

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 site. Alternatively, your neighbor or developer may have approached you to discuss their plans.

Regardless of how you became aware of it, if you are affected by the 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 when you are considering making a submission to a planning permit application.

There are two important stages to lodging a submission.

## Stage 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 Eplanning Portal <https://eplanning.surfcoast.vic.gov.au/Account/Login.aspx>. Please look at the plans and try to visualise exactly what is proposed. You might even like to print out a copy of the plans from the Eplanning portal 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.

- Will the proposed development be highly visible in my backyard?
- Will my privacy be impacted from overlooking or will there be shadows cast over my property?
- 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 a medical centre, then Council cannot refuse or place restrictions on another matter such as its operating hours.

It is sometimes difficult to determine what parts of the proposal needs a planning permit and what does not. For example, in some cases a planning permit is required to remove native vegetation and other times it is not. In addition, sometimes the effect development has on the view of the water and other important landmarks can be considered, and in other cases it cannot. This is all dependent upon the type of application and what planning controls apply. The notice of application will assist in identifying why a planning permit is required, but you can discuss this with a Council planner to help identify what can be considered.

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
- Commercial competition

You can also ask your friends, neighbours or a town planning consultant for their opinions on the proposal or plans.

## Step 2 – Prepare a submission and lodge it with Council

If you have decided that you wish to lodge a submission. It must be in writing and include your name, address and contact details together with how the proposal will affect you. You can outline your concerns using Council's Eportal or supply a written submission via email, post or it can be handed in over the counter at the Council offices.

A date will be included on the notice of planning permit, Council cannot make a decision on the application prior to this date. You should try to lodge a submission prior to this date, 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 acknowledgement 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.

## Consultation

In some cases, Council Officers will request a consultation meeting between all objectors and the Applicant. This is an opportunity to listen and seek to understand concerns and aspirations from all parties, and to focus on finding solutions to the issues wherever possible. If one is officer, it is highly recommended that you participate in the process.

In other cases, the Applicant may provide a written response to objections received, and also make changes to the proposal to resolve concerns. You may wish to indicate how the proposal could be changed in order to make it acceptable. Council planners will circulate revised documents to all submitted if the applicant makes changes to address concerns raised. This provides you with further opportunity to comment on the amended plans or proposal.

If as part of the consultation you no longer have 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 outcome.

## 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). Whilst some personal information is not shared with the applicant, in accordance with the *Planning and Environment Act 1987* your name and affected property address is shared.

### 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/or use can all inform whether a proposal will be supported. The fact that one type of use or development was supported elsewhere within the Shire does not necessarily mean a similar proposal is appropriate in another location.

## Can I appeal against Council's decision?

If you have lodged a submission 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, review applicants and the permit 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 5261 0800 or email [planningapps@surfcoast.vic.gov.au](mailto:planningapps@surfcoast.vic.gov.au)