



**Merri-bek**  
City Council

# Lodging an objection

## A guide for residents affected by planning applications

D21/18227

Click or tap here to enter text.

### How do I find out more about a planning permit application?

- [What is a planning permit application?](#)
- [I received a public notice in the mail. What is it?](#)
- [How can I view the plans?](#)
- [Who can I speak to about the application?](#)

### What can I do if I don't like the application?

- [Can I object?](#)
- [How do I object?](#)
- [What kinds of things can I object to?](#)
- [How much time do I have to object?](#)
- [Do I need to tell you my name and address?](#)
- [Does the applicant know I have objected?](#)
- [Can I sign a petition?](#)
- [What if the whole street objects?](#)
- [Am I able to withdraw my objection?](#)

### What happens after I have objected?

- [What consultation with objectors occurs?](#)
- [How is a decision made?](#)
- [What is the Planning Scheme?](#)
- [Who makes the decision?](#)
- [What happens after a decision is made?](#)
- [Can I challenge Council's decision?](#)

## Find out more

### Online

[www.merri-bek.vic.gov.au/planning-objections](http://www.merri-bek.vic.gov.au/planning-objections)

### Phone

9240 1111

### In Person

Merri-bek Civic Centre  
90 Bell Street, Coburg

### Merri-bek Language Link

Italiano	Italian	9280 1911	Türkçe	Turkish	9280 1914	普通话	Chinese (Simplified)	9280 0750
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# How do I find out more about the application?

## What is a planning permit application?

In Victoria, certain types of land use and development require a planning permit before they can occur.

If a planning permit is required, a landowner or developer must apply to Council.

The planning system provides the framework to ensure that the decisions Council makes about land use and development is fair, orderly, economic and sustainable.

A planning permit is not a building permit. A landowner or developer may need to obtain both a building permit and a planning permit.

## I received a public notice in the mail.

### What is it?

A public notice is a letter informing you when someone wants to develop and/or use a property near you, and Council has assessed that you may be affected.

For example, if someone wants to build units near your property, you may be sent a public notice in the mail telling you about this.

A sign may also be displayed at the property, telling the public what is planned and where you can see the plans in full.

## How can I view plans?

All advertised planning applications are available online at: [www.merri-bek.vic.gov.au/advertised-applications](http://www.merri-bek.vic.gov.au/advertised-applications)

You can view plans and other documents.

If you do not have access to a computer, assistance can be provided at the Merri-bek Civic Centre.

## Who can I speak to about the application?

If you received a letter about the application, the email and phone number of the planner handling the application are provided at the bottom.

Otherwise, you can visit the Merri-bek Civic Centre between 8.30am and 5pm Monday to Friday.

An Urban Planner is available at the planning counter every day and will be happy to show you the plans and discuss them with you.

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# What can I do if I don't like the application?

## Can I object?

Yes. If you don't like a plan, you can object to it going ahead.

## How do I object?

Your objection must be in writing and clearly state why you are objecting and how you will be affected if the proposal goes ahead.

Objecting online is easy and ensures all relevant details are provided. Please visit: [www.merri-bek.vic.gov.au/planning-objections](http://www.merri-bek.vic.gov.au/planning-objections)

If you do not use our online form, please ensure your objection includes:

- The application number, for example MPS/2020/123.
- Address of the site on which the development or use is proposed.
- Your name, postal address, telephone number and email address.
- Your reasons for objecting and how you think you will be affected.

You will receive a letter from Council saying your objection has been received.

You will also be notified in writing of Council's decision.

## What kind of things can I object to?

Objections must state how the proposal will affect you and should relate to relevant planning considerations, including:

- Negative changes to the amenity or features of your area.
- Any potential environmental effects.
- Detrimental social or economic effects.
- Whether the proposal is contrary to the policies contained in the Merri-bek Planning Scheme.

If you have ideas for how the proposal can be changed to fix your concerns, please explain these in your objection. All suggestions are welcomed. You may be contacted to discuss your suggestions further and explore a potential resolution.

In the case of an application to amend an existing planning permit, any objection should only relate to the changes sought by the amendment.

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## How much time do I have to object?

A Council planning application notice is usually advertised for 14 days. The date on the public notice tells you when that advertising period finishes. Council cannot make a decision until after this date. Council must consider any objection it receives before making a decision.

Council will consider objections received after the notification period is finished, but only before the decision is made. Objections received after Council has made a decision cannot be considered.

## Do I need to tell you my name and address?

Yes. Council needs this information to keep you informed on the progress of the application and to advise you of Council's decision. In some circumstances, objectors are also invited to attend meetings during the process.

A phone number and email address are also helpful.

## Does the applicant know who has objected?

Yes. Objections become public documents. Any objection is available to any person who wishes to view the Council file.

## Can I sign a petition?

Yes, but only the first person on the petition will be notified in writing of Council's decision. The petition must explain the reasons for the objection and how the proposed use or development will affect the persons. Signatures on a petition should be accompanied by a clearly printed name and address.

