

WHAT TO DO IF YOUR PLANNING APPLICATION IS REFUSED

Having your planning application refused may seem like a major blow but it does not necessarily mean the end of your development. There is still the possibility to get the approval you want by taking your case to VCAT.

HERE IS HOW THE PROCESS WORKS

INITIATING ORDER

Once your appeal has been lodged VCAT will issue an initiating order. This order will set out a hearing date for the case along with itemized steps that need to be completed in the lead up to the hearing.



1

STEP

NOTIFYING COUNCIL

You must send council written notice that you are appealing their decision at VCAT.



2

STEP

NOTIFYING NEIGHBOURS

Council will provide a list of neighbours who the application was original advertised too along with anyone that objected.



3

STEP

STATEMENT OF SERVICE

A Statement of Service must be sent to VCAT confirming that all parties including council, neighbours and objectors have been notified correctly.



They must be given written notice of the VCAT case. This gives them the opportunity to lodge a Statement of Grounds to VCAT and be a party to the hearing.



STATEMENT OF GROUNDS

Objectors can lodge a Statement of Grounds to VCAT so they can be a party to the hearing. This gives them the opportunity to take part and make a submission. A fee applies to any objectors who wish to submit a Statement of Grounds.



AMENDING PLANS

There is the opportunity to amend your plans before the hearing to give yourself a stronger case at VCAT. Amendments to plans have to be made 33 days before the hearing and all parties including council, neighbours and objector must be notified of the changes.



THE HEARING

The case is heard by a VCAT member with expert planning knowledge. They will decide whether to overturn the council's decision and approve your development or not. The hearing usually last for half a day and the written decision is sent to you 4 -6 weeks after the hearing.



Council are professionally represented at VCAT along with objectors who may engage their own planning professional to represent them too. Having an experienced VCAT specialist preparing your case, and representing you at the hearing gives you the best chance of getting the approval you want..

If you are considering going to VCAT give our friendly team a call today and we would be happy to help

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