

> External Referrals

Fact Sheet

Sometimes, a planning permit application needs to be referred to other authorities for advice or consultation. For example, if you're proposing to change the access to a road, your application may be referred to the Department of Transport.

WHAT IS THE PURPOSE OF A REFERRAL?

The referral process provides an opportunity for Council to get advice from relevant bodies to inform whether a permit should be granted. Referrals in planning avoid the need for a second permit process, after the planning permit is granted.

HOW DO I KNOW IF MY APPLICATION NEEDS TO BE REFERRED?

The Council will refer the application to other persons or bodies specified as referral authorities under Clause 66 of all planning schemes. An authority may object to the granting of a permit or specify conditions to be included on a permit.

WHAT SORT OF THINGS ARE REFERRED?

Clause 66 identifies the types of proposals that may need to be referred.

Some examples include:

Application	Referral Authority
Clause 44.05 <i>Special Building Overlay</i>	<i>Melbourne Water or other appropriate floodplain management authority.</i>
Clause 52.05 (Signs) <i>An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004.</i>	<i>Head, Transport for Victoria</i>
Clause 52.27 <i>An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1 am.</i>	<i>Liquor Licensing Victoria</i>
Clause 52.29 <i>Altering or adding a new driveway/ crossover to an arterial road</i>	<i>Head, Transport for Victoria</i>

The Chief Commissioner of Police must be given notice of an application in association with a bar, hotel or nightclub that is to operate after 1 am.

STATUTORY TIME FRAMES

A referral authority has 28 days in which to provide comments to a Council. However, a referral authority that requires any further information from a Council must request that information within 21 days. After receiving the required information, the referral authority then has 28 days in which to provide comments to the Council.

TYPES OF REFERRAL AUTHORITY

There are two types of referral authority: **a determining referral authority** and a recommending **referral authority**.

Both types can object to the granting of a permit, decide not to object or specify conditions to be included on a permit.

If a determining referral authority objects, the Council must refuse to grant a permit, and if a determining referral authority specifies conditions, those conditions must be included in any permit granted.

In contrast, a Council must consider the recommending referral authority's advice but is not obliged to refuse the application or to include any recommended conditions.

