



**CITY OF  
BALLARAT**

# **Ballarat City Council Policy for Advertising Planning Applications**

**Planning and Development  
(Statutory Planning)**

**BALLARAT CITY COUNCIL  
Town Hall  
Sturt St  
Ballarat VIC 3350  
Tel. 5320 5500**

## TABLE OF CONTENTS

1	DOCUMENT CONTROL INFORMATION .....	2
2	POLICY STATEMENT .....	3
3	OWNER .....	4
4	APPLICABILITY .....	4
5	DEFINITIONS .....	4
6	PROCEDURE AND GUIDANCE NOTES.....	4
7	COMPLIANCE RESPONSIBILITIES .....	7
8	CHARTER OF HUMAN RIGHTS COMPLIANCE.....	7
9	REFERENCES AND RELATED POLICIES .....	7

---

## 1 DOCUMENT CONTROL INFORMATION

---

### DOCUMENT CONTROL

<b>Policy Name</b>	Advertising Planning Applications
<b>Business Unit</b>	Planning and Development
<b>File Location</b>	DocHub
<b>Document status</b>	Approved
<b>Version</b>	2.00
<b>Version Date</b>	April 2009
<b>Next Review date</b>	April 2010

### DOCUMENT HISTORY

	Version	Date	Author
<b>Initial Draft</b>	1	7 April 2009	T McCullough
<b>Final Draft</b>	2	9 May 2009	T McCullough
<b>Approved</b>	2	27 May 2009	Council Resolution (R153/09)
<b>Review Draft</b>			
<b>Review Final</b>			
<b>Approved</b>			



## 2 POLICY STATEMENT

### Legislative Context:

Council's Statutory Planning Department receive and determine many applications for planning permits. Many of these applications are advertised pursuant to the legislative requirements of Section 52 of the Planning and Environment Act, 1987.

Section 52 of the Planning and Environment Act 1987, (as amended) sets down the legislative requirements for the advertising of an Application for Planning Permit.

- Section 52 (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 the 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.*

Particularly in light of clause d) it is desirable that Council adopt a policy that provides for wider notice to be given than merely to adjoining neighbours when the application is likely to impact on issues of wider concern (eg streetscape, neighbourhood character, traffic and parking).

### **Objectives:**

- This policy sets out the requirements for advertising of planning applications to be utilized for all applications required to be advertised under the Ballarat Planning Scheme.



---

### 3 OWNER

The owner of this policy is the Chief Executive Officer.  
All enquiries regarding this policy should be initially directed to the Manager Planning and Building.

### 4 APPLICABILITY

The policy applies to all applications deemed to require advertisement under Section 52 of the Planning and Environment Act, 1987.

### 5 DEFINITIONS

Definitions are as per the Planning and Environment Act.

### 6 PROCEDURE AND GUIDANCE NOTES

#### Requirements:

The minimum advertising requirements for any application for planning permit advertised by Council will remain fully in accordance with the requirements of Section 52 of the Planning and Environment Act, 1987.

Where an application may impact on issues such as streetscape, neighbourhood character, traffic and parking wider public notification is required to be given. The following process should be undertaken for all applications.

- Letter notification sent to the owners and/or occupiers of the two(2) properties either side, on the same side of the street/road of the subject land. If subject land is a corner site, or near a corner this letter notification is to be continued around the relevant corners.
- Three (3) properties opposite and three (3) properties behind the site, with the same corner site principles applying.

NB: In circumstances whereby lot boundaries are not aligned, wider notification is to occur, as illustrated in Example 3.

#### Example 1

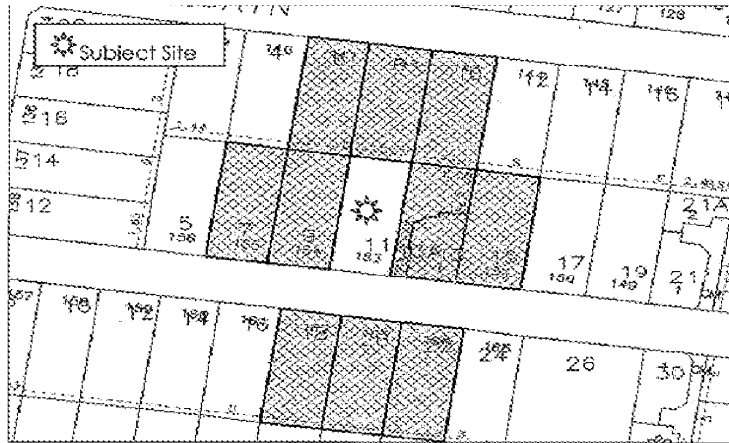
9 May 2009

©Ballarat City Council. All Rights Reserved.

