



**Glen Eira  
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## Planning Permit Objection Guideline\*

### Before Lodging an Objection

Before lodging an objection do some simple research

1. Take note of the planning permit application no. and application dates
2. Review Council's website for details on lodging an object (much, but not all, information included on the website has been included in this guideline)
3. Visit Council Offices and ask to see the application and talk with the planner. Take a notebook and pen. Ask for copies if you feel it is warranted
4. Ask the planner for "zoning details" (eg. Housing diversity area, minimal change area, activity centre) and what relevant sections of the planning scheme apply to the "zone".
5. If you are in a minimal change area ask the planner for details of the nearest housing diversity area
6. Ask if any overlays apply to the development property (there are many types of overlays – basically an overlay contains prescribed requirements related to neighbourhood character, heritage, design, vegetation or drainage etc.)
7. Return to review the application and objections after the objection closing date. If there are other objectors take note of their names and contact details and their reasons for objecting. If you have not already contacted them do so.

### Lodging An Objection

Objections can be lodged with Council any time up to when a decision is made, however objections are usually lodged during the 14 day period which the application is advertised. It is legal to formally object right up until council makes a decision but the earlier you act, the more effective your objection is likely to be.

To lodge an objection you need to either:

- Complete an 'Objection to a Planning Permit Application' form – available from Council website, or
- Write a letter or email, which includes your name and contact details (including address and telephone no.), the planning application number, address of the property in question, and a statement of how the proposal will affect you. Additional information about lodging objections, can be accessed from Council's website.

You can lodge your written objection by:

- **Post:** Town Planning, Glen Eira City Council, Corner of Glen Eira and Hawthorn Roads, Caulfield 3162

- **Email:** to “mail@gleneira.vic.gov.au” and clearly state ‘objection to (insert planning application number)’ in the subject line.
- **In person:** at the Customer Service Centre, Glen Eira Town Hall (Corner of Glen Eira and Hawthorn Roads, Caulfield, Victoria)

## Suggestions for objections to Planning Permit Application

### General Comments

- keep the letter as simple as possible
- focus on planning issues not emotions.  
An objection to a planning application must be made on planning grounds. The planner is looking for anything in an application that might limit other people’s ability to enjoy living in that neighbourhood – this is called residential amenity and includes issues like size, height, appearance, parking, traffic, overshadowing, overlooking and size of garden. If you focus on how you feel, you may miss the opportunity to make a legitimate complaint and undermine your credibility.

### Specific Comments

The important thing is to register your concern and to make sure the points in your letter relate to the areas of ‘residential amenity’ that the planner is looking to protect. If in doubt, and can afford it, get a professional opinion.

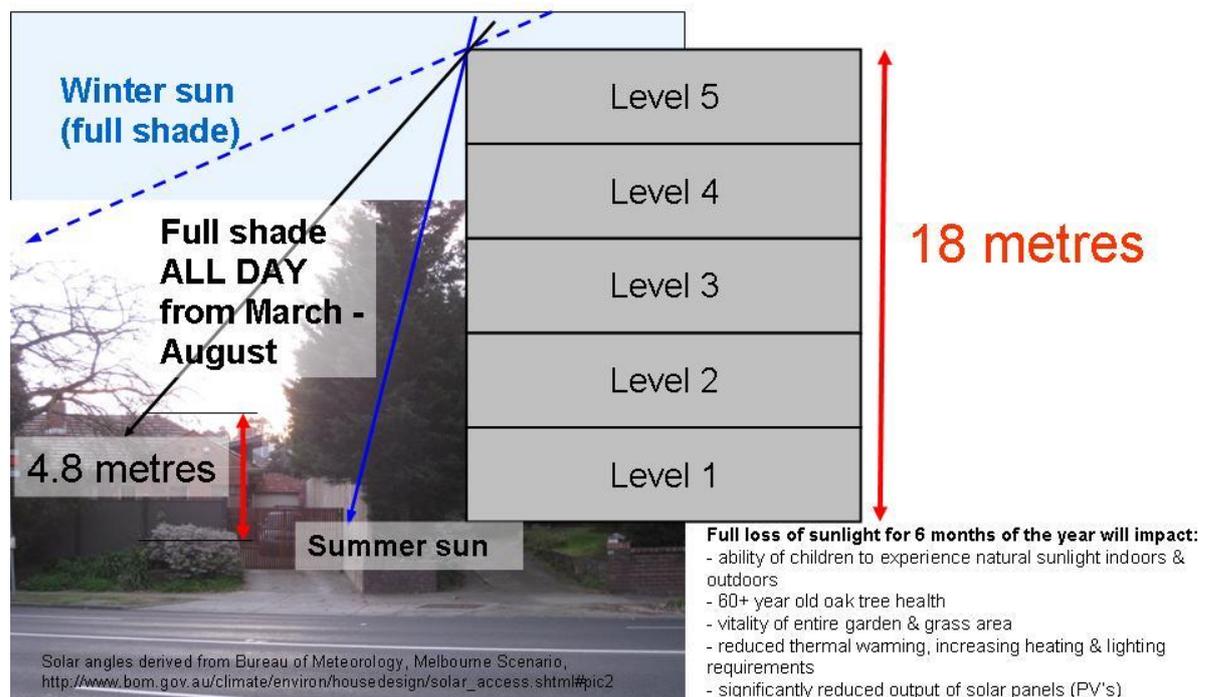
The following is a listing of planning/amenity issues that may be applicable to your objection.

