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HOW TO MAKE AN EFFECTIVE OBJECTION?

Planning Advice Notes

Introduction

Most Town Planning applications need to be advertised unless Council is satisfied that the proposal will not cause material detriment to any person. Advertising can be in the form of letters to adjoining property owners, sign(s) on site and/or a notice in the paper.

If you feel that you may be affected by a proposal, you are able to submit a written objection to the Responsible Authority (Council). An objection form is available from Council or online. Alternatively you can outline your concerns in a letter to Council.

It is recommended that prior to lodging an objection you view the application and speak with the relevant Council Officer/Town Planner in the Statutory Planning Department to discuss issues or concerns you may have. You are also encouraged to speak with the applicant. This will assist you in clearly outlining your concerns when lodging an objection. An appointment may be made with the relevant Planning Officer dealing with the application to discuss the proposal.

What questions should I ask the Town Planner?

- Will there be an increase in traffic in my neighbourhood?
- Is there adequate car parking provided on site?
- Will the proposed development 'fit in' with my neighbourhood?
- Do building setbacks meet the standards?
- Will the proposed development overshadow my windows/backyard/swimming pool etc.?
- Are there any windows that overlook my property?
- How far is the proposed dwelling setback from my boundary/dwelling?
- How would the proposal look from my property?
- Can I see the proposal from my property?
- Are there any trees or bushes to be removed from the property?
- Is there any replanting proposed?
- Will the development affect the drainage in the area?
- How will the additional noise from the property be managed?

What should I include in an objection?

Council will consider any objections that are based on legitimate planning issues. Objections based on moral grounds or private and commercial competition can not be considered as they are not within the scope of the Planning and Environment Act, 1987.

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An objection must be in writing and include relevant detail with regards to the lodged application. It is best to express your concerns with the proposal in your own words, describing how each issue affects you.

Common grounds of objection include:

- **Traffic congestion**

Most proposals that increase traffic generation are referred to Council's 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.

- **Lack of car parking**

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

- The intensity of land use
- Availability of car parking in the locality
- Proximity of public transport

- **Out of character**

Proposals must respect and reflect the neighbourhood character through the design response unless Council has specified a preferred character for the area. Common neighbourhood characteristics that are to be taken into consideration include:

- *Lot size and shape*
- *Topography*
- *Streetscape*
- *Front setbacks*
- *Side and rear setbacks*
- *Architectural style*
- *Roof form and eaves*
- *Landscaping*
- *Front fence*
- *Building form*
- *Height*
- *Building materials*
- *Location of car parking*
- *Location and size of private open space*

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- **Overshadowing**

Shadow diagrams must be supplied with applications for two or more dwellings so that Planning Officers can assess the potential impact on surrounding properties and to make certain that the objectives and standards with regards to overshadowing/loss of daylight in ResCode are met.

- **Overlooking/Loss of privacy**

ResCode sets out standards to be met in terms of providing privacy for neighbours. Techniques can be employed to reduce overlooking such as fitting windows with obscure glass, raising sill heights to make highlight windows or fitting fixed external screens.

- **Visual bulk of building**

Large bulky buildings can impact on the outlook of neighbours and dominate private open space. ResCode sets out setback requirements for walls of new buildings. Bulk can be reduced through design techniques such as including single storey components, increasing setbacks, using a variety of materials and incorporating features such as verandas or windows. Please refer to Manningham's *Building Bulk Guidelines* (available from Council Offices) for further detail.

- **Loss of vegetation**

Vegetation loss can significantly impact on neighbourhood character and the landscape and environmental quality of an area.

- **Overdevelopment**

ResCode specifies that maximum site coverage of development must not exceed 60%. The amount of site coverage is a contributing factor to neighbourhood character. The amount of hard surface also impacts on the amount of stormwater runoff.

- **Loss of property value**

While loss of property value is a common concern for neighbours, it is not generally considered in the assessment given the difficulty of verifying figures.

- **Loss of view/outlook**

Bulky development may impact on the outlook from a neighbouring property. This is further discussed under visual bulk. While there is no legal right to a view, a significant view can contribute to the amenity of a property.

- **Increase in 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.

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- ***Inadequate storm water 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 an on-site storm water detention system may be required to reduce storm water discharge.

A submission may be made individually or as a collective group for example, a petition or joint objection. Please ensure that one contact person is nominated per submission.

When can you make an objection?

Council will accept and consider any submission received until it makes a decision on a town planning application. It is recommended that your comments be lodged within 14 days of the date indicated on the bottom of the Notice of Application. This will ensure that your comments are given sufficient consideration. Council will not make a decision during this 14 day advertising period.

What happens after I make an objection?

If a written submission is made, your correspondence will be acknowledged and you will be notified by mail of Council's decision when the decision is made.

You may withdraw your submission at any time.

If an objector to the application is dissatisfied with Council's 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 materials can be found at www.vcat.vic.gov.au OR by phoning 9628 9777.

Please refer to [Commenting on a Planning Application in the City of Manningham](#) for more detailed information this may be obtained at the Council Offices or online at www.manningham.vic.gov.au.

For further information please contact Manningham City Council's Statutory Planning Department on 9840 9495.

The Save Our Suburbs organisation may provide further help with lodging an objection. They are available online at www.sos.org.au.