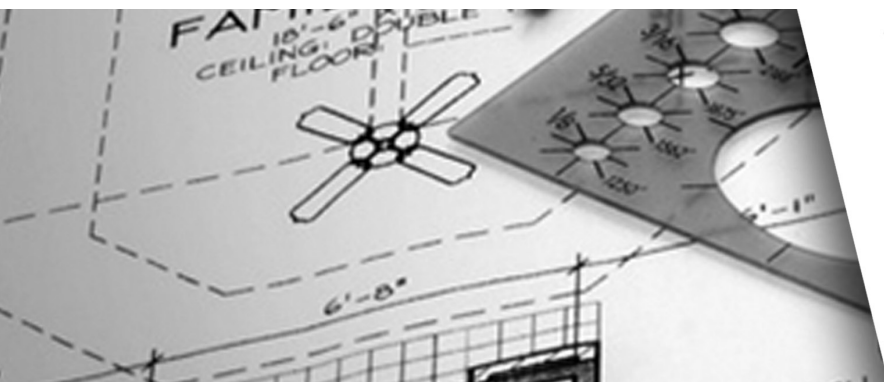


APPLICANT'S GUIDE TO LODGING A VICSMART APPLICATION



- ☒ The size and use of the proposal 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 requirements.
- ☒ If lopping of a tree is proposed, the reason for the lopping.
- ☒ The proposed colour schedule and nature of any materials to be used.
- ☒ A photograph of the area affected by the proposal.
- ☒ A photograph of the subject site and adjoining properties.
- ☒ If subdivision is proposed, the location, shape and area of the proposed subdivision.

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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:

Step 1: PREPARE	Step 2: SUBMIT	Step 3: ASSESS	Step 4: DECIDE
Check the planning scheme, discuss your proposal with council, pick up checklists and any other information.	Submit the application to the council with all the required information.	A council officer assesses the application against pre-set criteria.	A council officer approves or refuses the application within 10 business days.

What qualifies for the VicSmart permit process?

You can use VicSmart to apply for:

- minor subdivision
- minor buildings and works
- tree removal and lopping
- small advertising signs
- car parking and loading bay waivers.

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 16.

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.

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 12 checklists summarising the different information requirements for each type of State VicSmart application. The checklists are available from your council or the VicSmart website: www.dtpli.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.

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 in a commercial or industrial zone, Capital City Zone, Docklands Zone or Mixed Use Zone	☐
6	Construct a front fence 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 or industrial zone, Capital City Zone or Docklands Zone	☐
11	Reduce a car parking requirement	☐
12	Reduce or waive the loading and unloading requirements	☐

These checklists are available from your council or the VicSmart website: www.dtpli.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 before the lapse date.

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	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. 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. 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. A council planning officer can advise you what permit requirements apply to your proposal, and whether they are all classed as VicSmart.
☐ 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	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. The written consent must not be older than three months. 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.

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	☐ The area of either lot is reduced by less than 15 per cent, and ☐ The general direction of the common boundary does not change.	☐ All residential zones ☐ All industrial zones ☐ All commercial zones ☐ Capital City Zone ☐ Docklands Zone ☐ Special Building Overlay ☐ Heritage Overlay
2	☐ Subdivide land into lots each containing an existing building or car parking space	☐ 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.	☐ All residential zones (except the Low Density Residential Zone) ☐ All industrial zones ☐ All commercial zones ☐ Capital City Zone ☐ Docklands Zone ☐ Special Building Overlay ☐ Heritage Overlay

