

Requests to be Heard

16 August 2022
Council Meeting



Bayside
CITY COUNCIL

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Item 10.3 Review of Planning and Amenity Committee Delegations		For (F) Against (A)
Written Statements		Page 4
1.	Mr Derek Screen (on behalf of Pennydale Residents Action Group (Inc))	(A)

**There were no Requests to Speak received.*

WRITTEN STATEMENTS

Item 10.3 Review of Planning and Amenity Committee Delegations		For (F) Against (A)
1.	Mr Derek Screen (on behalf of Pennydale Residents Action Group (Inc))	(A)
<p>August 14 2022</p> <p>Dear Bayside Councillors:</p> <p>RE: Item 10.3 Review of Planning and Amenity Committee Delegations</p> <p>OBJECTION TO PROPOSED CHANGES TO PLANNING AND AMENITY COMMITTEE DELEGATIONS</p> <p>I write tonight on behalf of PRAG to advise that we do not support the proposed changes to the Planning and Amenity Committee Delegations. There are a few reasons for this objection and I will explain our views for you below.</p> <p>Firstly, whilst on the surface, the report does show that if you look at the issues from the perspective that if VCAT overturn a huge majority of Permit rejections, then yes, you may look at this figure on its own and say it is a waste of time having Councillors look at and vote on applications, however, as the report states, 92% of decisions made by Councillors to reject an application that was originally suggested to be approved by Officers still means that 8% were not. Considering how many applications come through the Planning Department and how many go to Councillors for decision, 8% is a BIG number, NOT a small one. Looking at it from a DIFFERENT perspective, Officers made the WRONG Decision 8% of the time and this was CORRECTED by a different decision by the Councillors. Or looking at it from yet another perspective, according to the report, in the 18 months from Jan 1 2021 to June 30 2022, 103 decisions were given to the Councillors to decide upon, and whilst the report wants to focus on the 94 decisions the Officers got right, I would like you all to focus on the 8 decisions that the Officers got wrong and that the Councillors CORRECTED and got right. Whilst I have no idea which decisions they were, they COULD easily have been an 8 storey apartment block overlooking a school, or the removal of 6 protected canopy trees in a VPO to make way for a pool, or a 10 storey apartment overshadowing the beach, or something as simple as a Bar in a residential area.</p> <p>All of these terrible possibilities and so many others were PREVENTED by the Councillors having authority to make the decision to overturn the suggested outcome of the Officers. THIS is what needs to be focussed on here, NOT the ones that get their permits after going to VCAT. Those 8% YOU Councillors get RIGHT in saying no to a permit are the important things here as that means that 8 whole sections of various communities around Bayside got to go to bed knowing that the Councillors made the right choice and they do NOT have to worry about that OBVIOUSLY should not be approved application again.</p>		

Don't get me wrong, the Officers are doing a tough job and get a LARGE proportion of decisions right, but the OVERSIGHT of the councillors IS important EACH AND EVERY TIME, whether it gets overturned by VCAT or not.

Secondly, there is a figure that is NOT in the report that is very important and needs to be taken into consideration, and that is the number of applications that go before the Councillors where the Councillors MAKE AMENDMENTS to the application for the best interests of the community and those objectors and then STILL APPROVE the plans with those amendments. A lot of the time, objections come in from the community NOT to say no to the application altogether, but to FIGHT FOR SOMETHING BETTER – for IMPROVEMENTS to the applications, and the Councillors are the people that look at those plans on behalf of their constituents and SUGGEST and then debate those suggestions and usually agree.

Whilst I can't speak for all of Bayside, I can tell you that the Pennydale community rarely put forward objections to stop an application totally but when we do it is usually agreed upon by the Councillors. For the most part, when we object to an application it is to MAKE SUGGESTED CHANGES to that application to make it MORE ACCEPTIBLE to the community, and again, usually the Councillors agree with some or all of our suggestions or comments and vote on those changes. THIS IS THE MOST IMPORTANT THING COUNCILLORS DO ON A REGULAR BASIS WHEN LOOKING AT APPROVING OR REJECTING APPLICATIONS. This is what Councillors are MEANT to do – to speak up DIRECTLY on behalf of their constituents.

If the Councillors lose the ability to have applications go to the Councillors and give delegation to Officers instead, THESE changes put forward by the community and OVERSIGHTED by the Councillors will be lost and in that case the Councillors will no longer be able to SPEAK FOR THEIR CONSTITUENTS. This is not only a hugely bad thing for the majority of applications that go before the Councillors, but a hugely negative change to the ability of the residents to ask their Councillors for help and for the Councillors to be able to give that help. This is a huge removal of the democratic process of Council.

