

## Planning Application Fact Sheet

# Supporting or objecting to a planning permit application



You may become aware of a proposed development in a number of ways. Perhaps you receive a letter in the mail, see an advertisement in your local newspaper or notice a sign on a proposed development site. Alternatively, your neighbour or the developer may approach you to discuss their plans.

However you first become aware of it, if you are affected by the proposed use or development, you may object. If you are supportive of the proposed development, you also have an opportunity to lodge a submission in favour of the proposal. This factsheet provides information on what to think about if you are considering making a submission to a planning permit application.

There are two important stages to lodging a submission to a planning permit application.

### Step 1 - Work out how the proposed development will affect you

Information on the application (such as plans and reports) can be found online through Council's [Greenlight Portal](#), and the Council Offices. You should look at the plans and try to visualise exactly what is proposed. You might even like to measure distances and heights to determine how the proposed development will affect your property. If you are finding it difficult to understand the plans or application information, ask one of Council's planners to explain the application to you.

Think about what is important about your property and how the proposed development will impact you. Questions you may want to ask yourself include:

- will the proposed development cast a shadow on my backyard, window or garden?
- will my privacy be impacted? Are there large windows overlooking my garden or living areas?
- will there be a noise impact associated with

the proposed use?

All submissions will be considered before making a decision, however there are some elements of the proposal which Council has no control over. Decisions can only be made on the applicable policy and decision guidelines depending on why a permit was required in the first place.

For example, if a planning permit is only required to reduce the statutory car parking rate of, say, a medical centre, then Council cannot refuse or place restrictions on another matter such as its use. Council can only consider matters related to the car parking.

The notice will tell you why a planning permit is required. Other issues that can't be taken into consideration as part of a planning application include:

- loss of property value
- the type of residents that will occupy new dwellings
- asbestos issues (removal of asbestos is required to be undertaken by authorised demolition contractors who are required to inform Worksafe Victoria of their intention to remove asbestos. More information can be found at the [Hobsons Bay Website](#))
- commercial competition

Ask your friends, neighbours or a town planning consultant for their opinion on the plans. You can also ask the applicant or their representative to meet with you to discuss the plans, however they may choose not to.

### Step 2 - Prepare a submission and lodge it with the Council

If you have decided that you wish to lodge an objection or a letter of support, it must be in writing and include your name and address together with how

the proposed development will affect you. You can outline your concerns using Council's Greenlight Portal, obtain a standard objection form from the Council website, or supply a letter outlining your concerns.

You can lodge your submission any time before a decision is made on the planning application. If the planning application has been publicly notified, or advertised, a date will be stipulated on the notice as to when your submission should be lodged with Council, although you can lodge a submission any time prior to Council making a decision. If you have lodged a submission, you will receive an acknowledgment letter advising you that your submission has been received by Council. You will also be notified in writing of Council's decision either by email or mail depending on how it is lodged.

If you are objecting, you may wish to indicate how the proposal could be changed in order to make it acceptable. If you are able to reach a compromise with the applicant and you no longer have any concerns about the application, you can write to Council withdrawing your objection. However, if you withdraw your objection, you will not be informed of the decision and you will lose your right to appeal if you are unhappy with the decision.

### **Other important things to know about making a submission**

#### *Privacy*

A submission to a planning permit application is a public document and it's important that all parties are able to view the submission so that they can provide a response. Copies may be made available to other parties including the applicant, other submitters and the Victorian Civil and Administrative Tribunal (VCAT).

#### *Petitions*

If you submit a petition, all correspondence will be sent to the first name and address listed on the petition. It is the responsibility of this individual to inform all other participants in the petition. A petition is counted as one individual submission irrespective of how many signatures are on the petition.

#### *Precedent*

Each application is considered on its own merits based on the constraints of the site and planning policy. The purpose of the planning zone, size and form of other

buildings in the street and car parking requirements can all determine whether a proposal will be supported. The fact that one type of use or development was not supported elsewhere within the municipality does not necessarily mean the same proposal is inappropriate in another location.

#### *The Special Planning Committee*

If eleven or more objections are received, the proposed development will be referred to the Special Planning Committee (SPC) for a decision, which is chaired by three councillors. You are welcome to attend the SPC meeting and talk about why you have objected to the proposal. Some applications that are particularly contentious, or involve a major policy decision, may be referred by the SPC to a full Council meeting for a decision. Further information regarding the SPC can be found at [Council's website](#).

### **Can I appeal against the Council's decision?**

If you have lodged an objection and Council proposes to approve the application, a Notice of Decision to Grant a Permit is issued which allows you to lodge an appeal. An appeal is also called an 'Application for Review' and must be lodged with VCAT within 28 days of Council's decision. An applicant or developer can also appeal against Council's decision, or any conditions imposed on their proposed development. As a submitter, you will be notified if an appeal has been lodged.

An appeal involves a hearing where Council's representative, submitters and the applicant present their cases to an independent member, or members of VCAT. Details of how and when to appeal are also contained on the reverse side of the written decision you would receive from Council.

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](mailto:townplanning@hobsonsbay.vic.gov.au)