4 of 7



Planning and Development  
Advertising Planning Applications



Example 2

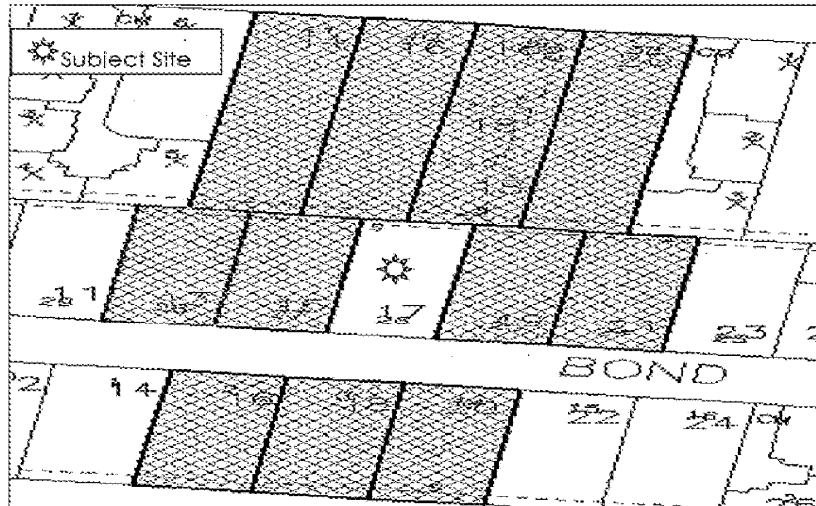


Example 3

9 May 2009

©Ballarat City Council. All Rights Reserved.

5 of 7



The size of public notices (advertising) sign(s) displayed on the subject land should be as follows:

- a) For the majority of applications for planning permits being advertised, including most multi dwelling development, medical centres, small scale buildings and works proposals, each notice placed on the land to be A2 size (approx 600mm x 420mm)
- b) For larger scale advertised applications for planning permits such as broad acre land subdivision, industrial development, multiple level residential development (3 or more storeys) each sign required to be placed on the land to be A1 size (approx 840mm x 600mm)
- c) For applications for planning permits for development/use of land for landfill, brothel, significant commercial development major promotion sign, each sign required to be placed on the land to be A0 (1200mm x 840mm).

All signs, irrespective of size required to be on YELLOW paper so as to provide greater visibility.

Any sign displayed must be located within 1 metre, and midway along, of the subject land's street frontage(s) and must be clearly visible from the street it fronts.

Council continue to provide a service of undertaking the mail out (letters only) component of the advertising process for a minimum fee of \$3.00 per letter and \$50 for the first notice to be erected on site and \$35 for each additional sign. For larger mail outs, a negotiated fee between Council and Applicant may be struck, with the agreed fee to be **approved by** the Manager Planning and Building.

The option for the Applicant to send out the letters to the persons as directed by Council to remain, providing such letters are sent by Delivery Confirmation (Registered Mail).



Council will be responsible for the erection of the signs on the site unless otherwise agreed. Any loss of a sign is to be reported to Council immediately and replacement signs will be provided at a cost of \$35 per sign.

#### **Policy Discretion**

Proposals that are considered to be of broader community concern, should be more widely advertised (beyond that recommended by this policy), at the discretion of the Manager Planning and Building.

Where an advertisement in the newspaper is required this will be arranged by Council at cost. (currently approximately \$300)

## **7 COMPLIANCE RESPONSIBILITIES**

The Manager Planning and Building is responsible for all aspects of compliance within this policy.

## **8 CHARTER OF HUMAN RIGHTS COMPLIANCE**

*It is considered that this policy does not impact on any human rights identified in the Charter of Human Rights Act 2007*

## **9 REFERENCES AND RELATED POLICIES**

	<b>Include - Name, Reference and location of reference</b>
Acts	PLANNING AND ENVIRONMENT ACT, 1987
Regulations	
Codes of Practice	
Related Policies	POLICY FOR CONSIDERATION OF PLANNING DECISIONS BY COUNCIL PRELIMINARY CONFERENCE POLICY