

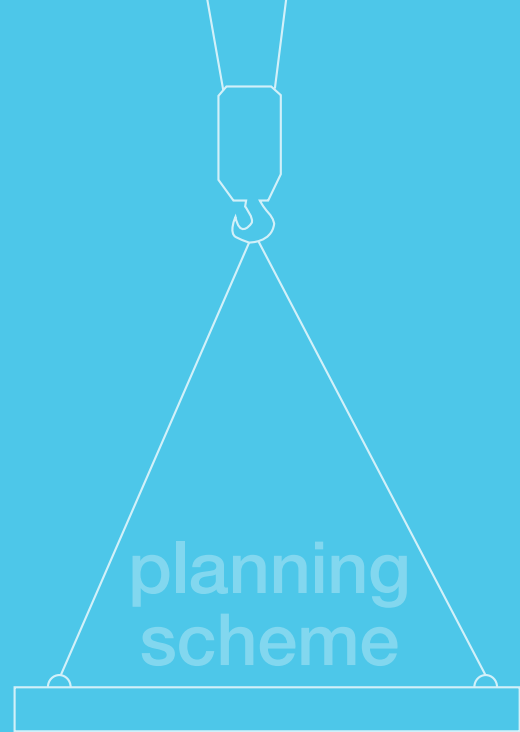
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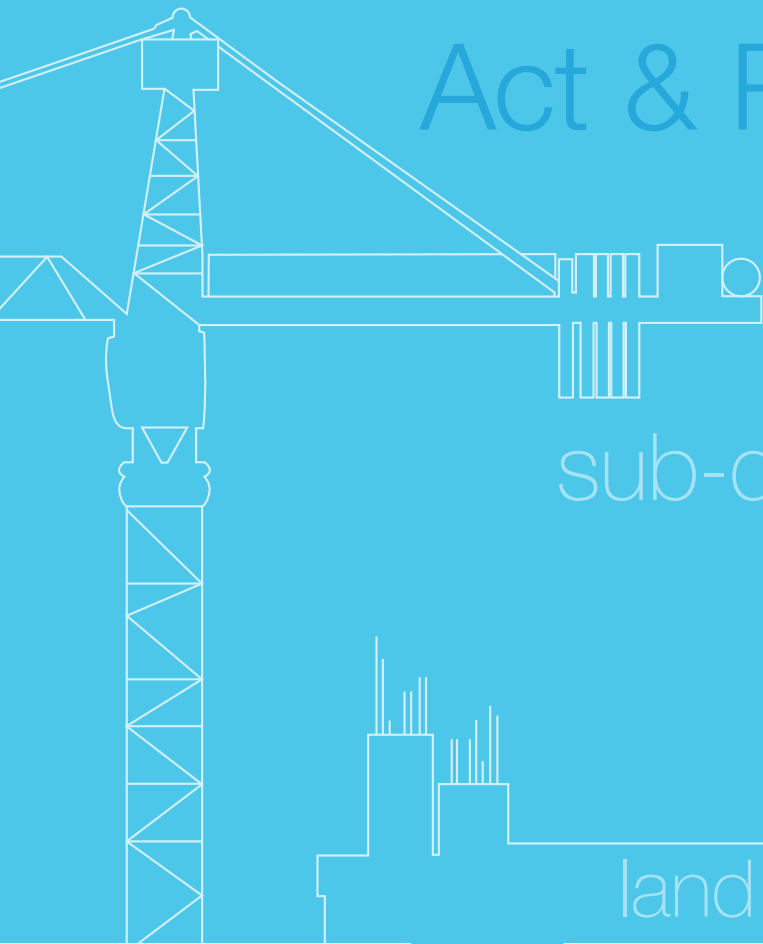
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Planning Permit Application



Act & Regulations



Assessment Checklist

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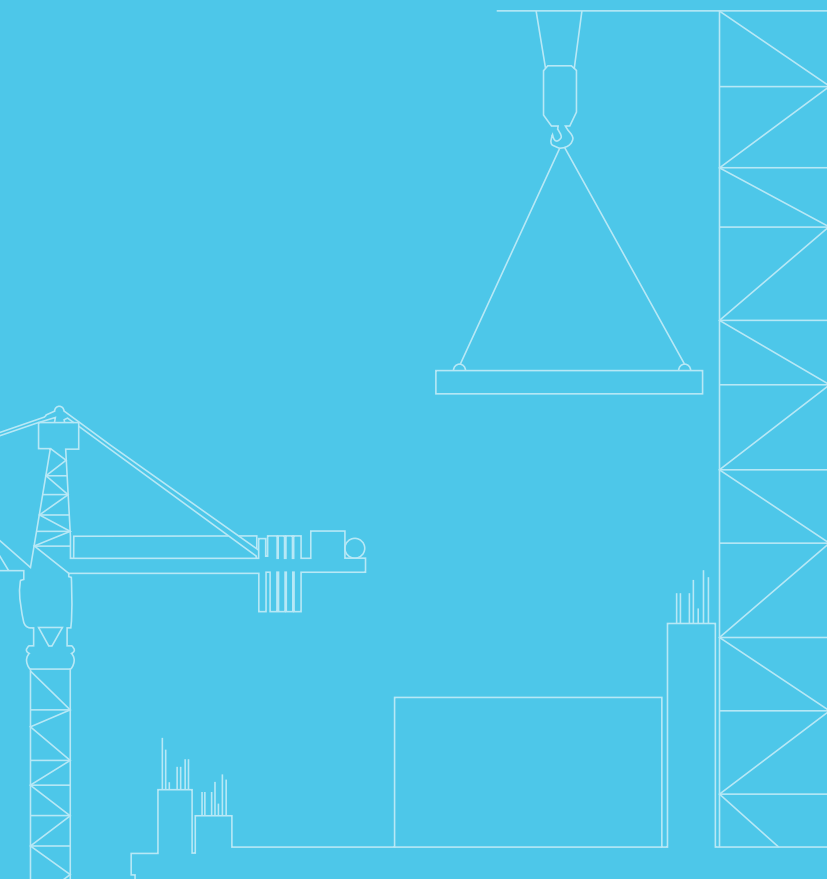
Victorian
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Planning Permit Application: Assessment Checklist

Ordered to be printed

VICTORIAN
GOVERNMENT PRINTER
May 2008

PP No 96, Session 2006-08, tabled with *Victoria's Planning Framework for Land Use and Development*; and *Planning Scheme Amendment: Assessment Checklist*





Foreword

A planning permit is a legal document that allows for a certain use or development to occur on a defined area of land. There are around 50 000 planning permit applications lodged with councils every year. The *Planning and Environment Act 1987* and accompanying Regulations outline the steps and the timeframes to be followed in the processing of planning permit applications.

This checklist has been developed to assist councillors and planning staff fulfil their obligations under the Act and to support those planners in supervisory roles who oversee the timeliness and quality of planning activities in councils. The checklist was prepared by my Office with advice from planning professionals and in consultation with the Department of Planning and Community Development, the Municipal Association of Victoria as well as selected councils. I would like to express my appreciation to all those involved in the checklist's development.

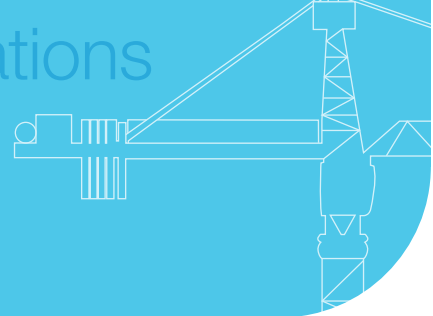
The checklist was developed based on work conducted as part of my performance audit entitled *Victoria's planning framework for land use and development* that was tabled in the Victorian Parliament in May 2008. The audit identified the need for a more rigorous and transparent assessment of planning permit applications by councils and a closer scrutiny by senior planning staff over the level of compliance with the Act, Regulations and the planning scheme.

I trust that users of the checklist will find it a useful resource to improve the standard of statutory planning in councils.

DDR PEARSON
Auditor-General

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Introduction

Where required by a planning scheme, a planning permit must be obtained to use or develop land for certain purposes. A planning permit is a legal document that generally relates to a specific parcel of land, and which expires within a defined time limit and/or under other circumstances that may be specified in the permit.

Responsible authorities, which in most cases are local councils, normally decide whether or not to grant a permit. When doing so, the *Planning and Environment Act 1987*, the *Planning and Environment Regulations 2005*, the *Planning and Environment (Fees) Regulations 2000* and planning schemes set out a number of procedures and considerations that must be observed.

Proper administration of these procedures by a council is essential for preventing inappropriate land use and development, for avoiding a review by the Victorian Civil and Administrative Tribunal (VCAT), and for ensuring that decisions made are open, fair and appropriate.

Purpose of the checklist

This checklist has been developed to assist councils to evaluate the extent of compliance with key elements of the Act, Regulations and planning scheme in the processing of planning permit applications. The checklist reflects statutory procedures current as at May 2008, and was developed based on the work performed as part of our recent performance audit: *Victoria's Planning Framework for Land Use and Development* (May 2008).

Ongoing quality control and assurance reviews of a council's planning processes are important for ensuring that actions of council officers are transparent and appropriate and support the achievement of outcomes sought by the Act and planning scheme. The frequency of these reviews should be guided by the extent and significance of local issues identified through previous reviews.

To maximise the benefits gained from such reviews, this checklist should be applied to examining a sufficiently comprehensive and representative sample of planning permit decisions made in any given time period.