Petitions are not necessarily more effective than individual objections. Council must consider the reasons for the objection and how people will be affected rather than the number of names on the petition.

## What if the whole street objects?

Council must ensure each application is assessed fairly. It cannot reject an application based solely on the number of objections. Council must base its decision on policy and planning considerations. Objections are taken into account but are not the only consideration.

## Am I able to withdraw my objection?

Yes, you may withdraw your own objection. This must be done in writing to Council. Please ensure your letter includes an application reference number (e.g. MPS/2020/101).

Council cannot accept a "conditional" withdrawal of objection. For example, "if the developer removes the window I no longer object".

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普通话 Chinese (Simplified) 9280 0750

**National Relay Service:**  
13 36 77 or [relayservice.com.au](http://relayservice.com.au)

# What happens after I have objected?

## What consultation with objectors occurs?

Council aims to facilitate good planning outcomes, which is why we encourage you to make suggestions on how the development can be improved.

As part of the planning assessment, Council officers may contact you to discuss your concerns and may explore changes to the plans with the applicant to address your concerns.

In some cases, we may arrange a meeting to facilitate discussion with the applicant and objectors (called a Planning Information and Discussion Meeting).

These meetings provide an opportunity for all parties to discuss issues they may have with the proposal. In most cases, the Ward Councillors and the Urban Planner responsible for processing the application also attend this meeting. The main purpose of the meeting is to:

- Provide a forum in which an application can be discussed.
- Ensure that all relevant information is considered before Council makes a decision.

- Provide an opportunity for everyone involved to freely discuss planning proposals, including exploration of a compromise if possible. This **may** lead to the withdrawal of objections, or the submission of amended plans by the applicant.

It is not compulsory to attend this meeting. However, it is easier to discuss issues at a Planning Information and Discussion meeting than a formal Council meeting.

## How is a decision made?

The application is assessed based on:

- The Planning Policy Framework.
- Land use (zone) controls.
- Development (overlay) controls.
- Consideration of issues raised in objections and other submissions.
- Other relevant provisions of the Merri-bek Planning Scheme.

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## What is the Planning Scheme?

The Merri-bek Planning Scheme is a document that lists the types of use and development allowed in different areas.

Planning policies in the Scheme explain how Council will make decisions on specific issues. These include heritage, neighbourhood character and building design.

You can find copies of these documents by accessing the [Merri-bek Planning Scheme](http://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes) at [www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes](http://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes)

## Who makes the decision?

Council officers have delegated authority from Council to consider certain planning permit applications.

An application may not be approved under delegation if different objections are received from 10 or more different properties, except if the application is for less than 4 dwellings or complies with Council's Design Excellence Scorecard.

Petitions, objections with multiple signatories are recognised as one objection.

Proforma objections (where the same objection is photocopied and signed by many people) are also recognised as only one objection when determining which applications are reported to a Council Planning and Related Matters meeting.

Applications not dealt with under delegation are reported to the Planning and Related Matters meeting.

The applicant and any objectors will be invited to attend this meeting when the application is considered. These meetings are usually held monthly.

All parties have a brief, usually a three-minute, opportunity to address the Councillors prior to a decision is made. Dates and agendas for the Council Meeting for Planning and other Related Matters can be found on Council's website.

## What happens after a decision has been made?

### *If Council supports the application and no objections have been received*

- A Planning Permit will be issued.
- The permit will contain a number of conditions including a time limit for the commencement and completion of the use and/or development.

### *If Council supports the application and objections have been received*

- A Notice of Decision to Grant a Planning Permit (NOD) will be issued.
- This is not a Planning Permit. It is a notice advising that Council has decided to support the application subject to conditions.

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- An objector has 28 days to lodge an Application for Review against Council's decision to the Victorian Civil and Administrative Tribunal (VCAT).
- If an Application for Review is not lodged, VCAT will notify Council when a Planning Permit may be issued

### If Council does not support the application

- a Notice of Refusal will be issued which includes the reasons for the refusal.
- An applicant has 60 days to lodge an Application for Review with VCAT against Council's decision.
- If an Application for Review is lodged, the applicant must also notify Council and all objectors. Council must attend the VCAT hearing and objectors may also choose to attend the hearing at no cost.

### Can I challenge Council's Decision?

Yes. If you do not agree with Council's decision you can lodge an Application for Review. Objectors have 28 days to lodge an Application for Review.

More information on applications for review, how to lodge and the fees associated with this can be found at the VCAT website.

One or more members of VCAT, who have experience and expertise in the matter, will hear an Application for Review. Decisions made by VCAT are final and binding to all parties on the Application for Review, except where a question of law is involved and an appeal is sought before a court.

## Other sources of information:

### Department of Transport and Planning

Phone: 136 186

Website: <https://www.planning.vic.gov.au/>

### Victorian Civil and Administrative Tribunal (VCAT)

Phone: 1300 01 8228

Website: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

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