

# A guide for planning applicants

## Planning information guide number 2



Merri-bek  
City Council

### What is the purpose of the planning system?

The purpose of the planning system is to provide for the orderly management of land uses and new development. The planning system provides the framework to ensure that Council's decisions about land use and development are fair, orderly, economic and sustainable. The principal legislation that provides this framework is the *Planning & Environment Act 1987*. Every municipality in Victoria is covered by a planning scheme.

### What is the Merri-bek Planning Scheme?

The Merri-bek Planning Scheme is the single instrument of planning control in Merri-bek. The scheme is a legally binding document which lists the types of uses and development allowed in each zone. It contains strategies, objectives, planning scheme maps and policies. The zones shown on planning scheme maps reflect the primary character of land, such as residential or industrial.

The Merri-bek Planning Scheme includes state and local policies. State Planning Policy covers strategic issues of importance to the state of Victoria. This includes policies relating to settlement, environment, housing, economic development, infrastructure and particular uses and development. Local Planning Policy includes a strategic vision for land use in Merri-bek, known as Merri-bek City Plan, Council's Municipal Strategic Statement (MSS).

The local planning policies explain how Council will make decisions on specific issues of strategic importance such as heritage, industrial developments, activity centres and advertising signage identified in the MSS.

### What should I apply for?

You should only apply for what you reasonably expect to build. The need to make modifications to plans during the process will result in additional delays and costs. Modifications sought after the notification period may result in the need for your application to be re-advertised. A pre-application

meeting will help establish what is reasonable and how best to describe your application.

### Do I need a pre-application meeting?

We strongly encourage all applicants to have a pre-application meeting prior to lodging a planning permit application. Pre-application meetings are conducted free of charge. An appointment with an urban planner should be arranged at least a few days in advance. Poorly prepared planning permit applications are the major cause of delays in processing of applications. Council may not accept applications that do not contain an appropriate level of base information. A successful pre-application meeting will help facilitate the application process. However, this does not guarantee that a permit will be issued.

### Why should I have a pre-application meeting?

Pre-application meetings provide two equally important functions:

- The ability to discuss the planning merits of your proposal, together with possible modifications to your application to improve the likelihood of a positive recommendation from Council officers.
- The opportunity to discuss the level of information to be submitted to facilitate the efficient processing of your application and avoid delays associated with requests for further information.

### Do I need a planning permit?

For advice on whether you need a permit, contact the City Development Branch at Merri-bek City Council on 9240 1111 or attend the Urban Planning Counter at Merri-bek Civic Centre, 90 Bell Street, Coburg. An Urban Planner is available between 8.30am and 5pm, Monday to Friday.

## Preparing for a pre-application meeting

Before attending the meeting you need to:

- Obtain and review Merri-bek City Plan, Council's Municipal Strategic Statement and any other policies.
- Obtain the relevant zoning information and overlays by visiting Merri-bek's Urban Planning Counter at 90 Bell Street, Coburg, or view Merri-bek's planning scheme map on the Department of Transport & Planning (DTP) website, [www.dtp.vic.gov.au](http://www.dtp.vic.gov.au). For a legal statement detailing the planning controls affecting your land a Planning Certificate can be obtained from DTP. Information on Planning Certificates can be found on the DTP website.
- In the case of unit developments or other larger applications have a detailed neighbourhood and site description and site context plan.
- Have preliminary designs and sketches demonstrating how your proposal responds to the site characteristics.

We recommend you bring concept plans rather than finalised plans to a pre-application meeting, as details may change and re-design costs can be expensive.

## Should I talk to my neighbours before I lodge the application?

Yes, Merri-bek City Council strongly encourages applicants to discuss the proposal with their neighbours prior to lodging the final application.

## How do I apply for a Planning Permit?

Applications are lodged online via Council's website, [www.merri-bek.gov.vic.au](http://www.merri-bek.gov.vic.au), and must include:

- A completed Application for Planning Permit form
- The application fee
- A current copy of Title (including full details of any covenants or restrictions on the Title). Please note Council requires a Title search statement no older than 3 months.
- The information detailed in the relevant Checklist(s) for Planning Permit Applications relevant to your proposal (refer to checklists referenced in this brochure).
- Any other information identified as a result of your pre-application meeting.

Note: the State Government sets planning permit application fees. The current application fee schedule is available on Council's website.

## What happens once my application is lodged?

Your application is registered and given an application number. It is then allocated to an urban planner. You will receive a letter telling you the name and contact details of the planner dealing with your application.