The checklist does not attempt to exhaustively address every legislative and planning scheme requirement nor the quality or merit of the decision made. Instead, it focuses on the major stages of the permit process and on determining whether the key statutory and planning scheme requirements associated with each of these stages were addressed by council when processing a planning permit application.

As a guide for assisting councils to enhance their management of the permit process, the checklist complements the following guidance material already developed and managed by the Department of Planning and Community Development (DPCD):

- Using Victoria's Planning System
- Practice and advisory notes
- Continuous Improvement Review Kit.

The checklist should be used in conjunction with the references listed above and any other relevant DPCD guidance material.

Structure of the checklist

This checklist is divided into 11 sections, most of which represent a major stage in the permit process. For each of these sections, the checklist includes the following information:

- a brief summary of the process being examined
- instructions on using the checklist, including a brief outline of its purpose in relation to the process being examined, the information needed to perform the assessment and the key steps to be undertaken by the reviewer to complete the checklist
- the checklist itself, comprising the key questions to be addressed or answered for assessing the extent of compliance with the Act, Regulations or planning scheme.

Reviewers should familiarise themselves with the contents of all sections prior to using the checklist.

Using the results for continuous improvement

After applying the checklist to a representative sample of permit files, the associated responses should be compiled and the results analysed. The focus of this analysis should be on identifying the:

- extent of compliance with key legislative and planning scheme requirements
- extent to which any local performance standards (if any) have been met (e.g., quality, cost or time)
- reasons underpinning any identified performance or compliance issues
- strategies and actions needed to enhance performance.

In relation to the last point above, these strategies and actions should form part of a continuous improvement program. The outcomes from subsequent quality control and assurance reviews should be used to assess the degree to which these actions and strategies have been successful in addressing issues and concerns identified from past reviews.

Acknowledgement

The Victorian Auditor-General's Office would like to acknowledge the assistance of Mr John Keaney and Mr John Glossop in the preparation of this document.



1

Preliminary examination

Summary of process

Prior to reviewing a completed planning application against this checklist, the reviewer should perform a thorough preliminary examination of the application and associated file.

The purpose of the preliminary examination is to ensure that the reviewer forms an accurate understanding of what was applied for, and which zone, overlay and other provisions of the planning scheme should have been considered by council when assessing the application.

In this context, it is critical that the relevant planning scheme parameters relating to the application are carefully and independently identified at the outset by the reviewer, as this will assist the reviewer to determine whether the application was processed correctly in subsequent sections of the checklist.

How to use the checklist

In order to undertake this task, the reviewer will require:

- a copy of the application form
- the plans and any supporting material included with the application
- copies of the relevant planning scheme maps and the planning scheme ordinance affecting the application.

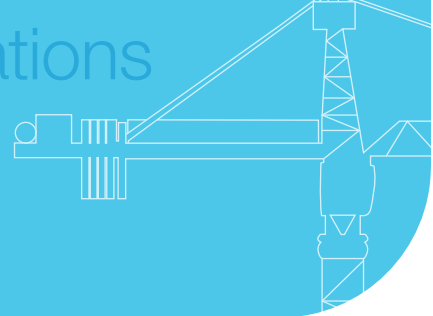
Most of this material will be contained on the file. The relevant planning scheme provisions can be obtained either from the web (www.dse.vic.gov.au/planningschemes) or in hard copy form at the council office.

The critical steps in this exercise for the reviewer include:

- translating the plain English description of the application into the language of the planning scheme as contained in the definitions at Clauses 71 to 75
- identifying all provisions of the planning scheme relevant to the application including the zone, overlay and any particular provisions or general provisions
- identifying all of the relevant 'triggers' for permission.

Checklist for preliminary examination

<p>Q1.1 What is the address of the land affected by the application? <i>(Write in space opposite)</i></p>	Address:
<p>Q1.2 What is the proposal (in plain English terms)? <i>(Write in space opposite)</i></p>	Description of proposal:
<p>Q1.3 What Zone(s) affect the land? <i>(List all applicable zone/s, schedules and any relevant notice exemptions in spaces provided)</i></p>	Zone/Notice exemption (if any):
<p>Q1.4 What Overlays affect the land? <i>(List all applicable overlays and any relevant notice exemptions in spaces provided)</i></p>	Overlays/Notice exemptions (if any):
<p>Q1.5 What Particular Provisions are relevant? <i>(List all applicable Particular Provisions in spaces provided)</i></p>	Particular Provisions:
<p>Q1.6 What General Provisions are relevant? <i>(List all relevant General Provisions, except for referral requirements. Include referral requirements in the next section)</i></p>	General Provisions:
<p>Q1.7 Does the planning scheme require the application to be referred pursuant to section 55 of the Act? <i>(List relevant clause and name of referral authority) (Note: referral provisions are listed at Clause 66, some overlay controls and Particular Provisions)</i></p>	Clause/Referral authority:
<p>Q1.8 Why is a permit required? <i>(Identify which provisions of the planning scheme 'trigger' a permit requirement)</i></p>	Describe:



Example of completed preliminary examination

<p>Q1.1 What is the address of the land affected by the application? <i>(Write in space opposite)</i></p>	<p>Address: 66 Smith Street Gumnut</p>
<p>Q1.2 What is the proposal (in plain English terms)? <i>(Write in space opposite)</i></p>	<p>Description of proposal: A dwelling and the removal of 17 trees.</p>
<p>Q1.3 What Zone(s) affect the land? <i>(List all applicable zone/s, schedules and any relevant notice exemptions in spaces provided)</i></p>	<p>Zone/Notice exemption (if any): Farming Zone (35.07) No applicable exemptions from notice or appeal. Abuts Road Zone Category 1 (36.04) No applicable exemptions from notice or appeal.</p>
<p>Q1.4 What Overlays affect the land? <i>(List all applicable overlays and any relevant notice exemptions in spaces provided)</i></p>	<p>Overlays/Notice exemptions (if any): Environmental Significance Overlay (Schedule 1) 'Proclaimed water supply catchments' (42.01) No exemptions. Land subject to inundation (44.01) An application under this overlay is exempt from the notice requirements of Section 52(1)(a),(b) and (d) and the decision requirements of Section 64(1), (2) and (93) and the review rights of Section 82(1) of the Act.</p>
<p>Q1.5 What Particular Provisions are relevant? <i>(List all applicable Particular Provisions in spaces provided)</i></p>	<p>Particular Provisions: 52.17 (Native vegetation) 52.29 (Land adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road)</p>
<p>Q1.6 What General Provisions are relevant? <i>(List all relevant General Provisions, except for referral requirements. Include referral requirements in the next section)</i></p>	<p>General Provisions: 66.02-6 66.03 66.04</p>
<p>Q1.7 Does the planning scheme require the application to be referred pursuant to section 55 of the Act? <i>(List relevant clause and name of referral authority) (Note: referral provisions are listed at Clause 66, some overlay controls and Particular Provisions)</i></p>	<p>Clause/Referral authority:</p> <ol style="list-style-type: none"> 52.29 requires the application be referred to the Roads Corporation to create new access to a Road Zone. 66.03 requires an application under the LSIO to be referred to the Gumnut Floodplain Management Authority. 66.02-6 requires the application be referred to the relevant water board or water supply authority to use land or to construct or carry out works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994 and which provides water to a domestic supply. 66.04 requires an application for any development in the ESO1 to be referred to Gumnut Water Board.
<p>Q1.8 Why is a permit required? <i>(Identify which provisions of the planning scheme 'trigger' a permit requirement)</i></p>	<p>Describe: To use land and to construct a building and construct and carry out works for a dwelling, to create a new access to a RDZ1 and to remove native vegetation.</p>

2 Lodgement of the application

Summary of process

Under Section 47(1) of the *Planning and Environment Act 1987*, an application for a planning permit must be made to the council and include the information prescribed by the Regulations.

Following lodgement, it is important for a council to accurately determine what has been applied for, and why it needs a permit. Council should check the application against the planning scheme provisions at an early stage, and advise the applicant quickly if no permit is required or if the proposal is prohibited.

The application should also contain any information required by the planning scheme. For example, some applications for residential developments must include a neighbourhood and site description, including information on how the proposed design responds to any neighbourhood character features.

In most cases, a fee must be paid when the application is made (Section 47(1)). The fee payable for each class of application is prescribed in the *Planning and Environment (Fees) Regulations 2000*. The Act also requires a council (in its role as responsible authority) to keep a register of all applications received in a format prescribed by the Regulations (Section 49).

At the time of lodgement of an application, the council should check the application for accuracy and completeness, ensure that the correct fees are applied, place a date stamp on every page of all associated documents and plans and enter the details into the register. Date stamping of documents ensures there is clear differentiation between original and any amended plans that may be submitted later. It also ensures that the dates at which key events occurred are clear and that the statutory clock can be tracked accurately.

How to use the checklist

The following checklist assesses whether key statutory and planning scheme requirements relating to lodgement were met with respect to the application being examined. Specifically, it aims to assess whether the:

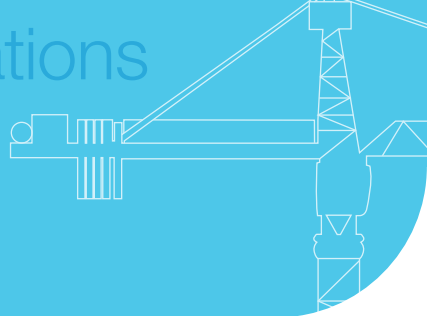
- application was properly registered by council
- application included all the information required under the Act and planning scheme
- correct fee was charged and/or paid.

