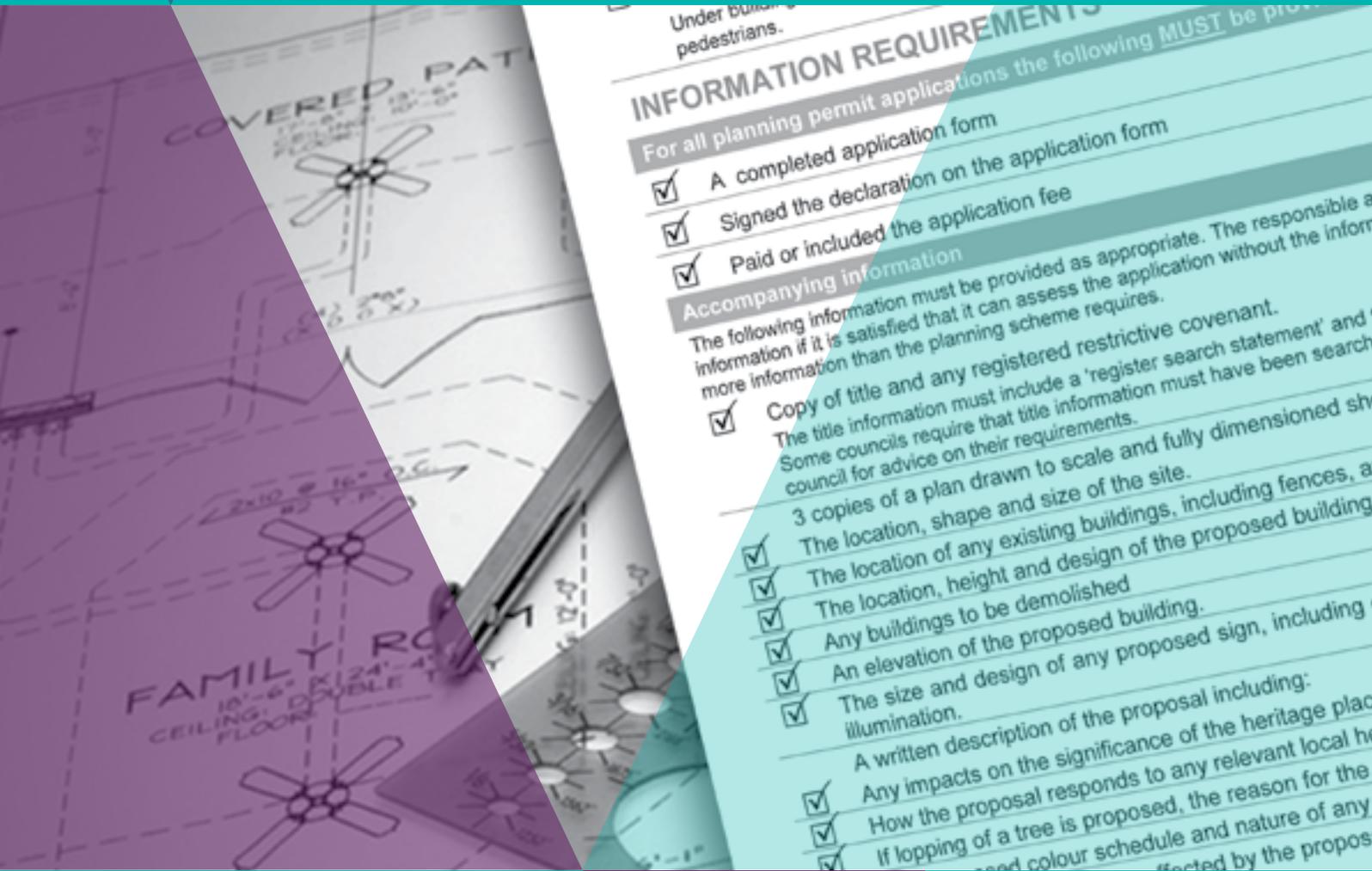


VICSMART

PERMITS IN 10 DAYS

Applicant's Guide to lodging a VicSmart application



INFORMATION REQUIREMENTS

For all planning permit applications the following MUST be provided:

- A completed application form
- Signed the declaration on the application form
- Paid or included the application fee

Accompanying information

The following information must be provided as appropriate. The responsible authority must be satisfied that it can assess the application without the information more information than the planning scheme requires.

