webpage & Sign	Webpage & Social Media	X	Letter & Webpage	Webpage & Sign	X	X	Webpage	Webpage	Webpage	X	Letter & Webpage
Exhibition centre	X	D	Letter & Webpage	Letter & Webpage	D	X	X	D	D	D	Webpage	X
Fuel depot	X	D	X	X	Webpage	D	D	X	X	X	X	X
Funeral parlour	X	X	X	X	Webpage & Sign	Webpage	D	Webpage	X	X	X	X
Garden centre	X	D	X	D	X	D	D	X	Webpage	Webpage	X	X
Holiday accommodation	X	Webpage & Social Media	X	X	Letter & Webpage	X	X	D	X	X	D	X
Holiday house	Letter	D	Letter	D	Letter	X	X	X	X	X	P	X
Home store	X	D	X	Webpage	Letter & Webpage	X	X	X	X	X	X	X
Hostel	Letter	Letter or Webpage	X	X	X	X	X	X	X	X	Webpage	Letter & Webpage
Hotel	X	X	X	X	Letter & Webpage	X	X	D	X	X	D	X
Industry – Cottage	X	D	D	D	Letter & Webpage	X	X	X	X	X	X	X
Industry Extractive	X	D	X	Letter & Webpage	X	X	D	X	X	X	X	X

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Liquor store – large	X	X	X	X	X	D	X	D	Webpage	Webpage	Webpage	X
Liquor store – small	X	X	X	X	Letter & Webpage	D	X	P	D	D	D	X
Marina	X	X	X	X	X	X	X	X	X	X	Webpage & Social Media	Letter & Webpage
Market	X	X	X	X	Letter & Webpage	D	X	D	D	D	D	X
Medical centre	X	X	X	X	Letter & Webpage	X	X	D	D	D	X	X
Motel	X	X	X	X	Letter & Webpage & Sign	X	X	D	Webpage	Letter & Webpage	D	X
Nightclub	X	X	X	X	X	Webpage	X	Webpage	X	X	Webpage	X
Place of worship	Webpage, Social Media & Sign	Letter & Webpage	X	X	Letter & Webpage	Webpage	X	Webpage	Webpage	Webpage	X	D
Reception centre	X	Letter & Webpage	X	Letter & Webpage	D	X	D	D	D	D	D	Webpage
Renewable energy facility	X	D	Letter & Webpage	D	Letter & Webpage	D	D	D	Letter & Webpage	Letter & Webpage	X	X
Recreation – private	X	D	Letter & Webpage	Letter & Webpage	X	D	D	D	X	X	X	D
Repurposed dwelling	X	D	D	D	X	X	X	X	X	X	X	X
Resource recovery centre	X	Letter & Webpage	X	X	X	X	Webpage & Social Media	X	X	X	X	X
Restaurant/café	X	Webpage	X	Letter & Webpage	D	X	X	P	D	D	Webpage	D

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Restricted premises	X	X	X	X	X	Webpage & Social Media	D	Webpage	X	X	X	X
Road house	X	X	X	X	Webpage	D	D	Webpage	X	X	X	X
Rural home business	X	D	Letter	D	Letter	X	X	X	X	X	X	X
Serviced apartment	Webpage & Sign	X	X	X	X	X	X	Webpage	Webpage	Webpage	Webpage	X
Service station	X	X	X	X	D	D	D	D	D	D	Webpage	X
Small bar	Letter & Webpage	X	X	X	Letter & Webpage	X	X	D	D	D	D	Webpage
Supermarket	X	X	X	X	X	X	X	D	Webpage	Webpage	X	X
Tavern	X	X	X	X	Letter & Webpage	X	X	Webpage	Webpage & Social Media	Webpage & Social Media	Webpage	Letter & Webpage
Telecommunications infrastructure	P	P	P	D	P	P	P	P	P	P	P	P
Tourist development	X	X	X	X	X	X	X	Webpage & Social Media	X	X	Webpage	X
Transport depot	X	D	X	Webpage & Social Media	Letter & Webpage	D	P	X	X	X	X	X
Tree farm	X	D	X	Webpage	X	X	X	X	X	X	X	X
Veterinary centre	X	Webpage	X	X	Webpage & Social Media	D	D	X	X	X	X	X
Workforce accommodation	X	D	X	X	Letter & Webpage	X	X	X	X	X	X	X

Note: The above table only shows land uses that have mandatory advertising as a consequence of the Zoning and Land Use Table.

For reference:

X = the use is not permitted by the Local Planning Scheme.

D = the use is not permitted unless the local government has exercised its discretion by granting development approval;

P = the use is permitted if it complies with all relevant development standards and requirements of this Scheme;

I = 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.