The following information/documents will be required to perform the assessment:

- the lodged application
- a copy of the relevant planning scheme ordinance
- the planning register.

To complete the checklist, the reviewer should:

- identify the date on which the application was received by council. This will be the date appearing on the date stamp on the application form
- determine if council has accurately entered the details of the application into the planning register (whether it be electronic or manual)
- check if the application included the prescribed and any other information required by the planning scheme
- identify the fee applicable to the application, if it was charged by council and/or paid by the applicant.



Checklist for lodgement of the application

<p>Q2.1 On what date was the application received by council? <i>(This is the date appearing on the date stamp on the application form. Record date in space provided)</i></p>	<p>Date:</p>
<p>Q2.2 Was receipt of the application noted in the register? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q2.3 What date does the register show that the application was received by council? <i>(Record date in space provided)</i></p>	<p>Date:</p>
<p>Q2.4 Is the receipt date for the application recorded in the register correct? <i>(Tick one response only)</i> <i>(In answering this question, consider response to Q2.1)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q2.5 Was an acknowledgement letter sent to the applicant? <i>(Note: this is good practice, but not a statutory requirement)</i> If 'yes' record date sent in space provided</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date:</p>
<p>Q2.6 Did the application contain the following information? <i>(Tick appropriate response for each item listed below)</i> <i>(Check that all pages of the title details are provided and that they correctly match the subject site. Also check if details of any covenant or restriction are attached)</i></p>	
<p>Applicant details</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Land affected by application (address)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Proposed land use and/or development</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Existing use of land</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Estimated cost of development</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Description of the owner of the land (if different to the applicant)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Completed covenant declaration form</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Declaration signed by applicant that all information contained in application is true and correct</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Complete copy of title that is less than 21 days old</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

Q2.7 Did the information supplied with the application satisfy the requirements of the regulations?

(Consider Regulation 15 and 16 of the Planning and Environment Regulations 2005)

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....

.....

.....

Q2.8 Did the planning scheme require a neighbourhood and site description to be submitted with this application?

(Tick one response only)

Yes **(GO TO Q2.9)**
 No **(GO TO Q2.11)**

Q2.9 Was a neighbourhood and site description submitted as required?

(Tick one response only)

(Tick 'N/A' if the application was not made pursuant to Clause 54 or 55 of the planning scheme)

Yes No N/A

Q2.10 Was the neighbourhood and site description certified by council?

(Tick one response only)

If 'yes', specify the date.

Yes No

Date:

Q2.11 Was the application checked by council to ensure that the information supplied was accurate and complete?

(Tick one response only)

(Note: evidence of this might be a preliminary review by an officer or co-ordinator prior to file allocation, or a completed file assessment checklist)

If 'yes', record date application was checked

Yes No

Date:

Q2.12 Was sufficient information included with the application so as to enable an accurate assessment to be undertaken?

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....

.....

.....

Q2.13 What fee (if any) did council charge for the application?

(Record both class and amount of fee in spaces provided)

Class:

Fee: \$

Q2.14 Was this the correct fee?

(Tick one response only)

(Cross-check against Regulations)

Yes **(GO TO Q2.16)**
 No **(GO TO Q2.15)**



<p>Q2.15 What should the fee have been? <i>(Record both class and amount of fee in spaces provided)</i></p>	<p>Class:</p> <p>Fee: \$</p>
<p>Q2.16 Did the applicant pay the fee? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q2.17)</p> <p><input type="checkbox"/> No (GO TO Q2.18)</p>
<p>Q2.17 Is a receipt for payment of the application fee on file? <i>(Tick one response only)</i> <i>(Note: this is good practice, but not a statutory requirement)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q2.18 Is there an application checklist on file? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q2.19 To what extent has the officer completed the checklist? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Not filled in</p> <p><input type="checkbox"/> Partially filled in</p> <p><input type="checkbox"/> Completely filled in</p>

Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

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3

Requests for further information

Summary of process

Section 54 of the Act enables a council (in its role as a responsible authority) to require the applicant to provide more information about a proposal, either for itself or on behalf of a referral authority. Requests for further information under Section 54 must be

in writing setting out the information to be provided.

If the request is made within the prescribed time of 28 days of receiving the application, the request must also specify a date by which the information must be received (i.e., a lapse date). An application lapses if the requested information is not provided by the date specified and it cannot be processed or recommenced.

A request for further information made within the prescribed time of 28 days means the statutory clock is stopped. The 'clock' restarts from zero when a satisfactory response to the further information request is received by council. A request for further information can be made after the prescribed time of 28 days, but this does not stop the 'clock' (Section 54(2)) and a lapse date cannot be specified in these cases.

How to use the checklist

The following checklist assesses:

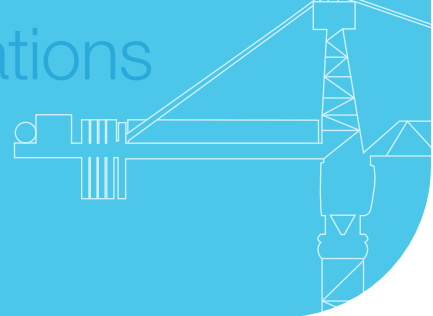
- whether further information was requested by council about the proposal
- if the prescribed processes and timeframes were observed
- whether the request was reasonable, and if it was addressed by the applicant prior to further processing of the application by council.

The following information/documents will be required to perform the assessment:

- a copy of council's request for further information showing the date of request and lapse date
- a copy of the applicant's request (if any) for an extension of the lapse date
- the applicant's response to the further information request, including information submitted and evidence of the date of response
- the application file.

To complete the checklist, the reviewer should determine:

- if the request for information is reasonable and relates to the permission sought (consider results of preliminary examination in Section 1)
- if council specified a lapse date as required for all requests made within 28 days of receipt of the application
- if the applicant requested an extension to the lapse date and, if so, whether this was approved by council
- whether processing of the application was suspended until the request was addressed by the applicant
- if the applicant fully addressed the request, the date of response, and if the application lapsed.



Checklist for requests for further information

<p>Q3.1 Was further information about the application requested by council under Section 54 of the Act? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q3.2) <input type="checkbox"/> No (Skip to section 4)</p>
<p>Q3.2 On what date was the request made by council? <i>(Record date in space provided)</i></p>	<p>Date:</p>
<p>Q3.3 Was the request for further information made within 28 days of receipt of the application? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q3.4 Was a lapse date specified? <i>(Tick one response only)</i> If 'yes' – what was the lapse date? <i>(If the lapse date was set by VCAT, please insert this date in space provided)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Date:</p>
<p>Q3.5 Was the request for further information reasonable having regard to the type of permission sought? <i>(Note: it would be inappropriate for council to require a traffic report if the application only seeks permission for building and works within the Special Building Overlay)</i> <i>(Tick one response only)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No (Record reasons below) Reasons:</p>	
<p>Q3.6 Did the applicant seek to extend the lapse date? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q3.7) <input type="checkbox"/> No (GO TO Q3.10)</p>
<p>Q3.7 Was this request made before the lapse date specified in the further information letter? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q3.8 Was the request granted? <i>(Tick one response only)</i> <i>(Note: a request from the applicant to extend the lapse date must be made before the original lapse date specified by council)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q3.9 Was a new lapse date specified? <i>(Tick one response only)</i> If 'yes' – what was the new lapse date? <i>(Record date in space provided)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Date</p>
<p>Q3.10 Did the applicant respond to the request? <i>(Tick one response only)</i> If 'yes', record date requested information was received from the applicant <i>(Record date in space provided)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Date:</p>

Q3.11 Did the applicant provide all of the information that was requested?

(Tick one response only)

(Review applicant's response and consider if fully addressed request)

Yes No (Record reasons below, then GO TO Q3.12)

Reasons:

.....

.....

.....

(Ask Q3.12 if all requested information was not provided by applicant)

Q3.12 What actions did the council take?

(Describe below. Consider if council lapsed the application, or if it followed up with the applicant)

.....

.....

.....

Q3.13 Did the application technically lapse?

(Tick one response only)

(Consider if applicant responded to the request, including date of response (Q3.10), and whether applicant fully addressed the request (Q3.11))

Yes No

Q3.14 Did council lapse the application?

(Tick one response only)

(Consider if council ceased, or continued to process the application)

Yes **(GO TO Q3.15)**
 No **(GO TO Q3.16)**

Q3.15 Did council advise the applicant in writing that the application had lapsed?

(Tick one response only)

Yes No

Q3.16 Was the application advertised before further information was received?

(Tick one response only)

Yes No

Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

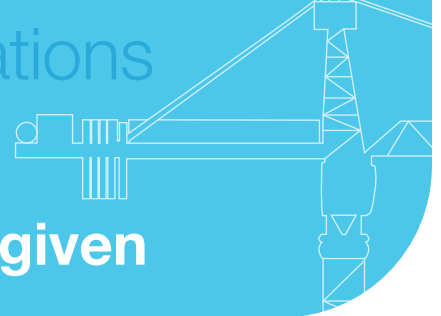
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4 Amendments to the application before notice is given

Summary of process

An applicant can ask a council (in its role as a responsible authority) to amend a lodged application before notice is given (Section 50). In these cases, a request for an amendment must be accompanied by:

- the prescribed fee (if any)
- any prescribed information relating to the proposed amendment and not supplied with the original application
- information demonstrating that the owner of the land has been notified about the request (i.e., if applicant is not the owner).