- Copy of title and any registered restrictive covenant. The title information must include a 'register search statement' and some councils require that title information must have been searched by the council for advice on their requirements.
- 3 copies of a plan drawn to scale and fully dimensioned showing the location, shape and size of the site.
- The location of any existing buildings, including fences, and any buildings to be demolished
- An elevation of the proposed building.
- The size and design of any proposed sign, including illumination.
- A written description of the proposal including:
 - Any impacts on the significance of the heritage place
 - How the proposal responds to any relevant local heritage rules
 - If lopping of a tree is proposed, the reason for the lopping and the proposed colour schedule and nature of any other works affected by the proposal



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Introduction

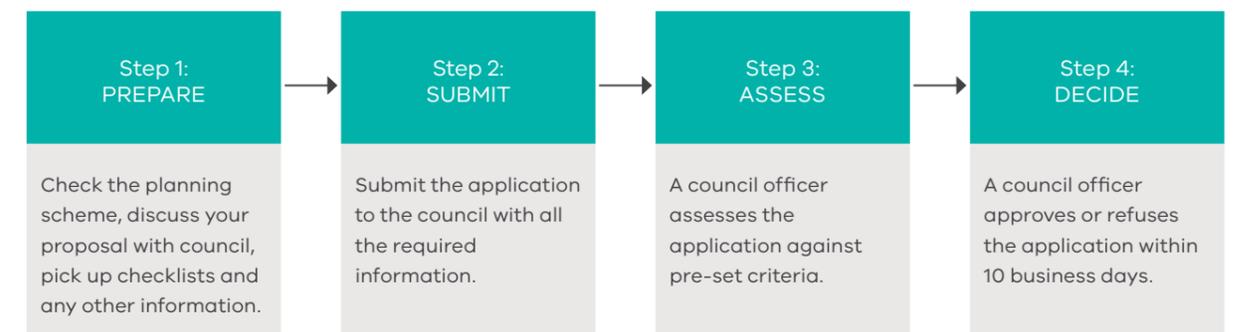
VicSmart is a simple and fast planning permit process for straightforward applications.

This guide will help you make a VicSmart planning permit application. It includes advice on:

- whether your application qualifies for a VicSmart assessment
- how to prepare and lodge a VicSmart application
- information you must submit with your application.

How does VicSmart work?

The VicSmart process involves four simple steps:



What qualifies for the VicSmart permit process?

You can use VicSmart to apply for:

- minor subdivision
- buildings and works
- tree removal and lopping
- small advertising signs
- car parking reductions.

You can include one or more proposals in an application.

See if your application is eligible for VicSmart and is listed as a State VicSmart application on pages 11 to 19.

Prepare

1. Discuss your proposal with the council

Before preparing and lodging an application, discuss your proposal with a council planning officer.

A planning officer can advise on:

- whether you need a planning permit and why
- whether you can apply under VicSmart
- the nature and amount of supporting information you need to submit with your application
- the relevant planning controls
- whether the consent of a referral authority will be required.

Your council may have other information and checklists that will help you prepare the application.

A discussion will help you to include all the right information with your application.

2. Include the right information

To enable a council officer to decide an application in 10 business days you must submit all required information when lodging the application.

The information to be submitted with a VicSmart application is listed in the planning scheme. A council officer may waive or reduce the required information if they can assess the application without the information.

The council officer cannot ask for more information than the planning scheme requires.

There are 14 checklists summarising the different information requirements for each type of State VicSmart application. The checklists are available from your council or the VicSmart website: planning.vic.gov.au/vicsmart.

Complete the relevant checklist to ensure you submit all the required information.

If your proposal falls into more than one VicSmart class of application you will need to complete all the relevant checklists.

If your council has listed additional local classes of VicSmart application in their planning scheme, corresponding checklists may be available for these.

