



Application for a VicSmart Planning Permit


Planning Enquiries
Phone: (03) 5760 2600
Web: www.benalla.vic.gov.au


This application form is only for **VicSmart** applications (those listed under Clause 92 or the schedule to Clause 94).

If you need help to complete this form, read **MORE INFORMATION** at the end of this form.

 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. See **MORE INFORMATION** at the end of this form to read our privacy statement. If you have any questions, please contact Council's Planning Department.

 **Questions marked with an asterisk (*) must be completed.**

 **If the space provided on the form is insufficient, attach a separate sheet.**

 Click for further information.

Clear Form

Name of
Planning Scheme

Application type

Nominate the VicSmart permit triggers (may be more than one)

State VicSmart triggers are listed in Clause 92

Select the VicSmart class(es)	Information requirements and decision guidelines can be found in
<input type="radio"/> Realign the common boundary between two lots	Clause 93.01
<input type="radio"/> Subdivision of buildings and car parking spaces	Clause 93.02
<input type="radio"/> Subdivide land into two lots (not in a rural zone)	Clause 93.02
<input type="radio"/> Front fence in a residential zone	Clause 93.03
<input type="radio"/> Buildings and works in a residential zone	Clause 93.04
<input type="radio"/> Buildings and works in commercial and industrial zones	Clause 93.04
<input type="radio"/> Buildings and works in special purpose zones	Clause 93.04
<input type="radio"/> Buildings and works in an overlay	Clause 93.05
<input type="radio"/> Remove, destroy or lop a tree	Clause 93.06
<input type="radio"/> Subdivision and buildings and works in a Heritage Overlay	Clause 93.07
<input type="radio"/> Subdivision and buildings and works in a Special Building Overlay	Clause 93.08
<input type="radio"/> Advertising sign	Clause 93.09
<input type="radio"/> Reducing the requirement for car parking	Clause 93.10
<input type="radio"/> Reducing the requirement for loading	Clause 93.11
<input type="radio"/> Two lot subdivision in a rural zone	Clause 93.12
<input type="radio"/> Buildings and works in a rural zone	Clause 93.13
<input type="radio"/> Extend one dwelling on a lot in a residential zone	Clause 93.14

Local VicSmart triggers are listed in the schedule to Clause 94. List if any apply.

Pre-application meeting

Has there been a pre-application meeting with a department planning officer?

No Yes

If 'Yes', with whom?:

Date:

day / month / year

The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *


Complete either A or B.

 This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:	Section No.:			
Parish/Township Name:					


The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit? *

<div style="border: 1px solid black; height: 150px;"></div>
<input checked="" type="checkbox"/> Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Estimated cost of any development for which the permit is required *

Cost \$	 You may be required to verify this estimate. Insert '0' if no development is proposed.
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Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

<div style="border: 1px solid black; height: 100px;"></div>
<input checked="" type="checkbox"/> Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?
<input type="radio"/> Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
<input type="radio"/> No
<input type="radio"/> Not applicable (no such encumbrance applies).
<input checked="" type="checkbox"/> Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

*Please provide at least one contact phone number **

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Contact information for applicant OR contact person below	
Business phone:	Email:
Mobile phone:	Fax:

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Name:		Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):	Date: <input type="text"/>	
day / month / year		


Information requirements

Contact the Council's Planning Department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Have you completed the VicSmart information checklist(s)?
<input type="radio"/> Yes
<input type="radio"/> No

Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date:

day / month / year

Privacy consent

I give consent to my personal information disclosed in the application to be made available for public inspection, including on Council's public website, whilst the application is being determined, in accordance with Section 51 of the Planning and Environment Act 1987.

Yes No

Signature:

Date:

day / month / year

Need help with the Application?

If you need help to complete this form, read MORE INFORMATION at the end of this form.