The council can also make any amendments it thinks necessary to an application before notice is given with the agreement of the applicant and after notifying the owner (Section 50A). Any amendment made to an application before notice is given must be recorded in the register.

An amendment to an application before notice is given has the effect of stopping and resetting the statutory clock. For amendments initiated by the applicant, the 'clock' resets and begins again from zero on the day the amended application is received from the applicant (Section 50(7)). For those amendments initiated by council, the 'clock' restarts from zero on the day the applicant agreed to the amendment (Section 50A(5)). There is no limit under the Act to the number of times an application can be amended before notice is given.

How to use the checklist

The following checklist assesses:

- whether any amendment was sought to the application
- who sought the amendment
- if there is a record of the amendment in the register
- if all documentation has been modified accordingly.

The following information will be required to perform the assessment:

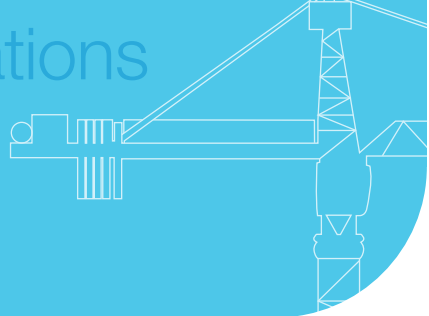
- the amendment request/application from either the applicant or council, including information submitted
- the planning register
- the application file.

To complete the checklist the reviewer should determine:

- the purpose of the amendment, and whether it was initiated by council or the applicant
- the date the request was received (in the event of an applicant-initiated amendment), if it included the prescribed information, and if the prescribed fee (if any) was paid
- if the amendment was noted in the register
- if council assessed whether the scope of the amendment warranted requesting a new application (Section (50(5))).

Checklist for amendments before notice is given

<p>Q4.1 Was the application amended before notice was given? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q4.2) <input type="checkbox"/> No (Skip to section 5)</p>
<p>Q4.2 How many amendments in total were made to the application before notice was given? <i>(Note: In the case of multiple amendments, repeat the following questions for each amendment – use a separate sheet as required and number the amendments sequentially in the space provided for reference.)</i></p>	<p>Number:</p>
<p>Amendment No: _____</p>	
<p>Q4.3 What was the purpose of this amendment? <i>(Describe the nature of the amendment request in the space provided).</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>Q4.4 Was this amendment initiated by the applicant or council? <i>(Tick one response only)</i> <i>(Only complete Q4.5 to Q4.12 if the amendment was initiated by the applicant)</i></p>	<p><input type="checkbox"/> Applicant (GO TO Q4.5) <input type="checkbox"/> Council (GO TO Q4.13)</p>
<p>Q4.5 On what date did council receive the request from the applicant? <i>(Record date in space provided)</i></p>	<p>Date:</p>
<p>Q4.6 Did the applicant pay the prescribed fee (if any)? <i>(Tick one response only)</i></p> <p>If a fee was charged and /or paid, record the details opposite.</p>	<p><input type="checkbox"/> Yes, in full <input type="checkbox"/> Yes, in part <input type="checkbox"/> No payment received <input type="checkbox"/> Not applicable</p> <p>Fee charged: \$</p> <p>Fee paid: \$</p>
<p>Q4.7 Was a copy of the receipt for the fee kept on the file? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q4.8 Did the amendment application include the prescribed information needed to accurately assess the request? <i>(Tick one response only)</i> <i>(Consider Section 50(3)(b) of the Act – this relates to all prescribed documents relevant to the amendment not supplied with the original application)</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Record reasons below)</p> <p>Reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p>	



<p>Q4.9 Was the applicant also the owner of the land affected by the application? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q4.12) <input type="checkbox"/> No (GO TO Q4.10)</p>
<p>Q4.10 Was the amendment application signed by the owner? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q4.12) <input type="checkbox"/> No (GO TO Q4.11)</p>
<p>Q4.11 Did the amendment application include a declaration by the applicant that the owner had been notified about the request? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q4.12 Did the council consider whether the amendment is so substantial that a new application for a permit should be made? <i>(Tick one response only)</i> <i>(Evidence of this might be a comment in the officer report or a file note)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q4.13 On what date did the applicant agree to council's proposal to amend the application? <i>(Record date in space provided)</i></p>	<p>Date:</p>
<p>Q4.14 Was the amendment to the application noted in the register? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q4.15 What date did the register show that the amended application was received by council? <i>(Record date in space provided)</i></p>	<p>Date</p>
<p>Q4.16 Is the receipt date for the amended application recorded in the register correct? <i>(Tick one response only)</i> <i>(In answering this question, consider responses to either Q4.5 or Q4.13 – whichever is relevant)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

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5 Notification

Summary of process

Section 52 of the Act provides that notice of an application must be given to:

- owners and occupiers of properties adjoining the land to which the application applies
- a municipal council if the application applies to, or may materially affect land within its district
- any person the planning scheme requires notice to be given to
- the owners and occupiers of land affected by a restrictive covenant if the permit would affect the covenant
- any other person the authority considers the grant of a permit may cause material detriment to.

The onus is on the council (in its role as a responsible authority) to give notice or to require the applicant to give notice.

Giving notice is not required if the council is satisfied that the granting of the permit would not cause material detriment to any person (Section 52(1)(a); 52(1)(d)).

The Act does not specify the matters to be taken into account in deciding whether material detriment may be caused and each application needs to be considered on its merits. A planning scheme may also set out specific notice requirements or exempt certain types of applications from the requirement to give notice.

Notice may be given in any or all of the following ways:

- by placing a sign on the land concerned
- by publishing a notice in newspapers generally circulating in the area in which the land is situated
- by giving the notice personally or sending it by post
- in any other way the council considers appropriate.

The council may make a decision after 14 days have elapsed from when the last notice was given. The 'clock' stops running from the time the council makes the requirement to give notice until the date on which the last notice was given.

A decision on whether or not notice should be given should be made early once all information has been provided and after an inspection of the site has been undertaken. Also, the reasons underpinning notification decisions should be clearly documented and supported by a careful consideration of the material detriment test.

In cases where the applicant is required to place a notice on site, the council should also request a statutory declaration from the applicant and confirm that this has been done by inspecting the site during the notice period.



How to use the checklist

The following checklist assesses:

- whether notice of the application was exempt under the planning scheme
- if council considered (in determining whether or not to give notice) whether material detriment may be caused to any person by the granting of the permit
- whether notice of the application was given
- whether notice was given correctly given the requirements of the Act and planning scheme, and if all required fees were paid.

The following information will be required to perform the assessment:

- the 'Notice of Application' form
- the date of the notice
- a record of the date of the last notice
- written evidence of the basis for not requiring notice (where relevant)
- copy of any plans or documentation that accompanied the notice (typically marked as the 'advertised' plans)
- In the event of a sign being placed on site or a notice in the paper, evidence of such notice as well as any statutory declaration required by council from the applicant.

In addition, the reviewer should re-check the results of the preliminary examination performed at Section 1 and ensure that all relevant matters (e.g., development plan overlays, etc.) that can exempt all aspects of an application from notice are considered.

To complete the checklist, the reviewer should determine:

- what obligations or exemptions from giving notice apply to this application under the planning scheme if any (i.e., review results of preliminary examination – Section 1)
- whether notice of the application was given, and if this decision was informed by a documented assessment of material detriment
- the date notice was given and if this, including materials advertised (e.g., plans/documents) are clearly documented on file
- whether notice of the application was given correctly taking into account the requirements of the Act/planning scheme and any associated obligations or exemptions
- whether the council required the applicant to give notice, how this occurred, and if the council received a statutory declaration from the applicant notifying the completion of advertising and if council undertook a site inspection
- if any fees associated with giving notice were paid by the applicant
- if council received/acknowledged any objections as a result of giving notice of the application.

Checklist for notification

Q5.1 Does the planning scheme provide any exemptions from giving notice for this application?

(Tick one response only)

(Check matters such as development plan overlays, etc. that can exempt all aspects of an application from notice)

Yes (Describe below) No

Describe exemptions:

.....

Q5.2 Does the planning scheme specify certain persons or bodies that must be notified for this application?

(Tick one response only)

(Check matters such as notice obligations listed at Clause 66 and relevant schedules)

Yes (List below) No

List all persons/bodies that must be notified:

1
 2
 3
 4
 5

(Use additional paper as required)

Q5.3 Is there any evidence that council considered whether material detriment may be caused to any person by the granting of a permit for this application?

(Tick one response only)

Yes No

Q5.4 Was notice of this application given to any person or body under section 52 of the Act?

(Tick one response only)

Yes (List below) No

List all persons/bodies that were notified:

1
 2
 3
 4
 5

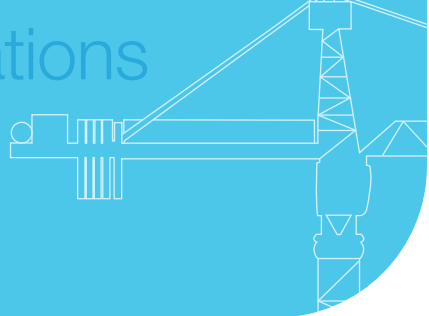
(Use additional paper as required)

Q5.5 Was council's decision of whether or not to give notice, informed by a consideration of the results of the material detriment test?

(Tick one response only)

(Check to see if the issue of material detriment was considered before, or after notice was given)

Yes No



Q5.6 Was notice of the application given correctly after taking into account the requirements of both the planning scheme and Section 52 of the Act?

