



# **ATTACHMENTS**

**Under Separate Cover  
Council Meeting**

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**6.00pm Tuesday 23 March 2021**







## Table of Contents

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7.15	Statutory Planning Advertising Policy and Procedure	
	Attachment 1 Advertising Planning Applications Policy.....	4
	Attachment 2 Advertising Planning Applications Procedure.....	11



ADVERTISING PLANNING APPLICATIONS POLICY



# Advertising Planning Applications Policy



ADVERTISING PLANNING APPLICATIONS POLICY

CONTENTS

1.	PURPOSE.....	3
2.	SCOPE.....	3
3.	POLICY STATEMENT .....	3
4.	PROCEDURES.....	4
5.	RESPONSIBILITIES.....	5
6.	DEFINITIONS OF TERMS OR ABBREVIATIONS USED .....	5
7.	RELATED LEGISLATION AND DOCUMENTS.....	6
8.	HUMAN RIGHTS STATEMENT OF COMPATABILITY .....	6
9.	POLICY OWNER.....	6
10.	DOCUMENT INFORMATION .....	6



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**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



**ADVERTISING PLANNING APPLICATIONS POLICY**

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 Procedure **XXX** 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.



## ADVERTISING PLANNING APPLICATIONS POLICY

- (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>



## ADVERTISING PLANNING APPLICATIONS POLICY

### 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
DOCUMENT STATUS:	[For example: Approved/Not Approved]
DOCUMENT OWNER POSITION:	Manager Planning and Environment
APPROVED BY:	Council
DATE ADOPTED:	[Insert Date/Month/Year]
VERSION NUMBER:	01
REVIEW DATE:	July 2022
DATE RESCINDED:	[Include if relevant]
EVIDENCE OF APPROVAL:	 Signed by Chief Executive Officer
FILE LOCATION:	[Include a file location (AltusECM Ref) so that it may be accessed in future and amended - Word and PDF – insert file path] INT[XX/XXXX]
NOTES:	Policy documents are amended from



## ADVERTISING PLANNING APPLICATIONS POLICY

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:

for Council policy

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



ADVERTISING PLANNING APPLICATIONS PROCEDURE



## Advertising Planning Applications Procedure



ADVERTISING PLANNING APPLICATIONS PROCEDURE

CONTENTS

1. PURPOSE.....3

2. SCOPE.....3

3. PROCEDURE.....3

4. RESPONSIBILITIES.....6

5. DEFINITIONS OF TERMS OR ABBREVIATIONS USED.....6

6. RELATED LEGISLATION AND DOCUMENTS.....7

7. HUMAN RIGHTS STATEMENT OF COMPATABILITY.....7

8. PROCEDURE OWNER.....7

9. DOCUMENT INFORMATION.....7



**ADVERTISING PLANNING APPLICATIONS PROCEDURE**

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**1. PURPOSE**

- 1.1 This procedure establishes Councils process for advertising requirements for applications made under the Planning and Environment Act 1987.
- 1.2 To ensure compliance with both the Planning and Environment Act 1987 and the Victorian Privacy and Data Protection Act 2014.
- 1.3 To ensure the community are well informed on applications being considered by Council and to ensure consistency in advertising applications undertaken by the department.

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**2. SCOPE**

- 2.1 This procedure applies to all Council officers handling applications made to Council under the Planning and Environment Act 1987, that are subject to Section 52 of the Act.
- 2.2 This procedure does not apply to planning applications whereby public notice is not being undertaken.

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**3. PROCEDURE**

- 3.1 The minimum advertising requirements for any application received by Council is set out at Section 52 of the Planning and Environment Act 1987.
- 3.2 When an application is received which may impact on the broader community, such as social, economic, environmental, health or neighbourhood character issues, wider notification is required to be undertaken.
- 3.3 The following process is to be undertaken for all applications:

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.
- Owners and occupiers of properties opposite the development site, which matches the extent of the notice being undertaken on the subject property side of the street, and are directly in line with the application site.
- Owners and occupiers of properties to the rear of the subject property, which adjoin property boundaries, and those properties whereby new development may be sited from.
- The above does not relate to Rural zoned properties, whereby site separation is expanded. In this instance, each adjoining site (shared property boundary) and adjacent site will suffice.



