



**CITY OF  
BALLARAT**

# **Policy for Council Consideration of Planning Applications**

**Planning and Development  
(Statutory Planning)**

**BALLARAT CITY COUNCIL  
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## 1 DOCUMENT CONTROL INFORMATION

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### DOCUMENT CONTROL

<b>Policy Name</b>	Consideration of Planning Application by Council
<b>Business Unit</b>	Planning and Development
<b>File Location</b>	DocHub
<b>Document status</b>	Approved
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### DOCUMENT HISTORY

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<b>Initial Draft</b>	1	14 April 2009	T McCullough
<b>Final Draft</b>	1	9 May 2009	T McCullough
<b>Approved</b>	1	27 May 2009	Council Resolution (R153/09)
<b>Review Draft</b>			
<b>Review Final</b>			
<b>Approved</b>			

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## 2 POLICY STATEMENT

### Context:

The Planning and Environment Act requires that Council:

- a. Deal with applications for uses or works that are not as of right or prohibited by the Ballarat Planning Scheme
- b. Determine if further information is required to enable Council to assess a proposal
- c. Determine if a proposal is likely to cause material detriment to a third party (in a planning sense) and, if so, require that the proposal be advertised
- d. Determine applications that are exempt from being advertised pursuant to the provisions of the zone/overlay controls of the scheme
- e. Consider submissions, assess a proposal against the Ballarat Planning Scheme and make a determination within specified timelines

If either the applicant or an objector is dissatisfied with Council's decision there is an opportunity for the matter to be reviewed by VCAT.

Given the volume of applications considered (between 60 and 100 per month), decisions are delegated by Council to senior planning officers.

Previous practice has been for all applications that have had five or more objections to be referred to an Ordinary Council meeting for decision. Council also recently adopted a policy to require all planning applications relating to a property where a Councillor, Senior Officer of Planning Officer has a financial interest to be referred to Council for decision. Apart from this there have been no other formal or informal practices in place to guide which applications should be referred to Council for decision.

### Objectives:

This policy sets out the requirements for referral of planning applications to Council for decision.

### Policy:

The decision on whether an application should be referred to a Council meeting is made in one of the following two ways:

- A matter may be 'called in' by Councillors if, after considering the issues, a majority of the relevant ward councillors are of the view that it should be determined at a Council meeting
- A planning officer may determine a matter is in the public interest or a significant project and prepare a delegates report for consideration at a Councillor Briefing meeting.

## 3 OWNER

The owner of this policy is the Chief Executive Officer.

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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

The following process will apply to notifying Councillors of planning permit applications:

- Councillors will receive a listing of all new applications for permits received (listed by ward) on a weekly basis for information.
- Councillors will also receive a listing of all applications that have come out of the advertising process during each fortnight (by ward) with information on the brief nature of each application, the number of objectors and information on when a preliminary conference will be held. (Note that planning officers make the determination on whether the application may cause detriment to a third party and therefore whether the application is required to be advertised and whether the provisions of the scheme exempt the proposal from the notification requirements.)
- Based on this information Councillors can then request further information through the Director or Manager, or a briefing from officers, on individual applications and make a decision on whether they wish to attend a preliminary conference.

The decision on whether an application should be referred to a Council meeting would be then made in one of the following two ways:

- A matter may be 'called in' by Councillors if, after considering the issues, a majority of the relevant ward councillors are of the view that it should be determined at a Council meeting
- A planning officer may determine a matter is in the public interest or a significant project and prepare a report for consideration at a Councillor Briefing meeting.

In deciding whether a matter should be referred to a Councillor Briefing for discussion planning officers will give consideration to:

- The number of objections. Applications with less than five objections would generally only be referred to Council in exceptional circumstances.

- The substance and variety of grounds of objections. Trivial or commercial objections or objections not related to planning matters would be given less weight.
- The public profile of the application i.e. has there been significant public interest in the application regardless of the number of objections?
- Whether the application or the decision is likely to be controversial
- The size and strategic significance of the project that is the subject of the application
- Whether the decision is consistent with current Council policy direction. Any applications that are contrary to current policy but are nevertheless recommended for approval must be referred to Council.

For matters referred by officers to a Councillor Briefing meeting, Councillors will determine whether the matter should be dealt with at an Ordinary Council meeting or under officer delegation.

The same process will apply for determining which matters are to be referred to Council to adopt a position in the event that at an applicant appeals to VCAT if Council fails to make a decision within 60 statutory days.

## 7 COMPLIANCE RESPONSIBILITIES

The Manager Planning and Building is responsible for all aspects of compliance with 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 ADVERTISING PLANNING APPLICATIONS PRELIMINARY CONFERENCE POLICY