



Town Planning Application Procedure Guide

The following guideline details the process for Town Planning Applications from the point of lodgement.

Lodgement of an Application

When Council receives an application for a planning permit, the application is allocated to a Planning Officer. An acknowledgement letter is forwarded to the applicant, and notification of the responsible Planning Officer's name and contact telephone number is provided.

In order to ensure that the correct use and/or development is being applied for, Council may amend the description of the proposal detailed on your application form subject to your consent. This is pursuant to Section 50A(1) of the *Planning and Environment Act 1987*. The owner of the land must also be notified of this amendment to the application. The application will be taken as to have been received on the day that the amendment was agreed to.

Following this stage an initial assessment is undertaken in order to determine whether there is sufficient information to assess the application. If Council considers further information is necessary, a written request will be sent to the Applicant. A preliminary assessment of the application and based on the submitted information will be made and any design deficiencies will be identified and brought to the attention of the applicant. This letter can be expected within 28 days of the receipt of the application.

A timeframe of 35 days is generally given for the further information to be submitted to Council, by the applicant.

What Happens When Council has all the Necessary Information?

Most applications will need to be advertised and this is done in the form of a Notice of Application.

The Notice of Application can consist of a notice on site, a mail out to all surrounding owners and occupiers, a notice in the newspaper or a combination of all three. In some instances, a public consultation meeting may be held during the notification period.

Council staff will notify the applicant of the cost and type of advertising necessary. Council can undertake the public notification for a fee.

Referral of the application, to both statutory authorities and Council's internal departments may be done at this time.

Council cannot make a decision on an application during the notification period. During this time, people can be certain that any comments they submit to the application will be taken into account. All written submissions received prior to determination will be taken into consideration.

Application for amendment by the applicant

An applicant may ask Council to amend an application either before or after giving Notice of the Application.

This enables an applicant to respond to concerns of objectors, a referral authority or the Council. If an application is amended after notice has been given, Council must consider whether any further notification or referral is needed because of the changes.

A decision is then made on the application in its final form, taking into considerations all submissions received.

The Assessment Process

Following the public notification process, the Planning Officer prepares a report making a recommendation to either a delegate of Council or for presentation at a Council Meeting, dependant on various factors including but not limited to community interest and cost of development.

After having considered submissions to the application, comments from any Referral Authorities, State and local government planning policies and the provisions of the Monash Planning Scheme, the Planning Officer will make a recommendation based on a professional assessment of the application.

Decision

Council may determine to either:

- Issue a Permit (if there are no objections);
- Issue a Notice of Decision to Grant a Permit (if objections have been received but Council considers that the proposal is acceptable); or
- Refuse to Grant a Permit

A permit can be issued with or without conditions. Use and developments can only begin and subsequently continue, if all of the conditions on the permit are met.

Applications for review to VCAT

If an application for a Planning Permit has been refused or conditions have been placed on the permit which the Applicant is concerned about, the Applicant may appeal to the Planning and Environment List of the Victorian Civil and Administrative Tribunal within 60 days of Council's decision.

Similarly, should any objectors to the application be dissatisfied with Council's decision to grant a permit, appeals can be made to VCAT within 21 days of Council's decision.