

# ADVERTISING OF PLANNING PERMIT APPLICATIONS POLICY

## 1.0 Purpose

This policy provides how Statutory Planning Officers will notify third parties of a planning permit application. This includes the manner in which public notice will be sent and the extent of this notice. By defining the manner and extent of public notice required, this policy will ensure a consistent approach to advertising.

This policy represents the City of Ballarat's interpretation of the provisions of section 52 (Notice of application) of the *Planning and Environment Act 1987* (the Act).

## 2.0 Scope

This policy is to be used by Statutory Planning Officers when considering how to notify third parties of a planning permit application. This policy does not apply to permit applications which are exempt from the notice and review provisions of the Act, or to permit applications Statutory Planning Officers consider do not warrant public notice. This is limited to applications which it is considered will not cause third parties material detriment.

In addition to this, this policy does not apply to Planning Scheme Amendments (PSAs). PSAs are subject to different public notice and exhibition requirements, as managed by the Strategic Planning department.

## 3.0 Policy Statement

Where a permit application raises issues extending beyond the site and its immediate surrounds (such as streetscape or neighbourhood character concerns for example), it is important that Statutory Planning officers consider to what extent public notice should be given.

In accordance with Section 52(1)(a) of the Act, not all planning permit applications need be advertised. Notice of an application is only required if, in the opinion of the Responsible Authority, material detriment may be caused.

Where this is the case, the *minimum* extent of notice given must accord with the requirements of Section 52(1)(a) - (cb) of the Act.

Where a permit application may generate wider impacts, additional notice must be given. This is required by section 52(1)(d), which seeks to ensure notice is provided to 'any other persons' who it is considered may be caused material detriment by the grant of a planning permit.

- In addition to the requirements of section 52(1)(a) - (cb) and in response to section 52(1)(d), the following notice must be given as a *minimum*: Individual letters sent to the owners and occupiers of no less than two properties either side of the subject site. Where the site is on or one removed from properties around the corner or across the corner, individual letters should be sent to properties around the corner or across the road, as applicable; and
- Three properties opposite and three properties behind the site, with the same corner site principles applying.



Public notices range in size from A2 (600mm x 450mm) to A0 (1189mm x 841mm). Officers will again use their discretion when determining what size public notice(s) should be used, with consideration given to the nature of the proposal and the physical context of the site and its immediate surrounds. Typically, A2 size signs are most commonly used.

All signs, irrespective of size, are yellow to maximise their visibility.

All signs must be displayed generally at the centre of a site frontage and/or other relevant boundary(ies) and within one metre of the public realm.

### ***Advertising materials***

Statutory Planning erect all signs on behalf of permit applicants. Where a sign is removed or damaged during the advertising period, it is the permit applicant's responsibility to notify Statutory Planning in order to arrange a replacement sign.

All signs must be displayed on site for no less than 14 continuous days. Where a sign is removed/damaged and not replaced the same day, the advertising period will either be suspended or recommence. This is dependent upon the time the sign has already been displayed.

If the sign is removed/damaged on the first day it is displayed, the advertising period will recommence on the day a replacement sign is displayed.

If a sign is removed/damaged towards the end of the 14-day advertising period and Statutory Planning is satisfied that third parties have had sufficient time to review application documents and make a submission, the advertising period will continue from the date a replacement sign is displayed.

All fees and charges associated with individual letters and public notices are to be borne by the permit applicant and will be applied at the annually adjusted rate set by Council.

### **Policy Discretion**

Permit applications that are considered to be of broader community interest will be more widely advertised (beyond that recommended by this policy) at the discretion of the Manager, Statutory Planning.

## **4.0 Supporting documents and references**

### **4.1 Legislation**

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Charter of Human Rights Act 2007*
- *Gender Equality Act 2020*

## 4.2 Definitions

Definitions are as per the *Planning and Environment Act 1987*.

## 5.0 Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

## 6.0 Policy owner

The owner of this policy is the Chief Executive Officer.

All enquiries regarding this policy should be initially directed to the Manager, Statutory Planning.

## 7.0 Authorisation

Adopted by Ballarat City Council on 24 April 2024.