



ADVERTISING PLANNING PROPOSALS POLICY

POLICY NUMBER: LPP2

STATUTORY BACKGROUND

This policy is adopted under Part 2 of Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015* which enables the City of Kalgoorlie-Boulder (the City) to prepare local planning policies for any matter related to the planning and development of the Scheme area. This policy may be cited as Local Planning Policy Advertising Planning Proposals.

PURPOSE

The purpose of this policy is to provide guidance on:

1. The extent of direct community consultation to be undertaken with property owners and occupiers for various proposals.
2. Community consultation will be based on the relevant legislative requirements and the degree to which the proposal impacts upon the site itself, the land immediately surrounding the site, the locality within which the site is situated or, in some cases, more broadly on the local government areas as a whole.
3. The type and method of advertising by local government will predominantly consult with owners and occupiers of properties in the vicinity of the proposal who are likely to be affected by the granting of the approval.

OBJECTIVES

The objectives of this policy are public consultation on planning matters:

1. To develop a method by which proposals can be classified according to their likely impact.
2. To define the different levels of consultation that will be undertaken and the advice that will be provided in respect of a range of land use and development proposals.
3. To detail the requirements for consultation based on the level of impact of the proposal.
4. To outline the process that local government will use when undertaking consultation and considering submissions.



RELATIONSHIP TO OTHER DOCUMENTS

This Local Planning Policy forms part of the City's local planning policy framework. Where this policy is inconsistent with the City's local planning scheme, the Local Planning Scheme prevails. Where this policy is inconsistent with an adopted local development plan, activity centre plan or structure plan, the adopted local development plan, activity centre plan or structure plan prevails.

This local planning policy is not part of the local planning scheme and does not bind the Council in respect of any application for development approval. However, the Council shall have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

DEFINITIONS

CEO means the Chief Executive Officer of the City.

City means the City of Kalgoorlie-Boulder.

APPLICATION OF POLICY

This policy applies to:

1. Applications for development approval made under Part 7 of the deemed provisions for Local Planning Schemes;
2. Structure Plans proposed under Part 4 of the deemed provisions for Local Planning Schemes;
3. Local Planning Policies made under Part 2 of the deemed provisions for Local Planning Schemes; and
4. Amendments to the Scheme proposed under Part 5, Division 4 of the Planning and Development Act 2005 (the Act).
5. The policy is to be read in conjunction with the Scheme, the Act, any associated Regulations and any other relevant Local Planning Policy. If a provision of the policy is inconsistent with the Scheme, Act or Regulations, the requirements of the Scheme, Act or Regulations prevails.

EXCLUSIONS

This policy excludes the following types of proposals:

1. Applications for single house and outbuilding R-Codes approvals made under Part 5 of the R-Codes, for which the process outlined in the R-Codes applies.
2. Subdivision and amalgamation proposals made under Part 10 of the Act; and



- Extraordinary planning proposals, such as Local Planning Strategies, and Review of the Local Planning Scheme, for which specific advertising will be identified at the appropriate time.

POLICY MEASURES

Development Applications

Advertising timeframes for development applications shall be in accordance with the following table:

Advertising Required	Type of Advertising	Advertising Radius	Minimum Advertising Period
Permitted Uses Where no variation to the Scheme or Policy requirements is sought or necessary to approve a proposal.	<ul style="list-style-type: none"> None 	None	None
Minor Variation (residential) <ul style="list-style-type: none"> Setback (side and rear) Garaging in front setback higher than building Advertising can be waived with written support from affected neighbour.	<ul style="list-style-type: none"> Letter (direct notice) via postal / electronic 	Adjoining property owners	14 day response period
Setback Variation and Retaining <ul style="list-style-type: none"> The intent is to limit advertising only to the variation being sought, rather than the development as a whole. Owners/occupiers of properties that abut the proposal site or are located opposite. 	<ul style="list-style-type: none"> Letter (direct notice) via postal / electronic 	50m (min)	14 day response period
Height or Plot Ratio Variation <ul style="list-style-type: none"> The intent is to limit advertising only to the variation being sought, rather than the development as a whole. Owners/occupiers of properties that abut or are located opposite the proposal site. Owners/occupiers of properties within the specified radius of the proposed site. Category A <ul style="list-style-type: none"> Plot Ratio variation less than 10% Height variation less than 2 metres Category B	<ul style="list-style-type: none"> Letter (direct notice) via postal / electronic 	A - 50m (min) B - 100m (min)	21 day response period 28 day response period



