

30 April 2009

Statutory Planning Systems Reform
Department of Planning & Community Development
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By email and post



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Submission on Review of Victoria's *Planning and Environment Act 1987*

Dear Sir/Madam,

Thank you for the opportunity to comment on [the current review](#) of Victoria's *Planning and Environment Act 1987*. Beaumaris Conservation Society Incorporated was first established as the Beaumaris Tree Preservation Society in 1953, and [today has around 430 members](#). Our comments follow, and are based on the structure of the discussion paper:

Section 4: The objectives

- The objectives of the Act appear sufficiently broad, clear and relevant without requiring change.

Section 6.3: Notice of an application

- We support there being no changes made that would lessen the existing notice requirements for restrictive covenants.

Section 6.4: Objections

- BCS Inc. notes that objectors are required to lodge an objection within a short time frame and individuals unfamiliar with planning can be overwhelmed by the complexity of planning legislation, planning schemes and the approval process. Objectors with legitimate concerns about a proposal might not always have the skills, knowledge and time to prepare what is considered by planning professionals to be an appropriate objection. BCS Inc. has concerns about providing the responsible authority with greater discretion to reject an objection and how the natural justice of the objector will be adequately protected by criteria or guidelines.
BCS Inc. notes the question asking whether an objector should be required to provide more information about how he or she will be affected by a proposal, and it seeks clarification of how those stated effects will be assessed when a responsible authority considers the legitimacy of an objection. In many instances the basis for BCS Inc's objecting to a proposal relates to the proposal's negative impact on the existing and preferred neighbourhood character of a suburb such as Beaumaris. It is important to note that inappropriate development can be used as a criterion to define a preferred character. BCS Inc. is concerned that the effect of development on a suburb as a whole will not be considered to carry the same weight as the effects on immediate neighbours.

Section 6.6: Making a decision

- BCS Inc. recommends that Section 60 be reformed to ensure that policy "must", rather than "may" be considered.
- BCS Inc. supports municipal councils being given the ability to 'stop the clock', to enable continuation of negotiations, if a council and applicant both agree to that.

Section 6.7: Conditions

- BCS Inc. seeks clarification of the ongoing life of conditions, particularly in relation to landscaping conditions. Landscaping conditions for proposals in Beaumaris, where the whole area of Beaumaris is covered by Vegetation Protection Overlay (**VPO1**, **VPO2** and **VPO3**), are often an integral component to ensuring a proposal satisfies the existing and preferred neighbourhood character. These landscaping conditions include vegetation that takes many years to reach maturity and provide their intended benefit to the proposal. On this basis, it is essential that landscaping conditions do not have a prescribed expiry date.

Section 9.1: Private Certification

- BCS Inc. does not support more opportunity for private sector involvement in planning approvals. BCS Inc. notes that private certification continues to contribute to an unacceptable number of inappropriate developments in Beaumaris that do not satisfy existing and preferred neighbourhood character objectives.

BCS Inc. notes a limited amount of community awareness about the publication and seeking of comment on the discussion paper. Moreover, the time provided for response is very short, particularly following so soon after the close of submissions for the New Residential Zones Consultation Paper and the current call for submissions for the VCAT review.

Yours faithfully,

Adrian Cerbasi
President
Beaumaris Conservation Society Inc.