



A GUIDE FOR OBJECTORS

URBAN PLANNING IN PORT PHILLIP

I received a public notice in the mail, what does it mean?

A public notice is mailed to you when someone has applied for a planning permit to develop and/or use a property near you and Council has determined that you may be affected by the grant of the permit. For example, if someone wants to build units near your property, you may be mailed a public notice to let you know.

In addition, a large sign displaying the public notice is often erected on the subject site. This sign is erected for at least 14 days. The public notice describes what is being planned and where you can go to look at the plans. It is always a good idea to go and physically look at the plans to fully inform yourself about the proposal.

I would like to know more about the planned development, who do I speak to?

You are strongly advised to look at the application prior to lodging an objection. You can visit Planning at the St Kilda Town Hall between 8.30 am and 5 pm, Tuesday, Wednesday, Thursday and Friday and between 8.30am and 6pm Monday. A planner is available at the counter every day to show you the plans and help you with any queries. The St Kilda Town Hall is located on the corner of Carlisle Street & Brighton Road St Kilda. If you prefer to obtain advice over the telephone, call 9209 6424.

Making an objection

Can I object to an application?

Yes. Your objection must be in writing and clearly state the reasons for your objection and how you will be affected if a planning permit is granted. Your objection must include your name and postal details for the objection to be considered and to enable Council to contact you.

What kind of things can I object to?

Objections should state exactly how the proposal will affect you and should relate to matters relevant to the proposed use or development which may include:

- Negative changes to the amenity or character of your property or the area.
- Non compliance with the Planning Scheme, including State and Local Policies and ResCode.

It is often a good idea to include any suggestions for changes which might overcome your concerns.

You should be aware that Council's consideration of some applications is limited. For example if a proposal requires a planning permit only because the property is affected by a Heritage Overlay control, Council is limited to considering heritage matters and can not consider matters relating to amenity such as overlooking or overshadowing. It is therefore important to know exactly why the proposal needs a permit.

There are also some matters which Council cannot consider under planning legislation and policy such as a perceived decrease in the value of a property as a result of a proposed development and/or use.

If you might be affected by a proposal subject to a planning permit application:

If you are concerned about a proposal about which you have been notified, there are a number of things you can do:

- Look at the plans carefully and get explanations if you have questions.
- Find out what the relevant controls are and what Council is able to consider in making its decision.
- Speak to the applicant if there are issues that you think could be resolved - applicants are often willing to modify a proposal to address concerns of the neighbours.
- You may consider making an objection to the grant of a planning permit.

How much time do I have to lodge my objection?

The planning application is usually advertised for a minimum of 14 days. The date on the public notice tells you when the advertising period finishes. Council cannot make a decision on the application until completion of the Notice period. Objections should be lodged within the Notice period although late objections will still be considered if a decision has not yet been made. The later the submission however, the more difficult it becomes to ensure that your objection is fully considered.

Do I have to use a special form?

No. Objection forms are available from the planning counter or can be, but you do not have to use them to lodge an objection. Objections must be sent to the Statutory Planning at the City of Port Phillip, Private Bag 3, PO St Kilda 3182.

If you do not use a form, your objection must be in writing and must include the following information:

- The planning application number as shown on the public notice,
- Address of the site on which the development or use is proposed
- Your name, address, telephone number and e-mail address if you have one.
- Your reasons for objecting and how you believe you will be affected

You will receive a letter from Council acknowledging that your objection has been received. You will also be notified in writing of Council's decision.

Do I need to tell you my name and address?

Yes. To be a valid objection, it must contain your name and address. Council also needs your name and address to keep you informed on the progress of the application and to advise you of Council's decision. In some circumstances, objectors are invited to attend a consultation meeting or a Statutory Planning Committee meeting and we need to be able to contact you.

Does the applicant know who has objected?

Yes. Objections become public documents so this information is available to any person who wishes to view the Council file. Council also provides copies of the objections to an applicant if requested.

Can a group of people object by signing a petition?

Yes, but only one person on the petition will be notified in writing of Council's decision as a petition or objection with multiple signatories is recognised as one objection. In the case of a multiple page petition, the first name on the petition will be registered as the objector contact. The petition must explain the reasons for the objection and how the proposed use or development will affect the persons just like other objections.

Petitions are not necessarily better than individual objections. Council will consider the reasons for the objection and how the people will be affected rather than count the number of names on the petition.

The whole street objects, does this mean Council should not even consider the application?

Once Council has received a planning application it must process that application in accordance with the Planning and Environment Act 1987. Council is obliged to consider the application having regard to the Planning Scheme. Council cannot reject an application simply because of the number of objections. It must base its decision on policy and planning considerations, which may be informed by the response of others to an application, whether favourable or not.

How can I check the status of an application?

Planning Permits Online is an initiative of the City of Port Phillip.

Its purpose is to enable you to check the status of a planning permit application in a quick and convenient way. It contains information required to be included in the register of planning permit applications and decisions under the Planning and Environment Act and its regulations, and made available for public inspection. You can search this information by application number or property address. <http://eservices.portphillip.vic.gov.au>

What happens after I have objected?

At the end of the advertising period, Council will consider whether a consultation meeting should be held before the application is considered further.

What is a consultation meeting?