## ADVERTISING PLANNING APPLICATIONS PROCEDURE

### Example of letter notification extent for Residential / Industrial / Commercial



- 3.4 For larger applications, such as broiler and poultry farms, as a minimum, notice should be given to all properties within the buffer as stipulated at Clause 53.08, Clause 53.09 and Clause 53.10 of the Golden Plains Planning Scheme.
- 3.5 Telecommunication and wind turbine applications should involve a radius of 1 kilometer for notification purposes.
- 3.6 **On Site Public Notice**
  - 3.6.1 The size of public notices displayed on the land being developed should also reflect its setting and proposal.
  - 3.6.2 For the majority of applications being advertised such as medical centres, multi dwellings and sheds and small scale subdivision, each notice will be A2 in size.



**ADVERTISING PLANNING APPLICATIONS PROCEDURE**

- 3.6.3 For larger scale developments, such as large scale subdivisions, industrial developments, multi-level developments, each sign on the land will be A1 in size.
- 3.6.4 For applications such as broiler and poultry farms, telecommunication facilities, each sign will be A0 in size.
- 3.6.5 All signage must be yellow, so as to stand out in the landscape, and placed within the centre of the property, and setback a maximum one metre from the frontage.
- 3.7 Newspaper Public Notice**
- 3.7.1 Applications for removal of restrictive covenants must be advertised in the newspaper in accordance with the requirements set out in the Planning and Environment Act 1987.
- 3.7.2 Other proposals which may have municipal wide implications, generate a high level of public interest, and which may have significant offsite amenity impacts will also require public notice be undertaken by way of notice in the newspaper.
- 3.8 Fees and Charges**
- 3.8.1 Current fees set by Council are to be reviewed and updated annually, the 2020/21 fee is \$10.00 per letter, \$255.00 per sign, \$51.00 per additional sign and recoupment of the cost for a notice in the newspaper plus \$51.00 administration fee.
- 3.8.2 It is proposed to have a sliding scale of advertisement fees to reflect the notice requirements of each application and the work involved in undertaking the notice requirements on behalf of the permit applicant.
- 3.8.3 Advertising of an application by letters only (up to 20 letters) is proposed to be set at \$50.00.
- 3.8.4 Advertising of an application by letters (up to 20 letters) and sign on site is proposed to be set at \$150.00.
- 3.8.5 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.
- 3.8.6 For each additional letter over 20 letters, an additional cost of \$2.50 per letter is required.
- 3.8.7 For each additional sign, an additional cost of \$100.00 per sign is required.
- 3.8.8 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.
- 3.9 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.



## ADVERTISING PLANNING APPLICATIONS PROCEDURE

### 4. RESPONSIBILITIES

#### Compliance, monitoring and review

4.1 The policy owner is responsible for ensuring the policy:

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- Is reviewed to evaluate its continuing effectiveness in achieving consistency in how applications are advertised.

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4.2 No additional reporting is required

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4.3 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.

### 5. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

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<i>Applicant</i>	<i>A person or company who have lodged a statutory planning application to Council.</i>
<i>Act</i>	<i>Planning and Environment Act 1987</i>
<i>Statutory Planning</i>	<i>Statutory Planning is the part of town planning process that is concerned with the regulation and management of changes to land use and development.</i>



## ADVERTISING PLANNING APPLICATIONS PROCEDURE

### 6. RELATED LEGISLATION AND DOCUMENTS

#### *Legislation*

Planning and Environment Act 1987

### 7. HUMAN RIGHTS STATEMENT OF COMPATABILITY

- 7.1 It is considered that this procedure does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic). Council is committed to consultation and cooperation between management and employees. Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

### 8. PROCEDURE OWNER

- 8.1 The Manager Planning and Environment is the procedure owner.

### 9. DOCUMENT INFORMATION

DOCUMENT TYPE:	Procedure document
DOCUMENT STATUS:	[For example: Approved/Not Approved]
DOCUMENT OWNER POSITION:	Manager Planning and Environment
APPROVED BY:	Council
DATE ADOPTED:	[Insert Date/Month/Year]
VERSION NUMBER:	[Insert version number]
REVIEW DATE:	July 2022
DATE RESCINDED:	[Include if relevant]
EVIDENCE OF APPROVAL:	 Signed by Chief Executive Officer
FILE LOCATION:	[Include a file location (AltusECM Ref) so that it may be accessed in future and amended - Word and PDF – insert file path] INT[XX/XXXX]
NOTES:	Procedure documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Procedure page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at: <a href="https://intranet.goldenplains.vic.gov.au/the-hub">https://intranet.goldenplains.vic.gov.au/the-hub</a>