

# COMPLEX APPLICATIONS

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## 1. Citation

This is a Local Planning Policy prepared pursuant to Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Deemed Provisions'). The policy may be cited as Local Planning Policy 24 – Complex Applications ('LPP 24').

## 2. Introduction

The City of Karratha's industry-heavy local economy and population growth are generating an increasing number of development proposals involving complex planning considerations that affect a range of stakeholders and community groups. This policy defines when a development application is considered a complex application and establishes the framework for advertising those applications to ensure community participation is meaningful, the process is transparent and consistent, and applications are determined within statutory timeframes.

## 3. Objectives

3.1 This policy aims to:

- a) Define when a development application is a complex application for the purposes of the Deemed Provisions.
- b) Balance meaningful community participation in the planning process with the requirement to determine development applications efficiently and within statutory timeframes.
- c) Ensure a transparent and consistent approach for the advertising of complex applications.
- d) Ensure that advertising of complex applications is undertaken consistently and in a manner that provides applicants and the community with certainty about the process.

## 4. Application of this Policy

- 4.1 This policy applies to all development applications lodged in respect of land within the City of Karratha.
- 4.2 This policy is to be read in conjunction with the City of Karratha Local Planning Scheme No. 8 ('the Scheme'). To the extent of any inconsistency between this policy and the Scheme, the Scheme prevails.
- 4.3 This policy identifies applications that the City will treat as complex applications within the meaning of the Deemed Provisions. Where this policy identifies an application as a complex application, the advertising requirements for complex applications set out in the Deemed Provisions apply.

- 4.4 This policy does not apply to applications for single dwellings or two grouped dwellings, for which the neighbour consultation requirements apply.

## **5. Policy Provisions**

### **5.1 Complex Applications**

5.1.1 The following are complex applications for the purposes of this policy:

- a) Any application for Workforce Accommodation, Short Stay Accommodation or other non-residential accommodation use as defined within the Scheme, where the development comprises more than 16 rooms or units.
- b) Any application to extend, alter or change a non-conforming use, pursuant to the Scheme.
- c) Any application for use of development on land zoned 'Urban Development' or 'Industrial Development' under the Scheme where there is no approved Structure Plan or Local Development Plan; or where the proposed development is not consistent with an approved Structure Plan or Local Development Plan.
- d) Any application for Childcare Premises on land zoned 'Residential' under the Scheme, or within 100 metres of the boundary of a 'Residential' zone.
- e) Any application for a service station within 50 metres of a sensitive land use as defined by the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses (No. 3), as amended from time to time.
- f) Any application for development where the estimated cost of development exceeds \$5 million, except where;
  - i. the application is for works associated with a use permitted by the Scheme and the works comply with the applicable development standards; or
  - ii. an application for warehouse, a single house or grouped or multiple dwellings comprising 16 dwellings or fewer.
- g) Any application for development approval that falls within the jurisdiction of a Development Assessment Panel, pursuant to the *Planning and Development (Development Assessment Panels) Regulations 2011*, and that would otherwise meet any of the criteria in sub-clauses (a) to (f) of this clause.
- h) Any application for development approval assessed under Part 11B or Part 17 of the *Planning and Development Act 2005*, and that would otherwise meet any of the criteria in sub-clauses (a) to (f) of this clause.
- i) Any application for development approval, which in the opinion of the City is likely to generate significant community interest.

5.1.2 In exercising its discretion under Clause 5.1.1 (i), the City will have regard to:

- a) the nature, scale and location of the proposed development;

- b) the extent of land uses or persons likely to be affected; and
- c) whether the proposal has been the subject of community correspondence or representations prior to lodgement.

5.1.3 Notwithstanding the above, the following types of applications are not complex applications for the purposes of this policy:

- a) An application to amend or cancel an existing development approval.
- b) An application that is subject of Section 31 of the *State Administrative Tribunal Act 2004*.
- c) An application that the City, at the discretion of the Director of Development Services or equivalent delegated officer, identifies as minor development that is unlikely to generate significant community interest or have strategic planning implications, having regard to the scale, nature and location of the proposed development.

## **5.2 Advertising of Complex Applications**

5.2.1 Complex applications will be advertised in accordance with the requirements for complex applications set out in Clause 64A of the Deemed Provisions.

