

Notice of Application for a Planning Permit (Advertising) Policy

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1 Document Information

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RESPONSIBLE GENERAL MANAGER	General Manager Planning and Development
RESPONSIBLE MANAGER (Policy Owner)	Manager City Development.
ADOPTED BY	Council
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CM REF AND VERSION	Version 8
VERSION HISTORY	<p>This Policy Replaces Version 7 adopted by Kingston City Council on 24th June 2019</p> <p>Amended 8th November 2004, Version 2</p> <p>Amended 26th November 2008, Version 3</p> <p>Amended 11th October 2010, Version 4</p> <p>Amended June 2014, Version 5</p> <p>Amended 19 September 2018, Version 6</p>

2 Purpose

Council's City Development Department receives approximately 1000 applications for a planning permit (**application**) over any given year. The minimum advertising requirements for any application (not exempt from notification under the Kingston Planning Scheme) by Council must be in accordance with the requirements of section 52 of the *Planning and Environment Act 1987 (the Act)*.

The purpose of this policy is to inform the planning department when to require wider notification beyond that of the requirements of the Act. To the satisfaction of the delegated planning officer, wider public notification than the minimum requirements of the Act is required to be given where any one of the following circumstances apply to an application:

- The proposal may impact on neighbourhood character, traffic and parking
The proposal seeks permission for a liquor license, gaming premises or a brothel, where any of which are in or adjacent to a residential area

Further, this policy sets out those guidelines in which planners would consider how wide the area for public notification should be applied. **Scope**

This policy applies to all applications that are not exempt (i.e. exempt from notice of an application under the Kingston Planning Scheme) and may cause material detriment to any person.

4 Policy Details

The minimum advertising requirements for any application advertised by Council will remain fully in accordance with the requirements of section 52 of the Act. However, where an application seeks permission that:

- may impact on neighbourhood character, traffic and parking
includes a liquor license, gaming premises or a brothel, where any of which are in or adjacent to a residential area

wider public notification than the minimum requirements under section 52 of the Act is required to be given to the satisfaction of the delegated officer.

Where wider notification is required, the following process should be undertaken:

4.1 Side

- Letter notification sent to the owners and/or occupiers of the two (2) properties either side, on the same side of the subject site's address. If the subject site is on a corner allotment, or near a corner this letter notification is to be continued around the relevant corners. If these selected properties include a building that contains multiple tenancies and/or units, letter notification is to include all units/apartments/tenancies.

4.2 Opposite and Behind

- Three (3) properties opposite and three (3) properties behind the subject site, with the same corner site principles applying.
- In circumstances whereby lot boundaries are not aligned, wider notification is to occur, as illustrated in Diagram 3.

4.3 Notice to Properties that include Common Areas/Property

- If an abutting property includes common areas (e.g. multi-unit development with a shared driveway) adjacent to the subject site, include all adjoining units/apartments/tenancies benefitting from that common area, as illustrated in Diagram 4.

Note: pursuant to the legislative requirements of section 52 of Act notification is **not** required to be sent to Owner's Corporations.

4.4 General

- Where an application may impact visually or adversely (e.g. noise/pollutant transmission for a proposed industry/commercial use or a significant multi-storey development), a wider notification to that specified above should be considered and applied, where appropriate.

4.5 Liquor licenses, Gaming Premises and Brothels

- In conjunction with applying the above principles, for applications seeking permission for a liquor license, gaming premises, or brothel that are in or adjacent to residential areas, increased notification to nearby owners and/or occupiers is required to reach and inform a broader number of local residents and businesses.
- Where an application seeks permission for a new liquor license or seeks an amendment to an existing planning permit to increase patron numbers and the site is in or adjacent to residential areas, a wider notification of approximately 100m from the subject site to any residential properties located within this distance is to occur, to the discretion of the delegated officer (refer to Diagram 5).

Note: reference to 'residential areas' applies to residential zoned land only.