	Type of application	Criteria (all must be met)	Where this applies
3	☐ Subdivide land with an approved development into two lots	☐ 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.	☐ All residential zones (except the Low Density Residential Zone) ☐ All industrial zones ☐ All commercial zones ☐ Capital City Zone ☐ Docklands Zone ☐ Special Building Overlay ☐ Heritage Overlay
Minor buildings and works			
4	☐ Construct or extend a front fence within 3 metres of a street	☐ None	☐ All residential zones (except the Low Density Residential Zone)
5	☐ Construct a building or construct or carry out works	☐ The estimated cost of the buildings or works does not exceed \$50,000. ☐ 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.) ☐ Must not be for a purpose listed in the table to Clause 52.10 in the planning scheme ☐ Is not associated with a dwelling in a Mixed Use Zone	☐ Mixed Use Zone ☐ All industrial zones ☐ All commercial zones ☐ Capital City Zone ☐ Docklands Zone
6	☐ Construct a fence in an overlay	☐ None	☐ Environmental Significance Overlay ☐ Significant Landscape Overlay ☐ Design and Development Overlay

	Type of application	Criteria (all must be met)	Where this applies
7	☐ Remove, destroy or lop one tree	☐ None	☐ Environmental Significance Overlay ☐ Vegetation Protection Overlay ☐ Significant Landscape Overlay ☐ Neighbourhood Character Overlay
Minor buildings and works in a Heritage Overlay			
8	☐ Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure)	☐ The outbuilding to be demolished or removed is not identified in the schedule to the overlay	☐ Heritage Overlay
8	☐ Demolish or remove a fence	☐ The fence to be demolished or removed is not identified in the schedule to the overlay	☐ Heritage Overlay
8	☐ Externally alter a non-contributory building	☐ The building is a non-contributory building	☐ Heritage Overlay

	Type of application	Criteria (all must be met)	Where this applies
8	☐ 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	☐ None	☐ Heritage Overlay

	Type of application	Criteria (all must be met)	Where this applies
Buildings and works in a Special Building Overlay			
9	☐ Construct a building or construct or carry out works	☐ None	☐ Special Building Overlay
Advertising signs			
10	☐ Display a sign	☐ The sign is not within 30 metres of land (not a road) which is in a residential zone ☐ 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	☐ All industrial zones ☐ All commercial zones ☐ Capital City zone ☐ Docklands zone
Car parking reduction			
11	☐ Reduce the required number of car parking spaces	☐ By no more than five car spaces	☐ All zones ☐ Parking Overlay
Loading and unloading of vehicles			
12	☐ Reduce or waive the loading and unloading requirements	☐ None	☐ All zones

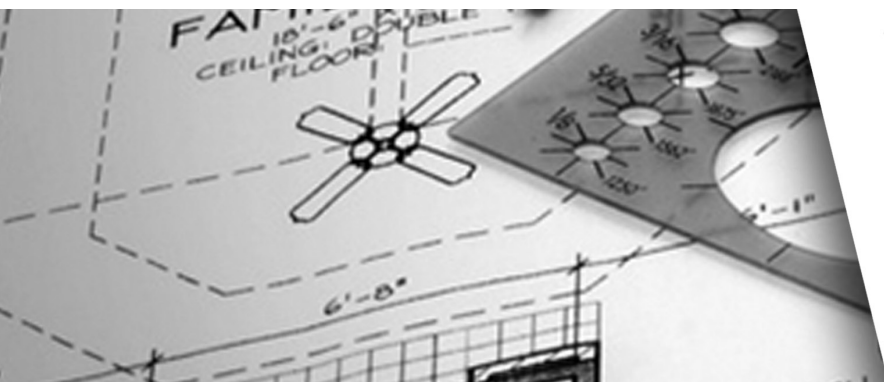
More information

Title	Type
<i>Fast Decisions for Simple Planning Applications</i>	Information sheet
<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 (www.dtpli.vic.gov.au/vicsmart) for more information.

Pre-application meeting notes

OFFICER: DATE:



- ☒ The size and use of the proposal 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.
- ☒ If lopping of a tree is proposed, the reason for the lopping.
- ☒ The proposed colour schedule and nature of any materials.
- ☒ A photograph of the area affected by the proposal.
- ☒ A photograph of the subject site and adjoining properties.
- ☒ If subdivision is proposed, the location, shape and area of the proposed subdivision.