Planning application process overview

Website content


# Planning permit application process

There are several steps involved when applying for a planning permit. Find out how to prepare and submit your application, how we assess your application and how to appeal a decision.

Some steps may not be relevant to your application.

## Do your due diligence

Doing your due diligence will help you identify key information, reduce timeframes, and avoid costs or hurdles that may appear during or after the planning permit process.

The following steps will help you find the information you need to start your planning permit application:

* 1. Visit [VicPlan](https://www.planning.vic.gov.au/schemes-and-amendments/get-information-about-your-planning-scheme/vicplan%22%20%5Ct%20%22_blank%22%20%5Co%20%22VicPlan%20website) [insert link] to create a planning property report. The planning property report will identify the zones and overlays that apply to your site.

The zones and overlays will tell you:

* + - What you can and can’t do on the site.
		- What information is required for an application.
		- The guidelines used to make planning decisions.
	1. Review the [[insert local government name] Planning Scheme](https://www.frankston.vic.gov.au/Planning-and-Building/Planning/Frankston-City-Council-Planning-Scheme) [insert link] and identify any relevant policies that apply to your site and the proposed use. This will also help you understand what information is required for an application and what we need to consider when making planning decisions.
	2. Obtain a certificate of title from [Landata](https://www.landata.vic.gov.au/) [insert link]. The certificate of title will identify any covenants, encumbrances or easements that may restrict or impact your proposal. You will need to pay small fee to obtain the title.

When ordering the title, make sure you include the:

* + - Register Search Statement.
		- Certificate of title.
		- Any instruments identified as s173 agreements, covenants, encumbrances or easements. You do not need to order mortgage instruments.

A step by step guide to obtaining a certificate of title can be found here [INSERT LINK TO ACCESSING A TITLE VIDEO].

* 1. You may wish to contact non-Council referral authorities once you have the above information. For example, we suggest you contact Melbourne Water for pre-development advice:
		+ To identify the flood level if your site is in a Special Building Overlay or Land Subject to Inundation Overlay.
		+ To identify any development restrictions if you have a drainage easement running through your site.

## Book a pre-application meeting

We recommend you obtain pre-application advice before applying for a planning permit. This could include a phone call or visit to our planning counter, or a formal pre-application meeting [update to reflect services provided at your council].

In the pre-application meeting, we will:

* Discuss if your application meets the requirements of the [insert local government name] Planning Scheme [insert link].
* Discuss key issues with your proposal.
* Explain the application process.
* Provide advice on what information you will need to support your application.

We will require a concept plan of your proposal to review and discuss at the meeting. To avoid delays, we strongly recommend you submit the plan at the time of booking.

Book a pre-application meeting using the form below or call XX to speak to the Statutory Planning Department.

[insert the available booking options as relevant]

## Prepare your application

A well-prepared application will help you to avoid delays and the likelihood of having to update your application later in the process. Use the information given at the pre-application meeting and available on council’s website to help you prepare your application [insert relevant website links].

You can also engage professional planning consultants, building designers/architects, traffic engineers, environmentally sustainable design engineers, and other technical specialists to prepare your planning permit application.

## Submit your application

Your planning permit application must include the following information:

* A complete and signed planning permit application form [if form is not auto populated through application portal].
* A complete copy of the Certificate of Title no older than 3 months, including any restrictions such as a Section 173 agreements, covenants, encumbrances or easements. You can obtain a Certificate of Title from the [Landata website](https://www.landata.vic.gov.au/) [insert link].
* Payment for the relevant application fee [insert payment methods offered].
* Plans and elevations for your proposed development that are drawn to scale, have dimensions and show the details of all buildings or other proposed structures, or
* Plans showing the proposed use (if development is not proposed).
* Written reports to support your application.
* A Metropolitan Planning Levy certificate if your development cost exceeds the threshold. Refer to the State Revenue Office website [insert link] to determine if this levy applies to your application.

Refer to [insert relevant website links] to help you prepare a complete planning permit application.

## Initial assessment

We will start the planning assessment and may arrange an inspection of the property.

If we find that your application is missing information, we will send you a written request for further information (RFI).

We may include preliminary concerns or issues with your application in the RFI letter. You will have the opportunity to update your application accordingly. You should address any problems at this stage, or your application may not be supported. We recommend speaking to us before submitting any changes.

You can amend your application at any time during the planning permit application process, however this will incur additional fees and delays if it is done after the public notice stage, so we recommend you respond to any preliminary concerns at the RFI stage.

If we have sufficient information, we will refer your application to:

* Internal Council departments to review any technical or strategic aspects of the proposal
* External referral authorities if this is triggered

## Providing us with further information

You must provide additional information before the date listed on your Request for Further Information letter. We will not progress your application until the requested information is received.

#### If you can't get us the information in time

If you're unable to send us information before the lapse date listed on the letter, you will need to request an extension and explain the reasons for the delay. This request must be made at least one day before the RFI lapse date. If we accept your request, we will notify you of the new due date. If we do not accept your request, you will be given 14 days to submit all outstanding information.

If you miss the due date and have not requested an extension, your application will lapse. This means you will have to submit a new planning permit application and pay the fee again.

## Public notice

We may need to place your application on public notice if there is a chance that the proposal will impact surrounding properties. Your proposal will determine where and how your application is notified.