- Compliance with Council Planning Scheme (zone or overlay requirements or specific policies – if you have knowledge of, or access to someone who does have knowledge of, these requirements confirm that the application is in accordance with those requirements. Planning Officers are only human – mistakes may occur. For example, private open space is insufficient. Forty square metres in total is the theoretical minimum, with one part being at least 25m<sup>2</sup> with a minimum dimension of 3m so that the space is practically useable. Private open space should not be located in street set-backs at the front of dwellings.
- The proposed development has a height and mass bulk which is visually unacceptable – it will dominate the street and is unsympathetic to the broad streetscape.
- The proposed development does not integrate with the neighbourhood character (which is predominantly 1 or 2 storeys or predominant pre or post WW2 period homes). Important characteristics include roof form, building height, building materials, landscape and fencing.
  - For example -
    - It is a square modern building with a great deal of glass balustrades, screening and rendered walls. The design conflicts with that of adjacent and surrounding properties (which feature pitched roofs, mature front gardens) and disturbs the contextual flow
    - The choice of materials needs to be reconsidered as not to undermine the street integrity. The proposed building does not have sympathetic building materials – the predominant building materials in the street are weather board and brick.

- The development overshadows adjoining residences and depending on the design may overshadow units within the same development.

It should be noted that shadow diagrams indicate shadows cast at the equinox (22 March or 22 September) as an “average” estimate of shading. Shadowing at the winter solstice (22 June) is the time of year when solar penetration is most desirable but unfortunately this carries no legislative weight, although adverse affects on the energy efficiency of adjoining properties can be argued.

## What would a 5 storey, 18m building look like, next to my single-storey house?



Source: Save Ivanhoe Residents Group

- The development overlooks adjoining residences – loss of privacy in private personal spaces (i.e. backyards) may be a significant issue for existing residents . While Council may not view this as a reason to deny the permit, the raising of this issue could result in conditions being applied to the permit which result in
  - Above eye level windows on walls abutting neighbouring properties
  - Opaque glass or view restricting opening windows to be installed (and be retained)
  - Balcony and window screening to be installed (and retained)
- Traffic - frequently developments will involve a major change to the traffic (volume and nature) in local streets and impacts residential amenity by substantially changing it residents' ability to access/exit their properties. Additionally the nature (trucks) of the traffic may also change as a result of the development – eg. delivery of goods and services to the development or waste removal from the development. These are issues which need to be highlighted.
  - For example -
    - The generation of large traffic volumes that can not be accommodated by the surrounding narrow busy residential streets.

- The proposed development would result in congestion and vehicle banking; this would have an adverse effect on the traffic flow of a main road/major arterial road (insert name of road/s). X Road is already heavily congested during peak times and weekends due to through commuter traffic.
    - The proposed development would have a negative effect on the operation of the main intersection of X and X; due to congestion and vehicle banking.
    - Traffic volumes entering and exiting the proposed development, during and after construction, would adversely affect the pedestrian amenity of the streetscape.
- Car parking – currently (June, 2012) Council developmental parking provisions for residential premises are
  - 1 or 2 bedroom units – 1 car parking space
    - 3 bedroom units – 2 car parking spaces
    - Visitor parking – 1 car parking space per 5 units
  - To encourage use of sustainable transport options (eg. walking, cycling and public transport) rather than reliance on private vehicles request the development be excluded from the residential parking permit scheme. This in line with Council’s policies for sustainable transport, reducing carbon emissions, bicycle strategy and encouraging local businesses.
  - Crossovers (i.e. driveways) reduce the availability of kerb side street parking. Multiple or expanded drive ways are not desirable in areas where parking demand exceeds supply.
  - Garage doors should not be a dominant element of the building frontage.
  - Ideally motor vehicles should enter and leave the site in a forward direction, especially for multi-unit developments. Tandem car parking rather than side by side parking is one indication of overdevelopment.
- Proximity to housing diversity areas (also known as activity centres, neighbourhood centres, urban villages. Increasingly, “near to” rather than in one of these areas is being used. It may help to record the distances to these areas in your objection
- The density of the development is excessive.
  - Higher density development does not mean high (as in tall) density, it means more than what is currently onsite; appropriate development would be of medium density such as two storey multiple independent units.
- Noise
  - If this high density living is approved, the increase in residential capacity will be dramatic; from the current X number of persons to an excess of X+ residents. This will have a significant impact on residential noise volumes affecting the adjacent properties and will negatively impact offsite residential amenity.
  - The use of balconies overlooking our street and my house will also result in unacceptable noise levels as will the installation of air conditioning equipment.
  - How will the acoustic impact will be minimised.

