

EXT 033: LOCAL PLANNING SCHEME No. 24 ADVERTISING REQUIREMENTS

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Objective

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

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

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
Abattoir	X	Webpage & Social Media	X	X	X	X	Webpage	X	X	X	X	X
Aged care facility	Letter	X	X	X	Letter	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	Letter & Webpage	Letter & Webpage	Letter & Webpage	D	D	I	Webpage	Webpage & Social Media	X	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	Webpage	D	D	D	Webpage	D	D	D	D	D	D	D
Club premises	X	Letter & Webpage	X	Letter & Webpage	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
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	Letter & Webpage	X	X	X	X	X

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	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
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 business	Letter	D	D	D	D	X	X				D	D
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	Webpage	X
Industry – Cottage	X	D	D	D	Letter & Webpage	X	X	X	X	X	X	X
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

USES	ZONES											
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	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
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
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

USES	ZONES											
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	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
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 Caravan Park Club Premises Fast Food Outlet Holiday Accommodation Hotel Lunch Bar Nightclub Reception Centre Serviced Apartment Shop Tavern Tourist Development	Webpage & Social Media Letter & Webpage Webpage & Social Media Webpage & Sign Webpage Webpage & Sign Webpage Letter, Webpage, Social Media & Sign Webpage Webpage Webpage & Social Media Letter, Webpage & Sign Webpage
A7	Educational Establishment Home Store Place of Worship Restaurant/Cafe	Webpage Webpage Letter & Webpage Letter, Webpage & Sign
A10	Reception Centre	Letter, Webpage & Sign
A17	Aged Care Facility	Webpage
A19	Holiday accommodation Tourist development	Webpage 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 Caretaker's dwelling Dwelling Holiday accommodation Tourist development Motor Vehicle Repair	Webpage Webpage Webpage Webpage Webpage 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.

..... Policy Ends