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Website

www.boroondara.vic.gov.au

The Planning Process

The material contained in this brochure has been prepared as a guide.
No reader should rely on it without seeking their own independent
professional advice. April 2009

The Planning Process

The Planning and Environment Act 1987 sets out the legal procedures that must be followed when Council processes a planning application. This legislation ensures that the decisions made by Council about land use & development are fair, orderly and sustainable.

It ensures that everyone who may be affected has the opportunity to have their say. The Boroondara Planning Scheme sets out whether a planning permit will be required by Council.

The principal steps in the planning application assessment process are as follows:

1. Submitting an application

Include your application form, fee, Certificate of Title, plans and a covering letter or report. (Refer to Council's "Making a Planning Application" brochure for more information) The application will be registered and allocated to a Statutory Planner, who will be responsible for processing.

2. Initial assessment

Council needs sufficient information to enable a well informed decision to be made. If additional detail is required, Council will request further information, within 28 days, of receipt of the application. The application will be put on hold until this information is received. If the information is not received within a time set by Council, the application lapses.

3. Referral Authorities

The application may need to be forwarded to other Council Departments and external authorities, such as Melbourne Water or Vic Roads for specialist or technical advice. External authorities have 28 days to reply to Council.

4. Advertising period

If Council considers that your application may cause material detriment to a person, it will direct notice of the application to be given. This will include mailing a notice to adjoining owners and occupiers and may include additional notices mailed out, a notice displayed on site and even notice in a newspaper, depending on Council's view about the extent of impact. If notification is required, Council can not make a decision on an application until this process is completed. This is usually a minimum of 14 days. Council must consider all submissions received up until the time a decision is made, even if this is longer than 14 days after notice is given.

Every planning application must be accompanied by:

- A completed application form;
<http://boroondara.vic.gov.au/planning-permit-form>
 - An application fee;
<http://boroondara.vic.gov.au/planning-fees>
 - A Certificate of Title – no older than 28 days;
 - A covering letter explaining your proposal; and
- Three copies of plans drawn to scale as well as an A3 sized set. Plans may need to show the site, floor layout and elevations.

Plans should clearly identify existing and new building, floor levels and site levels, as well as any earthworks and vegetation removal. In some instances a schedule of materials and colours will be required.

In most instances car parking and vehicle access will need to be shown.

For applications that include the use of land, information such as description of the business, opening hours and the number of staff will be required.

Please contact Council's Statutory Planning Department on 9278 4888 for further information or visit www.boroondara.vic.gov.au.



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5. Consultation / mediation

If objections have been received an informal consultation meeting may be organised to discuss concerns among interested parties. The relevant Ward Councillor will also be invited to attend. The purpose of a consultation meeting is to understand conflicting views, identify issues and to potentially agree on solutions.

6. Amendment to application

You may wish to change your application at any time during the process. If changes are made after notification is given, Council may require new notice to be given.

7. Detailed assessment

Council Officers will undertake a thorough assessment of your application including visiting the site, and taking into account all relevant policies, and planning scheme requirements, any submissions received and comments from other Council Departments and Referral Authorities. The officer will prepare a report and recommendation.

8. Delegated / Council approvals

A decision on the application will be made by either a senior planning officer or Councillors according to Council's Schedule of Delegation. If Councillors are making the decision, the application will be reported to an Urban Planning Committee (UPC) Meeting. Interested parties will be invited to address Councillors at the UPC Meeting before a decision is made. In some circumstances, officers will seek advice from Council's Statutory Planning Advisory Group before deciding on the application or referring the application to UPC for a decision. If the application is supported by Council, a Planning Permit will be issued if no objections have been received. If Council supports the application but objections have been received, it will issue a Notice of Decision to Grant a Permit. If Council does not support the application, a Refusal to Grant a Permit will be issued.

9. Appeal

If either an objector or applicant feels aggrieved by Council's decision, they can seek a review at the Victorian Civil and Administrative Council (VCAT). The decision made by Council is final unless appealed. Once a decision is made, Objectors have 21 days and Applicants have 60 days to lodge an 'Application for Review' or appeal with the VCAT. A hearing involves the Council, objectors and the applicant presenting their cases to VCAT.

10. VCAT decision

VCAT will make the final decision after the appeal hearing and will provide written reasons to all those who have been involved in the appeal. Council will be directed to implement VCAT's decision.

Key Steps for making an application for a Planning Permit

- 1) Do your homework and research;
- 2) Undertake a site analysis;
- 3) Prepare sketch plans
- 4) Talk to your neighbours;
- 5) Talk to Council;
- 6) Review and finalise your plans; and,
- 7) Lodge your Application.

Please refer to "Making a Planning Application" brochure for further information on these steps, or contact Council's Statutory Planning Department on 9278 4888 for advice in to this or visit Council's website: www.boroondara.vic.gov.au.



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The Planning Process

The planning permit process

before making the application

- find out about the planning scheme
- talk to the council planner
- talk to the neighbours
- consider getting professional advice

prepare & submit the application

- application information (see checklists page 6)
- application form
- application fee

council checks the application

- more information?
- referral

application is advertised if required for at least 14 days

- usually by letter to neighbours & a sign on site
- people affected may object

council assesses the application

- considers any objections
- holds mediation meeting if needed
- considers any referral comments
- assesses planning scheme provisions
- negotiates with permit applicant if necessary
- prepares report

council decides the application

permit with conditions

notice of decision with conditions

refusal

review by VCAT if applied for

- by the permit applicant against conditions or refusal
- by an objector against notice of decision



Please contact Council's Statutory Planning Department on 9278 4844 for advice or visit Council's website www.boroondara.vic.gov.au.

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