5.2.2 In addition to the advertising requirements under Clause 64A of the Deemed Provisions, the City may advertise a complex application by one or more of the following methods:

- a) placement of a notice in a newspaper circulating in the District; and
- b) placement of a notice on one or more of the City of Karratha's communication platforms, such as 'What We Make It' and social media.

## **5.3 Amended Applications**

5.3.1 Where the applicant submits amended plans or additional information after a complex application has been advertised, the City will determine whether re-advertising is required.

5.3.2 Re-advertising will generally be required where the amended application:

- a) represents a substantially different proposal to that which was advertised; or
- b) could have a materially greater impact on the amenity of adjoining owners or occupiers than the proposal as advertised.

5.3.3 Where the amended application reduces the scale or potential impact of the proposal, re-advertising is generally not required.

## **5.4 Agency Referral**

5.4.1 The City may refer a complex application to one or more State Government agencies where the nature of the proposed development warrants it, having regard to:

- a) the proximity of the development to State infrastructure, transport corridors, utility easements or Crown land;
- b) Service authorities (including private service providers, where relevant);

- c) any requirement for referral under a State Planning Policy; or
- d) any environmental, heritage or public health considerations associated with the proposed development.

**5.5 Applications where the City is not the Determining Authority**

- 5.5.1 Where a complex application is to be determined by a Development Assessment Panel or the State Development Assessment Unit, the City will notify the determining authority that the application meets the criteria for a complex application under this policy and will undertake advertising in accordance with Clause 5.2 above unless the determining authority has specified alternative advertising requirements.

## 6. Document Control

| Version                | Decision to Adopt / Amend                                         |                                                            |                               |
|------------------------|-------------------------------------------------------------------|------------------------------------------------------------|-------------------------------|
| 1.                     | <a href="#">28 October 2024   Ordinary Council Meeting   12.3</a> |                                                            |                               |
| 2.                     |                                                                   |                                                            |                               |
| 3.                     |                                                                   |                                                            |                               |
| 4.                     |                                                                   |                                                            |                               |
| Public Consultation    |                                                                   | Not required – minor / administrative update               |                               |
| WAPC Approval Required |                                                                   | No                                                         | Date Approved by the WAPC N/A |
| Document Reference     |                                                                   | Document Reference: LPP 24<br>Previous Policy Number: DP24 |                               |
| Next Review Date       |                                                                   |                                                            |                               |
| Review Frequency       |                                                                   | Every 5 years                                              |                               |

| Related Documents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Internal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | External                                                                                                                             |
| City of Karratha Local Planning Scheme No. 8<br>City of Karratha Local Planning Strategy<br>Local Planning Policy 25 – Design Review                                                                                                                                                                                                                                                                                                                                                                                         | Guidance for the Assessment of Environmental Factors (No. 3) – Separation Distances between Industrial and Sensitive Land Uses (EPA) |
| Relevant Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                      |
| <i>Planning and Development Act 2005</i><br><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br><i>Planning and Development (Development Assessment Panels) Regulations 2011</i><br><i>Environmental Protection Act 1986</i><br><i>State Administrative Tribunal Act 2004</i>                                                                                                                                                                                                                       |                                                                                                                                      |
| <p><b>This policy takes effect from the date of adoption by Council and shall remain valid for a period of 5 years unless reviewed prior.</b></p> <p>All records created or maintained under this document must be captured in the City's approved recordkeeping or business system. These records are to be retained and managed in accordance with the <i>State Records Act 2000</i>, <i>Privacy and Responsible Information Sharing Act 2024</i>, the City's Recordkeeping Plan, and authorised disposal authorities.</p> |                                                                                                                                      |

## Appendix A – Definitions

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|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sensitive Land Use</b>             | Means a land use sensitive to emissions from industry and infrastructure, as defined in the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors — Separation Distances between Industrial and Sensitive Land Uses (No. 3), as amended from time to time. |
| <b>Significant Community Interest</b> | Means a level of community interest that, in the opinion of the City, is likely to result in a material number of persons making representations about the proposed development, having regard to the scale, nature, location and land use context of the proposal.                            |