If your application requires referral authority approval, you must obtain the written consent of the referral authority before lodging the application.

| Checklist | Type of application | Required |
|-----------|--|----------|
| 1 | Realign a boundary between two lots | |
| 2 | Subdivide land into lots each containing an existing building or car parking space | |
| 3 | Subdivide land with an approved development into two lots | |
| 4 | Construct a front fence in a residential zone | |
| 5 | Construct a building or works except in a rural zone | |
| 6 | Construct a building or works in an overlay | |
| 7 | Remove, destroy or lop one tree | |
| 8 | Minor subdivision, minor buildings and works, painting or tree lopping in a Heritage Overlay | |
| 9 | Minor subdivision or buildings and works in a Special Building Overlay | |
| 10 | Display a sign in a commercial, industrial or special purpose zone | |
| 11 | Reduce a car parking requirement | |
| 12 | Two lot subdivision in a rural zone | |
| 13 | Construct a building or works in a rural zone | |
| 14 | Extension to one dwelling on a lot in a residential zone | |

These checklists are available from your council or the VicSmart website: planning.vic.gov.au/vicsmart.

Submit

3. Submit your application and fee

Your application should include:

- A completed application form.
- Application fee. Most applications require a fee. Contact council for the appropriate fee.
- Copy of the property title. The title includes: the covering 'register search statement', the title diagram and the associated title documents known as 'instruments', for example, restrictive covenants. Some councils require that title information is no older than a specified time frame. Contact your council for advice on their requirements.
- The required information for the class of VicSmart application. The information requirements are set out in the planning scheme and summarised in the VicSmart checklists.
- Completed checklist(s).
- Signed declaration on the application form.

Check with your council on how to lodge your application and pay the fee.

4. Amending a VicSmart application

A VicSmart application can be amended after lodgement.

The day council receives the request for the amendment becomes the lodgement date of the application.

Assess

5. Checking submitted information

A council officer will check the submitted information against the requirements listed in the planning scheme.

Request for further information

If the information submitted with the application is inadequate or if some of the required information is missing, council can ask you to provide further information.

The request for further information must be in writing setting out the information to be provided.

If the request for further information is made within five business days of receiving the application, the council will have a further 10 days to decide the application from when a satisfactory response to the request for further information is received.

It is recommended that you provide all the necessary information with your application. If insufficient information is provided with your application, a decision will be delayed until all the information is provided.

Failing to respond to a request for further information by the due date can lead to an application lapsing

If the request for further information is made within five business days of receiving the application, the request must also specify a date by which the information must be received.

If the requested information is not provided by that date, the application lapses.

An application that has lapsed cannot be recommenced and a new application must be lodged.

You can apply to extend the date to provide information provided the request to extend the date is made in writing before the lapse date.

Failing to obtain referral authority approval

If your application requires referral authority approval, failure to obtain this consent and provide it with your application means the application is not a VicSmart application and must be processed through the regular permit process.

6. Assessing a VicSmart application

A VicSmart application is assessed against pre-set decision guidelines that are set out in the VicSmart planning provisions for that class of application. Council officers will judge the merits of the application based on the pre-set decision guidelines.

7. Can a VicSmart application be assessed under the regular permit process?

If a proposal meets the criteria for a VicSmart application, council must assess the application within 10 days using the VicSmart process. A council cannot choose to assess the proposal using the regular permit process.

8. Can a local planning policy be considered?

A council can only consider a local planning policy where it is included in the decision guidelines for a VicSmart class of application and included in the planning scheme.

For example, the decision guidelines for VicSmart heritage and advertising applications enable council officers to refer to the relevant local planning policy as part of its assessment of the proposal.

Decide

9. Who decides a VicSmart application?

The Chief Executive Officer (CEO) of the municipal council is responsible for deciding a VicSmart application.

Under section 188 of the *Planning and Environment Act 1987*, the CEO may delegate the responsibility to decide a VicSmart planning application to other officers of the council.

10. When should a VicSmart application be decided?

A decision should be made within 10 business days. After 10 business days, you will have a right of review by the Victorian Civil and Administrative Tribunal (VCAT) for failure to decide.

11. How is the 10 business days calculated?

The receipt of a completed application form by council is the trigger for calculating the elapsed days.

In calculating the elapsed days:

- the day of receipt is not included in calculating the period
- only business days are included and Saturdays, Sundays and public holidays (including half days) are excluded
- the end day is included in the period.

12. The 10th business day does not trigger automatic refusal or review to VCAT

An application is not automatically decided after 10 business days.

If a council officer cannot decide an application because of missing information, inadequate fee, design negotiations or other outstanding matter, you will be informed.

Similarly where a decision can be made but has been inadvertently delayed, a council officer will most likely inform you and will make a decision as soon as practicable.

