



## Planning and Environment

- More governments are concerned about the sustainability of cities
- Common topic in world summit forum and conference
- Sustainable Development Goals by UN is a good example
- E.g. ensure access for all to safe, affordable housing by 2030

## Property Development

- Even though it is hard to pin down the definition of property development, in general we can classify into two categories of development concepts
  - Physical aspect: the carrying out of building, engineering, mining or other operations in, on, over or under land
  - Functional aspect: undertaking any material change of use in any buildings or other land

## Planning Application

- No all the activities require permission from the authorities
- Requirement for the same activity varies from case to case
  - E.g. replacing window frames in house vs. heritage building
- Anyone can apply
- Notice must be served on:
  - Land owner
  - Any lessee with unexpired term
  - Any occupier of agricultural property

## Required Information

- The land: address, lot number
- The proposal: what use, type of development, estimated cost
- Existing conditions: current use, physical condition, parking, story's
- Title information: Any encumbrances on title, e.g. mortgage, easement
- Applicant and Owner information

## Types of Applications

- Outline planning permission application
  - General application without specific description of development
- Full or detailed application
  - Comprehensive application with detailed information (design, exterior, landscaping, etc.)
- Change of use application
  - Considered as full application, applicable when use of land changes from one to the other (industrial to residential)
- Application for heritage listed building consent (conservation area)
  - Development in heritage building or conservation area requires special approval/assessment process (external painting control, tree control, etc.)

## Processing the Application

- Fees are payable
- As size increases so does fees
- Inspection by planning authority
- Traffic, water, amenity societies in special environmental interest or conservation area
- If approval not granted, a modified application can be resubmitted

## Heritage Place

- Site, area, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, habitat or other place of natural or cultural significance and its associated land
- Cannot include movable or portable objects such as machinery within a factory or furniture within a house

## Criteria

- **Criterion A:** Importance to the course or pattern of our cultural or natural history (**historical significance**).
- **Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (**rarity**).
- **Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (**research potential**).
- **Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (**representativeness**).
- **Criterion E:** Importance in exhibiting particular aesthetic characteristics (**aesthetic significance**).
- **Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (**technical significance**).
- **Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (**social significance**).
- **Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (**associative significance**).

## Environmental Impact Assessment

- Compulsory requirement in many regions
- Developers need to check with local planning authority to determine whether EIA required
- Scope of EIA includes:
  - Impact of landscape
  - Visual impact
  - Ecology
  - Geology

## Planning Application Approval

- Depending on the scale of the proposed plan, officers at local authority can approve the application
- Larger scale projects need approval from higher authority and groups of professionals
- Planning committee is the only party who makes the final decision
- Public interest often comes first

## Planning Consent

- Permission may come with conditions
  - Time limitation – approval can lapse if not commenced within time
  - Occupation
  - Noise
  - Nature conservation
  - Landscaping

## Planning Agreements/Obligations

- Private agreements between planning authorities and developers
- Attached to planning permission
- Binds the land, not the developer
- Purposes:
  - Prescribe the nature of development
  - Compensate for loss or damage
  - Mitigate the impact of the development
- If developer find agreement unfair, appeal can be made
- Basic test of reasonableness:
  - Relevant to planning
  - Necessary to make the proposed development acceptable in planning terms
  - Directly related to the proposed development
  - Fairly and reasonably related in scale and kind to the proposed development

## Breach of Planning Control

- No development should be undertaken without proper planning permission where necessary
  - Alteration or removal
  - Reinstatement demolished building
  - Cease an activity
- Developers have right of appeal against enforcement notices
- If conditions attached to the permission not observed, breach of condition can be served
  - E.g. Bar operates outside hours described in the permission

Stop Notice: prohibits activities in breach of planning control