

Overview of the Planning Permit Process



Most people, at some stage, will want to make some changes to their home or property, or will be invited to comment on changes that a neighbour would like to make to their property.

This fact sheet aims to provide an overview of the different steps in the planning permit process, what is involved, and an explanation of key terms and concepts.

Do I need a planning permit?

If you are considering doing any building works, want to change the way your property is used, or erect an advertising sign you will probably require a planning permit and/or a building permit.

Each individual property has a set of planning controls which specify when a planning permit is needed. To find out what controls apply to your property you can:

- > Purchase a planning certificate at www.land.vic.gov.au
or
- > View planning scheme maps at www.dpcd.vic.gov.au/planningschemes (select 'Yarra' from the drop-down menu)

The quickest and easiest way to find out what permits you need is to contact Council's Statutory Planning unit via:

- > **Telephone** – 9205 5555 (between 8.30am and 5.00pm, Monday to Friday)
or
- > **In Person** – the Statutory Planning counter, Richmond Town Hall (333 Bridge Road, Richmond)

If the matter is more complex or you require a written response, please lodge a written planning enquiry either in person at the Richmond Town Hall, or by post (Statutory Planning Department, PO Box 168, Richmond, VIC 3121). A planning property enquiry has a set fee payable by cheque or money order when you lodge the enquiry.

The planning permit process

There are seven key stages in the planning permit process.

Stage 1 – Before lodging an application

It is important to find out exactly what planning controls apply to your property and discuss them with a Council planner. This way you can ensure that what you are proposing seems reasonable and check that you are applying for the correct permit/s.

It is also a good idea to have a chat to your neighbours about your plans to gauge how they feel about them. This often saves a lot of time later down the track if small changes can be made to address their concerns early on.

Further information

If you need more information about planning in Yarra:

Visit our website

> www.yarracity.vic.gov.au/planning

Telephone

> 9205 5555 (between 8.30am and 5.00pm, Monday to Friday)

Visit the planning counter

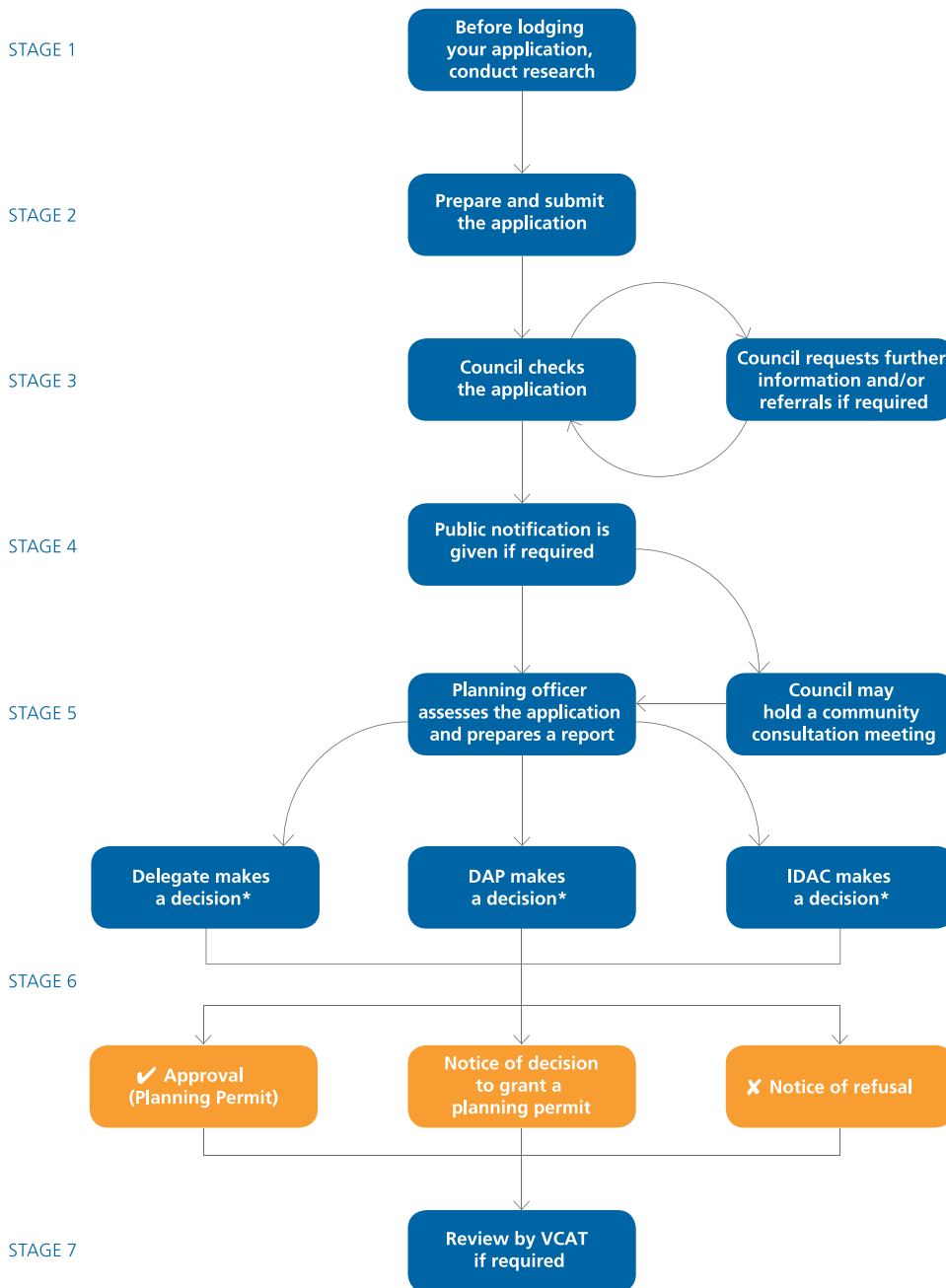
> Richmond Town Hall
333 Bridge Road, Richmond
Monday to Friday
8.30am to 5.00pm and
Tuesday 8.30am to 6.00pm