Under VicSmart you have the right to a review by VCAT after 10 business days but you are not compelled to do so. Before applying to VCAT, please check with your council as to when a decision will be made. In most cases a decision will be made within a reasonable timeframe.

13. Review rights

Under VicSmart you will be able to apply for a review for:

- failure to grant a permit within the prescribed time – 10 business days
- refusal to grant a permit
- conditions in a permit
- refusal to extend the time to commence or complete a development or use.

In addition, VicSmart applicants can seek declarations from VCAT regarding the interpretation of the planning scheme and anything done by a responsible authority under the Act.

The VicSmart process does not provide third parties with review rights.

The VCAT process and forms are detailed in *VCAT Review Process for VicSmart*.

Is your application eligible for VicSmart?

There are three prerequisites for an application to be eligible as a VicSmart application.

| Requirement | Note |
|---|--|
| All the requirements for a permit must be listed as a VicSmart application | <p>To be classed as a VicSmart application the proposal must be listed in the table overleaf, meet all the criteria and be located in the specified zone, overlay or particular provision.</p> <p>A proposal could have more than one requirement for a permit and therefore may fall into more than one class of VicSmart application. The permit requirements should be identified and then be checked against the classes of application overleaf.</p> <p>All the requirements for a permit must be listed as a VicSmart application. If the application requires a permit under a provision of the planning scheme that is not listed as a VicSmart application, it is not a VicSmart application.</p> <p>A council planning officer can advise you what permit requirements apply to your proposal, and whether they are all classed as VicSmart.</p> |
| A permit issued must not breach a registered restrictive covenant | An application where a permit would breach a registered restrictive covenant is excluded from being a VicSmart application. |
| Referral authority approval must be obtained before lodging the application | <p>If a referral is required under Clause 66 of the planning scheme, the written consent of the referral authority must be lodged with the application.</p> <p>The written consent must not be older than three months.</p> <p>If you do not obtain this consent or the referral authority objects, the application cannot be a VicSmart application and you must apply through the regular permit application process.</p> |

Is your proposal classed as a VicSmart application?

To qualify for the VicSmart permit process your proposal must be listed as a type of application, meet the criteria and be located in the zone or overlay detailed in the table below.

A proposal may fall into more than one class of VicSmart application.

Your council may have also introduced local VicSmart classes of application that are not listed below. Check with your local council for any additional local VicSmart classes.

Table 1: VicSmart classes of application

| | Type of application | Criteria (all must be met) | Where this applies |
|--------------------|--|---|--|
| Subdivision | | | |
| 1 | Subdivide land to realign the common boundary between two lots | <ul style="list-style-type: none"> The area of either lot is reduced by less than 15 per cent; and The general direction of the common boundary does not change; and If the land is in a rural zone, each new lot is at least the area specified for the land in the zone or the schedule to the zone. | <ul style="list-style-type: none"> All residential zones All industrial zones All commercial zones All rural zones Special Use Zone Comprehensive Development Zone Capital City Zone Docklands Zone Priority Development Zone Activity Centre Zone Environmental Significance Overlay Special Building Overlay Heritage Overlay Design and Development Overlay |

| | Type of application | Criteria (all must be met) | Where this applies |
|--------------------|--|---|---|
| Subdivision | | | |
| 2 | Subdivide land into lots each containing an existing building or car parking space | <ul style="list-style-type: none"> The buildings or car parking spaces have been constructed in accordance with the provisions of the planning scheme or a permit issued under the scheme; and An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | <ul style="list-style-type: none"> All residential zones (except the Low Density Residential Zone) All industrial zones All commercial zones Special Use Zone Comprehensive Development Zone Capital City Zone Docklands Zone Priority Development Zone Activity Centre Zone Environmental Significance Overlay Special Building Overlay Heritage Overlay Design and Development Overlay |
| 3 | Subdivide land with an approved development into two lots | <ul style="list-style-type: none"> The construction of a building or the construction or carrying out of works on the land has been approved under the planning scheme or by a permit issued under the scheme and the permit has not expired; and The construction or carrying out of the approved building or works on the land has lawfully started; and The subdivision does not create a vacant lot. | <ul style="list-style-type: none"> All residential zones (except the Low Density Residential Zone) All industrial zones All commercial zones Special Use Zone Comprehensive Development Zone Capital City Zone Docklands Zone Priority Development Zone Activity Centre Zone Environmental Significance Overlay Special Building Overlay Heritage Overlay Design and Development Overlay |
| 4 | Subdivide land into two lots in a rural zone | <ul style="list-style-type: none"> Each new lot is at least the area specified for the land in the zone or the schedule to the zone. | <ul style="list-style-type: none"> All rural zones |