Diagram 1



Diagram 2

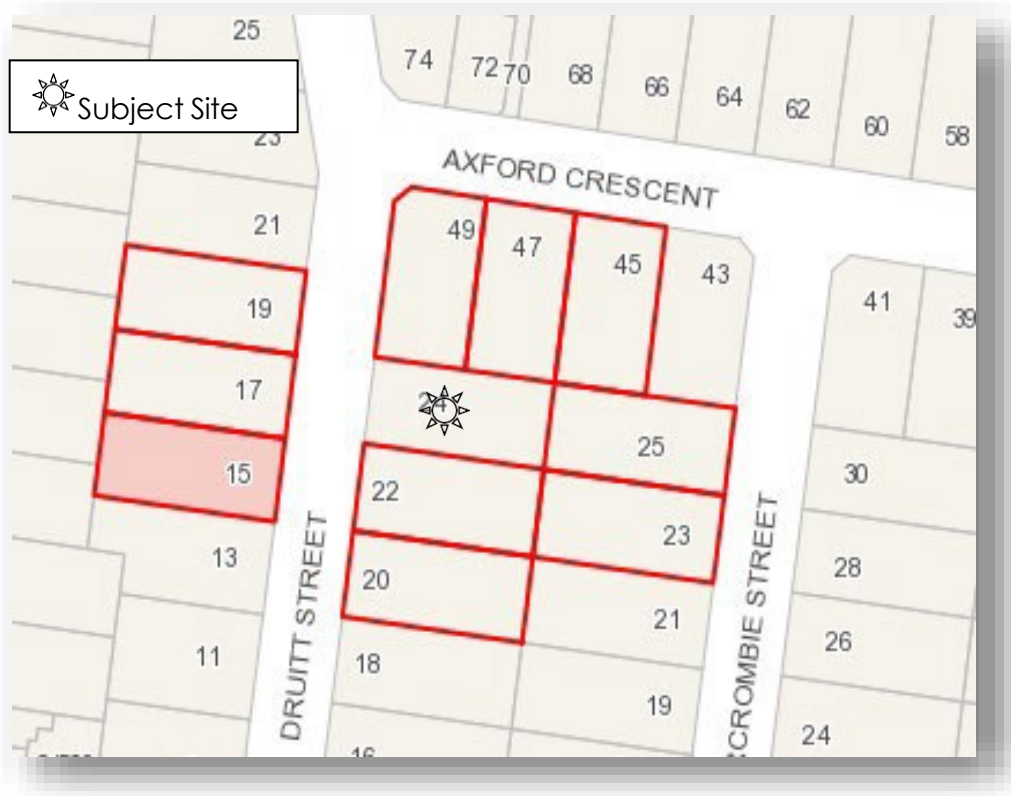


Diagram 3

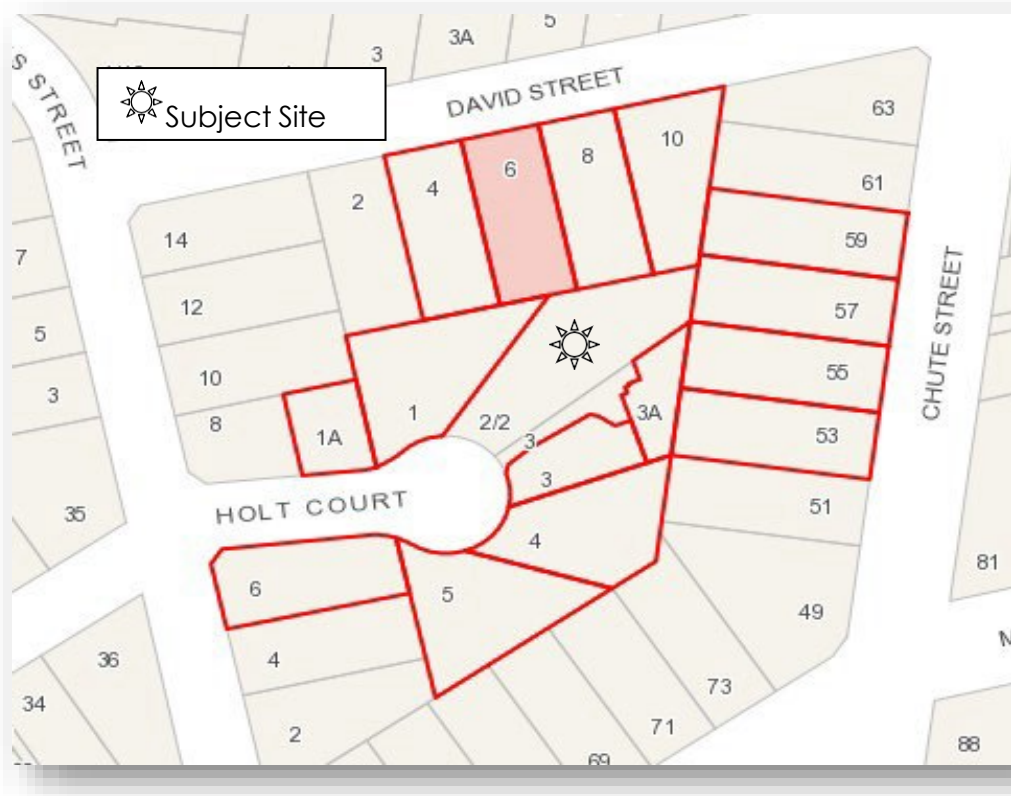


