

PLANNING CLASSIFICATIONS INFORMATION SHEET

Depending on the planning rules and zones that apply to your place, you may be required to have a Planning Permit before you undertake development. This includes subdivision, building work or a change of use (eg. home based business, tourism or agricultural enterprise).

A Planning Permit allows you to undertake the work and is a first step in the development process. Building, plumbing and other permits may be required AFTER a Planning Permit has been granted to ensure that the work you intend to undertake complies with the Building Act.

Once submitted, your Planning Permit application will be assessed against the Tasmanian *Planning Scheme - Meander Valley*. It will then be determined to fall into one of five classifications:

- 1. Exempt (general or limited)**
- 2. No Permit Required**
- 3. Permitted**
- 4. Discretionary**
- 5. Prohibited**

In some instances, Planning Permits are not required for the “Exempt” and “No Permit Required” classifications. However, depending on the type of development you may still require building, plumbing or other approvals.

It is advisable to speak to one of our Town Planners before starting any work to determine whether or not your proposal will need a Planning Permit and/or other approvals.

CLASSIFICATION TYPES

Exempt (general or limited)

These are proposals that are exempt from requiring a Planning Permit. Section 5 of the *Tasmanian Planning Scheme - Meander Valley* lists the types of land uses and developments that fall into this category. Please note that building, plumbing or other approvals may still be required.

No Permit Required

These are proposals that comply with the provisions of the *Planning Scheme*. Please note that building, plumbing or other approvals may still be required.

Permitted

These proposals require the lodgement of an application for a Planning Permit. If your application complies with the relevant standards of the *Planning Scheme*, Council will approve your Planning Permit. Please note that building, plumbing or other approvals may still be required.

Discretionary

These proposals require the lodgement of an application for a Planning Permit. Discretionary applications may be approved with or without conditions or refused. Planning law requires Council to erect signage on the proposed site, send letters to adjoining property owners and publically advertise the application for 14 days. This allows time for members of the public to lodge written representations to Council regarding the application. Please note that building, plumbing or other approvals may still be required.

Prohibited

These are applications where the zoning of the property prohibits the proposal or the proposal does not comply with a mandatory standard of the *Planning Scheme*.

HOW LONG DOES IT TAKE TO GET A PLANNING PERMIT?

Under planning law, Council is required to work within certain timeframes and it is important that your application is submitted with information that is complete and with detailed plans to avoid unnecessary delays.

Permitted Applications

Permitted applications are processed within 28 days from the date the application is lodged and becomes valid. If additional information is requested, the 28 day processing time is on hold until the information is received.

Discretionary Applications

Discretionary applications are processed within 42 days from the date the application is lodged and becomes valid. Within 21 days of lodgement, Council may request additional information. Until the information is received, the 42 day processing time is on hold. Advertising of Discretionary applications is undertaken within the 42 day timeframe.

WHAT HAPPENS IF IT TAKES LONGER?

Sometimes it is not possible for Council to make a decision on a Planning Application within the timeframe. If this occurs, an Extension of Time request is negotiated and agreed to in writing.

HOW DOES COUNCIL MAKE IT'S DECISION?

Council is responsible for ensuring that Planning Applications comply with State Government legislation as outlined in the *Planning Scheme*. Council is bound by law to make decisions that abide by this legislation.

Council's Town Planners undertake an assessment of the Planning Application and this assessment is presented at Council's Development Assessment Group meeting or at a Council Meeting.

Development Assessment Group Meetings

Town Planners, Councillors and representatives from the Infrastructure, Building and Environmental Health Departments make up the Development Assessment Group. Generally, applications presented for consideration by the Development Assessment Group are:

- Permitted Applications or;
- Discretionary Applications - where Council has received 1 or less written representations from the public about the application.

After assessment, one of Council's Town Planners will make a decision on the application.

Council Meetings

Applications are presented at a Council Meeting when:

- Council's Town Planner recommends that they are refused or;
- They are Discretionary Applications and 2 or more members of the public have lodged written representations with Council about the application.

Council can elect to adopt the recommendation of the Town Planner, modify the recommendation, propose their own recommendation or refuse the application. The applicant is invited to attend the meeting to address the Councillors.

HOW WILL I KNOW WHEN A DECISION IS MADE?

Council will send a notification to all relevant parties within seven (7) days of making a decision. Planning Permits do not become valid until 14 days after notification of Council's decision. This allows time for any appeals to be lodged.

CAN I APPEAL THE DECISION?

Yes. If your Planning Application was classified as Permitted and you do not agree with certain conditions, you have the right to appeal Council's decision.

If your Planning Application was classified as Discretionary, both yourself and members of the public who lodged representations to Council regarding the application have the right to appeal Council's decision.

All appeals and relevant fees must be submitted to the Planning Stream of the Tasmanian Civil and Administrative Tribunal within 14 days of Council's decision. The Appeal form is included in the notification of Council's decision that is sent to all relevant parties.

CAN I APPLY TO WAIVER THE WAITING PERIOD?

If your Planning Application was classified as Discretionary and Council received representations from the public regarding the application, the 14 day appeal period is compulsory.

The 14 day appeal period can only be waived if:

- Your Planning Application was classified as Permitted and you do not wish to appeal Council's decision.
- Your Planning Application was classified as Discretionary and you do not wish to appeal Council's decision and, Council did not receive any written representations from the public regarding the application.

To waive the appeal period, you must complete the Waiver the Right to Appeal form that is included in the notification of Council's decision. Once received by Council, the Planning Permit becomes valid. Granting of building, plumbing or other approvals can then follow.

WHAT HAPPENS IF AN APPEAL IS LODGED?

If an appeal is lodged against a Planning Application decision, then the Planning Permit does not become valid until the appeal is resolved.

For more information about the planning process or to determine what permits may be required, phone 6393 5300 or email mail@mvc.tas.gov.au