Note - None of these categories have a mandatory advertising requirement, however variations to other provisions of the Local Planning Scheme may trigger a separate requirement for advertising.

Additional Uses (Schedule 3)

Additional Use Area	Land Use	Advertising
A4	Motor Vehicle Repair	Sign
A6	Amusement Parlour	Webpage & Social Media
	Caravan Park	Letter & Webpage
	Club Premises	Webpage & Social Media
	Fast Food Outlet	Webpage & Sign
	Holiday Accommodation	Webpage
	Hotel	Webpage & Sign
	Lunch Bar	Webpage
	Nightclub	Letter, Webpage, Social Media & Sign
	Reception Centre	Webpage
	Serviced Apartment	Webpage
	Shop	Webpage & Social Media
	Tavern	Letter, Webpage & Sign
	Tourist Development	Webpage
	A7	Educational Establishment
Home Store		Webpage
Place of Worship		Letter & Webpage
Restaurant/Cafe		Letter, Webpage & Sign
A10	Reception Centre	Letter, Webpage & Sign
A17	Aged Care Facility	Webpage
A19	Holiday accommodation	Webpage
	Tourist development	Webpage & Social Media
A22	Tourist development	Webpage & Social Media
A24	Community Purpose	Letter
A25	Workforce accommodation	Letter

Restricted Use (Schedule 4)

Restricted Use Area	Land Use	Advertising
R3	Agriculture - Intensive	Webpage
	Caretaker's dwelling	Webpage
	Dwelling	Webpage
	Holiday accommodation	Webpage
	Tourist development	Webpage
	Motor Vehicle Repair	Webpage

Special Use (Schedule 5)

Special Use Area	Land Use	Advertising
SU1	Restaurant/cafe	Letter, Webpage & Sign

Letter is to all adjoining landowners except in relation to a complex application in which owners and occupiers of every property that is within 200 m of the proposed development are sent a letter.

Webpage is advertised on the Shire Webpage.

Webpage and social media is advertised on the Shire Webpage and Facebook Page.

Sign is a sign or signs placed in a prominent location on the development site.

Extract from the Deemed Provisions.

64. Advertising applications

- (1) The local government —
 - (a) must advertise a complex application for development approval in accordance with subclause (3); and
 - (b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —
 - (i) relates to development that is a class A use in relation to the zone in which the development is located; or
 - (ii) relates to the extension of a non-conforming use; or

- (iii) relates to development that does not comply with the requirements of this Scheme; or
- (iv) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
- (v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised;

and

- (c) may advertise any other application for development approval in accordance with subclause (4).
- (2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.
- (3) For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following —
- (a) publishing in accordance with clause 87 —
 - (i) a notice of the proposed development in the form set out in clause 86(3); and
 - (ii) the application for development approval; and
 - (iii) any accompanying material in relation to the application that the local government considers should be published;
 - (b) giving notice of the proposed development —
 - (i) to the owners and occupiers of every property that is within 200 m of the proposed development; and
 - (ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

Note for this subclause:

Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).

- (4) For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —

- (a) publishing in accordance with clause 87 —
 - (i) a notice of the proposed development in the form set out in clause 86(3); and
 - (ii) the application for development approval; and
 - (iii) any accompanying material in relation to the application that the local government considers should be published;
 - (b) giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).
- (5) A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify —
- (a) the manner and form in which submissions may be made; and
 - (b) the applicable period under subclause (6) or (7) for making submissions and the last day of that period.
- (6) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is —
- (a) the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or
 - (b) a longer period agreed in writing between the applicant and the local government.
- (7) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —
- (a) the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or
 - (b) a longer period agreed in writing between the applicant and the local government.

complex application means —

- (a) 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
- (b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval;

The Default advertising for a variation the R-Codes or an oversized outbuilding is by Letter except where the applicant has provided non objections from the affected landowners in which case the advertising is waived.

The relaxation of a Scheme Standard will be advertised either by Letter, Webpage or not advertised under Clause 64.(2) depending on the nature and scale of the relaxation.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Heritage Act 2018*
- Shire of Esperance Local Planning Scheme

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2021	1	D21/14011	New policy	O0821-132	Aug 2023
Dec 2021	2	D21/14011[v2]	Updates made to reflect changes in the Local Planning Scheme amendment no.7	O1221-225	Dec 2023
Mar 2024	3	D21/14011[v3]	Insert definitions Amendment advertising uses in accordance with the outcomes of Amendments 8 and 9 to Local Planning Scheme No. 24	O0324-021	Mar 2026
Feb 2026	4	D21/14011[v4]	Biennial review, no change	O0226-031	Feb 2028