(Tick one response only)

(Consider whether any specific planning scheme exemptions or obligations for giving notice were observed by council, and if reasonable steps were taken to identify and notify all persons to whom the granting of a permit may cause material detriment)

Yes No (Record reasons below)

Reasons:

.....

.....

.....

Q5.7 Who gave notice?

(Tick one response only)

- Applicant
- Council
- Both

Q5.8 How was notice given?

(Multiple response permitted. For each method used, record date notice was given)

Notice on Site	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Certified mail to owners/occupiers	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Letter box drop to owners/occupiers	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Notice in newspaper	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Other – specify:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:

Q5.9 Was any advertising fee required from the applicant?

(Tick one response only)

If 'yes' – record the fee

- Yes No
- Fee: \$

Q5.10 Did the applicant pay the fee (if any)?

(Tick one response only)

If a fee was paid, record the amount opposite.

- Yes, in full
- Yes, in part
- No payment received
- Not applicable
- Fee: \$

Q5.11 Was a copy of the receipt for the advertising fee kept on the file?

(Tick one response only)

- Yes No

Q5.12 Was there a copy of the advertised plans on file?

(Tick one response only)

- Yes No

<p>Q5.13 Were the advertised plans date stamped? <i>(Tick one response only)</i></p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>Q5.14 Was there evidence that the site notice (if any) was inspected by the council? <i>(Tick one response only)</i> If 'yes', record date notice was inspected</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p> <p>Date</p>
<p>Q5.15 On what date was the last notice given? <i>(This is the latter date of letters to neighbours, sign on site or advertisement in the newspaper. For discussion on the manner in which statutory days are to be calculated see Groves v. Moonee Valley CC [2005] VCAT 1826)</i></p>	<p>Date</p>
<p>Q5.16 Was the applicant required to provide a statutory declaration to notify completion of advertising? <i>(Tick one response only)</i></p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>Q5.17 Was a signed copy of the statutory declaration on the council file? <i>(Tick one response only)</i> If 'yes', record the date it was received.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>Date</p>
<p>Q5.18 Does the statutory declaration confirm that notice was given by the applicant in accordance with council's instruction? <i>(Tick one response only)</i> <i>(Cross reference this with the notice requirements set out on council's letter to the applicant).</i></p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>Q5.19 Were objections received as a result of giving notice? <i>(Tick one response only)</i></p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>Q5.20 How many? <i>(Record number of objections in space provided)</i> <i>(In the case of a petition, it is acceptable to count this as one objection. The objector is considered to be the person who appears at the beginning of the petition)</i></p>	<p>Number:</p>

Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

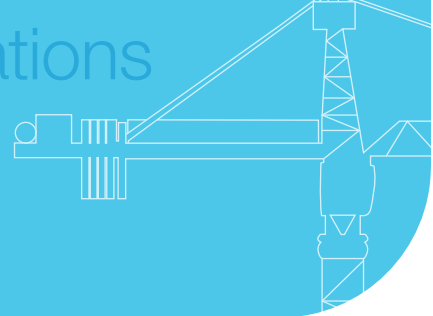
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6 Referral authorities

Summary of process

Section 55 of the Act requires a council (in its role as a responsible authority) to provide a copy of the application to every person/body that the planning scheme specifies as a referral authority, unless:

- the referral authority has already considered the proposal in the last 3 months and indicated that it does not object to the proposal
- the proposal satisfies, in the opinion of the council, conditions previously agreed in writing between the council and referral authority.

A referral authority cannot direct that a permit be issued. However, Section 62 of the Act provides that the council must:

- refuse the application if so directed by the referral authority
- include any condition on the permit requested by the referral authority.

A referral authority has 28 days from receiving an application to provide comments to the council. It also has 21 days from the receipt of the application to tell the council if it needs more information. Timeframes for referral authority responses do not affect the statutory clock. Section 66 of the Act provides that the council must give a referral authority a copy of its decision and a copy of any notices of its decision to grant or refuse a permit.

How to use the checklist

The following checklist assesses:

- whether the application was referred as required by the planning scheme
- whether there are any documented reasons for any failure to notify a referral authority
- if the prescribed processes and timeframes for referral were observed
- if the application was refused based on any objection of a referral authority as required by the Act
- if any conditions requested by a referral authority were included in the permit or Notice of Decision as required by the Act
- whether or not the referral authority was advised of the outcome of the application as required by the Act.

The following information will be required to perform the assessment:

- a copy of Clauses 66.01-66.06 (inclusive) of the planning scheme
- a copy of the referral letter from council to the referral authority
- a copy of the referral authority's response to the application
- the application file.

To complete the checklist, the reviewer should determine:

- if all relevant referral authorities identified during the preliminary examination at Section 1 were notified
- the reason for any failure to notify a referral authority
- whether council's referral letter clearly identified that the application was being referred pursuant to Section 55 of the Act
- if the referral authority requested further information, and if it responded within statutory timeframes
- whether council's decision accurately reflects any conditions or objection of a referral authority, and if it was sent to all referral authorities as required by the Act.

Checklist for referral authorities

Q6.1 List the referral authorities relevant to this application as identified in Section 1 of this tool.

(Cross-reference list from Section 1 and record in table below. Retain this order of authorities for subsequent sections)

Q6.2 Was a copy of the application sent to each referral authority listed in Q6.1?

(Tick one response in table below, and record date sent in space provided where relevant)

Q6.3 For each instance of referral identified in Q6.2, did council clearly specify to the authority that the application was being referred under Section 55 of the Act?

(Tick one response in table below)

Q6.4 Does the planning scheme provide for no referrals if conditions are satisfied for each authority listed in Q6.1?

(Tick one response in table below)

Q6.5 Were these conditions satisfied?

(Tick one response in table below)

Q6.6 Is there a justification on file to explain a failure to notify a referral authority?

(Clause 66 of the scheme explains the circumstances where an application need not be referred)

(Tick one response in table below)

Q6.1 (Referral Authority List)	Q6.2	Q6.3	Q6.4	Q6.5	Q6.6
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



Q6.7 Did any of the referral authorities require further information?

If 'yes', record date request was received by council in table below, and briefly describe nature of further information requested

(Complete Q6.8 for each referral authority that requested further information)

Q6.8 Did the referral authority tell council that it needed further information within 21 days of it being given a copy of the application?

Referral Authority List (Cross-reference to Q6.1)	Q6.7 (Request from referral authority for further information)			Q6.8
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date request received:	Nature of further information requested:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date request received:	Nature of further information requested:	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date request received:	Nature of further information requested:	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date request received:	Nature of further information requested:	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date request received:	Nature of further information requested:	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date request received:	Nature of further information requested:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Q6.9 Did the referral authority respond to the application referred to it by council?

(Tick one response in table below)

If 'yes' record date response was received by council in table below.

Q6.10 Did the referral authority respond within 28 days of it being given a copy of the application, or further information by council?

(Tick one response in table below)

(28 days should be counted from date copy of application was provided to referral authority, unless it requested further information within 21 days.)

(Complete Q6.11 for each referral authority that responded to the application in Q6.9)

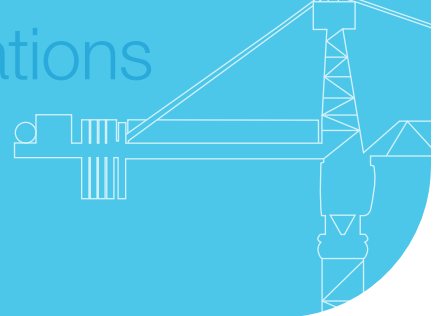
Q6.11 Did the referral authority require conditions to be included on the permit?

(Tick one response in table below)

Q6.12 If a permit/NOD was granted, did the council include these conditions in the permit/NOD?

(Tick one response in table below)

Referral Authority List (Cross-reference to Q6.1)	Q6.9	Q6.10	Q6.11	Q6.12
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



Q6.13 Did the referral authority object to the proposal?

(Tick one response in table below)

Q6.14 Was the application refused on the grounds specified in the objection?

(Tick one response in table below)

(Check that refusal was an accurate translation of the authority's grounds of objections)

Q6.15 Was the referral authority advised in writing of the outcome of the application?

(Tick one response in table below)

Referral Authority List (Cross-reference to Q6.1)	Q6.13 (Referral authority objected?)	Q6.14 (Application refused on grounds specified in objection?)	Q6.15 (Referral authority advised in writing of outcome?)
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Reason not refused:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Reason not refused:	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Reason not refused:	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Reason not refused:	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Reason not refused:	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Reason not refused:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Auditor comment:

List any issues raised during your assessment of this stage.

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.....
.....

Would any deficiency result in the permit being declared invalid? If so, list these:

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7

Internal referrals

Summary of process

Apart from the formal referral authorities identified at Clause 66 of the planning scheme, it is very common for internal departments of the council to be advised of planning applications.

Councils often seek advice from internal units when assessing applications (e.g., heritage advisors, urban designers, engineering services, etc.). These referrals are not subject to the timeframes prescribed under the Act for external authorities, and there is no statutory obligation on the council to accept recommendations arising from internal referrals. However, it is good practice for a council to carefully consider these views if they are sought.

It is also good practice for a council to establish a clear policy, associated procedures and timeliness benchmarks for internal referrals. Compliance with these procedures and benchmarks should be monitored to ensure that internal referrals are conducted effectively and efficiently.

How to use the checklist

The following checklist assesses:

- whether the application was referred to any internal department(s) within council
- the length of time taken to refer the application and receive a response from the internal unit
- if council has a policy and benchmarks in place for the internal referral process and, whether it monitors compliance with the policy.