For more information about planning in Victoria, please visit www.dpcd.vic.gov.au or call 1300 366 356 and request a copy of 'Planning: a short guide'.

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The planning permit process



* Delegate – senior planning officer
 DAP – committee of senior planning officers
 IDAC – committee of three Councillors (on rotation)

Stage 2 – Prepare and submit the application

Prepare your planning permit application. You may choose to seek professional advice, or prepare your application yourself using Council’s planning application checklists as a guide. To ensure that your application can be processed quickly and efficiently, it is essential that all the relevant information is included.

The information that you will need to include will vary depending on what you are seeking a permit for, however generally you must include:

- > An ‘Application for a Planning Permit’ form
- > Lodgement fee via cheque or money order only (see the *Fee Schedule* on Council’s website www.yarracity.vic.gov.au)
- > A description of what you seek a permit for
- > Estimated costs of the works
- > A current *Certificate of Title*
- > Copies of plans and any other additional information.

Please refer to Council’s planning application guides and checklists for specific information about what needs to be included for different types of planning permit applications.

When submitting your application, make sure to take note of the application reference number and use it in all future correspondence about the matter. After you lodge the application you will receive an acknowledgment letter from Council.

Stage 3 – Council checks the application

Council’s planning officers will check the application and seek further information from you if necessary.

The application may also be referred to other internal departments, such as engineering or heritage advisers, or external agencies such as Melbourne Water or VicRoads, for their comments. If your application needs to be referred, please allow for extra time.

Stage 4 – Public notification is given (if required)

The Victorian planning system is set up to ensure that you have the opportunity to comment on a planning permit that may affect you, before a decision is made. A Council planner will decide if and how public notification needs to be given. This could take the form of:

- > Direct mail notification
- > On-site signage
- > Advertisements in the local newspaper

Your application will also be added to Council's online register.

If Council is satisfied that the application will not negatively impact anyone, public notification does not need to be given. If public notification is required, it must be carried out for a period of at least 14 consecutive days.

During this period, and up to the time when a decision is made, a person can make a submission either in support or objection to the proposed permit. Anyone can lodge an objection to a planning permit application, and Council must consider all objections when assessing the application. For more information on how to lodge an objection, please refer to the *'Responding to a Planning Permit Application'* fact sheet or see Council's website www.yarracity.vic.gov.au.

Stage 5 – Planning officer assesses the application and prepares report

Following completion of the advertising period, depending on the nature of the application and the number of objections required, Council may hold a consultation meeting. This meeting will provide an opportunity for the objectors and the applicant to discuss any concerns.

It is a good idea to look at ways that you may be able to compromise with the objectors, through amendments to your proposal or agreeing to certain conditions on your permit.

To ensure that your application can be processed quickly and efficiently, it is essential that all the relevant information is included.

This may lead to people actually withdrawing their objections, however this is not always achievable.

Council officers then prepare a report which outlines the proposal, the relevant policies and planning scheme requirements, the assessment process, and objections or referral comments. They then make a recommendation.

Again, depending on the nature of the application and the number of objections received, the decision will be made in one of the following ways:

- > A senior Council planner under delegation.
- > The Development Approvals Panel (DAP), a committee of senior planning officers.
- > Council's Internal Development Approvals Committee, a committee of three Councillors (on rotation).