These meetings are not held for every application; it depends on whether it is likely that some agreement may be reached between the parties or there is some other benefit likely to flow from having such a meeting (ie the sharing of information).

In the event that a consultation meeting is required, Council invites the applicant and any objectors to this meeting. The meeting provides a forum where discussions about the proposal can occur between the parties with a view to identifying concerns, possible means of addressing concerns and opportunities to improve outcomes for all participants in the process. In most cases, the Ward Councillor and the planner responsible for the application also attend this meeting. It is not compulsory to attend this meeting.

How is a decision made?

Council officers assess each planning application. Significant weight will be given to the following:

- Whether the proposal accords with the Planning Scheme as well as Local Policies, Council Strategies and guidelines relating to a range of planning matters.
- Whether the proposal is consistent with the purpose of the zone in which the land is situated
- Whether the proposed use or development maintains or enhances the character of the neighbourhood (for example, that the design and scale of buildings is consistent with others in the area)
- Whether the amenity of adjoining properties is maintained - for example, by minimising overshadowing, overlooking, noise, traffic and parking impacts
- Whether a proposed new development achieves a high standard of urban design

Who makes the decision?

Officers have delegated authority from Council to consider planning permit applications with up to 15 objections. Applications that are not dealt with under delegation are reported to the Statutory Planning Committee of the Council which meets monthly and comprises all Port Phillip Councillors. Council meetings are usually held at 6 pm on the second Monday of each month at the St Kilda Town Hall. If the application you have objected to is being considered at a Council meeting, you will be invited and details of the meeting are sent to the applicant and all objectors.

All parties have a brief opportunity (approximately three minutes) to address the Council before a decision is made.

What happens after a decision has been made?

If Council or its delegate supports the application and no objections have been received a planning permit will be issued. The permit will contain a number of conditions including a time limit for the commencement and completion of the use and/or development.

If Council supports the application and objections have been received, a "Notice of Decision" will be issued. This is not a planning permit but indicates all the conditions which would form part of the planning permit if issued. An objector has 21 days from the date on the Notice of Decision to lodge an Application for Review against Council's decision to the Victorian Civil and Administrative Tribunal (VCAT) if they choose. If an Application for Review is not lodged, VCAT will notify Council a planning permit may be issued after the 21 day period has expired.

If Council does not support the application, a Notice of Refusal will be issued which includes the reasons for the refusal. An applicant has 60 days to lodge an Application of Review with VCAT against Council's decision.

Conditions on a permit may also be appealed by the applicant.

Can I challenge Council's decision?

Yes. If you do not agree with Council's Notice of Decision you can lodge an Application for Review with the [Victorian Civil and Administrative Tribunal \(VCAT\)](#). Objectors have 21 days to lodge an Application for Review. The applicant has 60 days to lodge an Application for Review.

How do I lodge an Application for Review?

Your Application for Review must be lodged with the [Victorian Civil and Administrative Tribunal \(VCAT\)](#) on an official form and sent to the Registrar of the Planning List. The person lodging the Application for Review is responsible for notifying all other parties that an Application for Review has been lodged.

What costs are associated with lodging an Application for Review?

You will pay a fee at the time you lodge the Application for Review. Other parties to an Application for Review normally bear their own costs. Costs may be ordered against the person who lodged the Application for Review if the tribunal considers the proceedings have been brought:

- Vexatiously or frivolously
- In order to secure or maintain a direct or indirect commercial advantage
- That someone has suffered as a result

An Application for Review is heard by one or more members of the Victorian Civil and Administrative Tribunal (VCAT) who have experience and expertise in the matter to be heard. Decisions made by VCAT are final and are binding on all parties to the appeal, except where a question of law is involved and an appeal is sought before a court.

For further information, please contact:-

City of Port Phillip Planning Department
St Kilda Town Hall
Cnr Carlisle St & Brighton Road
St Kilda 3182

Private Bag 3
PO St Kilda 3182

Phone: (03) 9209 6424
Facsimile: (03) 9536 2740

Email: planhelp@portphillip.vic.gov.au
Website: www.portphillip.vic.gov.au/planning_building.htm



S.57 FORM – OBJECTION TO GRANT A PLANNING PERMIT
PLANNING AND ENVIRONMENT ACT 1987

Office Use Only

Date Received: / /

PERMIT APPLICATION No:/.....

DETAILS (please use BLOCK letters)

I/We:

Of (address): Post Code:

Telephone: (Optional – please refer to Privacy Statement below)

Email: (Optional – please refer to Privacy Statement below)

DETAILS OF OBJECTION TO PERMIT APPLICATION

I/We object to the granting of a permit:

To (name of applicant):

For (description of proposal):

At (description of land):

Because:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....(Please affix any additional pages to this form)

Privacy Notification:

The personal information requested on this form is collected by Council for the purposes of enabling you to object to a Planning proposal. The personal information will be used solely by Council for this primary purpose or directly related purposes. The applicant understands that the personal information provided is for these purposes. Under some circumstances the personal information disclosed will be made available to the public, as required by the Planning and Environment Act 1987 or other legislation. Your decision not to provide your personal information will impede our ability to engage with you regarding the objection process relating to this

Our enquiries counter at the St Kilda Town Hall is open at the following times:

8.30am – 6.00pm Monday Only

8.30am – 5.00pm Tuesday to Friday