The following information will be required to perform the assessment:

- a copy of the council's policy (if any) on internal referral
- a copy of the referral letter(s) from the planner to the internal department(s)
- a copy of the response from the internal department(s)
- the application file.

To complete the checklist, the reviewer should determine:

- which, if any, internal departments were advised about the application
- the length of time taken to administer the internal referral process (i.e., time taken to refer and receive a response), and if this is reasonable given the application
- the processes and standards in place for internal referrals and whether these were adequately followed by council
- if council has an efficient system for internal referrals.

Checklist for internal referral

Q7.1 Did the council request advice from another council department about the application?
(Tick one response only)

Yes (GO TO Q7.2)
 No (Skip to section 8)

Q7.2 From which council department(s) was advice about the application sought?
(List each internal department in table below)

Q7.3 On what date was the advice requested from each of the council departments identified in Q7.2?
(Record dates in spaces provided in table below and cross-reference numbering to list in Q7.2 to ensure consistency)

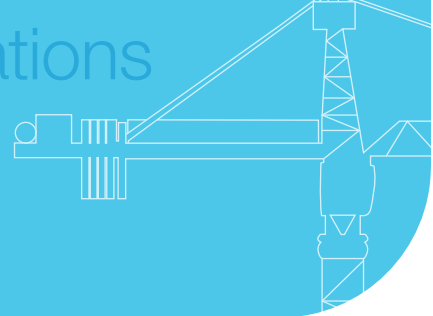
(Repeat Q7.4 for each council department listed in Q7.2)

Q7.4 Did the council department request more information about the application before finalising its response?
If 'yes' record the date more information was requested
(Record response in spaces provided in table below and cross-reference numbering to list in Q7.2 to ensure consistency)

(Ask Q7.5 for each council department that requested more information in Q7.4, otherwise skip to Q7.6)

Q7.5 How long did it take for that request to be addressed by the planning department?
(Record date additional information was provided in table below and calculate total days taken from when request was made. Repeat for each internal department that requested more information and cross-reference numbering to list in Q7.2 to ensure consistency)

List internal council department (Cross-reference to Q7.2)	Q7.3	Q7.4	Q7.5
1.	Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Date: Days:
2.	Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Date: Days:
3.	Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Date: Days:
4.	Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Date: Days:
5.	Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Date: Days:
6.	Date:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Date: Days:



(Ask for each instance of internal referral identified in Q7.2)

Q7.6 Did the council department respond to the request for advice?

(Tick one response in table below)

If 'yes' record date responded

Q7.7 How many days did it take for the council department to respond to the request for advice?

(Calculate the total elapsed days from the date of referral and record in table below. Repeat as required for each council department listed in Q7.2 and cross-reference numbering accordingly. Note: the 'clock' is unaffected by the internal referral process)

(Ask Q7.8 for each council department that responded in Q7.6)

Q7.8 Did the council department suggest conditions?

List internal council department (Cross-reference to Q7.2)	Q7.6	Q7.7	Q7.8
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Days:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Days:	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Days:	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Days:	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Days:	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:	Days:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Q7.9 Are timeliness benchmarks in place for internal referrals?

(Tick one response only)

Yes (Describe below and GO TO Q7.10)

No

Describe benchmarks:

.....

.....

.....

Q7.10 Were the timeliness benchmarks achieved for this application?

(Tick one response only)

Yes No N/A

Q7.11 Was the length of time taken by any internal department to respond unreasonable given the nature of the application?

(Tick one response only)

(Consider the complexity of the application, local benchmarks (if any) and the time taken to respond)

Yes (Record details below)

No

Reasons:

.....
.....
.....

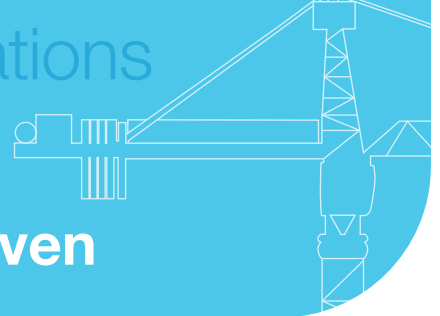
Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

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8

Amendments to the application after notice is given

Summary of process

Section 57A of the Act enables the applicant to ask the council (in its role as a responsible authority) to amend an application after notice has been given.

A request for an amendment must be accompanied by:

- the prescribed fee (if any)
- any information required under the planning scheme
- information demonstrating that the owner of the land has been notified about the request (i.e., if the applicant is not the owner).

The council can refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

Any amendment made to an application after notice is given must be noted in the register (Section 57A(6)), and a council must determine if further notice should be given of an amended application (Section 57B) following a consideration of the material detriment test.

The Act also requires a council to give a copy of the amended application to relevant referral authorities specified in the planning scheme unless it considers that the amendment would not adversely affect the interests of the referral authority (Section 57C).

An amendment to an application after notice has been given has the effect of stopping and resetting the statutory clock. The 'clock' begins again on the day the request to amend the application is received by council.

How to use the checklist

The following checklist assesses if:

- the application was amended after notice was given
- there is a record of the amendment in the register
- whether further notice of the amendment was given, and a copy provided to all relevant referral authorities specified in the planning scheme
- all documentation was modified accordingly.

The following information will be required to perform the assessment:

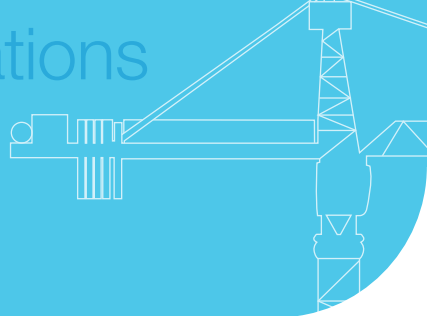
- the amendment request/application from the applicant, including information submitted
- the planning register
- the application file.

To complete the checklist the reviewer should determine:

- the purpose of the amendment
- the date the request was received from the applicant, if it included the prescribed information, and if the prescribed fee (if any) was paid
- if council formed a view on whether a new application should be submitted
- if the amendment was noted in the register
- if all notice and referral requirements of the Act and planning scheme were observed
- if council assessed whether the scope of the amendment warranted requesting a new application (Section 57A(5)).

Checklist for amendments to the application after notice is given

<p>Q8.1 Was the application amended after notice was given? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q8.2) <input type="checkbox"/> No (Skip to section 9)</p>
<p>Q8.2 How many amendments in total were made to the application after notice was given? <i>(Note: In the case of multiple amendments, repeat the following questions for each amendment – use a separate sheet as required and number the amendments sequentially in the space provided for reference.)</i></p>	<p>Number:</p>
<p>Amendment No: _____</p>	
<p>Q8.3 What was the purpose of this amendment? <i>(Describe the nature of the amendment request in the space provided).</i></p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>Q8.4 On what date did council receive the amendment request from the applicant? <i>(Refer to council's date stamp on amendment request. This becomes the new application receipt date)</i></p>	<p>Date received</p>
<p>Q8.5 Was the amendment to the application noted in the register? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q8.6 What date does the register show that the amended application was received by council?</p>	<p>Date</p>
<p>Q8.7 Is the receipt date for the amended application shown in the register correct? <i>(Tick one response only)</i> <i>(In answering this question, consider response to Q8.4)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q8.8 Did the applicant pay the prescribed fee (if any)? <i>(Tick one response only)</i></p> <p>If a fee was charged and /or paid, record the details opposite.</p>	<p><input type="checkbox"/> Yes, in full <input type="checkbox"/> Yes, in part <input type="checkbox"/> No payment received <input type="checkbox"/> Not applicable</p> <p>Fee charged: \$</p> <p>Fee paid: \$</p>
<p>Q8.9 Was a copy of the receipt for the fee kept on the file? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>



Q8.10 Did the amendment application include the prescribed information needed to accurately assess the request?

(Tick one response only)

(Consider Section 57A(3)(b) of the Act – this relates to all prescribed documents relevant to the amendment not supplied with the original application)

Yes No (Record reasons below)

Reasons:

.....

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.....

<p>Q8.11 Was the applicant also the owner of the land affected by the application? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q8.14) <input type="checkbox"/> No (GO TO Q8.12)</p>
<p>Q8.12 Was the amendment application signed by the owner? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q8.14) <input type="checkbox"/> No (GO TO Q8.13)</p>
<p>Q8.13 Did the amendment application include a declaration by the applicant that the owner had been notified about the request? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q8.14 Did the council consider whether the amendment is so substantial that a new application for a permit should be made? <i>(Tick one response only)</i> <i>(Evidence of this might be a comment in the officer report or a file note)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Instruction to reviewer:

An amended application becomes the application for the purposes of the Act. Once amended, a council must consider if notice of the amended application should be given (Section 57B), and if it should be sent to referral authorities (Section 57C).

For each amendment made after notice was given, the reviewer should complete a separate 'notification' and 'referral' checklist and cross-reference to this amendment.

Q8.15 Has a 'Notification' checklist (see Section 5) been completed for this amendment to the application?

(Tick one response only)

Yes (Attach copy) No (Record reasons below)

Reasons:

.....

.....

.....

Q8.16 Has a 'Referral' checklist (see Section 6) been completed for this amendment to the application?

