

# FACT SHEET

## The Planning Application Process – An Overview

COMMUNITY  
RESILIENCE

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This information sheet provides a general overview of the planning application process and the time lines involved.

The diagram on the following page outlines the steps and time frames for a typical application. Each step in the diagram is addressed in more detail below.

### What is a planning permit?

A planning permit is a statement that a certain use or development may proceed on a specific property. It is subject to a time limit and will expire under specified circumstances. Some planning permits are issued with conditions that specify requirements to be met. These are usually specified by Council or authorities such as the CFA or Barwon Water.

A planning permit should not be confused with a building permit, which generally relates to the construction aspects of a particular building or development. A Building Permit cannot be issued by the relevant building surveyor until a planning permit has been issued for a development.

### How do I find out if I need a planning permit or not?

New dwellings in Wye River and Separation Creek require a planning permit under the normal planning scheme provisions. For the areas impacted by the Christmas 2015 bushfire, the State Government has prepared locally specific planning controls. These specific controls aim to simplify the planning process for fire affected residents and allow them to rebuild as soon as possible.

If your dwelling was destroyed in Wye River and Separation Creek on 25 December 2015 you will require a planning permit to rebuild it under these new planning controls. If you proposing to make changes to houses that survived the fires, or development on vacant land within the fire affected area will also require a planning permit under the new controls.

A planning permit is not required to repair a damaged building provided this is limited to making good the structure to the same standard as before the fire. Land owners seeking to repair damaged homes should enquire however about what building requirements might apply – this will depend on the extent of damage that has occurred.

It is strongly advised that you confirm with Council's One Stop Shop team whether a planning permit is required or not before proceeding with any development.

### What if I already have a planning permit?

In some limited circumstances, where a land owner has recently constructed a dwelling in Wye River and Separation Creek, and the time limit for completion of the development has not yet expired, they can rebuild the same house (i.e. same design, location, scale, etc) under that permit, without being required to go through that process again. Land owners in this situation have been contacted directly by Council to confirm this. In most cases, the owner will only be required to obtain a fresh 'Permit to Install' from Council for the on-site waste water treatment system.

Anyone wishing to rebuild, who does not have a valid existing planning permit, will require a new planning permit under the streamlined process. Land owners who have recently obtained permits which have expired will be able to utilise the plans and supporting documentation from the previous process to assist in preparing a new application, although they will need to be updated.

### **How do I get started?**

#### **What is a pre-application meeting?**

An initial meeting between the land owner and staff at Council's One Stop Shop is strongly encouraged before you commence your design process.

The pre-application process aims to save applicants time and money by discussing proposed concepts with Council staff including any opportunities and constraints. Staff will be able to explain the various processes, and confirm what technical information has been provided by State Government to assist in preparing a new application.

#### **How do I arrange a pre-application meeting?**

- Phone Councils Bushfire Recovery Information line on (03) 5232 9400 and press 1 to arrange the meeting for a specific time
- To maximise the opportunities of a pre-application meeting bring along the following:
  - A completed site analysis plan
  - Photos of the site
  - Sketches of the proposed development

#### **Lodging a Planning Permit application**

Requirements for a planning application are outlined separately in the How to lodge a Planning Application Fact Sheet.

A completed application form, together with the supporting documentation and plans, must be lodged with the Colac Otway Shire Council by post or email at [bushfire.recovery@colacotway.vic.gov.au](mailto:bushfire.recovery@colacotway.vic.gov.au).

In order to further support the Wye River/Separation Creek communities to rebuild, Colac Otway Shire will waive any planning permit application fees for the rebuilding of destroyed dwellings.

#### **What happens after I lodge my Planning Application?**

Applications will be immediately allocated to a planning officer and an initial assessment will be undertaken without delay to ensure that the correct information has been submitted. Officers will also review the building design to identify whether there are any concerns. If additional information is required, officers will contact the applicant to highlight what is required. An application will not proceed until all information requested is received. If all the information required is available, public notification will commence.

## Advertising of Planning Applications

Public notification (advertising) to other land owners would usually be required for dwellings being constructed in Wye River and Separation Creek, under Section 52 of the *Planning and Environment Act 1987*. This involves placing plans on exhibition and neighbours are invited to view them over a 14 day period, and to lodge an objection if they have concerns with the proposal. These objections are then considered by officers when making a decision on the application.

However, the new streamlined planning requirements for the bushfire affected areas has altered the standard notice requirements, limiting notification only to adjoining and opposite land owners.

Council will undertake all public notice requirements on behalf of applicants, free of charge.

