



This FAQ  
answers the  
following  
questions

City of Darebin  
**Planning**  
8470 8850  
[www.darebin.vic.gov.au](http://www.darebin.vic.gov.au)

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## **Q.** What is planning?

**A.** Planning refers to decisions that change the environment and affect everyday life. These decisions might be about new public transport, the expansion of a shopping centre or the location of a public park.

The council makes most of the planning decisions that affect Darebin. It decides whether to support or oppose a new use or development from starting. For example, a decision might be about the development of two (2) dwellings on land in a residential area or the commencement of a new restaurant in a commercial area. If the council decides to support the use or development, it would issue a planning permit with conditions. If it decides to oppose a development, it would refuse the proposal stating its grounds for the decision.

The Council's Statutory Planning Section primarily assesses applications for planning permits and provides information and advice about planning controls.

## **Q.** What is a planning scheme?

**A.** A planning scheme is a legal document that sets out the planning framework against which planning permit applications are assessed. It contains planning controls such as policies, zones, overlays and other provisions that affect how land is used and developed in the municipality. All councils in Victoria have a planning scheme. The planning scheme specific to Darebin is known as the "Darebin Planning Scheme".

## **Q.** What is a planning permit?

**A.** A planning permit is a legal document that gives permission to use or develop land in Darebin. The majority of planning permits contain conditions and endorsed plans that show what is to be built and how land is to be used. A permit holder is required to comply with conditions of a planning permit and associated endorsed plans at all times. It is also relevant to note that planning permits run with the land and not the owner or other party.

Not all use and development requires a planning permit, and therefore it is advisable to first check relevant planning controls with council's Statutory Planning staff before leasing or purchasing land.

## **Q.** Do I need a planning permit or building permit?

**A.** It is important not to confuse planning permits with building permits. An application for a building permit is assessed against relevant building regulations. There may be times when either or both are required. Endorsed plans associated with both must be consistent.

For more information about building permits please contact council's building staff on (03) 8470 8899.

## **Q. How many dwellings/unit can I put on my land?**

**A.** There is no fixed answer to this question as it depends on a number of factors including but not limited to: the scale of the development; how close the land is to local services; the size of the land; the context of neighbouring properties i.e.the location of significant trees, open space; and compliance or otherwise with relevant planning controls. All these factors combined would determine whether a site is suitable for multiple dwellings/units. It is recommended that any plans for more than one dwelling/unit on a property be discussed with a private planning consultant or building designer / architect, neighbours and council's Statutory Planning staff. In all cases, a planning permit is required to build multiple dwellings/units on land.

## **Q. How can I find out if a zone or overlay affects my property?**

**A.** Darebin's Statutory Planning staff can identify what rules, like zones and overlays, affect land. Alternatively, a Planning Certificate can be purchased from the [www.land.vic.gov.au](http://www.land.vic.gov.au). Planning Certificates identify planning controls such as zoning, overlay controls or exhibited proposed amendments to the planning scheme affecting the land.

## **Q. Do I need to inform my neighbours?**

**A.** You are not legally required to inform your neighbours of an application for a planning permit. However, this form of consultation is encouraged because talking to neighbours early may assist with design questions and result in fewer delays through the planning process.

## **Q. What is notification/advertising?**

**A.** Notification is making neighbours aware of an application for planning permit after it has been lodged with council. This part of the assessment process is also commonly known as "advertising". Notification normally takes the following forms:

- display of a planning notice from the land
- delivery of a planning notice to neighbours
- display of a planning notice in a local paper circulating in the immediate neighbourhood

Darebin's Statutory Planning staff may decide that one or a combination of the notice types listed above is required. The majority of planning permit applications are notified.

**Q. How long does notification/advertising last?**

**A.** Notification normally lasts for 14 days. Following this period a Statutory Declaration Form is required to be completed and returned as evidence that the notification procedure has been followed in accordance with council's direction.

**Q. What specific things can you object about?**

**A.** The council must consider all objections. Those relating to reasonable planning concerns will have more influence over council's decision than personal or non-planning related grounds.

**Q. Is there a fee for making an application for a planning permit?**

**A.** Planning permit application fees are determined by the State Government. The fee is not a fee for approval, so there is no refund if the application is refused. There is a separate and additional fee for notification/advertising.

**Q. Do I need to hire an architect or a design consultant drafting service, for example, to prepare plans?**

**A.** A suitably qualified person is required to prepare design drawings. Both architects and design consultants are considered to be suitably qualified.

**Q. Do I need to hire a planning consultant to prepare an application for a planning permit?**

**A.** A planning consultant is not required. However, as the planning process is complex and involved, it is advisable that the services of a suitably qualified planning consultant be sought to prepare a planning submission to accompany a planning permit application and to act as council's contact regarding requests for further information.

## **Q. How long does it take to process an application for a planning permit?**

**A.** If council fails to make a decision about an application within 60 days, the permit applicant can apply for a review to the Victorian Civil and Administrative Tribunal (VCAT). This timeframe can be extended if:

- further information is requested by council and not received
- notification/advertising is required and it is not completed
- incomplete or inaccurate information is provided
- the application is unusually complex
- a large number of objections are received
- consultation post notification/advertising is required with members of the community.

A permit applicant is encouraged to contact the council's Statutory Planning staff soon after lodgement of a planning permit application and during its processing phase to obtain a more accurate time estimate to decision.

## **Q. What decisions can council make about an application for a planning permit?**

**A.** Council can make one of a number of decisions about an application for a planning permit.

1. Planning permit without conditions - This means that the council supports the proposal and plans accompanying the application for planning permit are fine and no objections have been received.
2. Planning permit with conditions – This means that the council supports the proposal provided the conditions imposed are adhered to. The proposal has not attracted objections.
3. Notice of Decision - This means that the council agrees with the proposal but has received objections.
4. Refusal – This means that the council has rejected the proposal.

## **Q. Can council's decision be contested?**

**A.** Council's decisions can be contested. A permit applicant can contest the decision of council to refuse an application or contest the conditions imposed on a permit. An objector can contest the decision of council to issue a notice of decision. In all instances, council's decisions can be reviewed by VCAT.

**Q. When can a council decision be contested?**

**A.** A council decision must be contested within the time-frame described on the decision itself. In most cases, for a permit applicant this means within 60 days and for an objector within 21 days of the date of the decision.

**Q. I have been issued a permit, but condition 1 of the permit specifies that I have to have plans approved by Council. I have the plans ready, can they be approved over the counter?**

**A.** A planner cannot approve plans over the counter. A covering letter and three (3) copies of the plans are required to be submitted to council. The request is then allocated to a planner for processing. The allocated planner's task is to assess the plans and check that all necessary changes have been made to accord with the relevant planning permit conditions. If satisfactory, the plans are officially endorsed, one copy is retained for council's record and the other is given to the applicant.

**Q. When is a development required to start and finish?**

**A.** In most cases development is required to start within three years and be completed within five years from the date a planning permit is issued.

**Q. Can a planning permit be extended if the start and finish date cannot be met?**

**A.** A planning permit can be extended provided the request for the extension is received:

- before the permit expires.
- within six months after the permit expires if the use or development has not commenced.
- within twelve months after the permit expires if the development has commenced.