(Tick one response only)

- Yes (Attach copy) No (Record reasons below)

Reasons:

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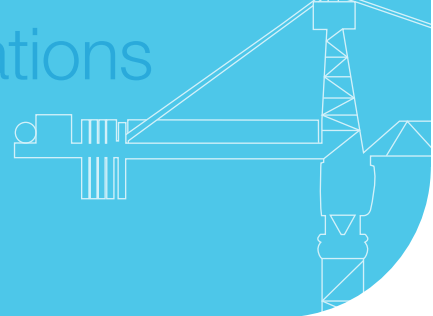
Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

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9

Assessment/officer report

Summary of process

When assessing an application, a council (in its role as a responsible authority) must consider a number of matters specified in the Act and planning scheme. The key issues which must be considered under the Act (Section 60(1)) are:

- the relevant planning scheme
- the objectives of planning in Victoria
- all objections and submissions received up to the time of making a decision
- any decision or comment of a referral authority
- any significant effects the responsible authority considers the proposal may have on the environment or the environment may have on the use or development.

The Act (Section 60(1A)) also sets out a number of additional matters that may also be considered where relevant including:

- any significant social or economic effects
- any approved regional strategy plan or adopted amendment
- any relevant state environment protection policy
- any other strategic plan, policy statement, code or guideline adopted by a minister, department, public authority or council
- any adopted amendment to the planning scheme not yet in force
- any other relevant matter.

Key issues to be considered under the planning scheme include:

- the State Planning Policy Framework (SPPF) which sets out state planning policies applying to all land in Victoria
- the Local Planning Policy Framework (LPPF) which sets out local and regional planning policies relevant to specific areas in a municipality
- the decision guidelines of relevant planning scheme provisions (e.g., zones, overlays, etc.)
- any other relevant decision guideline or matter specified in the scheme.

In general, issues to be considered will vary depending on the purpose of the application and the specific planning scheme controls that apply to it.

When assessing and making a recommendation on an application, a council officer should prepare a report that clearly demonstrates a consideration of all the relevant issues specified in the Act and planning scheme as a way of clearly establishing the rationale for the recommendation. Assessments should also be undertaken with the benefit of a visual inspection of the site so as to form an appropriate understanding of how an application affects an area.

The report should be independently reviewed, for example, by a more senior planner, prior to making a decision to ensure that all issues have been appropriately identified and considered by the assessing officer.

How to use the checklist

The following checklist assesses:

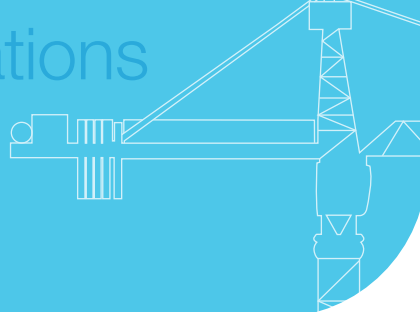
- if an officer report was prepared for the application documenting the assessment
- if the officer report demonstrates a logical assessment against all the relevant requirements of the Act and planning scheme for this application
- If the issues raised by all relevant parties (e.g., objectors, referral authorities) were considered by council when assessing the application
- If the assessment was performed with the benefit of a site inspection.

The following information will be required to perform the assessment:

- the officer report
- the results of the reviewer's preliminary examination (Section 1)
- all comments, responses and submissions received about the application (e.g., from objectors, referral authorities, internal departments, etc.)
- records/details of consultation processes undertaken in respect of the application
- records/details of any site inspection undertaken to support the assessment
- the application file.

To complete the checklist, the reviewer should:

- cross-check all relevant planning scheme parameters considered by the assessing officer against the results of the reviewer's preliminary examination (Section 1), and determine whether all relevant provisions were considered (e.g., zones, overlays, particular provisions, general provisions, etc.)
- determine whether the officer report demonstrates that the all requirements of the Act, including issues raised by relevant parties were taken into account in the assessment (e.g., objectors, referral authorities, etc.)
- determine whether the assessment was logical (given the factors analysed by the officer), and performed with the benefit of a site inspection.



Checklist for assessment/officer report

Q9.1 Was an officer report prepared on this application?
(Tick one response only)

- Yes (GO TO Q9.2)
- No (GO TO comments box at the end of this section and then to Section 10)

(To answer Q9.2, cross-check against zone provisions identified in Section 1)

Q9.2 Were all the zone provisions (including those in any schedule to the zone) in the planning scheme relevant to this application clearly considered in the officer report?

(Tick one response only)

- Yes
- No (Record reasons below)

Reasons:

.....

.....

.....

(To answer Q9.3, cross-check against overlay provisions identified in Section 1)

Q9.3 Were all the overlay provisions in the planning scheme relevant to this application clearly considered in the officer report?

(Tick one response only)

- Yes
- No (Record reasons below)

Reasons:

.....

.....

.....

(To answer Q9.4, cross-check against Particular Provisions identified in Section 1)

Q9.4 Were all the Particular Provisions in the planning scheme relevant to this application clearly considered in the officer report?

(Tick one response only)

- Yes
- No (Record reasons below)

Reasons:

.....

.....

.....

(To answer Q9.5, cross-check against General Provisions identified in Section 1)

Q9.5 Were all the General Provisions in the planning scheme relevant to the application clearly considered in the officer report?

(Tick one response only)

- Yes
- No (Record reasons below)

Reasons:

.....

.....

.....

(To answer Q9.6 cross-check against the permit triggers identified in Section 1)

Q9.6 Did the officer report correctly describe the permit 'triggers' (i.e., Clause 54 or Clause 55, parking provisions, etc.)?

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....
.....
.....

(To answer Q9.7 cross-check against the state policy provisions identified in Section 1)

Q9.7 Were the State Planning Policy Framework provisions relevant to the application clearly considered in the officer report?

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....
.....
.....

(To answer Q9.8 cross-check against the local policy provisions identified in Section 1)

Q9.8 Were the Local Planning Policy Framework provisions relevant to the application clearly considered in the officer report?

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....
.....
.....

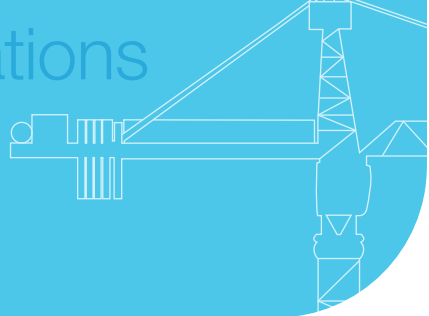
Q9.9 Were the matters listed at Section 60(1) of the Act relevant to the application clearly considered in the officer report?

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....
.....
.....



Q9.10 Were the matters listed at Section 60(1A) of the Act relevant to the application clearly considered in the officer report?

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....

.....

.....

Q9.11 Were the issues (if any) raised by the following parties about the application clearly considered in the officer report?

(Tick one response for each party identified in the table below)

(If 'no' record reasons in space provided)

(Note: In the case of an amended application, all objections to the original application are taken as objections to the amended application – see Section 57A(7)(b))

Referral authorities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Reasons not considered:
Internal officers/departments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Reasons not considered:
Objectors	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Reasons not considered:
Others (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Reasons not considered:

Q9.12 Which (if any) of the following processes did council employ to resolve objections (if any)?

(Multiple response permitted)

- Officer discussion
- Officer / councillor discussion
- Formal mediation process
- Council committee
- Other – Specify:.....
- Not applicable

Q9.13 Does the officer report demonstrate a logical assessment of the application?

(Tick one response only)

(Consider earlier responses, and if the report structure flows logically from one section to the next)

- Yes No (Record reasons below)

Reasons:

.....

.....

.....

Q9.14 Was the assessment performed with the benefit of a site inspection?

(Tick one response only)

- Yes **(GO TO Q9.15)**
 No **(GO TO Q9.16)**

Q9.15 Was the site inspection documented?

(Tick one response only)

- Yes No

Q9.16 Are there any reasons on file to explain why a site inspection was not conducted?

(Tick one response only)

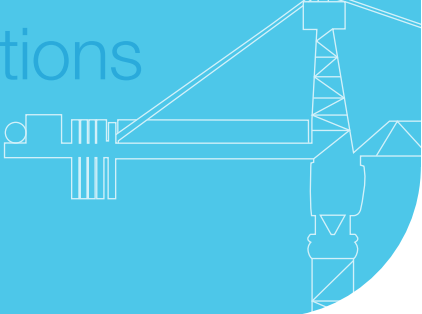
- Yes No (Record reasons below)

Reasons:

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Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

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10 Decision

Summary of process

Planning decisions should be supported by a sound assessment of an application against the requirements of the planning scheme and the Act. Section 61 of the Act enables a council to:

- grant a permit
- grant a permit subject to conditions
- refuse to grant a permit.

Once a decision has been made, the Act requires it to be forwarded to the applicant, relevant referral authorities and all objectors (if any). If a permit or Notice of Decision (NOD) (see Section 64 of the Act) is issued, it must correctly describe all the permit triggers relevant to the application in the preamble.

If conditions are included within a permit or NOD, they should be an accurate translation of the final decision documented in the officer's report. The accepted principles for framing permit conditions are that the condition must:

- relate to the planning permission being granted
- fulfil a planning purpose (i.e., there must be a connection between the permit granted and the limitation placed on it through the condition)
- contain elements of certainty and finality.

All planning decisions by council should be made in accordance with the instrument of delegation. Each council has its own instrument of delegation that establishes various levels of authority depending on the nature of the action. With respect to planning-related functions, this instrument will usually authorise individual officers to undertake all actions necessary to consider, assess and decide on the application including inspecting the site. It is critical that these authorisations are reviewed regularly and are accurately reflected in the instrument of delegation.