General information about the VicSmart planning process is in the Applicant's Guide to Lodging a VicSmart Application which is available at www.planning.vic.gov.au

Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Provided all necessary supporting information and documents listed in Clause 93 and the schedule to Clause 95 for the appropriate VicSmart class of application?

Completed and attached the relevant information checklist for the appropriate VicSmart application?

Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Benalla Rural City Council
PO Box 227
Benalla VIC 3671

Customer Service Centre
1 Bridge Street East
Benalla VIC 3671

Contact information:

Phone (03) 5760 2600
Email: council@benalla.vic.gov.au
DX: 32230

Deliver application in person, by post or by electronic lodgement.

MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified?


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by visiting the Planning Schemes Online section of the department's website <http://planning-schemes.delwp.vic.gov.au>

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact the local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

 Contact council to determine the appropriate fee. Go to www.planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the responsible authority which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?


A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents granting of a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

 You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Council may require that title information must have been searched within a specified time frame. Contact council for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

Privacy statement

Council is committed to protecting personal information provided by you in accordance with the principles of the Victoria privacy laws.

The information you provide will be used for the following purposes:

- correspond with you about your permit application
- if necessary, notify affected parties who may wish to inspect your application so that they can respond - this may be a notice onsite, in a newspaper and/or by post
- if necessary, forward your application to a referral authority who must also keep a register available for inspection by any person
- be recorded in the Minister's permit register (no name or personal details are visible in the online register).

The information you provide will be made available to:

- any person who may wish to inspect your application until the application process is concluded, including any review at VCAT
- relevant officers in council, other Government agencies or Ministers directly involved in the planning process.
- Persons accessing information in accordance with the *Public Records Act 1973* or the *Freedom of Information Act 1982*.

This information is being collected in accordance with the *Planning and Environment Act 1987*.

If all requested information is not received, council may not be able to process your application.

Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

Need help with the Application?

If you have attended a pre-application meeting with a council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

Checklist

What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for a decision to be made. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant planning permit checklist
- signed the declaration on the last page of the application form

▲ The more complete the information you provide with your permit application, the sooner a decision will be made.

Lodgement

The application must be lodged with the council responsible for the planning scheme in which the land affected by the application is located.

▲ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

EXAMPLES

Example 1

The Land i

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.: 4	St. No.: 26	St. Name: Planmore Avenue
Suburb/Locality: HAWTHORN		Postcode: 3122

Formal Land Description *
Complete either A or B.

A Lot No.: **2** Lodged Plan Title Plan Plan of Subdivision No.: **LP93562**

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

⚠ This information can be found on the certificate of title.
If this application relates to more than one address, attach a separate sheet setting out any additional property details.

Example 2

i For what use, development or other matter do you require a permit? *

Construction of two, double-storey dwellings and construction of two new crossovers.

⚠ Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Example 3

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

⚠ Provide a plan of the existing conditions. Photos are also helpful.

Example 4

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:
Title: **Mr** First Name: **Len** Surname: **Browning**

Organisation (if applicable): **Responsible Developers P/L**

Postal Address: If it is a P.O. Box, enter the details here:
Unit No.: **4** St. No.: **12** St. Name: **Ardour Lane**

Suburb/Locality: **Wycheproof** State: **Vic** Postcode: **3527**

Contact information for applicant OR contact person below

Business phone: **9123 4567** Email: **tcpl@bigpond.net.au**

Mobile phone: **0412 345 678** Fax: **9123 4567**

Contact person's details* Same as applicant

Name:
Title: **Mr** First Name: **Andrew** Surname: **Hodge**

Organisation (if applicable): **Town Planning Consultants**

Postal Address: If it is a P.O. Box, enter the details here:
Unit No.: St. No.: St. Name: **PO Box 111**

Suburb/Locality: **Parkdale** State: **Vic** Postcode: **3194**

Name: Same as applicant

Title: First Name: Surname:

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:
Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Owner's Signature (Optional): Date:
day / month / year