For the most part, putting in an objection and asking Councillors to make CHANGES to an application to make that application more suitable to be passed and accepted by the community at large is NOT available by going through the Officers in the Planning Department. Whilst a resident CAN contact the Planning Department and ask questions and suggest changes, the Officers are under NO OBLIGATION to take these things into consideration. Officers are under no obligation to take suggestions through to the applicant. The Officer is meant to be neutral and as such it is not up to the Officers to make suggestions or even KNOW what it is like on the ground where the application seeks to build.

If you remove the ability for the Councillors to be able to OVERSEE these types of things and to make suggestions and vote on them based on constituents suggestions – or even their own – and Officers do not have to take suggestions on to

applicants, then the only course of action for residents is to go directly to the applicants themselves and whilst on occasion we have done this and kept a cool calm head and discussed matters reasonably, not all applicants are reasonable, and not all residents are either, and taking away Councillors abilities to go through this process of suggested changes also has the much higher likelihood of some VERY NEGATIVE CONTACTS between residents and applicants, and whilst this has NOT occurred to us in our discussions, I am fully aware that it has and does happen, and removal of Councillors abilities to take these decisions by delegating to Officers will in my mind only make it far MORE LIKELY that clashes between residents and applicants will occur to the detriment of all concerned.

Thirdly, I would like to make a simple proposition to all of the Councillors. 103 applications were brought to the Planning and Amenity committee in the 18 months the report states. Over that same period of time, according to Councils own eServices webpage, there were 1012 applications lodged. Beaumaris 163, Black Rock 122, Brighton 149, Brighton East 38, Cheltenham 78, Hampton 128, Hampton East 82, Highett 131 and Sandringham 121. That is just the number of applications, obviously I can't say for what these were. They could be for a knock down rebuild, 2 on a block subdivisions, whole apartment blocks, tree removals, basically anything. But the point is of 1012 lodged applications, Councillors were asked to judge 103 of them, a total of just over 10%. That means that Officers dealt with the vast majority of the applications – 909 of them. This means Councillors only dealt with the 10% most contentious ones anyway. Looking at it from the perspective of the 8% Councillors CORRECTED from wrongly suggested outcomes by Officers above, this 10% of total Councillor dealt with applications is not far off what would be expected and understandable.

Each section of the decision process is important here. The Officers have a job to do and they get it right a HUGE proportion of the time. They already have enough work on their hands with 909 applications in 18 months equating to 50 per month or 12 per week. Giving them more work to do will only slow down the process NOT speed it up, and it can make the likelihood of a bad decision increase. Keeping the Councillors looking after those FEW contentious ones of 10% of the total ALLOWS for OVERSIGHT on those applications which is the CORRECT thing to do.

Finally, with respect to changing the trigger number for an application to be looked at by Councillors instead of Officers will only disenfranchise residents. We all know how hard it is for residents to get to know each other in these troubling times. When an application yellow sign goes up on a property, it is already difficult for many people to be able to discuss the implications of the application with other locals, even the directly affected ones. Just because people SEE a yellow sign does not necessarily translate to a large number of people lodging objections. For the most part, as I have mentioned, people lodge objections because the application is OBVIOUSLY going to affect them. Changing the minimum number of objections from 3 to 8 will DISENFRANCHISE a large proportion of the Bayside community and make it MORE LIKELY that applications will get approved that either SHOULDN'T at all (that 8%) or SHOULD WITH APPROPRIATE CHANGES. The COMMUNITY will be the ones that are affected here with this change. Of

the 103 application taken to the Councillors, 58 of them were 7 objections or less. This does NOT make those objections any less applicable that those with more than 7, in fact I would argue that they are JUST as application. 56 applications in 18 months is NOT in my mind a large number. In this day and age where Council wants increases in population and housing, 3 applications per month from residents with less than 8 objections is NOT UNMANAGEABLE and is NOT UNREASONABLE. If for some reason Council insists on putting up the minimum number, can I suggest 5 would be more appropriate. It is still obtainable by residents yet high enough to weed out any “flakey” objections. Just because other Councils have more does not mean we HAVE to follow.

Thanking you for your time and I hope this letter can bring some resident perspective to the table for discussion.

Derek Screen
President, Pennydale Residents Action Group (Inc)