

# Red Lighting the Neighbouring Development – A Guide to Objecting to a Planning Permit Application

By Peter Micevski, Solicitor, Lovegrove Solicitors

More often than not, a person or company proposing to develop or use land in a particular way must apply for, and be granted a planning permit by the responsible authority. In most cases, your local council is the responsible authority and generally requires that the person or company applying for the permit give notice of the application to specified people and in specific ways, before they decide on a permit application.

Many times, the proposed use or development of a particular piece of land may affect neighbouring properties. Fortunately, under the **Planning and Environment Act 1987 (Vic)** (“the Act”), anyone who may be affected by the grant of a planning permit can make an objection to the responsible authority and request the responsible authority not to grant a planning permit. This article is a guide to making an objection to a planning permit application.

## 1. Objection must be made in writing

An objection to a planning permit must be made in writing to the responsible authority and should state reasons for the objection and how you would be affected by the grant of the planning permit.

## 2. Objection must be based on grounds that relate to the planning considerations applicable to the proposed use or development

The grounds for objecting to a planning permit must address planning considerations applicable to the proposed use or development. An objection cannot be based purely in order to protect commercial interests, and a responsible authority may reject an objection that it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.

Further, moral objections to a type of land use are not proper planning considerations.

Accordingly, it is advisable that you engage a suitable Construction and Planning Lawyer to give you advice about the relevant planning considerations applicable to the proposed use or development. More often than not, objections need to be framed around the objectives of planning in Victoria, the relevant planning schemes, and any Strategic Plan, policy statement or decision guidelines adopted by the relevant authority.

Other relevant considerations are:

- detriment to the amenity of the neighbourhood;
- social and economic impact on the local community; and

- potential pollution and other health and environment standards

There are a wide number of cases that deal with grounds for objecting to a planning permit and you should contact a Construction and Planning lawyer to advise you whether your objections to the planning permit are legitimate grounds of objection.

3. Objection must be made within 14 days of notice of application being given by the responsible authority, or the person or company applying for the planning permit

Ordinarily, the responsible authority requires that the person or company applying for the permit to give notice of the application to specified people by letter, or notice on the land concerned or an advertisement in newspapers.

It is advisable to contact a Construction and Planning lawyer immediately after notice is received from the responsible authority or person or company applying for the planning permit, to advise you about your rights in relation to the planning permit application.

4. Objection must be made public

Once an objection is lodged, the Act requires the responsible authority to make a copy of every objection available for public inspection at its offices until the end of the period for appeal.

5. Right of objectors to be notified of a decision on the planning permit

The responsible authority must consider all objections and other submissions that it has received from the public before it can grant or refuse a planning permit.

The responsible authority must give any objectors notice of its decision to grant or refuse the permit application. A notice of decision to grant a planning permit must include any conditions of the permit and advise objectors of their right to appeal the grant of the permit or any of its conditions to Victorian Civil and Administrative Tribunal ("VCAT") within 21 days.

If you are dissatisfied with a decision of the responsible authority, immediately contact a Construction and Planning lawyer to advise you about your rights.

### Keywords

Objecting planning permit, grounds for objection