

How to apply for a VicSmart planning permit under the Special Building Overlay

March 2017

This information sheet explains how to apply for a VicSmart planning permit under the Special Building Overlay where Melbourne Water is the referral authority.

It provides advice about:

- the types of applications under the Special Building Overlay that are VicSmart
- the permit process for VicSmart applications under the Special Building Overlay where Melbourne Water is the referral authority
- how to obtain consent from Melbourne Water under the VicSmart permit process.

What is VicSmart?

VicSmart is a short permit process designed for simple applications.

A VicSmart application is exempt from advertising and a permit decision can be issued by council within 10 business days.

The information requirements and the assessment criteria for a VicSmart application are clearly set out in the planning scheme.

To streamline the permit process at council, VicSmart applications under the Special Building Overlay require Melbourne Water's prior consent.

For further information on VicSmart visit: www.planning.vic.gov.au/vicsmart

What is the Special Building Overlay?

The Special Building Overlay identifies land in urban areas liable to inundation by overland flows from the underground drainage system.

The Special Building Overlay ensures that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. The Special Building Overlay also protects water quality in accordance with the provisions of relevant State Environment Protection Policies.

Which applications under the Special Building Overlay are VicSmart?

The following types of applications can be assessed under the VicSmart permit process:

- **Boundary realignment:** To subdivide land to realign the common boundary between two lots.
- **Subdivide existing buildings and car parking spaces:** To subdivide land into lots each containing an existing building or car parking space where the development has been approved under the planning scheme and has been completed in the past five years.
- **Two lot subdivision:** To subdivide land into two lots where the development of the land has been approved under the planning scheme and the development has commenced.

- **New development:** To construct a building or to carry out works.

Who should I contact in regard to my proposal?

To determine if your development proposal is eligible for VicSmart, you should contact the planning unit at your Murrindindi Shire Council on 03) 5772 0317.

If your development proposal fits the VicSmart criteria, you should discuss your proposal with the Land Development team at Melbourne Water by:

- telephone: 9679 7517
- email: land.development@melbournewater.com.au
- visiting 990 Latrobe Street, Docklands.

What will I need to submit to Melbourne Water as part of my VicSmart application?

Most applications to Melbourne Water should include the following information:

1. Melbourne Water VicSmart application form available at www.melbournewater.com.au/Planning-and-building/Flood-and-planning-schemes/Pages/Planning-scheme-overlays.aspx
2. A plan drawn to scale and dimensioned which shows:
 - boundaries and dimensions of the site
 - the layout, size and use of existing and proposed buildings and works, including floor plan layout and vehicle parking areas
 - setbacks between existing and proposed buildings and site boundaries
 - natural surface levels of the site to Australian Height Datum (AHD)
 - floor and surface levels of any existing and proposed building and works to AHD
 - cross-sectional details of any basement entry ramps
 - if subdivision is proposed, the location, shape and size of the proposed lots.

You should discuss specific requirements for your application with the Land Development team before submitting your proposal to Melbourne Water.

For further information on Melbourne Water's role in VicSmart visit: www.melbournewater.com.au/Planning-and-building/Flood-and-planning-schemes/Pages/Planning-scheme-overlays.aspx

How long will Melbourne Water take to assess my application?

Melbourne Water will respond to your application within 28 days. It is recommended that you provide all the necessary information with your application. If insufficient information is provided with your application, Melbourne Water may contact you and request further information.

What happens once Melbourne Water has received my application?

Melbourne Water will consider flood risk factors such as the frequency, duration, extent, depth and velocity of flooding at the site and access ways. For further information please visit: www.melbournewater.com.au/Planning-and-building/Forms-guidelines-and-standard-drawings/Documents/Flood-prone-area-development-guidelines.pdf

Once Melbourne Water has considered the application it will either:

- consent to the application with no conditions
- consent to the application with conditions
- object to the application.

If Melbourne Water consents, you will receive written approval which will include a set of endorsed stamped plans.

What happens if Melbourne Water does not consent to my application?

If you are unable to obtain Melbourne Water's consent or if Melbourne Water objects to the application, the application is not a VicSmart application and must then be processed through the regular permit process.

Under the regular permit process, council will be required to formally refer the application to Melbourne Water. If Melbourne Water formally objects to the planning permit under Section 56 of the *Planning and Environment Act 1987*, then a right of review through the Victorian Civil Administrative Tribunal (VCAT) process still exists.

What will I need to submit to council with my VicSmart application?

The VicSmart planning application must contain the same information and plans submitted to Melbourne Water and also include Melbourne Water's written consent and a copy of the endorsed plans.

Melbourne Water's consent must be obtained within three months prior to submitting the application with council.

VicSmart Checklist 9 for VicSmart applications under the Special Building Overlay identifies all the information requirements that must be submitted with your application for a planning permit. It is advisable to contact council's planning department to confirm the information requirements. In some cases, council may not require some of the information listed.

VicSmart Checklist 9 is available from council or Melbourne Water and can be accessed from the VicSmart web site:

www.planning.vic.gov.au/vicsmart

When will council decide my application?

Council will have 10 business days to decide on the application.

If the application is not decided within 10 business days, you will have a right of review at VCAT for failure to decide. However before applying to VCAT, please check when council intends to make a decision. In most cases a decision will be made within a reasonable timeframe making the need for a review unnecessary.

When is approval from Melbourne Water not required?

Some Councils have applied the Special Building Overlay to council drains and applications under this planning control do not require the consent of Melbourne Water. In these cases, an applicant will not be required to seek Melbourne Water's approval for the proposal before lodging the application with council.

The application for planning permit must be accompanied by the information set out in Clause 93.08 with the exception of the referral authority's written consent. Council will be required to consider the application within the 10 business day period.

Summary of the VicSmart process for an application under a Special Building Overlay

- 1: Check with your council to ensure the proposal is VicSmart and Melbourne Water's consent is required.
- 2: Contact the Land Development team at Melbourne Water to discuss the proposal.

3: Fill in the Melbourne Water VicSmart application form and submit all the information required to Melbourne Water. The information required to be submitted is listed in Clause 93.08 of the planning scheme and is also listed in this information sheet and in VicSmart Checklist 9 available from council or from the VicSmart web site at www.planning.gov.au/vicsmart

4: Melbourne Water may contact you if further information is required.

5: Melbourne Water will consider the proposal based on the decision guidelines specified in Clause 93.08 of the planning scheme.

6: If Melbourne Water consents to the proposal, you will receive a written approval letter (with or without conditions) and endorsed plans. This approval is only valid for three months from the date of its approval.

7: An application for a VicSmart permit can now be submitted to council. Check with your local council if it has a specific application form for a VicSmart application.

8: Complete the VicSmart application form and submit it to council with all the required information: the information requirements set out in Clause 93.08 of the planning scheme (also listed in Checklist 9); and the written consent and endorsed plans from Melbourne Water.

9: Council will assess the application based on the decision guidelines set out in Clause 93.08.

10: Council has 10 business days to consider the application.

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