<ul style="list-style-type: none"> Advertising in accordance with Clause 64 (1) to: - <ul style="list-style-type: none"> Owners/occupiers of properties in the vicinity of the development To any other owners/occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government are likely to be affected The Website notice to include the application and appropriate accompanying material. The advertising radius is measured from the boundaries of the site. 	<p>accompanying material</p> <ul style="list-style-type: none"> Website notice Accompanying material Application Public notice (newspaper) Sign on Site 		
<p>Workforce Accommodation in residential area and/or “A” Use</p> <ul style="list-style-type: none"> Owners/occupiers of properties that abut or are located opposite the proposal site. Owners/occupiers of properties within the specified radius of the proposed site. Referral to Main Roads. <p>Category A – 100 beds or less Category B – More than 100 rooms/beds</p>	<ul style="list-style-type: none"> Letter (direct notice) via postal / electronic Website notice and accompanying material Public notice (newspaper) Sign on site (optional) 	<p>A – 200m (min)</p> <p>B – 300m (min)</p>	<p>28 day response period</p> <p>28 day response period</p>
<p>Extractive Industry</p> <ul style="list-style-type: none"> Owners/occupiers of properties that abut or are located opposite the proposal site. Owners/occupiers of properties within the specified radius of the proposed site. 	<ul style="list-style-type: none"> Letter (direct notice) via Postal / electronic Website Notice and accompanying material Public Notice (newspaper) 	<p>500m (min)</p>	<p>28 day response period</p>
<p>Permitted Uses Where no variation to the Scheme or Policy requirements is sought or necessary to approve a proposal.</p>	<ul style="list-style-type: none"> None 	<p>None</p>	<p>None</p>
<p>Minor Variation (residential)</p> <ul style="list-style-type: none"> Setback (side and rear) Garaging in front setback higher than building 	<ul style="list-style-type: none"> Letter (direct notice) via postal / electronic 	<p>Adjoining property owners</p>	<p>14 day response period</p>



Advertising can be waived with written support from affected neighbour.			
Setback Variation and Retaining <ul style="list-style-type: none"> The intent is to limit advertising only to the variation being sought, rather than the development as a whole. Owners/occupiers of properties that abut the proposal site or are located opposite. 	<ul style="list-style-type: none"> Letter (direct notice) via postal / electronic 	50m (min)	14 day response period
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Carparking Variation <ul style="list-style-type: none"> Owners/occupiers of properties that abut or are located opposite the proposal site. Owners/occupiers of properties within the specified radius of the proposed site. Referral to Main Roads. <p>Category A - limited variation to reduce on-site parking by less than 25% of required parking standards.</p> <p>Category B - Substantial variation to reduce parking on site by more than 25% of the parking standards.</p>	<ul style="list-style-type: none"> Letter (direct notice) via postal / electronic Website notice 	<p>A - 100m (min)</p> <p>B - 200m (min)</p>	<p>21 day response period</p> <p>28 Day response period</p>
Home Business and Family Day Care Owners/occupiers of properties that abut the proposal site or are located opposite.	<ul style="list-style-type: none"> Letter postal / electronic Website notice 	100m (min)	21 day response period



