



Malvern East Group

MEG Supports *PLANNING BACKLASH*

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Review of Planning & Environment Act

Preliminary Statement

MEG is concerned that the Discussion Paper suggests changes to the Act which are designed to exclude the community from involvement in the planning process, in particular the right to object to developments that affect our neighbourhood. We believe that we are at a disadvantage now as we do not have the money or resources that are available to the development industry and Government. For a Government which purports to believe in democracy to suggest changes which will diminish the democratic process is outrageous.

In this submission we have commented on the issues with which we are familiar as insufficient time has been given for a more thorough research into the issues. It is impossible for us to deal with the complexities of the law. We hope that you give our comments serious consideration.

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Permit Process

Permit Process could be more responsive to scale and complexity of proposals. Minor applications can be dealt with within the 60 days. For example, applications for satellite dishes could be accelerated if more prescriptive guidelines were to be provided. This is not possible with larger and/or more complex applications which require more than 60 days.

Suggest that the "Failure to Determine" factor be removed...or if it is to be retained the fee be greatly increased by parliament. The present fee is ludicrous and encourages FTD appeals. Applications could be assessed within a time frame that accords with their size and level of complexity.

Lodging an Application

Invariably current requirements do not provide for an adequate level of mandatory information to be lodged with applications. Landscape Plans should be a mandatory requirement. The issue of pre-lodgement certification by private practitioners is a frequently presented suggestion and is unacceptable. It carries with it a lack of consistency, potential for conflict of interest and as the applicant is the employer the desire of practitioners to do what the applicant wants. The suggestion threatens the integrity of the process.

Notice of Application

The 'three class' notification system was totally rejected when there was an attempt to bring it in via the New Residential Zones proposal in 2008. It has been dropped from the 2009 draft NRZ and should be discarded in this Review. It is yet another ploy to disenfranchise the community.

Objections

Call it by any name it is still an 'objection'...suggest it be left as it is and that Council should give each objection the appropriate attention.

Referrals

To expedite the process the onus should be on the applicant to obtain appropriate comments from referral authorities prior to lodgement. Where Council Officers now request comments from their own Departments applicants should approach individual Council Departments as well as referral authorities such as Melbourne Water and Vic Roads and pay according to the time given to comply with the request.

Enforcement

The enforcement process does not work effectively. Residents who report breaches of Permit are often harassed by applicants and/or Enforcement Officers. Council is not able to employ enough Enforcement Officers to inspect and carry out the necessary enforcement process.

Works that are deemed to be in breach of the Permit should be demolished and applicants should be informed of this at the time the Permit is issued. There should be no opportunity to apply for a retrospective permit.

Planning Schemes and Amendment Process

In January 2007 Stonnington lodged with DPCD a Housing Strategy & Neighbourhood Character Study. Council and the community had put hundreds of hours and thousands of dollars into the preparation of this amendment and still we have not been given permission to exhibit it. This is a ludicrous situation. If the Council and the community want public comment on such an amendment then we should be given it within a reasonable time frame...i.e. no more than 6 months. Two and a half years could hardly be deemed 'reasonable'... and it is going to be closer to 3 years at the rate it is going...i.e. if we are EVER permitted to exhibit it. The exhibition of Planning Scheme Amendments could include comments from the Department. The review of the amendment should be made in consultation with Council Officers, community representatives and the Department.

State Significant Projects

At present projects of so-called 'state significance' are designated at the whim of the Minister. No criteria exist for such 'call ins.' "State significance" is implied if the project is 'large,' if the developer wants it called in and/or if it has been made clear by the community that it does not want it to proceed in its lodged form...e.g. Tooronga Village. Even the panel appointed by the Minister wanted modifications made to that!

The implication in this section of the review is that the Minister wants his powers extended. He should only be permitted to exercise the 'call in' powers within an established and acceptable framework...i.e. one that has been deemed to be acceptable by the community not just the development industry. What is happening now is a reversion to the Kennett era. If a 'call in' is decided within an acceptable framework a decision about it must be made by a panel made up of professional and community representatives and the decision must be made free of political influence. This would remove the potential for corruption. (Kew Cottages Development is at present being investigated by the Ombudsman.) One of the Minister's most recent 'call-ins' is 568 St. Kilda Rd. As in the Kew Cottages development a former Labor Party Minister was involved in the process. Is this another one for the Ombudsman?

The existing process allows too much potential for corruption and/or the exercise of undue influence. The 'call in' power excludes Councils and the community from the planning process and is completely at odds with this Government's planning platform of 1999. The lack of ministerial accountability is entirely unacceptable.

Private Certification

The opportunity for private sector involvement in planning decisions should not be provided. This Government consistently refuses to set up an Anti-Corruption Committee and, until that is done and present potential abuses investigated, there should not be involvement of any other section of the electorate in the planning process.

Access to Planning Information & Privacy Issues

The status quo should be retained with regard to Planning Departments of Councils and should be extended to Building Departments. The secrecy surrounding Building Plans is astonishing.

Ann M. Reid (MEG Convenor)