

Responding to Planning Applications

Public Notification Process

The way properties are used and developed can have an effect on surrounding residents and the wider community as a whole. This is why, in some instances, the planning permit application process allows people have the right to comment before a decision is made.

This information sheet aims to explain the importance of getting involved in planning decisions in your area and provide information about how to have your say.

Public notification

When a proposal may cause detriment to another person or the amenity of the area, the planning permit application is required to be advertised. Public notification can take place by way of a letter in the mail, a sign(s) on site or advertisement in the local newspaper.

During the public notification stage you may view all advertising material and plans on either Council's website www.kingston.vic.gov.au/planning or visit the planning counter at, 1230 Nepean Highway, Cheltenham.

Please note: certain types of applications are exempt from public notification depending on the planning controls that apply to a particular site.

Determining if and how the proposal may affect you

Think about what is important about your amenity and property. How will the proposal impact on you and change what you value? Questions you may want to ask yourself include:

- Will the proposed development cast a shadow on my open space?
- Will my privacy be impacted upon? Are there large windows overlooking my living areas?
- Will there be a noise impact associated with the proposed use?
- Will the proposed development involve the removal of significant trees from the site?
- Will there be an impact on neighbourhood character?
- Will the proposed development create visual bulk to my property?

Preparing and lodging an objection with Council

A planning application is advertised for a minimum of 14 days. The date on the public notice tells you when the advertising period finishes. Council will consider any objections received after this 14 day period has expired, up until the time that a decision is made on the application. However, to ensure that you do not miss this opportunity to put a submission in to Council it is best to submit your concerns to Council within the specified timeframe outlined in the notice.

An objection must be made to Council in writing stating the reason for the objection and stating exactly how you will be affected by the proposal. A standard form obtained from Council can be used, but a letter is also acceptable. If you do not use a form, please ensure that your letter of objection has the following information:

- The Planning application number eg. KP-2017/544;
- Address of the site on which the development or use is proposed;
- Your name, address and telephone number;
- Your reasons for objecting and how you will be affected.



Council must make a copy of every objection available at its office to any person for inspection until a decision on the application is made.

If you are supportive of a proposed development, you also have an opportunity to lodge a submission in favour of the proposal.

Are there any matters that cannot be taken into consideration?

Yes. Council may reject an objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.

What happens if petitions are lodged?

The first name on the first sheet is viewed, in accordance with planning legislation, as the contact person. This person is notified in writing of the Council's decision, and is also responsible for notifying all other signatories on the petition of all Council correspondence.

What happens once an objection has been lodged?

You will receive a letter from Council acknowledging that your objection has been received.

As an objector, you may be invited to a preliminary conference at the Council offices, with the applicant, any other objectors and a planning officer (refer to Preliminary Conference pamphlet). Your Ward Councillors may also attend this meeting.

It is possible that the Applicant may amend the plans after advertising. Council may re-advertise amended plans. All original objections received will be considered when Council makes a decision.

If you reach a compromise with the applicant and you no longer have any concerns about the application, you can withdraw your objection in writing to Council. However, if you withdraw your objection, you will not be informed of the decision and you will lose your right to apply to VCAT for a review if you are unhappy with Council's decision.

After a decision is made

If Council supports an 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 (NOD) will be issued. This is not a planning permit. It is a notice stating that Council supports the application, subject to conditions. An objector has 21 days to lodge an appeal against Council's decision to the Victorian Civil and Administrative Tribunal (VCAT). If an appeal is not lodged, VCAT will notify Council when a planning permit may be issued.

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

If you have lodged an objection to Council you will be notified in writing of the Council's decision.

tip



Remember Council will consider any objections received after this 14 day period has expired, up until the time that a decision is made on the application. However, to ensure that you do not miss this opportunity to put a submission in to Council it is best to submit your concerns to Council within the specified timeframe outlined in the notice.

Further information

If you would like further information or assistance, please contact our Planning team:

 **Online** kingston.vic.gov.au/planning

 **In person** **Cheltenham Office**
1230 Nepean Highway
Cheltenham VIC 3192
8.30am - 5pm, Monday to Friday

 **Telephone** 9581 4131

 **Email** info@kingston.vic.gov.au

 **Translation service:**

 **131 450**
TIS National