

CP 18 Statutory Planning Permit Application Notification Policy

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| Responsible Officer: | Manager Development |
| Document type: | Council Policy |
| Reference: | CP 18 |
| Approved by the Leadership Team: | 3 May 2024 |
| Date Adopted by the Council: | 31 July 2024 |
| Date of next review: | May 2028 |

Policy Objective

The purpose of this policy is to provide:

- guidance to Council officers of what is considered to be the appropriate amount of notification required for Planning Permit Applications
- consistency in the type of notification required for specific types of land uses.

Background

Section 52 of the *Planning and Environment Act 1987* requires either the applicant or Council to give notice of Planning Permit Applications. However, in some circumstances, clauses within the Benalla Planning Scheme exempt specified types of applications from this requirement to give notice.

The purpose of this policy is to provide guidance to Council's Planning Officers regarding the appropriate requirements for the notification of Planning Permit Applications that Benalla Rural City Council considers acceptable. It should be noted that in special circumstances wider notice may be appropriate at the discretion of the Manager, General Manager or Chief Executive Officer.

Procedure

1. Application of Policy

This notification policy shall not apply to Planning Permit Applications where a clause of the Benalla Planning Scheme specifically excludes an application from the requirement to be notified.

The requirements for notification are set out in a table format for ease of use. The users in the table are by no means exhaustive but cover the majority of applications received by Council. Where Planning Permit Applications are not exempt from the notification requirements within the *Planning and Environment Act 1987*, adjoining property owners will be notified in accordance with the attached table.

Where a use is not specified in the table the decision to notify adjoining property owners/occupiers shall be at the discretion of the assessing officer and their superior, based on an assessment of whether the proposed use would cause material detriment to any person.

2. Notification Requirements

The types of notification required for specific land uses are set out in **Table 1**, which forms part of this policy.

Where an application is to be advertised between 15 December and 15 January, the minimum time for comment will be doubled to 20 business days for the convenience of residents.

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Table 1 – Types of Notification Required

| Type of Application | Type of Notice of Application Required | | | |
|--|---|--------------|--------------------------------|-------------------------|
| | Letter to adjoining property owners / occupiers | Sign on site | Publishing Notice in Newspaper | Additional Requirements |
| Shop with combined leasable floor area above 2,000 square metres | √ | √ | | |
| Adult sex book shop | √ | √ | | |
| Amusement parlour | √ | √ | | |
| Art Gallery | √ | √ | | |
| Bar | √ | √ | √ | |
| Bottle Shop | √ | √ | | |
| Brothel | √ | √ | √ | |
| Car park | √ | √ | | |
| Child care centre | √ | √ | | |
| Car sales | √ | √ | | |
| Cinema or cinema based entertainment facility | √ | √ | √ | |
| Corrective institution | √ | √ | √ | |
| Education centre | √ | √ | | |
| Function centre | √ | √ | √ | |
| Funeral Parlour | √ | √ | | |
| Gambling premises | √ | √ | √ | |
| Hotel | √ | √ | √ | |
| Indoor recreation facility | √ | √ | | |
| Motel | √ | √ | | |
| Motor repairs and panel beating | √ | √ | | |

| Type of Application | Type of Notice of Application Required | | | |
|--|---|--------------|--------------------------------|-------------------------|
| | Letter to adjoining property owners / occupiers | Sign on site | Publishing Notice in Newspaper | Additional Requirements |
| Motor vehicle, boat or caravan sales | √ | √ | | |
| Nightclub | √ | √ | √ | |
| Place of assembly | √ | √ | | |
| Places of worship | √ | √ | | |
| Restricted place of assembly | √ | √ | | |
| Restricted retail premises | √ | | | |
| Tavern | √ | √ | √ | |
| Veterinary centre | √ | √ | | |
| Industrial Development | | | | |
| <i>(Where the proposed development is located on a site which is adjacent to an area zoned for residential purposes)</i> | | | | |
| Benalla Planning Scheme exempts some uses and developments from notice requirements. | | | | |
| Manufacturing sales | √ | √ | | |
| Materials recycling | √ | √ | | |
| Sawmill | √ | √ | √ | |
| Solid fuel depot | √ | √ | | |
| Store | √ | √ | | |
| Timber yard | √ | √ | | |
| Trade supplies | √ | √ | | |
| Vehicle store | √ | √ | | |

| Type of Application | Type of Notice of Application Required | | | |
|--|---|--------------|--------------------------------|-------------------------|
| | Letter to adjoining property owners / occupiers | Sign on site | Publishing Notice in Newspaper | Additional Requirements |
| Warehouse | √ | √ | | |
| Research and development centre | √ | √ | | |
| Development In Rural Areas <i>(Other than residential development)</i> | | | | |
| Winery | √ | √ | | |
| Rural industry | √ | √ | | |
| Primary produce sales | √ | √ | | |
| Intensive animal husbandry Production | √ | √ | √ | |
| Abattoir | √ | √ | √ | |
| Removal of native vegetation | √ | √ | | |
| Telecommunications facility | √ | √ | | |
| Subdivision | | | | |
| Residential subdivision <i>(creating less than 3 lots)</i> | √ | √ | | |
| Residential subdivision <i>(creating between 4 and 10 lots)</i> | √ | √ | | |
| Residential subdivision <i>(creating more than 10 lots)</i> | √ | √ | | |
| Rural subdivision <i>(creating less than 10 lots)</i> | √ | √ | | |
| Rural subdivision <i>(creating more than 10 lots)</i> | √ | √ | | |