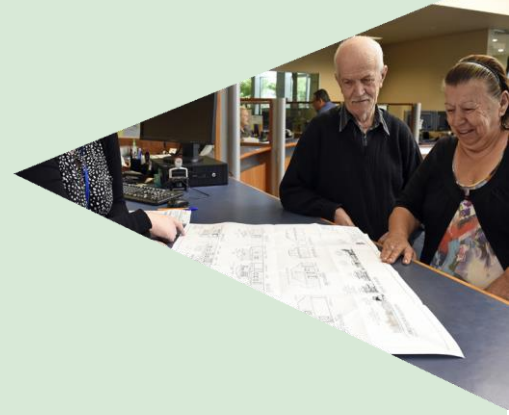


## Planning application fact Sheet

# Supporting or objecting to a planning permit application



You may become aware of a planning permit application in a number of ways. Perhaps you received a letter in the mail, seen an advertisement in your local newspaper or a public notice sign on a site. Alternatively, your neighbour or a developer may approach you to discuss their plans.

However you first become aware of it, if you are affected by a proposed use or development of land, you may object. If you are supportive of the application, you also have an opportunity to lodge a submission in favour of the proposal. This fact sheet 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.

### Step 1 - Work out how the proposal will affect you

Information about the application (such as plans and reports) can be found online through Council's Greenlight Portal [www.hobsonsbay.vic.gov.au/findplanapp](http://www.hobsonsbay.vic.gov.au/findplanapp), and at the Council Offices. Please look at the plans and try to visualise exactly what is proposed. You might even like to measure distances and heights to determine how a proposed development may affect your property. Think about what is important about your property and how the proposal may 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?

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.

Council must consider all submissions received when making its decision, but can only take into account matters which relate to why a planning permit is required and any associated policy and decision guidelines.

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 requirement.

The notice of application will assist in identifying why a planning permit is required. Examples of other issues that cannot be considered in making a decision 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 [www.hobsonsbay.vic.gov.au/asbestos](http://www.hobsonsbay.vic.gov.au/asbestos))
- 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 proposal will affect you. You can outline your concerns using Council's Greenlight Portal or supply a written submission.

A deadline for submissions will be included on the notice, although you can lodge a submission at 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 of 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 individual merits based on the particular characteristics of the site, the specifics of the proposal and relevant planning policy. The purpose of the planning zone, size and form of other buildings in the street and car parking requirements (if applicable) can all inform whether a proposal will be supported. The fact that one type of use or development was supported elsewhere within the municipality does not necessarily mean a similar proposal is appropriate in another location.

#### *The Delegated Planning Committee*

If 11 or more individual objections are received, the application will be referred to the Delegated Planning Committee (DPC) for a decision. For the purpose of calculating objections for the DPC, multiple objections that are identical copies of each other (proformas) will only be counted as one objection as will petitions.

The DPC comprises three councillors and you are welcome to attend the 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 DPC to a full Council meeting for a decision. For more information, visit [www.hobsonsbay.vic.gov.au/dpc](http://www.hobsonsbay.vic.gov.au/dpc).

### 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. The permit applicant can also appeal Council's decision to refuse the application or any conditions included on a permit. As a submitter, you will be notified if an appeal has been lodged.

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

If you would like to find out more or speak to one of Council's planners, please call 1300 179 944 or email [townplanning@hobsonsbay.vic.gov.au](mailto:townplanning@hobsonsbay.vic.gov.au).