

## Have your say: Representations to Planning Permit Applications

### *How to lodge a representation on a planning permit application*

If you have been notified of a planning permit application by writing or by viewing a notice in the paper or on the frontage of a property, you may wish to prepare a representation in support or in opposition to the application.

The plans and documentation relating to an advertised planning permit application may be viewed on Council's website under 'Advertised Planning Applications' or alternatively at the Council's Customer Service Centre located at 40 Main Street, Huonville.

Representations must be made in writing and addressed to the General Manager within 14 days of the date in which notice is given. The specific date is provided in the notice. Representations may be hand-delivered, mailed, emailed or faxed. If provided by email or fax it must only be via the email address or fax number provided in the note. Any late representations will not be legally valid, which means you may lose your right of appeal against the future decision. The Council and its staff are only required to consider legally valid representations.

To be effective, your representation should only raise matters addressed in the relevant planning scheme and the representation give objective reasons for the objection. A written representation should include:

- your contact details including phone number and address
- the address of the planning permit application and its reference number
- the nature of the merits or concerns with the planning permit application.

### *Reference to the Planning Scheme*

Concerns should relate to relevant provisions of the Planning Scheme. Council staff can assist in this regard.

By way of example, some common valid concerns with a development are outlined as follows:

- type of land use is not appropriate
- appearance or character
- overshadowing – e.g. shadows cast by the proposed building
- traffic generated
- proposed development is at odds with the requirements of the Planning Scheme.

Upon receipt of your representation, you will be sent an email or letter acknowledging when Council received your submission and confirming if it is considered to be a legally valid representation.

### *How are my concerns addressed in the assessment process?*

Council must consider a representation when making a decision about the application. Although objections may take any form, those relating to reasonable planning concerns will have more influence over Council's decision.

Most submissions are objections. From time to time developers may alter proposal before Council makes its decision to address concerns raised and if this occurs Council staff will contact all representors. However, this is not common practice and Council staff do not facilitate mediation or discussion between parties prior to the Council making a decision.



In cases where a representation is received, the application is required to be considered by the elected members at a Council meeting. Council's planning officers will prepare a report which considers the application and the merit of representations which will be deliberated by the elected members at the Council meeting and a decision will be made.

The agenda for each Council meeting is available for inspection in the Council Offices at 40 Main Street, Huonville or online at [www.huonvalley.tas.gov.au](http://www.huonvalley.tas.gov.au) on the Monday before the meeting. The agenda will contain a report and recommendations on the proposal. You will be notified of the decision in writing within seven days after the Council meeting date and provided a copy of the planning permit or refusal notice.

#### *Getting help with your representation*

To prepare the most effective representation, you can engage the services of a private planning consultant. A planning consultant can undertake a review of the Planning Scheme and the proposed development and help identify and explain those planning issues to include in a representation.

Find a planning consultant by visiting the Planning Institute of Australia website or by viewing the yellow pages under town planning.

Council's planning officers are also willing to assist you in interpreting and understanding plans and documentation and relevant Planning Scheme sections submitted with an application which will be available for inspection during the 14 day public exhibition period.

Council planning officers are not, however, in a position to enter into any discussions in relation to the merits of the development or a person's argument against it. Council officers provide objective assessment of the planning permit application in accordance with the requirements of the Planning Scheme and do not act for or on behalf of the developer or any party.

#### *Appeal rights*

Section 61 of the *Land Use Planning and Approvals Act 1993* (LUPAA) provides for appeals against a planning decision. Any person who lodged a representation to Council may appeal the decision.

Appeals must be made to the Resource Management and Planning Appeal Tribunal (the Appeal Tribunal) which can be contacted on (03) 6233 6464, [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) or GPO Box 2036, Hobart 7001. The Appeal Tribunal has a required form and a prescribed fee for making an appeal.

An appeal of this decision or conditions of the permit to the Appeal Tribunal must be made within 14 days after the date of the notice of the decision.

Council staff will generally be involved in appeals but is not required to be involved and may seek leave from proceedings if the matter is minor or has the nature of a neighbourly dispute. The Council has a Planning Appeals Policy that provides principles to guide the representation of Council before the Appeals Tribunal to ensure that this is fair, consistent, equitable for all parties and best serves the public interest.

#### **Further questions?**

Should you have further questions please don't hesitate to contact Councils Planning Unit:

Planning Unit

Huon Valley Council

PO Box 210

HUONVILLE TAS 7109

[hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au)

(03) 6264 0300