The urban planner will review the application and check that all necessary information has been supplied. You may be asked to provide additional information to assist in the assessment or to amend your application to accurately describe the reasons a permit is required. If your application does not accurately describe the reasons that a permit is required you will need to amend the application.

Most major concerns will be identified during the initial assessment. You will be given one opportunity to supply this information and to address any major concerns, within a specified timeframe noted in the further information letter. If the required information is not received by Council within the specified time the application automatically lapses and a new application will need to be lodged together with a new application fee.

Applicants may apply to extend the lapse date by writing to Council, but only before the application lapses. Pre-application meetings can reduce or eliminate the need to request further information.

Once all information is supplied to the satisfaction of Council the consideration of your application will proceed including determining whether it is necessary to notify (advertise) your application pursuant to the requirements at Section 52 of the

## Accessibility in design

The City of Merri-bek is committed to creating a built environment which has equity of access for all people. Applicants are encouraged to design:

- Buildings to meet the expectations of the *Disability Discrimination Act*.
- Buildings that can be adaptable, accessible and visitable and consider the needs of people with limited mobility, the aging population and the needs of families.
- Dwellings with an accessible bedroom and en-suite at ground floor levels.
- Buildings with step-less entries and which avoid the use of stairs and steps.
- Apartment buildings with lifts to provide equity of access.

Planning and Environment Act 1987. The urban planner will also assess whether it is necessary to refer your application to any external authorities or other departments of Council.

## What is notification?

Notification (advertising) is the formal notice provided to others about a planning application. Notice may be given by:

- Direct mail to all adjoining owners and occupiers to the site
- A public notice erected on the site for 14 clear days
- A public notice placed in the local newspaper

Where required, Council will provide you with an on-site notice and any direction to advertise in a local newspaper. Council will mail copies of the public notice to adjoining owners and occupiers on your behalf. You will be advised of the cost for undertaking advertising on your behalf.

## How do I undertake notification?

Where Council requires a sign on site, you will need to:

- Date the public notice with a waterproof pen
- Fix the notice securely to a board which must be placed at eye level within one metre of the frontage of the site, or as directed
- Contact the City Development Branch immediately, to arrange an inspection of the public notice.

The date placed in the bottom square of the sign must be at least 14 clear days from the date the sign is erected. For example, if the sign is erected on August 1, it should be dated August 15 or later. The sign must remain displayed on the site until after the date specified on the notice.

The statutory declaration form supplied by Council must be completed and signed in the presence of a Justice of the Peace, no sooner than 14 days after the notice has been erected. This form must be returned to the City Development Branch with the advertising fee and the public notice. Processing of the application will not re-commence until after the form original public notice and advertising fee are received.

Please note that extended notification times may apply before and during the Christmas and New Year period. Contact the City Development Branch for more details.

## What happens after notification is completed?

If objections have been received Council will decide whether a Planning Information and Discussion

meeting is required. These meetings are not held for every application. Council must also consider objections that have been received after the advertised period has past, but prior to a final decision being made.

## What is a Planning Information and Discussion meeting?

Council invites the applicant and any objectors to this meeting. It provides the opportunity for all parties to discuss issues they may have with the proposal. In most cases, the Ward Councillors and the urban planner responsible for processing the application also attend this meeting. Applicants are encouraged to consider how to respond to objectors' concerns and discuss possible changes with the urban planner. If objections can be resolved it saves time and money. More information on planning information and discussion meetings can be found at the Merri-bek City Council website.

## Can an objection be withdrawn?

Yes, objectors can withdraw objections. The objector must do this in writing to Council. Council cannot accept a 'conditional' withdrawal of objection i.e. "if the developer removes the window I no longer object". The letter of withdrawal must be addressed to the City Development Branch and contain the following information:

- The application number, for example MPS 2009/1234
- The address of the site on which the development or use is proposed
- The objector's name, address and telephone number

Objections are sometimes withdrawn after plans are amended following direct discussions between applicants and objectors, or as a result of Planning Information and Discussion meetings.

## How is a decision made?

The application is assessed based on:

- State and Local Planning Policy
- Merri-bek City Plan
- Council's Municipal Strategic Statement
- Land use (zone) controls
- Development (overlay) controls
- Consideration of issues raised in objections and other submissions
- Other relevant provisions of the Merri-bek Planning Scheme

## Who makes the decision?

Officers have delegated authority from Council to consider certain planning permit applications. An application may not be considered under delegation if objections are received from 10 or more different properties. Petitions or an objection with multiple signatories are recognised as one objection. Proforma objections (where the same objection is photocopied and signed by many people) are also recognised as only one objection when determining which applications are reported to the Urban Planning Committee.

