

July 07 Summary of SOS Submission on DAF (June 04)

Most residents only get involved in planning issues when challenged by an impending nearby development so any planning regime in a democracy must allow third party appeal rights. It is also often local objectors rather than council planners who find inconsistencies, errors and omissions in development proposals, perhaps because they have the most to lose – a further reason why they must be part of the decision-making process.

Proposals designed with regard for local planning policies and neighbourhood amenity won't run foul of Council, VCAT or objectors. In contrast, most of the complexity and effort of the planning process is devoted to dealing with proposals that push the envelope.

Most councils in comparable situations have similar turn-around times for making decisions on planning applications, despite the fact that some allow most decisions to be made by staff under delegation while others run most decisions past full council meetings.

The fundamental cornerstone of any planning regime in a democracy is transparency, public control and oversight, which will all be seriously compromised by the DAF proposal. Privatisation of the permit decision process for major proposals will be unregulated (as with the new "pre-certification" process) because to do otherwise would create more layers of bureaucracy than it would save.

DAF panels (unelected) would also make decisions partly on "technically excellent criteria" which can be subjective and may vary in different situations and over time (eg, the improved Rescode "north-facing windows" guideline).

A SIMPLER, MORE EFFECTIVE, MORE DEMOCRATIC SOLUTION

As in most developed countries that protect their cultural and built heritage, local planning policies should be mandatory (heritage, built form and other overlays, etc). Councils spend a lot of effort developing these controls in conjunction with their local community, which is all wasted if they can be ignored at VCAT. Basic Rescode amenity standards are minima anyway and should also be mandatory to safeguard basic living and housing conditions. This won't adversely affect most developers who already comply with these standards.

Secondly, VCAT should be restricted to assessing council process rather than re-hearing assessment applications. This would force Councils to improve their processes. Amended plans should not be permissible – this just encourages ambit claims. These changes would force developers to get it right first time and not waste taxpayers' time and money coping with applications that don't quite meet site limitations or local and state planning policies.

These simple reforms, without any need for further policy development, would remove most ambit claims and speculative development from the system, freeing up Council time to consider and report on applications of merit. This would thus vastly improve VCAT congestion and Council approval times as well as decreasing the number of inappropriate planning applications and safeguarding the community from inappropriate development.

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