Public notice may include:

* Putting a Notice of an Application for a Planning Permit on the land, usually for at least 14 days.
* Sending a letter to next-door property owners and occupiers.
* Putting a Notice of an Application for a Planning Permit in the local newspaper.

Council undertakes the public notice process and will charge fees. Some applications will not require public notice. Council does not have the discretion to give notice if an exemption applies.

## Objections and submissions

When your application is publicly advertised, residents and property owners may view plans attached to your proposal and submit an objection if they feel it may affect them or their property.

A submission can be made at any time before we make a decision and will be considered during our assessment.

If you would like to view plans attached to an application, make a submission or learn more about the process, visit our public notice page [insert link].

## Respond to public notice

You will be provided with a copy of any submissions received when the public notice period is finished. This is your opportunity to make changes to the proposal and address any concerns that have been raised.

We may arrange a consultation meeting with interested parties. The meeting will provide a forum for parties to discuss the proposal, identify and address any concerns and explore opportunities to improve outcomes for all participants [update to reflect your council’s post-public notice processes].

You are encouraged to resolve issues before a decision is made. Any objector has the right to appeal Council’s decision to the [Victorian Civil and Administrative Tribunal (VCAT)](https://www.vcat.vic.gov.au/).

## Amend your application

You can apply to amend a planning permit application at any time before a decision has been by the Responsible Authority.

Your application must include details of your proposed amendment, including changes to plans or documents submitted with your original application.

## Decision

Planning officers have authority from Council to consider most planning permit applications. Some types of applications are required to be reported to Council for a decision. This may delay our decision by 3 to 4 weeks.

There are three types of decisions we can make based on your application. We can:

* Issue a Permit (if there are no objections).
* Issue a Notice of Decision to Grant a Permit (if objections have been received but Council considers that the proposal is acceptable).
* Refuse to Grant a Permit.

Your planning permit is likely to contain conditions that set out how development or a particular use of a parcel of land must proceed and continue. Use and developments can only begin and continue if all conditions on the permit are met.

After your permit has been issued, you can apply to amend any plans, conditions, development or use included in your permit. You can also request an extension of time. Visit our [Amend or extend a planning permit](https://www.frankston.vic.gov.au/Planning-and-Building/Planning/Submit-plans-to-be-endorsed-amend-or-extend-a-planning-permit) page for more information.

## Appeal a decision

If you disagree with a decision we have made about a planning permit application, you can appeal it with the [Victorian Civil and Administrative Tribunal (VCAT)](https://www.vcat.vic.gov.au/).

The following options are available:

* If you are the applicant and want to appeal, you must submit an application to VCAT within 60 days of our decision.
* If you are the objector to the application and want to appeal, you must submit an application to VCAT within 28 days of our decision.

When VCAT reviews one of our decisions, it will consider the entire application.

You can find information on how to apply to VCAT on your:

* Refusal to Grant a Planning Permit
* Notice of Decision to Grant a Planning Permit

Appeals can sometimes be a lengthy process. You will need to wait for a hearing date before the matter can be heard in full by a tribunal member. Depending on the caseload of VCAT at the time, this can sometimes take months.

Any party who has made a submission to an application will be notified of an appeal. Notified parties can make a further submission to the tribunal and decide to attend the hearing. Hearings can vary in length depending on the nature of the case, as well as the number of parties who wish to address the tribunal.

#### VCAT decisions

When a VCAT hearing ends, VCAT will consider all of the material on file and presented at the hearing. Once a decision is made, a copy of the Tribunal’s order will be sent to all parties by email or mail. This will usually include reasons for the decision.

The Tribunal’s decision is final unless there is an appeal by a party to the Supreme Court on a point of law. If a planning permit is granted, Council must issue that permit in accordance with VCAT's order. We are responsible for making sure the requirements of the permit are met.

## Submit plans to be endorsed

#### When do plans need to be endorsed?

You may need to submit updated plans for endorsement as a condition of a planning permit before a use or development can commence. This can include:

* Amended development plans (commonly referred to as “Condition 1 Plans”, in reference to the requirements of condition 1 of a Planning Permit.)
* Landscape plans
* Tree protection management plans
* Construction management plans
* Other management plans for ongoing requirements once a development is complete (such as a bushfire management plan, waste management plan – refer to conditions of your planning permit for further advice)

Check the wording of all planning permit conditions carefully. The conditions will state if need you to take a certain action or submit information.

You must not start building works or the use of the land until Council endorses all plans and documents.

Council will only approve amendments that the planning permit conditions require. If you need to make other changes to your plans, contact Council to discuss how to proceed.

#### What happens next?

Once we receive plans, your endorsement request will be allocated to a planning officer, who will review the plans. Endorsed plans will either be sent to the applicant, or advice will be provided requiring further changes to be made if plans do not sufficiently respond to conditions of the permit.

If changes to plans have been made beyond the scope of the conditions of the Permit, we may direct you to Amend a planning permit [insert link].

## More information

View Frequently Asked Questions [insert link] or visit our Planning forms, fact sheets and checklists [insert link] page for more information on planning permit applications.

For general planning advice, contact our office on [insert phone number] or visit us at [insert address]. A planning officer is available Monday to Friday to assist you.  [update to reflect Council’s business hours and preferred methods of contact]