| | Type of application | Criteria (all must be met) | Where this applies |
|------------------------------------|--|--|--|
| Building and works in zones | | | |
| 5 | Construct an outbuilding, extend a dwelling or make structural changes to a dwelling | <ul style="list-style-type: none"> The minimum garden area for a lot in the General Residential Zone or Neighbourhood Residential Zone is met; and The development does not exceed a building height of 5 metres; and The development is not visible from the street (other than a lane) or a public park; and The development meets the following standards of Clause 54: A10 Side and rear setbacks, A11 Walls on boundaries, A12 Daylight to existing windows, A13 North-facing windows, A14 Overshadowing open space, A15 Overlooking. | <ul style="list-style-type: none"> Mixed Use Zone Township Zone Residential Growth Zone General Residential Zone Neighbourhood Residential Zone |
| 6 | Construct or extend a front fence within 3 metres of a street | None | All residential zones (except the Low Density Residential Zone) |
| 7 | Construct a building or construct or carry out works (except in residential and rural zones) | <ul style="list-style-type: none"> The estimated cost does not exceed: <ul style="list-style-type: none"> – \$1,000,000 in an industrial zone, or – \$500,000 in other applicable zones; and The land is not within 30 metres of land (not a road) which is in a residential zone. (This does not apply in a Capital City Zone or Docklands Zone.); and Is not for a purpose listed in the table to Clause 53.10 in the planning scheme. Is not for a Brothel or Adult sex bookshop. (This does not apply in a special purpose zone.) | <ul style="list-style-type: none"> All industrial zones All commercial zones Special Use Zone Comprehensive Development Zone Capital City Zone Docklands Zone Priority Development Zone Activity Centre Zone |

| | Type of application | Criteria (all must be met) | Where this applies |
|------------------------------------|--|--|--|
| Building and works in zones | | | |
| 8 | Construct a building or construct or carry out works in residential zones | <ul style="list-style-type: none"> The estimated cost does not exceed \$100,000; and The development is not associated with dwelling; and The development complies with the following standards of Clause 54: A10 Side and rear setbacks, A11 Walls on boundaries, A12 Daylight to existing windows, A13 North-facing windows, A14 Overshadowing open space, A15 Overlooking. | <ul style="list-style-type: none"> Clause 32.03-4 Clause 32.04-8 Clause 32.05-9 Clause 32.07-7 Clause 32.08-8 Clause 32.09-8 |
| 9 | Construct a building or construct or carry out works up to \$250,000 in some rural zones | <ul style="list-style-type: none"> The land is not within 30 metres of land (not a road) which is in a residential zone; and The land is not used for Animal keeping, Intensive animal husbandry or Rural industry; and The works are not earthworks specified in the schedule to the zone. | <ul style="list-style-type: none"> Rural Living Zone Green Wedge Zone Green Wedge A Zone Rural Conservation Zone |
| 10 | Construct a building or construct or carry out works up to \$500,000 in some rural zones | <ul style="list-style-type: none"> The works are not earthworks specified in the schedule to the zone; and For buildings and works associated with a Section 2 use the land is not <ul style="list-style-type: none"> – used for Animal keeping, Intensive animal husbandry or Rural industry – within 30 metres of land (not a road) which is in a residential zone. | <ul style="list-style-type: none"> Farming Zone Rural Activity Zone |

| Type of application | Criteria (all must be met) | Where this applies |
|--|---|---|
| Buildings and works in overlays | | |
| 11 | <ul style="list-style-type: none"> The buildings and works must be associated with a dwelling; and For applications under the Salinity Management Overlay, the consent of the referral authority. | <ul style="list-style-type: none"> Environmental Significance Overlay Significant Landscape Overlay Erosion Management Overlay Salinity Management Overlay |
| 12 | None | <ul style="list-style-type: none"> Environmental Significance Overlay Significant Landscape Overlay Design and Development Overlay Erosion Management Overlay |
| 13 | None | <ul style="list-style-type: none"> Environmental Significance Overlay Vegetation Protection Overlay Significant Landscape Overlay Neighbourhood Character Overlay |