How to use the checklist

The following checklist assesses:

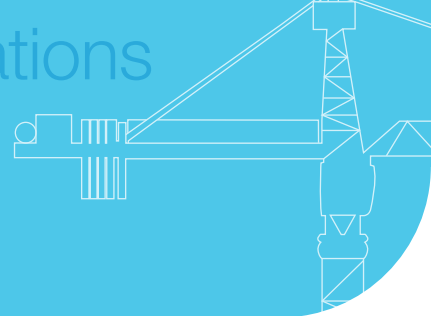
- what the decision was and who made it
- whether the decision was made in accordance with the instrument of delegation
- if the decision is consistent with the officer report
- if the decision is consistent with any referral authority response received under Section 55 of the Act
- whether all parties to the application were notified of the outcome.

The following information will be required to perform the assessment:

- evidence from the file of the decision
- evidence of the issuing of that decision, including the permit (NOD or refusal) and any plans, to all relevant parties
- the officer report
- responses received from all referral authorities
- the application file.

To complete the checklist, the reviewer should:

- determine what the decision was and whether the permit or NOD correctly describes the permit 'triggers' in the preamble
- check the decision for consistency with the recommendations in the officer report and the delegate approval
- determine if any conditions of approval or grounds for refusal, align with those set out in the officer report
- determine whether the decision is signed and dated and if all plans have a date stamp on them.



Checklist for Decision

<p>Q10.1 What was the decision? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Approve <input type="checkbox"/> Refuse <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Notice of Decision</p>
<p>Q10.2 What was the date of the decision? <i>(Record date opposite)</i></p>	<p>Date:</p>
<p>Q10.3 When was the permit/refusal/Notice of Decision issued? <i>(Record date opposite)</i></p>	<p>Date:</p>
<p>Q10.4 Is there a copy of the decision on file? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Q10.5 Who made the decision? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Planning officer under delegation <input type="checkbox"/> Director/CEO under delegation <input type="checkbox"/> Committee of officers under delegation <input type="checkbox"/> Committee of councillors/officers under delegation <input type="checkbox"/> Committee of councillors under delegation <input type="checkbox"/> Council</p>
<p>Q10.6 Does the permit or Notice of Decision correctly describe all the permit triggers? <i>(Tick one response only)</i> <i>(Cross reference with your assessment in Section 1)</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Record reasons below)</p> <p>Reasons: </p>	
<p>Q10.7 Are the conditions in the Permit or Notice of Decision the same as those contained in the officer or council report? <i>(Tick one response only)</i></p>	<p><input type="checkbox"/> Yes (GO TO Q10.9) <input type="checkbox"/> No (GO TO Q10.8)</p>
<p><i>(Only ask Q10.8 if conditions differ between officer report and permit/NOD)</i></p>	
<p>Q10.8 Are these differences significant? <i>(Tick one response only)</i> <i>(Consider if any observed difference results in a change of meaning or intent)</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Record reasons below)</p> <p>Reasons: </p>	

Q10.9 Does any condition imposed by the council conflict with a condition required by a referral authority?

(Tick one response only)

(Note: Council must not include such conditions under Section 62(1)(b))

Yes No (Record reasons below)

Reasons:

.....

Q10.10 Does any condition imposed by the council conflict with any other condition of the permit or NOD?

(Tick one response only)

Yes (Record reasons below) No

Reasons:

.....

Q10.11 Did council notify the following parties to the application of its decision?

(Tick one response for each party identified in the table below)

(If 'no', record reasons in space provided)

<p>Applicant</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Reasons not notified:</p> <p>..... </p>
<p>Referral authorities</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Reasons not notified:</p> <p>..... </p>
<p>Objectors</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Reasons not notified:</p> <p>..... </p>



Q10.12 Was the decision made in accordance with the instrument of delegation?

(Tick one response only)

Yes No (Record reasons below)

Reasons:

.....
.....
.....

Q10.13 Was the decision counter-signed by the delegate's superior?

(Tick one response only)

(Note: this is good practice, but not a statutory requirement)

Yes No

Q10.14 Does the instrument of delegation need to be updated to reflect current planning-related authorisations within council?

(Tick one response only)

(Consider current authorisations for assessment and decision-making, and whether they are accurately reflected in the instrument of delegation)

Yes (Record reasons below) No

Reasons:

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Auditor comment:

List any issues raised during your assessment of this stage.

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Would any deficiency result in the permit being declared invalid? If so, list these:

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11

Calculating application processing time

The following table is provided to assist with calculating the total prescribed and elapsed days taken to process the application.

Assessment stages <i>(These are the key stages in the planning permit assessment process).</i>	Record Date <i>(If any stage was not required, simply write 'N/A')</i>
Date the application was received by the council. <i>(This is the date the application was lodged or when any amendment was received by council or agreed to by the applicant)</i>	
Date the application was registered <i>(Refer to date in planning register)</i>	
Date further information was requested, if request was made within 28 days (if applicable)	
Date further information was requested, if request was made after 28 days (if applicable) <i>(Commence calculation from date application lodged with responsible authority)</i>	
Date further information was received (if applicable)	
Date requirement to give notice was made	
Date last notice was given	
Date decision was made <i>(This is the date of the delegate or council report)</i>	
Date the decision was sent to all parties	
Calculate total <u>prescribed</u> days	
Calculate total <u>elapsed</u> days <i>(Note 'elapsed days' is a measure of the total processing time and is unaffected by events which start/stop the 'clock'. It is the total number of calendar days from lodgement to decision)</i>	



Published by the Victorian Auditor-General's Office,
Level 24, 35 Collins Street, Melbourne.

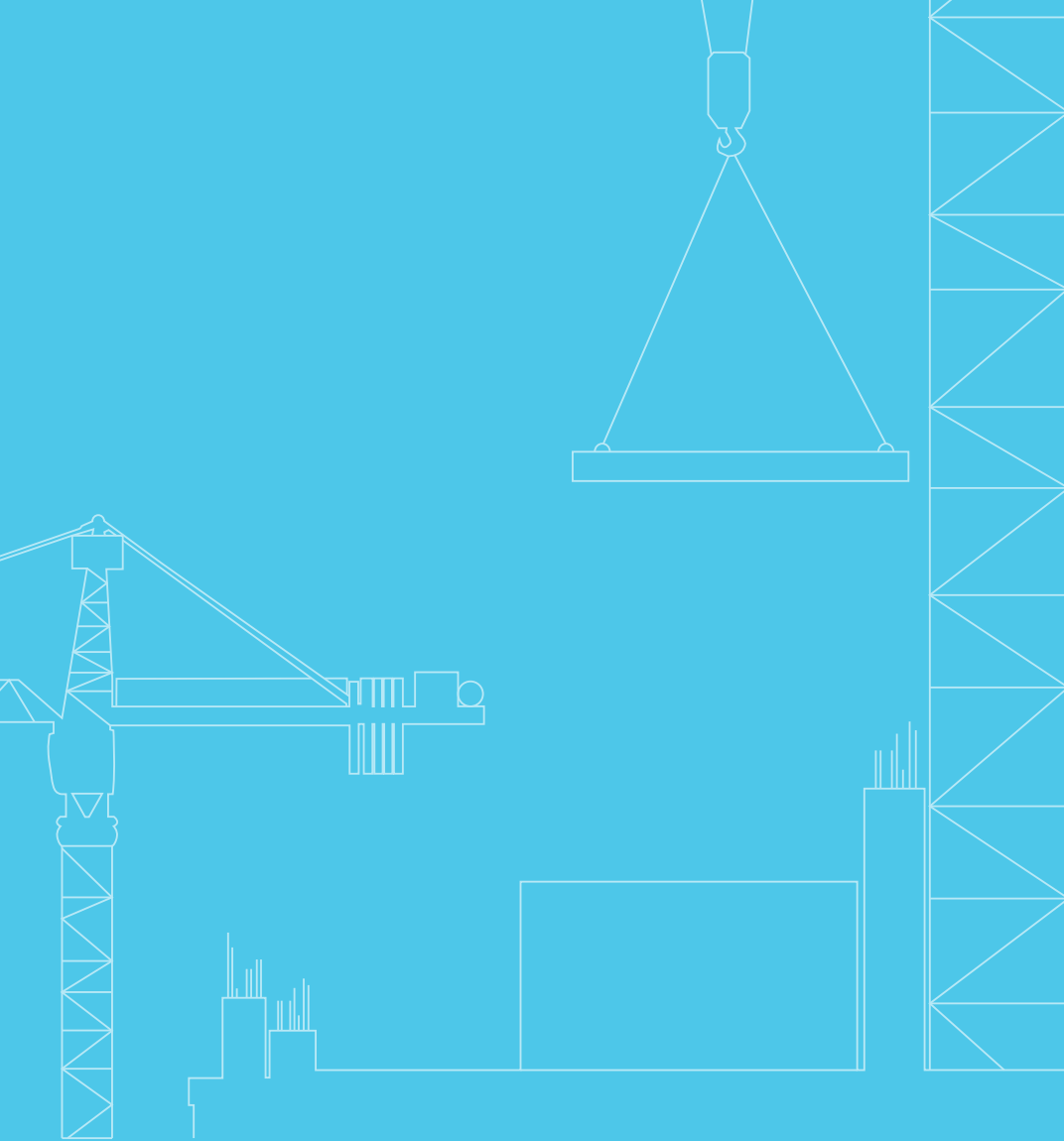
First published May 2008. Also published on
<www.audit.vic.gov.au>

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ISBN 1 921060 65 4

2007-08: 19



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