



# Advertising Planning Applications Policy

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**1. PURPOSE**

- 1.1 This policy will guide planners as to how a planning application is to be advertised as per the requirements of the Planning and Environment Act 1987.
- 1.2 This policy will also provide clarity to applicants in relation to Council's adopted procedure and policy.

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**2. SCOPE**

- 2.1 This policy applies to all applications lodged with the Statutory Planning Department and are being placed on public notice.

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**3. POLICY STATEMENT**

- 3.1 Council's Statutory Planning Department receives and determines a number of planning applications, many of which are required to be advertised pursuant to Section 52 of the *Planning and Environment Act 1987*.

- 3.2 Section 52 of the *Planning and Environment Act* provides for the legislative requirements for advertising planning applications, and states the following:

(1) Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—

- a) to the owners (except persons entitled to be registered under *the Transfer of Land Act 1958* as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person; and
- b) to a municipal council, if the application applies to or may materially affect land within its municipal district; and
- c) to any person to whom the planning scheme requires it to give notice; and
  - (ca). to the owners (except persons entitled to be registered under *the Transfer of Land Act 1958* as proprietor of an estate in fee simple) and occupiers of land benefited by a registered restrictive covenant, if anything authorised by the permit would result in a breach of the covenant; and
  - (cb). to the owners (except persons entitled to be registered under *the Transfer of Land Act 1958* as proprietor of an estate in fee simple) and occupiers of land benefited by a registered restrictive covenant, if the application is to remove or vary the covenant; and
- d) to any other persons, if the responsible authority considers that the grant of the permit may cause material detriment to them.

- 3.3 Given sub section (1)(d) under Section 52 of the Act, it is important that Council

develops a policy that provides a wider opportunity for public notice as opposed to adjoining neighbours, as some applications may have a more far reaching effect, such as poultry and broiler farms or matters which relate to neighbourhood character.

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#### 4. PROCEDURES

- 4.1 The Advertising Planning Applications Procedure provides advice as to how this policy will be implemented.
- 4.2 Council will undertake the notice requirements as specified within the Planning & Environment Act 1987 on behalf of the permit applicant for a fee.
- 4.3 This can be undertaken by all or some of the following methods:
- 4.3.1 Mailing letters to surrounding and adjacent owners and occupiers;
  - 4.3.2 Erecting a sign on site; and
  - 4.3.3 Placement of the notice in the newspaper.
- 4.4 The following process is to be undertaken for all applications:
- 4.4.1 Letter notification sent to owners and occupiers of the two properties (minimum) adjoining either side of the development site. If the development site adjoins a battle axe allotment, an additional property is to be notified. If the development site is on a corner, then the notice should extend around the relevant corners.
  - 4.4.2 Letter notification sent to owners and occupiers of a minimum of three properties opposite the development site that are directly in line with the application site and immediate properties behind the site, with the same corner site principles applying.
- 4.5 For larger applications, such as broiler and poultry farms, notification should align with the buffer distances as set out at Clause 53.08, Clause 53.09 and Clause 53.10 of the Golden Plains Planning Scheme.
- 4.6 Telecommunication and wind turbine applications should involve a radius of 1 kilometer for notification purposes.
- 4.7 The notice requirements of each application will be reviewed when the application is lodged with Council and this fee is required to be paid when the application fee is paid.
- 4.8 The fee will be determined to be either one of four options, depending on the scale and size of the development, the proposed land use and whether the application is required to be advertised in the newspaper:
- (a) Advertising of an application by letters only (up to 20 letters) is proposed to be set at \$50.00.
  - (b) Advertising of an application by letters (up to 20 letters) and sign on

site is proposed to be set at \$150.00.

- (c) Advertising of an application by letters (up to 20 letters), sign on site and newspaper is proposed to be set at \$200.00 plus the cost of the newspaper notice.
- (d) For each additional letter over 20 letters, an additional cost of \$2.50 per letter is required.
- (e) For each additional sign, an additional cost of \$100.00 per sign is required.

- 4.9 Erection of signage is proposed to be undertaken by way of a tender and the cost to applicants is to be fully recouped within the new fee structure.
- 4.10 Any damaged sign or loss of signage placed on land is required to be reported to Council, and a replacement sign will be provided at an additional cost of \$100.00 and the notice period will be amended / extended in line with the 14 day notice period under the Act.

## 5. RESPONSIBILITIES

### Compliance, monitoring and review

- 5.1 The policy owner is responsible for ensuring the policy:
  - Aligns with the Planning and Environment 1987, and as amended from time to time; and
  - Is reviewed to evaluate its continuing effectiveness in achieving consistency in how applications are advertised.

### Reporting

- 5.2 No additional reporting is required.

### Records Management

- 5.3 Council must maintain all records relevant to administering this policy in accordance with the Public Records Act 1973 and as part of the processing of applications under the Planning and Environment Act 1987.

## 6. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

### Terms and definitions

Term	Definition
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Act</i>	<i>Planning and Environment Act 1987</i>
<i>Applicant</i>	<i>A person or company who have lodged a statutory planning application to Council.</i>

**7. RELATED LEGISLATION AND DOCUMENTS**

**7.1 Legislation**

Planning and Environment Act 1987

Privacy and Data Protection Act 2014

**Strategic Documents**

*Advertising Planning Applications Procedure*

*Information Privacy Policy*

**8. HUMAN RIGHTS STATEMENT OF COMPATABILITY**


8.1 It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**9. POLICY OWNER**

9.1 The Manager Planning and Environment is the policy owner.

9.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

**10. DOCUMENT INFORMATION**

DOCUMENT TYPE:	Council Policy
DOCUMENT STATUS:	Approved
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APPROVED BY:	Council
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DATE RESCINDED:	Not Applicable
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NOTES:	Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy

page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:

<https://www.goldenplains.vic.gov.au/resources/my-council/about-council/council-policies>