<p>Animal Husbandry</p> <ul style="list-style-type: none"> • Owners/occupiers of properties that abut or are located opposite the proposal site. • Owners/occupiers of properties within the specified radius of the proposed site. 	<ul style="list-style-type: none"> • Letter (direct notice) via postal / electronic • Website notice and accompanying material 	<p>100m (min)</p>	<p>21 day response period</p>
<p>A Use</p> <ul style="list-style-type: none"> • Owners/occupiers of properties that abut, share a common boundary or are located opposite the development site. • Owners/occupiers of properties within the specified radius of the proposed site. • The advertising radius is measured from the boundaries of the site. 	<ul style="list-style-type: none"> • Postal/ electronic to owners • Website notice and accompanying material • Public notice (newspaper) 	<p>200m (min)</p>	<p>28 day response period</p>
<p>Use Not Listed</p> <ul style="list-style-type: none"> • Is defined as a Complex Application under Deemed Provisions Schedule 2 Part 1 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>, • Advertising in accordance with Clause 64 (1) to: - <ul style="list-style-type: none"> ○ Owners/occupiers of properties in the vicinity of the development ○ To any other owners/occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government are likely to be affected ○ The Website notice to include the application and appropriate accompanying material. • The advertising radius is measured from the boundaries of the site. 	<ul style="list-style-type: none"> • Letter (direct notice) via postal / electronic and accompanying material • Website notice • Accompanying material • Application • Public notice (newspaper) • Sign on Site 	<p>500m (min)</p>	<p>28 day response period</p>
<p>Workforce Accommodation in residential area and/or “A” Use</p> <ul style="list-style-type: none"> • Owners/occupiers of properties that abut or are located opposite the proposal site. • Owners/occupiers of properties within the specified radius of the proposed site. • Referral to Main Roads. 	<ul style="list-style-type: none"> • Letter (direct notice) via postal / electronic • Website notice and accompanying material 	<p>A – 200m (min) B – 300m (min)</p>	<p>28 day response period 28 day response period</p>



Category A – 100 beds or less Category B – More than 100 rooms/beds	<ul style="list-style-type: none"> • Public notice (newspaper) • Sign on site (optional) 		
Extractive Industry <ul style="list-style-type: none"> • Owners/occupiers of properties that abut or are located opposite the proposal site. • Owners/occupiers of properties within the specified radius of the proposed site. 	<ul style="list-style-type: none"> • Letter (direct notice) via Postal / electronic • Website Notice and accompanying material • Public Notice (newspaper) 	500m (min)	28 day response period

Holiday Periods

When consultation occurs over an extended public holiday period, comprising:

1. Christmas / New Year and Easter - the advertising period shall be extended for a further seven (7) working days to take into account any public holidays; and
2. Other public holidays advertising period shall be extended for a further 2 working days to take into account any public holidays;

Subject to compliance with statutory timeframes specified by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

ADMINISTRATION

Letters

Consultation is to occur by traditional post, and electronic mail where electronic mail contact details are available within the City's property system.

1. The minimum advertising period will begin five days following the date of postage.
2. Letters informing of a proposal are to be based upon *clause 86(3) of Part 11 of the deemed provisions for local planning schemes* and include the following information:
 - a. Details of the development, including a copy of any plans or proposal that will assist in communicating the intent of the proposal;
 - b. 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 deemed provisions for local planning schemes;
 - c. The date by which any written comments (submissions) are to be lodged;
 - d. The local government officer to which enquiries may be made to;



- e. Notification that any submission made cannot be considered a confidential document and may be released to the public domain as part of the City's consideration of the proposal; and
- f. Notification that not making a submission will be construed by the City that the person or party has no objection to the proposal.

Sign on Site

1. Where required by the regulations and this policy, a sign will be located on the street boundary of the proposal site for the entire length of advertising. The location should be visible to pedestrians without causing an unnecessary distraction to vehicles as to cause a traffic hazard or impeding access to the lot.
2. The sign board is to be 900mm long x 600mm wide for a simple application and 900mm long x 1200 wide for complex applications and erected to provide a minimum clearance of 600mm between ground level and the bottom of the sign board.
3. The notice placed on the sign shall be generally in accordance with clause 86(3) of Part 11 of the deemed provisions for local planning schemes or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.
4. The City is to photograph the sign once installed, ensuring the photograph is date stamped with the date of installation.
5. Signs shall be placed appropriately on the impacted main roads of the development.
6. The applicant or owner of the proposal site is to undertake reasonable endeavors to ensure the sign remains visible at all times during the advertising period and to notify the City in the event the sign is stolen or damaged.