Stage 6 – Decision is made

Approval – If there are no objections, Council can issue a planning permit immediately.

Notice of Decision – If Council wants to approve the application, but there are objections, it must issue a Notice of Decision to Grant a Permit. All objectors will be sent this notice and will have 21 days to lodge an application for review at VCAT. If no objectors lodge a review with VCAT during this time, Council will grant the planning permit. Similarly if the applicant is unhappy with any of the proposed permit conditions, they can also apply to VCAT to have the conditions reviewed.

Refusal – Council can decide to refuse a permit, even if there were no objections to it. If a permit is refused, a 'Refusal to Grant a Permit' notice will

be issued that will detail why the permit has been refused. This will be sent to the applicant and all other parties who commented on the application. If you wish to challenge the refusal you have 60 days to apply for a review at the Victorian Civil and Administrative Tribunal (VCAT).

Stage 7 – Review by VCAT (if requested)

If you are unhappy with Council's decision with regard to a planning permit, you can lodge an appeal with VCAT. This includes:

- > Appealing the granting of a permit
- > Appealing refusal of a permit
- > Appealing the conditions placed on a permit/ or lack thereof.

You can also lodge an application for review to VCAT if Council takes more than 60 days to make a decision on your application (this is known as 'Failure to Determine'). However, it is important to

carefully consider the likely timeframes associated with this process.

For more information about referring decisions to VCAT please read the 'Planning proceedings at VCAT' fact sheet, or see Council's website www.yarracity.vic.gov.au

Timeframe

Council is mindful that planning permit applicants are often under time and financial pressures, and seeks to process all applications as efficiently as possible. However, there are strict processes (described above) that must be applied when assessing an application. It is important that applicants have a good understanding of the process and the potential time that it can take to reach a decision.

State Government regulations stipulate that applicants can refer their application to VCAT if Council fails to make a decision within 60 days of receipt. If you are asked to provide further information, it is 60 days from the date all the information is received.

Realistically, depending on the size and detail of the proposed works, it can take anywhere from four weeks for small applications, and many months for large scale applications. The more steps needed to pass through in the assessment process, the longer a decision is likely to take.

For example, an application for four storey apartments may need to go through the following stages (please note timeframes are estimates only and will vary):

- > Referrals – 4-8 weeks
- > Public notification (including newspaper advertising) – 4-6 weeks

- > Community consultation meeting (if deemed necessary)
 - > Reporting – 2-4 weeks
 - > Assessment by IDAC – 2 weeks
 - > Review by VCAT – 12 weeks
- Total: 28-36 weeks

On the other hand, an application to replace a front fence may involve no public notification or attract no objections and skip straight to:

- > Reporting – 1-2 weeks
- > Assessment and then a decision by a senior planning officer – 1-2 weeks

Total: 2-4 weeks

Some tips for making sure that your application is processed as quickly as possible include:

- > Speaking to your neighbours in advance about your proposal
- > Speaking to a Council planner before lodging your application
- > Ensuring that all the necessary information is included in your application when it is lodged
- > Working openly with Council and objectors (if any) to come to a compromised agreement if necessary.

If you are concerned about the time it will take to process your application, Council officers will be able to provide you with an estimated timeframe.

Fast Track planning applications

To ensure that minor applications are processed as quickly as possible, Council has introduced a 'fast track' planning application process and designated planning staff to take care of all fast track applications.

The fast track system involves the use of fact sheets, guidelines and checklists with the aim of ensuring that applications are submitted with all the information needed to deliver a speedy response.

Eligibility

Eligibility for the fast track service will be assessed based on the size and nature of the proposed works, and the planning controls (zones and overlays) which effect the site. Some suitable examples include applications for fences (front, side and rear), roller doors, advertising signs and installation of air conditioning units.

However, in the event that any objections are received, Council may no longer be able to process the application under the fast track system and it may be reallocated to another planner under the standard assessment process.

Lodging the application

Applications can be made using the standard 'Application for Planning Permit' form and can be lodged at the Statutory Planning counter, Richmond Town Hall, 333 Bridge Road, Richmond (between 8.30am – 5.00pm Monday to Friday). Council officers then determine what is placed in the fast track system.

Viewing planning permit applications

A list of past and current planning applications is available on Council's online register (www.yarracity.vic.gov.au), however full planning permit applications can only be viewed in person at the Statutory Planning counter at the Richmond Town Hall, 333 Bridge Road, Richmond (between 8.30am – 5.00pm Monday to Friday).