## What are referral authorities?

Section 55 of the *Planning and Environment Act 1987* requires the referral of applications to specified agencies as stated in the Colac Otway Planning Scheme.

Most planning applications for rebuilding a destroyed house in the area will not require referral to any particular agencies. Whilst applications would normally be referred to the CFA, this is not necessary given the specification of a Bushfire Attack Level (BAL) as part of the streamlined planning provisions.

When referral of an application is required, the authority has 21 days after receipt of the referred application in which to request further information. If no further information is required, the authority has 28 days in which to lodge a submission. If the authority objects to a permit application the application must be refused. Any conditions required by a referral authority must become conditions of any planning permit or notice of decision issued.

## Consideration of the Planning Permit Application

Assessment of the application involves a qualified planner evaluating the supporting information and plans against the decision guidelines in the Colac Otway Planning Scheme. If the application required the giving of notice and submissions have been received, then these must also be considered before making a decision. Similarly, the comments of any referral authorities must be taken into account.

Council will liaise with applicants to discuss any submissions received, with the aim of resolving any issues raised, but will proceed to make a decision as quickly as possible following these discussions.

## The Council decision

Once an assessment of the application has been made a decision will be made on the application.

A decision will be either a planning permit, or a refusal to grant a permit.

Referral authorities and persons who have made a submission will be notified of the decision. Conditions placed on any permit issued may require adjustments to the proposal which respond to submissions or the officer assessment of the proposal.

The Planning Minister has introduced provisions that delegate decision making to the Council's Chief Executive Officer, or her staff, with the aim of streamlining the time frames for decisions. This will mean that decisions will be made by officers instead of Council's Planning Committee, saving several weeks in the reporting process.

For applications for a dwelling on lots where a house was not destroyed in the fires, and where objections were received, Council would need to issue a Notice of Decision to Grant a Permit instead of a permit, providing a 21 day period for lodgement of an appeal by objectors against the decision. This reflects the normal appeals process.

### **Can Council's decision be reviewed?**

A permit applicant can lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) if Councils refuses the application or if an applicant is concerned about any of the conditions imposed on a permit granted.

For bushfire affected properties where the house was destroyed, the Minister has removed the normal appeal rights for objectors against Council's decision. In these circumstances, Council's decision relating to neighbour's interests would be final. This does not mean that objections raising concerns about a proposal will be ignored but rather, it will be very important that Council carefully considers objections, and makes a balanced decision that appropriately responds to the planning provisions and amenity considerations.

Details of the procedure for an application for review can be obtained from the Victorian Civil and Administrative Tribunal, 55 King Street, Melbourne, telephone: 9628 9777.

### **What happens after I get my Planning Permit?**

A planning permit may be issued with additional requirements to be met. The applicant must follow through with the obligations of the permit. Below is a general list of the tasks that need to be addressed:

- Conditions on the permit that need to be satisfied prior to commencement of development. This often takes the form of amended plans. The submission of other documentation may also be required.
- Engagement of a building surveyor to issue a building permit – the surveyor can process an application prior to the grant of a planning permit, but cannot issue the building permit until after this occurs.
- Application to Colac Otway Shire for a Septic Tank installation
- Construction of the dwelling within the time frames specified in the planning permit.

### **For further information:**

Please contact the One Stop Shop to arrange a time and date to discuss your proposal on (03) 5232 9400 and press 1, or by email at [bushfire.recovery@colacotway.vic.gov.au](mailto:bushfire.recovery@colacotway.vic.gov.au).

Please refer to Technical Assessments  
(Bushfire Technical Assessment, Land Capability Assessment,  
Waste-Water Management and Geotechnical Assessment) and relevant fact sheets

**Talk to One Stop Shop**

Existing planning permit

New planning permit

Are there minor revisions to an existing permit you would like to entertain or apply for an extension of time?

Begin preliminary concept designs

Engagement of specialists  
Architects / LCA Assessor / Geotech

Pre-Application discussions with  
**One Stop Shop**

Check with **One Stop Shop** before proceeding

Complete Development Plans

Prepare & make sure you have all your documents ready – use checklist provided (See How to lodge an Application Factsheet)

Lodge planning permit application with Council

Respond to Council request for further information. Make changes to design as per Council recommendations.

Public notice and possible referral to other agencies  
Discussion with objectors if relevant

Planning Permit Decision

Permit granted with conditions

Permit Refusal

Allowed to build as long as you meet the conditions Council have provided.

Start planning permit process from the beginning

Confirm further approval requirements such as:  
Building Permit & Septic Tank Permit  
Discuss with **One Stop Shop** regarding queries.