



MALVERN EAST GROUP
c/- 14 Chanak St, Malvern East VIC 3145
www.chezsamuel.com/meghome.php
(03) 9572 3205

July 10./ 2015

For...Planning Backlash

Recognising Objectors' Bill

"Putting the Voice Back into the Planning Process"

You all have a copy of the Item in the Stonnington Council Notice Paper..June 22/15.

In this, Council highlights some of the practical implementation challenges of what is **proposed**.

There is doubt that the implementation of the Bill will achieve this recognition.

It is my contention that this Bill actually maintains the status quo. The decision-makers, the Responsible Authority and VCAT will be expected to

"have regard to the number of objectors in deciding if a proposal may have a significant social effect."

It is my understanding that that's what they're supposed to do now.

That is, of course, if they are able to define a "significant social effect."

The Bill does not seek to define this and the Bill does not provide guidance on its meaning. So let's look at what it MIGHT mean.

Julie Szego in the Age June 17 calls the term a

"typically bland euphemism for traffic chaos and clogged lanes at the Council pool."

There is no question that objectors to planning applications want to be recognised. There In *Minawood v Bayside* (2008) Deputy President Helen Gibson said,

" the social impact of approval must not be detrimental." She indicated that there must be "clear performance measures...availability of community facilities such as roads, open space, community centres, noise impacts, access to public transport, **schools, recreation facilities.**"

And further to that ..

"Social impacts are impacts on people with regard to health, safety, neighbourhood identity, belonging and connection to the community, access and usage of community facilities and services."

Well...that covers just about everything and applies to all planning applications...so what's new? It would appear that the "new" factor is

"having regard to the numbers of objections.

This matter was also dealt with in *Minawood v Bayside* to which there were 4,300 objections...

“WHAT WEIGHT SHOULD BE GIVEN TO THE VOLUME OF OBJECTIONS”

Deputy President Gibson declared that

“Decisions are not based on popularity. Consideration of a planning application should not be a political exercise or a popularity contest. Clearly public opinion cannot dictate a decision.

It is the substance or merits of the views expressed, viewed through the prism of planning relevance that must guide the decision-maker. Thus 100 objections based on an irrelevant consideration will not outweigh a single good objection based on a relevant consideration.”

She went on to say,

“Numbers matter when a community is affected...i.e. the social effects on a community” and that “the large number of objections was the result of an energetic and proficient campaign on the part of local residents.”

The Stonnington Item points out that the Bill does not indicate what weight must be given to the number of objections in assessing social effect.

Are we then to assume that weight must be given when the number of objections reaches 50? 100? 4000? and that all of those objections refer to an adverse impact on the community in terms of social significance, cultural identity, neighbourhood character rather than on individuals and their personal issues...i.e. the content is to be considered not just the numbers.

I suggest that this Bill tends to give false hope to the community. As Stonnington indicates it may provide “greater impetus” for groups to organise the lodgement of potentially hundreds of objections in the hope that the decision-makers will be dissuaded from issuing a permit.

“Referencing the number of objections may establish expectations that numbers alone is the critical defining point for a particular decision.”

The other issue that may tend to leave decision-makers in a quandary are the words “where appropriate.” Just when is this to be applied? Is it to be only when there is a large number of objections or is it to be applied when there is one objection which accurately addresses the adverse social impacts a development may have on a community?

Which takes precedence...the numbers or the relevance?

Clearly this Bill does not deliver on the promise of ‘putting the voice of the community back into the planning process.’ How it can be implemented for the benefit of objectors is not clear. It is ambiguous in nature and therefore unacceptable.

Ann Reid (MEG Convenor)