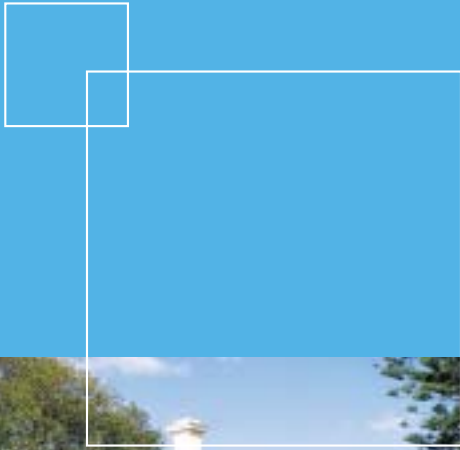


# The planning process





## The planning process

### Introduction

Are you considering opening up a new business? Perhaps you are wishing to extend your home to allow for a growing family? Or maybe your neighbours have advised you of their proposal to subdivide their block and construct a new house on the rear of their property? These are just a few scenarios where you may find yourself involved in the planning process whether you choose to be, or not.

This brochure aims to give a general overview of the planning process whether you are applying for a planning permit or are objecting to a proposed development.

## What is the planning scheme?

A planning scheme is a legal document which sets out policies and controls for the use, development and protection of land. Planning schemes are used to assess planning permit applications.

To obtain a planning permit an application must be made to Council. The Bayside Planning Scheme indicates if a planning permit is required to change the use of the land, or to construct or alter buildings.

### The planning scheme consists of:

Maps which show how the land is *zoned* and whether it is affected by an *overlay*.

**Zones** reflect the primary use of land, for example residential, industrial, business and public use. Each zone has a purpose and a set of requirements outlining what the land contained in the zone may be used for, and how the development if zoned is regulated.

**Overlays** indicate areas that have a special or unique feature, for example a heritage building, significant vegetation or flood risk. These controls are in addition to the zone controls and ensure that important aspects to the land are recognised. Not all land has an overlay and some land may be affected by more than one overlay.

*Written information (ordinance)* which sets out the requirements of the zones and overlays. The written information of the planning scheme also includes the *Municipal Strategic Statement (MSS)*. This provides the longer-term vision for the development for Bayside. The planning scheme includes state planning policies as well as local policies with both being implemented through the zones and overlay sections of the scheme.

## How the planning process works

*The planning and Environment Act 1987* sets out the legal processes and procedures that must be followed in the planning process. This legislation ensures that the decisions we make about land use and development are fair, orderly, economic and sustainable. It ensures that everyone who may be affected has the opportunity to have his or her say.



### The principal steps in the planning application assessment process are as follows:

#### 1) Submitting an application

Include your application form (available from Council), fee, Certificate of Title, plans and a covering letter or report. Refer to the brochure *A guide for applicants: preparing and lodging a planning permit application*, for more information.

#### 2) Initial assessment

If further detail is necessary Council will request additional information and the application will be put on hold until this is received.

#### 3) Advertising period

If the application has the potential to detrimentally affect another person a Notice of Application is required. This can consist of a notice on site, a mail out to all surrounding owners and occupiers, a notice in the paper, or a combination of all three. If your application is advertised any person may view the application within the 14 day advertising period and lodge a submission.

#### 4) Consultation/mediation

If objections have been received an informal consultation meeting may be organised to discuss concerns among interested parties.

#### 5) Detailed assessment

Council officers assess the planning application taking into account the relevant policies and planning scheme requirements, any objections and referral comments. Finally the planner will make a recommendation as to whether or not a planning permit should be granted.

#### 6) Delegated Approvals Group Meeting

If no objections are received by Council regarding a planning application, or objections are received, but are subsequently withdrawn, the application is referred to a Delegated Approvals Group Meeting, which has delegated authority to approve the application if no councillor calls in the application.

#### 7) Council Approvals Committee Meeting

If one or more objections is received by Council, or if the application is particularly contentious the application is referred to the Approvals Committee where Council will make a decision. That decision is final unless appealed. Both the applicant and objectors will be notified and have opportunity to speak at this meeting.

#### 8) Decision

A notice of decision to approve or a refusal is issued by Council. After a decision is made, objectors have 21 days and applicants have 60 days to lodge an 'Application for Review' or appeal with the Victorian Civil and Administrative Tribunal (VCAT). If a notice of decision to approve is not appealed against, Council will issue a planning permit.

#### 9) Appeal

An appeal hearing involves the Council, objectors and the applicant presenting their case to VCAT.

#### 10) VCAT decision

VCAT will make a final decision after the appeal hearing and all those who have been involved in the appeal will be informed. Council will be directed to implement VCAT's decision.

### **Corporate Centre**

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Hours of business 8.30am – 5.00pm

Monday – Friday (except public holidays).

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