

## Planning Application Process (A Basic Guide)

The purpose of this information sheet is to provide a brief overview of the Murrindindi 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;
- To express state, regional and community expectations for areas and for land use; and
- To 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 Murrindindi Planning Scheme

As with all Planning Schemes in Victoria, the Murrindindi 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 Murrindindi 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 Shire which cover different planning issues.

The Local Policies in the Murrindindi Planning Scheme include:

- Agriculture and Rural Land
- Tourism
- Townships
- Natural Resource Management
- Heritage
- Bushfire

### Zones and Overlays

The zones and overlays in the Murrindindi Planning Scheme have been chosen from the Victoria Planning Provisions (VPPs) and have been applied to each area of the Shire 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 or rural 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.

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 and there may be multiple overlays over the same parcel of land.

Overlays frequently used in the Murrindindi Planning Scheme include:

- Bushfire Management Overlay (BMO);
- Environmental Significance Overlay (ESO);
- Erosion Management Overlay (EMO);
- Significant Landscape Overlay (SLO);
- Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO); 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 Murrindindi Planning Scheme is available for viewing at the Council offices, on Council's website, or on the Department of Environment, Land, Water and Planning (DELWP) website <http://planningschemes.dpcd.vic.gov.au/>. A helpful explanation of how to read the Planning Scheme is provided in the six page "User Guide" at the front of the Planning Scheme.

### **Considering developing or changing the use of land?**

If you are considering developing or changing the use of your land, please contact Council's Planning Unit on (03) 5772 0317 or [planning@murrindindi.vic.gov.au](mailto:planning@murrindindi.vic.gov.au). Make sure that you have accurate and detailed property information – including a search copy of the property title, not more than 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.

### **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 an application number.

The nominated planning officer will determine if 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 officers will try to resolve these objections and if the opportunity arises, seek a compromise or agreement.

Should objections to an application not be resolved, the planning officer will prepare a report to Council and the application will be determined by the elected Councillors at the next available 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 are 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.

### **Enforcement of the planning scheme**

The use and development of land needs to comply with the Planning Scheme and any planning permit issued. This is monitored by the Council's Planning Unit.

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 Murrindindi 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 building. A building permit may be required and can be obtained from Council's Building Unit or a private building surveyor. Council's Environmental Health Unit 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 Infrastructure Assets Department for a new crossover, alteration to an existing crossover (road opening permits), or other approvals relating to drainage and stormwater retention.

We encourage people considering development in Murrindindi Shire to contact us on (03) 5772 0317 or [planning@murrindindi.vic.gov.au](mailto:planning@murrindindi.vic.gov.au) and make an appointment to discuss your ideas with a planning officer.

*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 is true and accurate. However, we recommend that you 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 (03) 5772 0317.*