Diagram 4

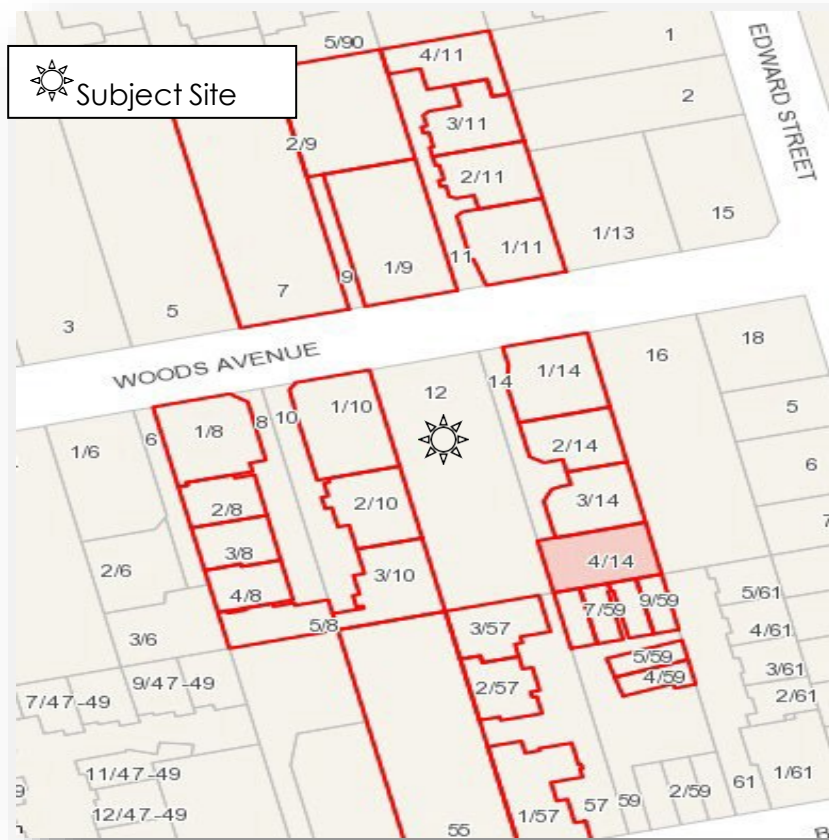
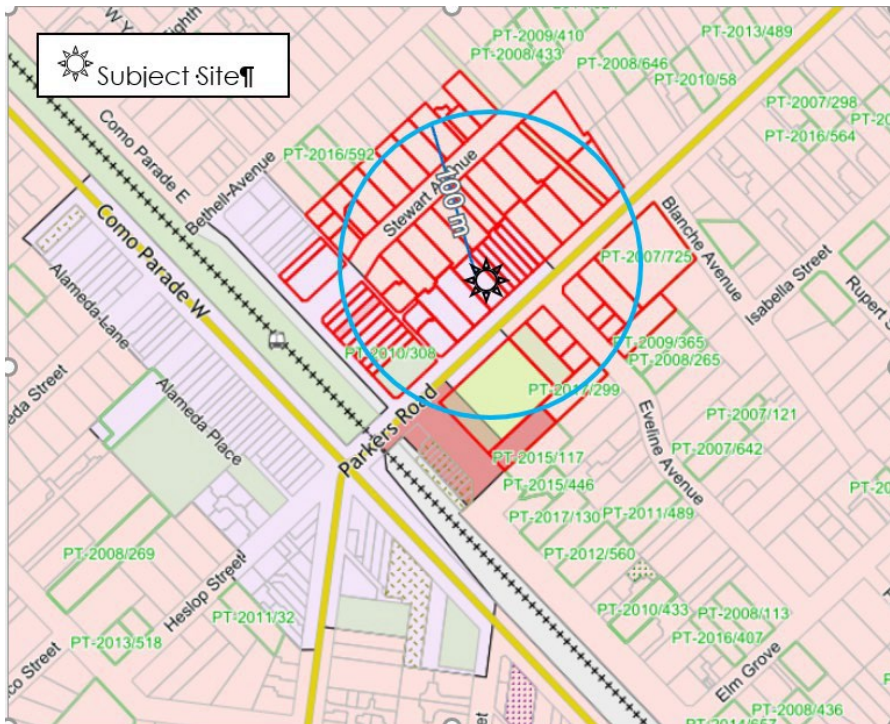


Diagram 5



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

4.6 A1 Signs (sizing 840mm x 600mm approx.)

Application types include:

- Industrial development
- Medical centres
- Residential development, including mixed use development, up to 4 storeys in height
- Signage including major promotion signs
- Subject site's located in a Green Wedge Zone, or outside the Urban Growth Boundary (UGB)

4.7 Larger Signs (minimum dimensions: 1800mm (h) x 1200mm (w))

Application types include:

- Development/Use of land 5 or more storeys in height
- Landfills
- Brothels
- Significant commercial developments (e.g. Southland redevelopment)

If a proposal does not fit any of the above application types, then the size of the advertising sign is to the discretion of the delegated officer.

All signs, irrespective of size, are required to be on **yellow** paper so as to provide greater visibility. Council will appoint an approved contractor to place all signage up on the subject site, with all associated fees to be paid by the permit applicant.

The contractor will;

- Print and laminate all required notices in accordance with the prescribed Form under the *Planning and Environment Regulations 2015*
- Mount the sign on a timber backing (where required)

If a report is made to Council advising that a sign has been damaged or removed from the subject site, the contractor will be instructed to repeat the process, so that the sign has remained on-site for 14 continuous days. In cases where the sign is continually vandalized the contractor will attempt to replace the sign on two separate occasions. If the third sign is defaced or removed from the subject site, the sign will not go back up on site, unless the application has been made under section 52(1AA) of the Act, in which case the sign will be required to be re-erected until it has been displayed for 14 days in total.

The contractor will provide Council with photographic evidence that the sign was placed up on site for a continuous 14 day period.

4.8 Notification over Christmas and New Year

To ensure that adequate notification of applications occur over the Christmas and New Year period, in most cases, Council will extend the advertising timeframe of applications. Accordingly, the last day that Notice of Application signs can be erected on site for a fourteen (14) day period will be early December each year. After this date in early December all other advertising will be advertised for (28) days excluding public holidays. The standard fourteen (14) day notification period will recommence in mid-January of each year.

4.9 Location of signs on the Subject Site

Unless otherwise specified, any sign displayed will be located within 1 metre, and midway along, of the subject site's street frontage(s), located at a pedestrian height and clearly visible from the street it fronts and legible when read by a pedestrian standing at the title boundary.

Council will continue to provide a service of undertaking the mail out (letters only) component of the advertising process for a minimal fee. For larger mail outs, a negotiated fee between Council and the permit applicant may be struck, with the agreed fee to be approved by the Manager of City Development.

5 Delegation Authority and Decision Guidelines

Delegations under the following Acts that apply to this Policy.

5.1 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

5.2 Delegations/Authorisations

- *Planning and Environment Act 1987*

5.3 Exemptions

All applications are advertised pursuant to the legislative requirements of section 52 of the *Planning and Environment Act, 1987*.

Proposals that are considered to be of broader community concern (i.e. larger multi-storey proposals, commercial/industrial developments with adverse amenity impacts or traffic implications), or applications likely to cause material detriment with proximity to sensitive areas, these should be more widely advertised (beyond that recommended by this policy), at the discretion of the Manager of City Development and / or Team Leader Statutory Planning.

6 Related Documents and Resources

Legislation requirements and relevant documents derive from the following:

Legislation

- *Planning and Environment Act 1987*
- *Subdivision Act 1988*
- *Planning and Environment Regulations 2015*
- *Kingston Planning Scheme*

Resources / External Documents

- *City of Kingston Website - Property & Development*