Applications that are not dealt with under delegation are reported to the Urban Planning Committee, which meets regularly. Other applications may also be reported to the Committee at the request of a Councillor or Senior Management.

The applicant and any objectors will be invited to attend the Urban Planning Committee meeting when the application is considered. These meetings are usually held every month on a weeknight at 6pm, at the Merri-bek Civic Centre, 90 Bell Street, Coburg. You are advised to contact Council's City Development Branch if you wish to confirm meeting dates. All parties have a brief, usually a three-minute opportunity to address the members of the Urban Planning Committee before a decision is made. Dates and agendas for the Urban Planning Committee and Council meetings can be found at Council's website.

## What happens after Council decides?

*If Council supports the application and no objections have been received a Planning Permit will be issued. You must read the conditions on the permit carefully and follow up on any outstanding requirements. Sometimes, you will need to submit amended plans for endorsement before you can commence the use or development.*

A time limit for the commencement and completion of the use and/or development will be included on the permit. It is very important that you follow the conditions of the permit and what the permit allows. For permits allowing development it is important that you build the development in accordance with the set of endorsed plans. Not complying with these plans may lead to enforcement action, failure to achieve a Building Permit and lengthy delays.

*If Council supports the application and objections have been received a Notice of Decision to Grant a Planning Permit (NOD) will be issued. This is not a Planning Permit. It is a stating that Council supports the application subject to conditions. An objector has 21 days to lodge an Application for Review against*

Council's decision to the Victorian Civil and Administrative Tribunal (VCAT). If an Application for Review is not lodged, VCAT will notify Council when a Planning Permit may be issued.

*If Council does not support the application a Notice of Refusal will be issued which includes the reasons for the refusal. An applicant has 60 days to lodge an Application for Review with VCAT against Council's decision.*

## Can I challenge Council's decision?

Yes. If you do not agree with Council's decision or conditions placed upon a permit you can lodge an Application for Review. Objectors have 21 days to lodge an Application for Review. The applicant has 60 days to lodge an Application for Review.

## How do I lodge an Application for Review?

Your Application for Review must be lodged with VCAT on an official form and sent to the Registrar of the Planning List. The person lodging the Application for Review is responsible for notifying all other parties that an Application for Review has been lodged.

## What costs are associated with lodging an Application for Review?

You will pay a fee at the time you lodge the Application for Review. Other parties to an Application for Review normally bear their own costs.

## More information

For further brochures and information about Urban Planning in Merri-bek visit Merri-bek City Council's website or contact Council about:

- Urban Planning in Merri-bek – A Guide for Objectors
- Guidelines for Alterations and Additions to Houses in Heritage Areas
- Checklist for Planning Permit Applications – One Dwelling on a Lot
- Checklist for Planning Permit Applications – Two or More Dwellings on a Lot
- Checklist for Planning Permit Applications – Development
- Checklist for Planning Permit Applications – Use of Land
- Checklist for Planning Permit Applications – Advertising Signs

- Checklist for Planning Permit Applications – Licensed Premises

Other brochures will be produced from time to time in response to local needs.

### To find out more:

**Merri-bek City Council**  
 City Development Branch  
 90 Bell Street  
 Coburg, 3058  
 Monday to Friday 8.30 am – 5 pm  
 Phone: 9240 1111  
[www.merri-bek.vic.gov.au](http://www.merri-bek.vic.gov.au)

**DTP**  
 Land Information Centre  
 Level 9, 8 Nicholson Street  
 East Melbourne, 3002  
 Phone: 9208 3333  
[www.dtp.vic.gov.au](http://www.dtp.vic.gov.au)

**Victorian Civil and Administrative Tribunal (VCAT)**  
 Planning List  
 Level 7, 55 King Street  
 Melbourne, 3000  
 Phone: 9628 9777  
[www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

### Merri-bek Language Link

Italiano	Italian	9280 1911	Türkçe	Turkish	9280 1914	普通话	Chinese (Simplified)	9280 0750
Ελληνικά	Greek	9280 1912	Tiếng Việt	Vietnamese	9280 1915	<b>National Relay Service:</b> 13 36 77 or <a href="http://relayservice.com.au">relayservice.com.au</a>		
عربي	Arabic	9280 1913	पंजाबी	Nepali	9280 0751			