



Fact Sheet 14

Representations - Objecting to an Application

What should I put in my written representation?

If you have been notified of a development you can choose to prepare a Representation in support of or objection to the proposed development. Representations must be made in writing and should set out your case for supporting or opposing the proposed development.

As the proposed development can only be assessed against the Council's Development Plan, to be effective your representation should only raise matters addressed in the Development Plan (See *Fact Sheet 16* for information about the Development Plan). The representation must give reasons for the objections. It is not acceptable to simply say "I don't want this next to my house".

A written representation should detail the following

- your name, address and the date
- the address of the proposed development and the development assessment number
- concerns with the proposed development
- how the proposed development affects your property or area
- if you are objecting to the proposed development include the reasons why planning approval should not be granted
- reference to the Development Plan

The representation can be in the form of a letter, report, dot points or your Council may have a standard form that you can fill out.

Some valid concerns with the development may be

- type of land use is not appropriate
- appearance or character
- overshadowing eg. shadows cast by the proposed building onto the neighbor's back yard or windows

- overlooking eg. potential views from upstairs windows and balconies into the neighbor's back yard or windows
- traffic generated
- proposed development is at odds with the Development Plan

Representations must be lodged with Council within 10 business days of the date of the notice.

Where do I get help preparing my representation?

To prepare the most effective representation, especially for a complex application you can engage the services of a Planning Consultant. A Planning Consultant will be best equipped to assist you to prepare a representation or to prepare a Representation on your behalf. Planning Consultants will review the Development Plan and the proposed development and will identify appropriate issues to include in the Representation. Planning Consultants are professionals, they may not be able to assist you if they do not believe that there are any valid reasons for an objection.

Where can I find a planning consultant?

A planning consultant can be found by visiting www.planning.org.au and following the link to the **Consultants Directory** where you can search for a consultancy by name, location, or services offered. You could also look in the yellow pages under town planning. It is important that you make contact with a consultant as early as possible as it may take several days to prepare a Representation. The process for writing a Representation includes site visit, review of the proposal and Development Plan and preparing the Representation. The cost of this service will vary depending how complex the application is. You should ask the Planning Consultant about their rates and fees before you engage their services.



MOUNT BARKER
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What is the process after my representation is lodged with Council?

After the representation is lodged Council will forward a copy of your Representation to the applicant for their reviews and response. Council will also send you a confirmation letter. The applicant has the opportunity to respond to Council in writing addressing the issues raised in the Representations and they may choose to send an amended application to address the issues. Council and / or the applicant may contact you to try to resolve any concerns and to try to get the Representation withdrawn if all of the issues are satisfactorily addressed.

If the reasons for representation cannot be resolved the Council Planning Officer will prepare a report about the development and make a recommendation to Council Assessment Panel (CAP) to either approve or refuse the application. If the Representation is made as part of a Category 3 public notification you will be given the opportunity to make a 5 minute verbal presentation to the CAP. Some Council's will also give people who have made a representation as part of a Category 2 public notification the opportunity to speak at the CAP. You can also get a planning consultant to speak at the CAP for you. After considering the application, the CAP will then make a decision regarding the development.