Newspaper Notices

1. For the purposes of the regulations the Kalgoorlie Miner is nominated as the newspaper that is circulated within the Scheme area and will be used for all notices, where practicable.
2. Newspaper notices shall be generally in accordance with clause 86(3) of Part 11 of the deemed provisions for local planning schemes or in the case of a scheme amendment, the appropriate form of notice prescribed by clause 64 of the *Planning and Development (local planning schemes) regulations 2015*.
3. Where a newspaper notice is required as part of the advertising process, the advertising period for the proposal will begin from the day after the first publication in the newspaper.

Informing of Councillors

1. Councillors are to be informed of applications for planning approval for extensions of time and changes to a non-conforming use in accordance with the table of this policy.
2. Councillors will be advised of all applications that have an advertising period greater than or equal to 21 days.
3. Councillors are to be informed in the manner outlined in this policy.
4. Where a Councillor is an owner of property that is subject to notification, the person is to be informed by separate notices, firstly as an owner of land affected and secondly as a Councillor.



Form of Submissions

1. Verbal submissions will not be considered by the City.
2. Written submissions are to include the name and contact details of the person making the submission and identify the properties affected by the proposal (if relevant). An email address or phone number is required for further consultation.
3. Written submissions will be accepted by the City via post, facsimile or email, subject to being received prior to close of business on the day submissions close.
4. The City reserves the right to not publish or consider either wholly or in part a submission that it considers to be defamatory to any party.
5. Where a person or party has been informed of a planning proposal and no submission is received by the closing date for submissions, the City will construe that the person or party has no objection to the proposal.

Content of Submissions

The form and content of submissions should be based on planning grounds and preferably address the matters contained within Clause 67 of the *Planning and Development Act 2005*.

Consideration of Submissions

1. The City will consider all submissions received during the advertising period of the subject planning proposal.
2. Submissions will be considered by the City against the matters contained in clause 67 of the deemed provisions for local planning schemes and on generally accepted planning grounds.
3. Submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the City.
4. Where a submission is received after the advertising period has ended, but prior to a decision being made on the proposal, the City will note that the submission is late, but will make reasonable endeavours to consider the submission.

Consideration of Late Submission

1. Should a submission be received after the official submission period, Council Officers will make reasonable endeavours to include these within the consideration of the matter.
2. Should an application be made to make a late submission due to extenuating circumstances Council Officers can, upon a formal request, grant an extension.

Acknowledgement of Submissions

1. The City will notify each person that made a submission on a proposal of the decision made in relation to the proposal. Notification will be sent within five (5) working days of the date of decision.
2. Where the City 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.
3. Where a planning proposal is to be considered at an Ordinary or Special Meeting of the Council each person who has made a submission is to be notified a minimum of five (5)



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.

4. The form of notification under this section can be either posted by letter or email.
5. Where a person or party informed of a planning proposal in accordance with this policy has not made a written submission on it, the City is not required to provide acknowledgement under this section.

Guarantee of Receipt

Where a notification is delivered by postal service under this policy, the City 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 City of Kalgoorlie-Boulder's adopted Schedule of Fees and Charges to pay certain advertising costs, costs associated with advertising are to be paid by the City 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 64 of the deemed provisions for local planning schemes and subject to the 90-day deemed refusal period outlined in clause 75(1)(a) of the deemed provisions for local planning schemes.

Consideration of Submissions

1. While not detracting from the substance of any submission, all submissions received will be summarised when a report to Council is required.
2. Submissions shall be treated in confidentiality (unless otherwise prescribed by the relevant legislation), however Councillors may request a copy of submissions.
3. Once a determination of the matter has been made, notification will be provided to each submitter advising of the determination, providing reasons for that determination and advising contact details where further information can be obtained.
4. Where appropriate the local government may advise of the Council meeting date where the matter is to be determined or place an advertisement in the local paper providing public advice as to the outcome of the matter.

DOCUMENT CONTROL		
Responsible department	Development and Growth	
Date adopted by Council	18 December 2023	Resolution number: 15.2.2
Date of last review	18 December 2023	Policy reviewed and amended
Date of next review	18 December 2025	Revision Number: 1