

Planning Application Fact Sheet

Applying for a permit to use land

Apart from the development of land, a planning permit may be required for the 'use' of land. Use of land refers to using land for a particular purpose (such as a dwelling or a shop) and may not involve building anything. The use of land is controlled by the Hobsons Bay Planning Scheme to ensure we have a safe and attractive place to live and work. This fact sheet provides information on when and how to apply for a planning permit to use land.

How do I know if I need a permit for a new use?

All land within Hobsons Bay has a "zone" which allows for particular uses such as residential, industrial or commercial. Each zone, listed in the Hobsons Bay Planning Scheme outlines uses that:

- do not require a planning permit (section 1)
- require a planning permit (section 2)
- is prohibited within the zone (section 3). A planning permit cannot be issued for these types of uses

Some of the uses in these sections include conditions that must be met. If they are not met, they fall to the next section (i.e. – a section 2 use that cannot comply with the condition is prohibited). The Hobsons Bay Planning Scheme also includes a section of land use definitions at Clause 73.03 ([Land](#)

[Use Terms](#)) which provides more information on the types of uses within the planning scheme.

You can find out what zone is applicable to your property by accessing the State Government's [VicPlan](#) website.

If you are moving your business or changing the use of land, you should check with one of Council's planners to find out if you need a planning permit or alter an existing permit. There may be conditions on the planning permit that restrict the use of the land so it's important to know what they are.

What else should I consider when making an application to use land?

If you are changing an existing use or beginning a new use on the land, you'll likely be changing other things such as signage or undertaking minor works, these may also require a planning permit in their own right. Please refer to Council's other fact sheets for further information on additional permit requirements.

Car parking is a particular issue that needs to be resolved as part of an assessment of the use of land. [Clause 52.06-7](#) of the Hobsons Bay Planning Scheme requires a car parking plan submitted prior to a

new use beginning or an existing use changing, irrespective of whether a planning permit is required or not. You may also need a permit to reduce the car parking requirements if you can't satisfy the required rate (see the Planning application fact sheet - Requesting a reduction in car parking for more information).

In addition, you may also require:

- registration under the [Public Health and Wellbeing Act 2008](#) - for personal care and body businesses
- food safety registration under the [Food Act 1984](#) – if you plan to handle, prepare, package, store, serve, supply, or repackage food
- [a permit for footpath trading](#) – if you wish to place anything on the footpath such as tables and chairs, umbrellas or signs (the planning permit does not include the footpath)
- [a building permit from Council or a private building surveyor](#) if you are doing any construction works

Application Checklist:

Applications should be lodged through Council's [Greenlight Portal](#), and be accompanied by an electronic copy of the following information:

- application fee: identified as Class 1 on Council's [Schedule of Fees](#)
- a recent full copy of title (less than 90 days old) and details of any restrictive covenant. A full copy of title can be obtained from the LANDATA website, <https://www.landata.vic.gov.au/>
- a description of the proposed used, including but not limited to:
 - the purpose of the use and type of activities which will be carried out
 - the hours of operation
 - number of employees
 - the type and quantity of goods to be stored, processed or produced
 - the likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials and hours of operation
 - how land not required for immediate use is to be maintained
- for industry or warehouse uses:
 - whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority (EPA)
 - whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded
- a site plan drawn to an appropriate scale, showing:
 - the boundaries and dimensions of the site
 - the layout of all proposed buildings on the site and those directly adjoining the site
 - dimensioned setbacks from all boundaries
 - any significant vegetation
 - the current and proposed use(s) of all areas of the site
 - the location of all car parking (if any), including dimensions of all car parking spaces (as above)
 - the location and dimensions of all accessways on the site (if any)
 - details of any proposed signage (see the "Outdoor advertising signage" factsheet for further information)
- a car parking plan in accordance with the requirements of [Clause 52.06-7](#) of the Hobsons Bay Planning Scheme and an assessment against the provisions of [Clause 52.06-5](#) of the Hobsons Bay Planning Scheme. Note: if you can't comply with the car parking requirements, see fact sheet Planning application fact sheet - Requesting a reduction in car parking

Please note that applications not lodged through the Greenlight Portal must also be accompanied by a fully completed [Application for Planning Permit](#) form.

Further information may be required once an initial assessment of the application has occurred.

If you would like to find out more or speak to one of Council's planners, please call 9932 1000 or email townplanning@hobsonsbay.vic.gov.au