

ADVICE TO RESIDENTS RE PLANNING APPLICATIONS

1. When you see the Yellow (or white) Notice posted on a property or when you receive notification of a Planning Application take prompt action.
2. Go to the Planning Counter at 311 Glenferrie Rd. Malvern. Office hours are from 8.30a.m. to 5p.m. Mon. to Fri.

(If you are on email you may request the planner to email all documentation to you or you may go to the Stonnington Council website. Go to Planning Register and log on to **eplanning**. Documentation will be available at this site.)
3. Tell the planner the address of the application. The file will be available.
4. You may copy anything on the file. Cost is 20c per page.
5. Contact residents who may be affected by the application. Council is obliged to notify adjoining properties and properties they deem may be affected by the proposal. Often there are affected residents who are not notified and may consider the proposal inappropriate.
- 6...Try to arrange a meeting of concerned residents and encourage them to object to the proposal by writing **individual letters**. Residents may use the form provided by Council to write an objection if they wish.
7. When writing your objection keep it brief. Consult Clause 55 of ResCode. You may obtain a copy from the Planning Department.
Clause 54 applies to single houses under 500sq.m.
There are different rules for a Commercial zone.
8. Ask which **zone** applies and what the mandatory requirements are for that zone.
9. **Look for**...overlooking...overshadowing...car spaces and access to car spaces...neighborhood character...retention and/or planting of canopy trees...setbacks from boundaries...height...bulk...adequate private open space within the development...solar access. Point out how the proposal will affect you and/or your neighborhood. Consider the Social Impact of the development. If you wish to discuss anything with the planner in charge of the application, please make an appointment. Take notes of any discussion.
If Council receives 7 or more objections a Consultative Meeting is called. This is attended by Ward Councillors , the planner, objectors and a representative of the applicant and a report will go to a Council Meeting.
A Ward Councillor can “call up” an application if there are fewer than 7 objections.
10. Names and contact numbers of Councillors are available at the Service Centres in Glenferrie Rd., at Prahran Town Hall and on the website.
11. You will be notified by mail when the application will be considered by Council **if** it is going to Council.

12. Obtain a Council Agenda containing the report from the Service Centre or the Library on the Friday afternoon prior to the meeting. You may view the Notice Paper on the Stonnington website....usually on Thursday prior to the Council Meeting. Lobby all Councillors by phone and/or email before the meeting.

13.. Encourage residents to attend the Council Meeting. You will be notified of Council's decision.

14. If the application is not called up to Council a decision will be made under delegation by the Planning Staff . You will be notified of that decision.

15. If the decision is not what you want you may lodge an appeal with VCAT within 28 days of receiving notification of Council's decision. Ring VCAT on 1300 108 228 to obtain the form and information re cost of lodgment of appeal. VCAT sends a copy of the form with grounds for appeal to the applicant and to Council. VCAT encourages you to do the same as a matter of courtesy. It is not compulsory. At the appeal Council will defend its decision. Be well prepared.

16. If the applicant lodges an appeal you must be notified by the applicant. You will receive a form to return to VCAT. You do not have to do anything about it but if you wish to follow up give brief statement of grounds... (dot points).... stating why you do not wish a permit to be issued. Send a copy to VCAT, the applicant and Council within 14 days of receipt of notification. By doing this you have the opportunity to make a statement if you wish or be represented at the appeal. To speak at the hearing there is now a charge of \$20.

17. If a number of residents intend to make submissions at the VCAT hearing make sure there is no repetition.

18. You may wish to employ a person with planning qualifications to represent you at the hearing. A group of residents may jointly employ someone to do this.

19. VCAT will notify you of the hearing date. At that time you should have a meeting of residents and plan your strategy.

20. At the hearing Council will defend its decision and it is in your interests to be present at the hearing. Ask residents to attend the hearing whether they are making a submission or not.

21. Try to attend a hearing at VCAT prior to your to your hearing so that you are familiar with the process. VCAT is situated at 55 King St. Hearings are open to the public.

PLEASE NOTE...If a decision is not made within 60 statutory days of the lodgment of the application the applicant may lodge an appeal at VCAT for **Failure to Determine**. Council will make its decision prior to the VCAT hearing.

DISCLAIMER This is not official advice to residents. It is an indication of steps which you may take when dealing with a Planning Application.

Users of this advice do so at their own risk with no recourse to the authors or to any organization to which they belong.