- Is the development designed to be accessible and visitable by people with limited mobility.
- If under ground parking is to be provided the plans should include an engineering report addressing the adverse impact that such substantial excavating will have on the adjacent dwellings. This is particularly important if the proposed development is in close proximity to property boundaries and/or the foundations of adjacent buildings.
- On-site amenity – Does the proposed development provide internal amenity for its residents, eg natural light, ventilation.
- Site Coverage – to reduce the impact of storm water run off a 20% permeable surface and surface water retention (i.e. water tanks) are required for developments. Ensure these requirements are in the plans.

This is especially important for development sites within a Special Building Overlay – this overlay identifies land in urban areas liable to inundation by overland flows from the urban drainage system. The overlay’s intention is to ensure that the development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

- Tree Protection – significant trees on the development site should be requested to be retained. Similarly, nature strip trees should also be retained.

Photographs can often be useful to support your objection eg of the proximity and layout of adjoining properties and habitable room windows, significant trees that may be affected, narrow lanes difficult to negotiate, etc

Remember, the important thing is to register your concern and to make sure the points in your objection relate to the areas of ‘residential amenity’ that the planner is looking to protect. If in doubt, and can afford it, get a professional opinion.

### **How to maximise your objection with Council**

- Consult your neighbours for their views. Letterbox or door-knock the local area. If others share your opinion, help them lodge their objection.
- Objections should be made individually outlining specifically how each of the issues affect you.
- Ideally they should not be pro-forma and NOT in petition form - a petition may be counted one objection. But a pro-forma is better than nothing!
- Be objective in your analysis - don’t allow emotions to prevail. Opposing a proposal because you ‘don’t like it’ is not strong planning grounds and will be ignored by both the Council and VCAT.
- Identify all areas of conflict with Council policy
- Contact your ward Councillors to discuss the planning permit application and your objections. Forward a copy of your submitted objection to each of them.

### **The planning approval process:**

- If no objections are received, the planning officer (under the authority delegated by Council) may approve the application.
- If one or more objections are received, the application will be reviewed by either
  - The delegated planning committee comprising planning officers - no councillor is present, or
  - A Planning Conference chaired by a Councillor

Generally, it is the number of objections received that determines how the application will be reviewed. The more objections, the higher the profile.

Residents objecting to a development are invited to present their objections to the Delegated Planning Committee or the Planning Conference. Whatever the method of decision, inform your Ward Councillors of your concerns and seek his/her assistance and support. If there is a planning committee, ensure all Planning Committee councillors are also aware of your concerns.

The intention of these meetings is to provide you with an opportunity to discuss your issues with all parties concerned (residents, developer, Council) and reach a consensus solution (i.e. what is an acceptable solution to residents issues).

*Before attending the meetings consider what you might find acceptable (e.g. lesser height, solutions for overlooking etc.) - a compromise is often better than holding out for the impossible and then losing without gaining any concessions at all. It is better to stay a party to negotiations than allow others to decide for you. It is important to note that in most cases the applicant is legally entitled to develop land zoned for residential use for medium density housing. What you may object to is the form and extent of the proposed development.*

All concessions and compromises agreed to should be included in the draft permit and will be reflected in the NOD or notice of decision which will be mailed out to all parties once the council makes its decision. Confirm they are included in the NOD.

### **What to do if Council refuses the Application.**

The Applicant may decide to abandon the proposal or may decide to *Appeal Council's Decision* to the *Victorian Civil Administrative Tribunal (VCAT)*.

If the Applicant appeals to VCAT, objectors can elect to appear at the VCAT hearing or be represented by Council. VCAT hearing will notify you of the appeal date and seek to know if you wish to appear.

*Note: If the Council officers recommended approval and the Council overturned the officer's recommendation it is not advisable to rely upon the Council alone. Council's grounds of refusal do not always cover the extent of concerns that the objectors have regardless of whether it was a delegate or Council decision*

\* Please note, GERA does not profess to be town/urban planners, we are concerned residents with many years experience of dealing with Council and the Planning Scheme – the information contained in this Guide is for information purposes only and readers are responsible for making their own assessment of the information provided. While GERA has made every reasonable

attempt to ensure that the information provided in the guideline is accurate we urge you to verify all relevant statements and information. While GERA may be able to clarify any general planning questions you have, if you have more technical question or doubts please seek independent, professional advice.

References:

Save Our Suburbs – Residents Guide to Objecting , 2005 (primary reference)

Glen Eira Council Website

Save Ivanhoe Residents Group

Department of Planning and Community Development