

planning Circular Head >

DEVELOPMENT APPLICATIONS



WHY DO I NEED PLANNING APPROVAL?

So, you want to do something and have been told that you need planning approval.

Put simply, town planning is a process that seeks to protect people's rights to legally do something, without unreasonable interference from others.

WHAT IS THE PLANNING SCHEME?

The 'rules' are actually set out in the Circular Head S.46 Planning Scheme 1995 (known as "the Scheme") which was approved by the State government and regulates or controls how people use or develop land.

Three things are considered when determining if you need to obtain a permit from Council:

- a use (what you want to do);
- zones (where it can happen); and
- standards (how it should happen).

Proposals will be either exempt from the whole process - known as "Permitted as of Right" - or will need approval. There are three types of proposals:

1. Permitted, these need a permit from the Council, but the proposal must be approved and conditions may apply. These are for proposals that are acceptable within a particular zone;
2. Discretionary, proposals may be either approved (with or without conditions) or refused. This type of proposal may be acceptable within a particular zone, depending upon the nature of the proposed use and any impact it may have on surrounding properties, or if the proposal requires variation to any development standards. Advertising of the application is also required (refer to "The Application Process"- page 2 item (2)).
3. Prohibited, these proposals are not acceptable within the area and must be refused.

The standards are set out in each zone (such as height and setback to boundaries). Some common standards (like car parking) are set out in the Scheme. If you are unable to meet these standards, some can or may be varied.

WHAT IS LIKELY TO BE EXEMPT?

Some proposals do not require planning approval. These include:

1. Building work or external alterations that do not require Building Approval.
2. Internal alterations to a building, (unless they substantially increase or change the way something operates)
3. Demolition where:
 - i. it is part of another approved use;
 - ii. it does not involve a heritage-listed property; andit is exempt from the building approval process.
4. Any of the following: a fence or wall (that does not require building approval), a channel, an access to a road or a paved area, pipe work associated with a drainage or sewerage system (or other similar work), and a construction such as a dam, weir or canal or the like required for farming purposes.

However, it is advisable to check with the Planning and Building Officers at Council regarding the above.

WHO CAN MAKE AN APPLICATION?

Anyone can make a planning application.

You do not have to own the property or have the owners consent to lodge an application or have the planning permit issued to you.

If you are not the owner of the land involved however, then you are required by law to notify the owner within 7 days of lodging the application with Council.

WHAT INFORMATION DO I HAVE TO LODGE?

When making a planning application, you need to submit the following items:

1. A completed planning application form.
2. A full copy of title (certificate, plan and schedule of easements).
3. A description of what you want to do (drawings and/or written supporting information). A detailed list of information is provided on the back of this brochure for you to check; and
4. Payment of Application fees.

If your application is on Crown land, you will need:

5. The application form signed by the



Tourism



Forestry



Innovation



Farming



Industry



Arthur Pieman Conservation Area



Sustainable Natural Environment



Oysters from Circular Head



Aquaculture



Circular Head Community Recreation Centre



Circular Head War Memorial Swimming Pool

responsible Minister (or delegate) or

6. A letter from the Minister (or delegate) giving permission for the application to be made.

Application forms can be obtained from the Council Office or website (www.circularhead.tas.gov.au). A copy of your title may be available from your solicitor, bank, Service Tasmania offices or website (www.thelist.tas.gov.au). Council does not hold land titles and is unable to provide a copy for you.

If we do not have all the information to properly consider we can not complete the assessment of your application. This will mean that the application may either be returned to you (as being incomplete) or additional detail may be requested.

Both Circumstances Will Delay the Assessment Process

THE APPLICATION PROCESS

There are 4 steps:

1. Before you do anything we recommend you contact Council's Infrastructure and Development Services Department to see if a permit can be issued for what you want to do. If you want to identify any potential issues with a proposal before you lodge the application, we suggest you discuss it with Council Officers before lodging it.
2. When you have everything ready, we encourage you to personally lodge your application. If it is a discretionary use, the Council must organise a site notice, an advertisement in a daily newspaper (the "Advocate") and notices informing adjoining neighbours of the proposal.
3. Your application will be processed, which will involve a site inspection, examination of your proposal and assessment against the relevant scheme standards. It may also require referral to other government agencies for comment or advice.
4. A decision will be issued to you, in writing. This may be an approval (a planning permit) or a refusal (a notice of refusal). If any submissions were lodged to your application or the application is recommended for refusal, then the decision will be made at a Council meeting.

PROBLEMS ?

If unexpected issues or difficulties are identified, you may be asked for additional information. We will contact you by phone and then confirm this in writing so that you know exactly what you need to provide.

HOW LONG DOES IT TAKE?

Discretionary applications require two weeks (14 days) of public exhibition, which makes the application available for public comment. These may take a little longer to assess than those that do not require advertising. Submissions may be lodged to either support or object to a proposal. If a submission is made the matter will be presented to a full Council Meeting.

Under the *Land Use Planning and Approvals Act 1993* (the Act), the Council has 42 days to determine an application. If an additional information request is sent out, the clock stops on the 42 day time limit for the application and the clock will not start again until the request is satisfied.

We will endeavour to issue a determination on your application as soon as possible after our assessment is complete.

APPEALS

The applicant, and anyone who lodged a representation, may appeal the decision that is made and/or any conditions that are placed on the planning permit. The appeal process is controlled by an independent body called the Resource Management and Planning Appeals Tribunal. If you have any queries, contact them on 6233 6464 or at www.rmpat.tas.gov.au.

OTHER APPROVALS THAT MAY BE REQUIRED.

There are other permits that may be required before a project can commence. Council's Infrastructure and Development Services can provide more information.

WHAT HAPPENS IF THE SCHEME IS IGNORED?

The Act provides for enforcement of the Scheme through the Resource Management and Planning Appeals Tribunal. This can include substantial penalties (up to \$50,000 Maximum) for anyone doing things illegally.

Other events that may be affected by ignoring the scheme are:

- Validity of your insurance
- Selling your property, eg. jeopardising the issue of a 337 Certificate (a Council Land Information Certificate)

The only way to actually create the 'right' to use or develop land for a particular purpose is to make a Planning Application and obtain the planning permit.

This information sheet is a basic guide only. All steps in the planning/building process may not apply to all structures. Verification with local laws, Acts, Planning Schemes and other relevant documents is recommended for detailed applications. All endeavours have been taken to ensure that the information and the documentation contained herein is accurate however Council recommends that all applicants undertake their own enquiries in relation to all critical aspects associated with their application/development.

