

Consideration of Planning Permit Applications Policy

1.0 Purpose

This policy sets out the City of Ballarat's approach to notifying Councillors of planning permit applications and the steps which then follow to facilitate planning decisions.

This policy is required to ensure a consistent approach is adopted by Statutory Planning officers.

2.0 Scope

This policy applies to the consideration of planning permit applications only. This policy does not apply to Planning Scheme Amendments (PSAs). PSAs are subject to different notification processes, as managed by the Strategic Planning department.

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

3.0 Policy Statement

The Act requires the City of Ballarat to:

- (a) Manage planning permit applications that are not 'as of right' in accordance with the provisions of the Ballarat Planning Scheme (BPS);
- (b) Determine if further information is required to enable the City of Ballarat to assess a planning permit application;
- (c) Determine if a planning permit application is likely to cause third parties' material detriment and, if so, require notice to be given to identified parties, in accordance with the Act; and
- (d) Consider any submissions received in response to notice together with the relevant provisions of the BPS and make a determination within specified timelines.

Decision-Making Process

Responsibility for determining planning permit applications is delegated by Ballarat City Council to the Statutory Planning department.

The ways in which a planning permit application may be determined are set out below.

1. Officer under delegation

Where a planning permit application is otherwise considered to be generally in accordance with the relevant provisions of the BPS and of no or limited public interest, Statutory Planning officers will generally be responsible for making a decision.

2. Officer-led approach

Where a planning permit application is considered to be contentious or may be of interest to the

community, Statutory Planning will brief Councillors who will then determine if the application will be presented to the Planning Delegated Committee for a final decision.

3. Councillor call-in

Notwithstanding the Officer-led approach above, where a Councillor independently expresses an interest in a planning permit application and this is seconded by another Councillor, the application will be presented to the Planning Delegated Committee for a final decision.

Importantly, any planning permit application in which a Councillor, Senior Officer or Planning Officer has a material interest, must be presented to the Planning Delegated Committee or a Council meeting for a final decision. Any Councillor, Senior Officer, or Planning Officer with a material interest in an application must formally declare a conflict of interest and cannot be involved in the assessment or decision-making process.

Notice to Councillors

With reference to the Councillor call-in process above, Councillors are made aware of permit applications as follows:

- A list of planning permit applications received the previous week is circulated to Councillors. The list includes primary information such as the property address, planning application reference number and a brief description of the proposal.
- Based on this information, Councillors can request further information via the Chief Executive Officer or Director, Development and Growth in the form of a formal briefing. Based on this briefing, Councillors may then opt to call-in the application for a final decision.

With reference to the Officer-led approach, in determining whether an application may be of interest to Councillors, Planning Officers will give consideration to:

- The scale and significance of the proposal;
- Whether the proposal is consistent with the BPS. importantly, any application that is contrary to policy, regardless of whether or not it is likely to be supported by officers, must be presented to Councillors for final decision;
- Whether the permit application or likely decision is/may be considered controversial;
- The number of objections received and the nature and substance of these objections; and
- The public profile of the application, including whether or not there has been significant public interest, regardless of the number of objections received.

The same processes apply for determining which matters are to be presented to Councillors to adopt a position in response to any application for review lodged in accordance with section 79 (Applications for review of failures to grant permits) of the Act. This section applies where the City of Ballarat has not determined a planning permit application within the prescribed time.

4.0 Supporting documents and references

4.1 Legislation

- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Equal Opportunity Act 2010*
- *Gender Equality Act 2020*

4.2 Associated Documents

- Advertising Planning Applications Policy

4.3 Definitions

Senior Officer - defined as a member of staff who (a) has a statutory or delegated power, duty or function; and (b) is nominated by the Chief Executive Officer for the purposes of Part 6, Division 3 of the Local Government Act 2020 due to the nature of that power, duty or function.

Other 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.