

Statutory Planning

Making an Effective Objection

Planning applications and notice requirements

Section 52 of the *Planning and Environment Act 1987* requires a Council to seek the views and comments of people, authorities and 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 notice in a newspaper.

The vast majority of Planning Applications include notification, however, we will not require notification of 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 requirements.

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 viewing the advertised plans and accompanying documentation. This can be done in two ways.

Online All advertised documents for a planning application can be viewed at <http://www.manningham.vic.gov.au/planning-register>

In Person 699 Doncaster Road Doncaster
8.00am to 5.00pm, Monday to Friday

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 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 the building setbacks meet the standards?
- Will the proposed development overshadow my windows/backyard/swimming pool/solar panels?
- Are there any windows that overlook my property?
- How far is the proposed dwelling set back from my property?
- Can I see the proposal from my property?
- Are there any trees or bushes to be removed from the property, and is a permit required for this removal?
- Is there any replanting proposed?
- Will the development affect the drainage in the area?

It is helpful if you provide the planning application number which starts with PLN, PLA, PVN or PVA, or the address of the property. This information is also provided on your notification letter.

Interpreter service  9840 9355

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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 to and include the contact details for the objector. **Submissions can be lodged online directly via the application's file on the planning register (<http://www.manningham.vic.gov.au/planning-register>).** For hard copy submissions, an objection form is available from Council, or alternatively, you can outline your objection in a letter. The objection is to be submitted to Council. A confirmation letter or email 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?

We 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*.

The online submission module provides specific prompts to ensure all relevant information is included. If writing a letter, it is best to express your objection in your own words, describing how each issue affects you. It is recommended this be done in dot point format.

Typical grounds of objection may include:

Character: Proposal 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 Planning 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.

Traffic congestion: Most proposals that increase traffic generation are referred to our 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.

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

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

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 September 22 equinox.

Overlooking/loss of privacy: Overlooking into secluded private open space areas and habitable room 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 building to boundaries, incorporating single-storey components, using a variety of materials and incorporating features such as verandahs and windows. Please refer to Manningham's *Building Bulk Guidelines* (available on our website or from our office) for further detail.

Loss of vegetation: In instances where a permit is required for vegetation removal, 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%, and where applicable, should meet the garden area requirements of the applicable zone. The amount of site coverage is a contributing factor to neighbourhood character and the amount of hard surface also impacts on stormwater runoff.

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 on on-site storm water detention system may be required to control storm water discharge.

Residential 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. These matters would typically be considered where a non-residential use is proposed.

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What may not be suitable grounds for objections?

The following are some examples of common objections that may not be valid planning grounds.

Loss of property values: while loss of property value is a common concern for neighbours, it is not a planning consideration.

Loss of view/outlook: While bulky developments may impact on the outlook from a neighbouring property, and significant views may constitute an amenity impact, there is no specific protection or legal right to a view.

Impact on street parking: Requirements for the provision of off-street parking are outlined in the *Manningham Planning Scheme*. If on-site parking arrangements can be met, the burden of addressing problems with street parking should not be on individual applicants and developers.

Demolition, Construction Management and Damage: Unless protected by a Heritage Overlay, the demolition of an existing dwelling is not a planning matter, and must be addressed by the relevant Building Surveyor. Damage to an adjoining property from construction is a civil matter. Significant developments may be required to include a construction management plan to outline specific details of the construction process.

When can you make an objection?

We will accept and consider any submission received up until it makes a decision on a planning application. We will not make a decision during the prescribed (typically 14 days for standard applications, and 21 days for major applications) advertising period. The last date of this period is included at the bottom of the notice. While objections can be received after this date, it is recommended that your comments are lodged within the advertising period to ensure proper consideration is given to your submission.

What happens after I make an objection?

If a submission is made, an acknowledgement will be sent to your nominated mailing or email address. You will also be notified of our decision when the decision is made, including a copy of the Notice of Decision to either grant or refuse to grant a Permit. A Notice of Decision to Grant a Permit includes all conditions that will appear on the permit.

You may withdraw your submission at any time.

If an objector to the application is dissatisfied with our 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 material can be found at www.vcat.com.au or by phoning 1300 01 8228.

For more information on the advertising process, submission process, or a specific application, please contact the Statutory Planning department.



(03) 9840 9471



PlanningApplications@manningham.vic.gov.au



<https://www.manningham.vic.gov.au/understand-planning>