

HOW DO I MAKE AN EFFECTIVE OBJECTION?

Section 52 of the *Planning and Environment Act, 1987* requires a Council to seek the views and comments of people, authorities or organisations that may be affected by a planning proposal. Notification can be by sending letters to adjoining or nearby property owners and occupiers, erecting sign(s) on the site, or publishing a notice in the newspaper.

The vast majority of Planning Applications will be notified, however, Council will not notify an application if it is satisfied the proposal will not cause a material detriment to any person, or if the Manningham Planning Scheme explicitly exempts a proposal from notification.

What should I first do if I am notified of a Planning Application?

If you are notified of a Planning Application, it is recommended that you familiarise yourself with the proposal and furnish yourself with the facts before lodging an objection. This can be done by coming into Council's main office during business hours and request to view the plans. You may also wish to talk with the planning officer responsible for the application whose name and contact details appear on the notification letter, and arrange a meeting if necessary. You are able to ask any questions, however, answers to the following questions tend to assist in describing a proposal:

- Will there be an increase in traffic in my neighbourhood?
- Is there adequate car parking provided on the site?
- Will the proposed development 'fit in' with my neighbourhood?
- Do building setbacks meet the standards?
- Will the proposed development overshadow my windows/backyard/swimming pool?
- Are there any windows that overlook my property?
- How far is the proposed dwelling setback from my boundary/dwelling?
- How would the proposal look from my property?
- Can I see the proposal from my property?
- Are there any trees or bushes to be removed from the property?
- Is there any replanting proposed?
- Will the development affect the drainage in the area?

It is helpful that you provide the Planning Application Number which starts with PL12/02????, or the address of the property. This information is also provided in the notification letter.

Statutory Planning Information Sheet

Under what circumstances can I object to a Planning Application?

If you feel that you will or may be affected by a planning application, you have the right to object to it. A submission may be made individually, or as a petition or joint objection. Please ensure that one contact person is nominated per submission.

What format can an objection be made in and who do I send it to?

An objection must be made in writing, reference the planning application to which it relates and include the contact details of the objector. An objection form is available from Council or online and can be used, or alternatively you can outline your objection in a letter. The objection is to be submitted to Council. A confirmation letter acknowledging receipt of an objection will be sent to you, or the principal contact for a multi-signatory objection.

What can I object to in a Planning Application?

Council can only consider objections that are based on legitimate planning grounds. Objections premised on moral grounds or private and commercial competition will not be considered as they are not within the scope of the *Planning and Environment Act, 1987*.

It is best to express your objection in your own words, describing how each issue affects you. It is recommended that this be done in dot point format.

Typical grounds of objection may include:

- **Traffic congestion**

Most proposals that increase traffic generation are referred to Council's Engineering and Technical Services Department where Traffic Engineers will assess whether the traffic generated can be safely and conveniently accommodated by the existing street networks.

- **Lack of car parking**

On site parking rates are outlined for different uses in the Manningham Planning Scheme. Council can determine to grant a permit to reduce the standard parking rate having considered issues such as:

- The intensity of the proposed land use;
- Availability of existing car parking in the locality;
- Proximity of public transport.

Statutory Planning Information Sheet

- **Out of character**

Proposals must respect and reflect the existing neighbourhood character through the design response unless a preferred character has been identified for an area under the Manningham Scheme. Common neighbourhood characteristics include:

- *Lot size, shape and topography;*
- *Streetscape;*
- *Setbacks and building height;*
- *Architectural style, including eaves, roof and building form;*
- *Landscaping;*
- *Front fence;*
- *Building materials;*
- *Location of car parking;*
- *Location and size of private open space.*

- **Overshadowing**

Shadow diagrams must accompany an application for two or more dwellings to enable an assessment of overshadowing on surrounding properties. Diagrams are prepared for the 22 September equinox.

- **Overlooking/Loss of privacy**

Overlooking into secluded private open space areas and habitable rooms windows of adjoining properties must be limited. Fitting windows with obscure glass, raising sill heights to make highlight windows or fitting fixed external screens are typical measures employed to restrict overlooking.

- **Visual bulk of building**

Large bulky buildings can impact on the outlook of neighbours and dominate private open space areas. Bulk can be reduced by increasing setbacks of buildings to boundaries, incorporating single-storey components, using a variety of materials and incorporating features such as verandas or windows. Please refer to Manningham's *Building Bulk Guidelines* (available from Council Offices) for further detail.

- **Loss of vegetation**

Vegetation loss can significantly impact on neighbourhood character and the landscape and environmental quality of an area.

- **Overdevelopment**

The maximum site coverage of a unit development should not exceed 60%. The amount of site coverage is a contributing factor to neighbourhood character and the amount of hard surface also impacts on the amount of stormwater runoff.

Statutory Planning Information Sheet

- **Loss of property value**

While loss of property value is a common concern for neighbours, it is not a planning consideration.

- **Loss of view/outlook**

Bulky development may impact on the outlook from a neighbouring property. This is further discussed under visual bulk. While there is no legal right to a view, a significant view can contribute to the amenity of a property.

- **Increase in noise**

Noise generation can cause significant loss of amenity. The Environmental Protection Authority has set up standards in relation to acceptable noise levels in residential areas.

- **Inadequate storm-water drainage**

Council's Engineering and Technical Services Department will assess the impact of development on the storm water drainage system in the area. In some instances an on-site storm water detention system may be required to control storm water discharge.

When can you make an objection?

Council will accept and consider any submission received up until it makes a decision on a town planning application. Council will not make a decision during this 14 day advertising period. It is recommended that your comments be lodged within this 14 day period to ensure consideration of your comments is given.

What happens after I make an objection?

If an objection is made, your correspondence will be acknowledged and you will be notified by mail of Council's decision when the decision is made.

You may withdraw your submission at any time.

If an objector to the application is dissatisfied with Council's decision to issue a Notice of Decision to grant a permit, applications for review can be made at the Planning Division of the Victorian Civil and Administrative Tribunal (VCAT) within 21 days of the date of issue. The relevant forms, fees and associated materials can be found at www.vcat.vic.gov.au OR by phoning 9628 9777.