

The following is a submission prepared by the Glen Eira Residents' Association to the Legislative Council's Parliamentary Environment and Planning Committee review of the Planning and Environment Amendment (Recognising Objectors) Bill 2015.

Arising from a 2014 State election campaign, we understand that this bill amends the Planning and Environment Act 1987, with the intent of "*ensuring*" that consideration (extent and nature) is given, by the relevant overseeing authorities (ie. Local Councils and VCAT) to community objections to planning proposals

While we believe

- that rather than applying an amendment to the 1987 Planning and Environment Act, it is more appropriate to focus on "overhauling" that Act. Applying amendments to archaic legislation risks adding complexity, inconsistency and uncertainty to what should be a clear and concise rules.
- that being said, if the intent of this amendment is to "*give the community a voice*" by ensuring that voice is considered by decision makers then the wording of the amendment needs to be more prescriptive, clarified with definitions and decision guidelines should be included.

In support of the above contention

- The controls do not apply to all types of permit applications – it should
- The controls are only applied at Council or VCAT discretion – the proposed amendment's inclusion of discretion (i.e. "where appropriate") creates uncertainty and the lack of decision guidelines undermines and weakens the intent of the amendment
- "Significant social effects" remain undefined and un-quantified, and are subject to the ill defined "net community benefit" test - ergo determining the nature and extent of such "effects" and "benefits" remains at "the discretion of the decision-maker"
- The significance of the number of objectors is not adequately addressed. Both the substance of objections and the number of objections should be taken into account – the number of objections gives weight to the arguments against the development proposal and should be a mandatory consideration.
- Giving consideration to the extent to which persons residing or owning land in the vicinity of the subject land were adequately notified of the permit application by the responsible authority should be mandatory and should not be at the discretion of the decision maker.

Thank you for the opportunity to make this submission.

Yours sincerely

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