

No.1 – Planning Application Process (A Basic Guide)



The purpose of this advice sheet is to provide a brief overview of the Wangaratta Planning Scheme and the planning application process to new users of the planning approvals system.

What is a Planning Scheme?

The objectives of land use planning in Victoria as set out in the Planning and Environment Act 1987 are achieved through the implementation of planning schemes. A planning scheme sets out requirements and policies for the use, development, protection or conservation of land. It is a legal document, binding on all parties and enforceable by law. Each municipality in Victoria is covered by a Planning Scheme which has been approved by the Minister for Planning.

The purpose of a Planning Scheme is to:

- Provide a clear and consistent framework within which decisions about the use and development of land can be made;
- Express state, regional and community expectations for areas and for land use; and
- Provide for the implementation of state and local policies affecting land use and development.

All Planning Schemes include maps (which show the zoning and any overlays affecting the land) and an ordinance (which includes provisions and definitions relating to use and development, as well as policies to guide discretionary decision-making).

The Wangaratta Planning Scheme

As with all Planning Schemes in Victoria, the Wangaratta Planning Scheme includes:

State Planning Policy Framework (SPPF)

Councils must take account of and implement both the general State planning principles and specific State policies and requirements.

Local Planning Policy Framework (LPPF)

The local section of the Wangaratta Planning Scheme outlines Council's planning objectives in the Municipal Strategic Statement (MSS). There are also more detailed Local Policies for different parts of the Municipality which cover different planning issues. The Local Policies in the Wangaratta Planning Scheme include:

- Rural Land Use and Agricultural Development Policy;
- Central Activities Area and Urban Development Policy;
- Rural Townships and Settlement Policy;
- Economic Development and Tourism Policy;
- Industry and Business Development Policy;
- Infrastructure Policy and Advertising Signs Policy.

Zones and Overlays

The zones and overlays in the Wangaratta Planning Scheme have been chosen from the Victoria Planning Provisions (VPPs) and have been applied to each area of the Municipality so the objectives of the State and Local Planning Policies can be achieved

The Planning Scheme maps categorise land into different zones according to the existing or desired primary uses (such as residential, industrial, commercial, rural or conservation). Within each zone, **uses** are categorised as either permitted without the need for a permit (Section 1 use), permitted subject to obtaining a permit (Section 2 use), or prohibited (Section 3 use). For Section 2 uses, because a permit can be granted does not imply that a permit should or will be granted. The Council must decide whether the proposal will produce acceptable outcomes in terms of the relevant decision guidelines and policies of

the Planning Scheme. The zones also include specific development requirements which may apply in addition to any use requirements.

Special planning controls which apply to a particular area (such as an area requiring bushfire management or areas with special heritage significance) are shown on an overlay map. An overlay may cover several different zones and where more than one special feature applies, there may be multiple overlays over the same parcel of land.

Overlays frequently used in the Wangaratta Planning Scheme include:

- Bushfire Management Overlay (BMO);
- Land Subject to Inundation Overlay (LSIO)
- Significant Landscape Overlay (SLO); and
- Heritage Overlay (HO).

Particular Provisions

In addition to zone and overlay controls and requirements, there are also particular provisions which relate to certain types of development and land use (eg. car parking, advertising signs and home occupation).

The Wangaratta Planning Scheme is available for viewing at the Council offices, on Council's website www.wangaratta.vic.gov.au or on the Department of Transport, Planning and Local Infrastructure website www.dtpli.vic.gov.au/planning. A helpful explanation on how to read the Planning Scheme is provided in the five page "User Guide" at the front of the Planning Scheme.

Planning Property Reports – these are free from the DTPLI website and outline a zone and overlay provisions that apply to sites based on address.

Considering developing or changing the use of land?

If you are considering developing or changing the use of your land, you should contact Council's Planning Unit. Make sure that you have accurate and detailed property information – including a searched copy of the property title, not more than three (3) months old. A Council planning officer will go through the zoning and overlay maps with you and will also help you to determine how the Planning Scheme provisions may affect your development and/or use proposal. Early discussions with Council officers will confirm whether and what types of permits you require for your proposal.

Preparing an application?

Please refer to Planning Advice Sheet No.2 (Important Information for Permit Applicants) to assist with the preparation of your application, as well as any other relevant advice sheets which may be relevant to your proposal.

What happens once you submit a planning application?

Upon receipt of your application, it will be allocated to a planning officer who will be responsible for the assessment of your proposal. You will be advised in writing of the planning officer assigned to your application, along with their contact details and an application number.

The planning officer will then refer the application to the relevant referral authority if required and will advise you if there are any issues or further information required by the referral authority.

It is usual that following an inspection of the site, the nominated planning officer will determine whether there is sufficient information to assess your application. If the information provided is insufficient, you will receive a letter detailing the additional information required. Delays that may result from this request can be avoided by discussing your proposal with a Council planning officer prior to lodging the planning application.

Once the application information is of an adequate standard, the planning officer will then determine whether advertising of your application is required. As the applicant, you will receive written instructions on the form of advertising to take place. Advertising will last for a period of two weeks. Advertising of applications is not required in every situation.

Where objections are received, Council may hold a planning application conciliation meeting where all objectors and the permit applicant are invited to meet with Council officers to discuss the issues and, if the opportunity arises, seek a compromise or agreement. Such meetings are usually held where Council officers have identified that there may be an opportunity to mediate an outcome suitable to all parties.

Next, the planning officer will prepare a report and the application will be determined. For applications receiving a large number of objections, your proposal may be determined in a Council Meeting.

Provided that the application is satisfactory, a Planning Permit may then be issued. Alternatively, a Notice of Decision to Grant a Permit will be issued if there have been objections to the proposal. This document represents a draft permit with conditions. Should the application be unsatisfactory, a Refusal to Grant a Permit will be issued, outlining the grounds for refusal. Appeal rights are detailed on the reverse side of all permits and notices.

The chart on the following page diagrammatically outlines the planning application process.

Enforcement of the planning scheme

The use and development of land must comply with the Planning scheme and any planning permit issued. This is monitored by Council's Planning Enforcement Officer.

Contraventions may result in enforcement action including:

- Remedial action;
- The issuing of a Planning Infringement Notice (with a penalty attached);
- Magistrates' Court prosecution;
- VCAT proceedings.

Council takes breaches to the Wangaratta Planning Scheme (and any planning permits) very seriously. Landowners are required to comply with the provisions of the Planning Scheme and permit holders are required to comply with all permit requirements.

Other permits or approvals

Other permits may need to be obtained from Council prior to the commencement of any works associated with any building structure. A building permit may be required, this can be obtained from Council or a private building surveyor. Council's Environmental Health Team may require a septic tank permit to be obtained if the site is located within non-sewered areas. A permit may also be required from Council's Technical Services Unit for a new crossover, alteration to an existing crossover (road opening permits), or other approvals relating to drainage and stormwater retention.

This advice sheet is to be used as a general guide only. Council has made all reasonable effort to ensure the information provided in this series is true and accurate. However, it is recommended that readers seek professional advice before acting or making decisions on the basis of this information. For any questions or clarification, please contact Council's Planning Unit on 5722 0888.



The Planning Application Process:

