

The public consultation process for permit applications

Around 70% of planning permit applications lodged at the Shire are advertised before a decision is made. This is because people that may own, live or work in surrounding properties may be affected by what is proposed and may wish to make a written submission for us to consider.

HOW DO WE ADVERTISE APPLICATIONS?

The advertising process usually consists of sending a letter in the post to the owners and occupiers of the properties immediately next to the land and displaying a public notice at the front of the site. Sometimes a public notice is also required to be published in local papers as an application may impact on people further away from the site.

The purpose of these notices is to allow people to visit one of our five Community Links to look at the plans and supporting documentation so that they can decide if what is proposed impacts on them or a property they have an interest in.

If an application is made for a property outside the Shire's urban areas, we will make sure a full copy of the application is available at the nearest Community Link, which are located at Yarra Junction, Healesville, Monbulk and Upwey. Details of where people can look at the application are included on the public notice. All applications can be viewed at the Shire's Civic Centre in Anderson Street.

HOW LONG DOES THE ADVERTISING PERIOD LAST?

Usually the advertising period last for 14 days, although occasionally this timeframe may be extended for major projects. The public notice will always say when the advertising period closes. As standard practice the Shire gives 16 days from the date the notices are sent to allow for delivery by post.

WHY ARE SOME APPLICATIONS NOT ADVERTISED?

Sometimes, after thoroughly reviewing an application and visiting the site, we make a decision that what is proposed will not have a noticeable impact on surrounding properties and advertising will not be required. For example we would generally not advertise an application for a small extension to a house on a rural property where the house is well set back from property boundaries and no tree removal is required.

There are also instances where part or all of what is proposed by an application is exempt from public notice requirements by the Planning Scheme, even though a planning permit is required for the use and/or development. For example most buildings and works in a Business 1 Zone, which usually applies to shops, requires a planning permit but is exempt from advertising requirements.

It is important to understand that if the Planning Scheme says that an exemption from advertising requirements applies, the Shire cannot ignore this and advertise anyway.

NEED MORE INFORMATION OR HELP?

More information about the consultation process is provided on the following pages, but if you need more help or want to talk to one of our Planners please call Planning Services on 9294 6222.

WHO CAN MAKE A SUBMISSION?

Anyone who believes they are affected in a real way by a planning permit application; in our experience those who live, work and own property closest to the site are usually the most affected

People can either support or oppose to what is proposed

Submissions must always be made in writing and emails are acceptable.

Remember that each submission must tell us how the person is directly affected by the proposal in a real, and valid, way.

WHAT INFORMATION DO I NEED TO INCLUDE?

Submissions must be **readable, particularly the name and details of the person making the submission**. If we cannot identify who has made the submission we may not be able to consider it.

Submissions must clearly indicate:

- ü The submitter's name and postal address
- ü A daytime contact phone number
- ü The application number
- ü A description of what the application proposes (this can be found on the notice or sign)
- ü The address of the land the application is for
- ü An explanation about why the person either supports or opposes the application.

Objections must clearly explain how the person would be directly affected if a planning permit was to be granted. Photos and other supporting material that will help both the Planner and the Applicant understand the views made in the submission may also be included.

WHAT TYPES OF ISSUES CAN BE RAISED?

All submissions, particularly objections must show how the application affects an individual, or a property in which they have an interest, in a material, or measurable, way.

Before writing a submission it is important that the plans and other documents associated with the application have been reviewed so there is an understanding of what is being proposed.

It is also important for submitters to understand what requirements apply to the proposal under the Planning Scheme, which sets out minimum standards for things like setbacks from boundaries, height restrictions, how many car spaces should be provided on the site and so on. These standards are used to work out if neighbouring properties are significantly affected by what is proposed and whether or not any concerns raised by submitters are valid.

