

Coversheet for a submission on the Planning and Environment Act Review

Name:JEAN NANKIN

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Organisation (if applicable):

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Position title (if applicable):

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Which of the following best describes you? (please tick)

- General public
- Community-based organisation
- Local government
- Planning or development industry organisation
- Individual or company involved in the development industry
- Planning or development consultant
- Other, (please specify).....Property

developer.....

Please note the section on "Publication of submissions" on page 2.

BACKGROUND

I am a qualified Town Planner and over the past 25 years have been directly involved in the delivery of residential and retail property projects in both private and public sectors.

More recently, I purchased an 800sqm site in the City of Stonnington with the intention of seeking planning approval for the development of 15 apartments.

From the very beginning of the process, it was my intention to focus on the quality of the outcome not necessarily to maximise the quantity, demonstrate a sense of reasonableness and attempt to minimise delays along the way by of:

1. Appointing experienced and well respected Consultants including Architects, Town Planners and Traffic experts
2. Applying for a reasonable/sensible density with out pushing the “envelope”. It was our intention to “tick all the boxes” of Clause 55.
3. Organising a pre-application meeting with Council planners to address issues of concern
4. Seeking approval from the Referral Authority prior to Council lodgement
5. Ensuring that the application provided all the information required by the Council Planners
6. Responding within 24 hours to mandatory requirements.

In fact, this is what happened:

1. The Council Planners dealt with the application very promptly and efficiently - lodged in June 08 and a Council decision issued in Sep 08

2. Support was received from Vic Roads, Councils Urban Designer, Traffic Engineer and Waste Management Dept.
3. The proposal complied with all the requirements of CI 55 except for the visitor parking requirement where discretion can be exercised if appropriate
4. 27 Objections were received, and a Consultative meeting took place with no changes made.
5. Council Planner's recommended to issue a Notice of Decision to Grant with no significant changes.
6. Council refused the application in Sep 08
7. VCAT heard the matter in March 09 and a decision to grant was issued in April 09 (P2756/2008)

SUBMISSION

In light of the above my submission will be brief with a specific focus on the planning application process.

Advertising

- "Who" is affected by an application is ambiguous and therefore Council err on the safe side and over advertise. This can create a frenzy of unreasonable behaviour and an out of proportion response by the community. Therefore, "who" is affected by an application needs to be measurable, may be by distance from the subject site.
- Preferably, the application should be assessed in detail by the Planner and the various Council Dept's, prior to advertising. The assessment process may be more objective and there would be a greater understanding and familiarity of the application in order to determine "who" will really be affected and therefore who should be notified.

Objections

- Objections should be changed to seeking comments and there should be a strict time frame as to when they

can be received (not 14 days as advertised and then the Act allows for up to the Council Meeting). This will “weed out” those that are serious and those that are “in it for the ride”. It will also give the Applicant a clearer picture of the real concerns and possibly an opportunity to resolve them.

- Receipt of petitions and pro forma letters objecting to applications should be disallowed. If affected parties are committed and sincere, that should make the effort of expressing their views individually.

Referral Authorities (RA'S)

- Applicants should be encouraged to seek approval from the RTA prior to application being made this would save time and provide the Applicant more or less certainty.
- A framework including statutory periods should be in place to facilitate the above.

Council Decision Making

- Overtime planning has become quantitative and therefore it can be treated in a more subjective manner. Therefore, Council should only consider those matters that do not comply and where discretion is required.
- Grounds of Refusal must be specific and only pertain to areas of non compliance

Private Certification

- In some instances where a planning application is assessed against criteria that is measurable, it clearly meets the objective of the zone and is consistent with Govt. Policy it should be certified by an independent Town Planner (on a register) similar to the Building Permit system. This would reduce pressure at Council,

provide greater certainty, save time and in some instances reduce property costs.

Appeal

- When matters are heard at VCAT they should only pertain to areas of non compliance. It should not be an arena that all matters are up for re-consideration
- Timeframes should be introduced that gives max time from when lodged to when the matter is heard. In addition, there should be a 30 day maximum for determination to be issued after the hearing.

Jean Nankin