| Type of application | Criteria (all must be met) | Where this applies |
|--|--|--------------------|
| Buildings and works in a Heritage Overlay | | |
| 14 | The outbuilding to be demolished or removed is not identified in the schedule to the overlay | Heritage Overlay |
| 15 | The fence to be demolished or removed is not identified in the schedule to the overlay | Heritage Overlay |
| 16 | The building is a non-contributory building | Heritage Overlay |

| Type of application | Criteria (all must be met) | Where this applies |
|--|--|-------------------------------------|
| Buildings and works in a Heritage Overlay | | |
| 17 | <ul style="list-style-type: none"> External painting Construct a fence Construct a carport, garage, pergola, verandah, deck, shed or similar structure Construct and install domestic services normal to a dwelling Construct and install a non-domestic disabled access ramp Construct a vehicle cross-over Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing Construct a rainwater tank Construct or display a sign Lop a tree Construct or install a solar energy facility attached to a dwelling Construct and install an electric vehicle charging station Construct and install services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar | <p>None</p> <p>Heritage Overlay</p> |

| | Type of application | Criteria (all must be met) | Where this applies |
|--|---|--|--------------------------------|
| Buildings and works in a Design and Development Overlay | | | |
| 18 | Construct a building or construct or carry out works for a carport, garage, pergola, verandah, deck, shed or similar structure. Construct a building or construct or carry out works for an outdoor swimming pool. | The buildings and works must be associated with a dwelling. | Design and Development Overlay |
| 19 | Construct a building or construct or carry out works up to \$500,000. | Must be in a commercial zone or a Special Use, Comprehensive Development, Capital City, Docklands, Priority Development or Activity Centre Zone. | Design and Development Overlay |
| 20 | Construct a building or construct or carry out works up to \$1,000,000. | Must be in an industrial zone. | Design and Development Overlay |

| | Type of application | Criteria (all must be met) | Where this applies |
|---|--|---|---------------------------------|
| Buildings and works in a Neighbourhood Character Overlay | | | |
| 21 | Construct a building or construct or carry out works for: – a carport, garage, pergola, verandah, deck, shed or similar structure. – an outdoor domestic swimming pool or spa and associated mechanical equipment and safety fencing. – a rainwater tank. | The buildings and works must be associated with a dwelling. | Neighbourhood Character Overlay |

| | Type of application | Criteria (all must be met) | Where this applies |
|---|--|----------------------------|---------------------------------|
| Buildings and works in a Neighbourhood Character Overlay | | | |
| 22 | Construct, demolish or remove a fence. | None | Neighbourhood Character Overlay |
| 23 | Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure). | None | Neighbourhood Character Overlay |

| | Type of application | Criteria (all must be met) | Where this applies |
|--|--|-------------------------------|--------------------------|
| Buildings and works in a Special Building Overlay | | | |
| 24 | Construct a building or construct or carry out works | Consent of referral authority | Special Building Overlay |

| | Type of application | Criteria (all must be met) | Where this applies |
|--------------------------|---------------------|--|--|
| Advertising signs | | | |
| 25 | Display a sign | <ul style="list-style-type: none"> The sign is not within 30 metres of land (not a road) which is in a residential zone; and The sign is not a pole sign, sky sign, reflective sign, internally illuminated, floodlit, electronic or animated; and The total display size of the sign does not exceed 10 square metres. | <ul style="list-style-type: none"> All industrial zones All commercial zones Special Use Zone Comprehensive Development Zone Capital City Zone Docklands Zone Priority Development Zone Activity Centre Zone |

| | Type of application | Criteria (all must be met) | Where this applies |
|------------------------------|--|--------------------------------|--|
| Car parking reduction | | | |
| 26 | Reduce the required number of car parking spaces | By no more than ten car spaces | <ul style="list-style-type: none"> All zones Parking Overlay |

More information

| Title | Type |
|---|-------------------|
| <i>How to Apply for a VicSmart Planning Permit under the Special Building Overlay</i> | Information Sheet |
| VicSmart checklists | Checklist |
| VicSmart application forms | Form |
| <i>VCAT Review Process for VicSmart</i> | Guide |
| VCAT website | Website |
| VicSmart website | Website |

Contact your local council planning office or visit the VicSmart website planning.vic.gov.au/vicsmart for more information.