For example if a multi unit development is proposed, there are standards to work out if neighbouring properties will lose an unreasonable amount of daylight to main living areas that will affect the amenity of the property. If the minimum standard is met it is difficult for the

Planner to seek changes to the plan. Having said that, we do provide the Application with a copy of all objections and request that they consider how the proposal could be changed to address the concerns raised.

There are a number of issues that cannot be measured, or proven, that are sometimes raised in objections. Whilst every objection is reviewed and considered, our experience tells us that objections for particular types of uses and developments often raise issues that are not considered to be valid objections.

Such issues include loss of property value, not wanting multi unit development in the neighbourhood or the possibility of properties being rented out. There are also grounds of objection that apply to commercial types applications that are not valid, such as objecting to a development because there are already businesses that offer the same kind of service in the area. This cannot be taken into consideration because we cannot use the planning process to restrict competition.

All Victorian Councils, as well as the Victorian Civil and Administrative Tribunal (VCAT), must consider these types of objections in the same way. This is because after decades of planning appeals, decisions have been made and precedents set about what kinds of things can be objectively measured by an independent person to work out if there is a real impact on the person making the objection.

WHAT IF I AM CONCERNED ABOUT A SPECIFIC PART OF THE PROPOSAL?

We often find that people are concerned about a particular aspect of an application rather than the whole proposal. If this is the case, it is important that the submission identifies what parts of the application are of concern and how the application may be changed to overcome them.

For example if someone is concerned about a window that overlooks their backyard, they may ask for it to be changed to a highlight window or the window moved to a different side of the building. This will help our Planner, and the Applicant, understand what changes could be made to the proposal.

WHAT ABOUT PETITIONS?

We sometimes receive submissions in the form of a petition signed by a number of people. It is important that people are aware that:

- ü The petition must **identify a contact person** for future correspondence, who is also responsible for informing all of the other petitioners about the progress of the application. We will, however, invite all petitioners to any Consultation Meeting or Council meeting if the application is to be decided by Council.. Only the Contact Person will receive a copy of the final decision.
- ü If a contact person is not nominated, the first person who signed the petition will be considered to be the contact person.
- ü A petition is only considered to be one submission, regardless of how many signatures may be on it.
- ü The petition needs to explain how people that sign it are affected by the application.

WHO CAN READ THE SUBMISSIONS?

All written submissions are a public document and under legislation must be made available to the Applicant, and any member of the public, to view as part of the planning permit process. Copies of all submissions are also sent to the Applicant for their consideration.

WHAT IF THE ADVERTISING PERIOD HAS FINISHED?

We must accept late submissions if a decision **has not** been made but this means that the submitter may have missed out on an opportunity to participate in discussions about how the proposal may be changed in response to people's concerns. It is too late to make a submission if the permit has been issued and the earlier we receive submissions the more time the Planner, and the Applicant, has to consider the issues raised.

WHAT HAPPENS AFTER SUBMISSIONS HAVE BEEN RECEIVED?

We will send all submitters a letter confirming that we have received their correspondence. The Applicant will also be sent a copy of the submissions to give them an opportunity to consider how to respond to the issues raised.

The Planner will then review the submissions to work out if there are aspects of the proposal that can be changed to make the application more acceptable. Submitters may be contacted by phone to discuss the issues raised in more detail.

If there are a large number of submissions a Consultation Meeting will be held. All submitters, the Applicant and the Ward Councillor are invited to attend to see if a compromise can be reached.

A report is then written and a decision made either by Planning Services under delegation, or by Council at a full Council meeting. If the application is to be considered by the Council all submitters and the Applicant will be invited to attend the meeting, where one representative from those who object, and one from those who support the proposal, can make a verbal presentation to the Council.

Whatever decision is made, all submitters will be notified in writing of the outcome. If a permit is to be granted and there are objections, we must issue what is called a 'Notice of Decision to Grant a Permit'. If we do not believe a permit should be granted, then we will issue a 'Notice of Refusal'. Submitters and the Applicant alike are able to lodge an appeal against our decision to VCAT. More information about the appeals process is provided when we send you a copy of our decision.