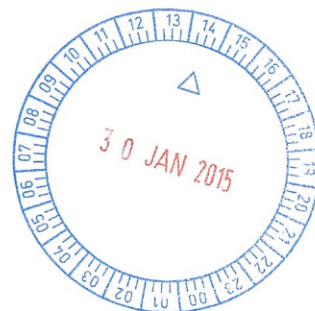


30 January 2015



The Honourable Kate Doust MLC

Chair, Uniform Legislation and Statutes Review Committee

Legislative Council of Western Australia

Parliament House, WEST PERTH WA 6005

Dear Ms Doust

Public Submission – Parliamentary Inquiry: Planning and Development (DAP) Regulations 2011

I am writing to you to express my deepest concern about the way the DAP operates and the destruction it leaves in its wake. I wish to appear before the Committee at the hearing regarding this inquiry.

Firstly, **the independence** of 3 appointed members is questionable - they appear to be handpicked to rubberstamp applications which are out of order, appearance, bulk and size and non-conforming local Town Planning Scheme. The 3 handpicked members always outnumber two representatives of the local community. Whoever came up with the formula should be questioned for motives.

These three 'independent' members are supposed to be **professionals**. I have seen the same person who is a member of the DAP panel represent a development, excusing himself from that particular session of the DAP, but the other members actually being his mates, as they have done many a DAP session together. The praises sang to the non-compliant development were hard to listen to. The formula appears to minimise the negatives (e.g. Transport Oriented Development, therefore no need for car, therefore no need for parking – a joke that local residents are paying dearly for in loss of amenity). At the same time the experts are extolling the 'vibrancy, innovativeness, beautiful design, in keeping with old vertical or horizontal rhythm' etc etc – all the non-quantifiable attributes. The quantifiable things like impact on old structures, access to garbage collection, traffic flow and parking access are mainly skimmed through, if at all.

The DAP 'independent professionals' are approving developments which will have inadequate parking, inadequate traffic access and exit to the site. They are approving developments which will have **adverse or even destructive effect on the nearby properties**.

In my case, the DAP approved excessive non-compliant development across from heritage listed terrace houses is Catherine Street in Subiaco. Luckily for us the approval has lapsed. The bulk and height, the underground parking levels, the access and exit into a 6 metres narrow one way street and a whole plethora of other issues has been addressed in the public submissions without ANY CONSIDERATION by the DAP. In this case (as apparently in many others), I understand there were irregularities in the process, and breach of the very DAP regulations that others will be addressing in more detail. What I am very worried about is **apparent professional negligence** of the experts.

Catherine Street terrace houses are 110 years old dwellings, built on a slab of limestone, without foundations, on jarrah 'sleepers'. They are made of bricks using Flemish bond for strength. The bricks are held together by sand and lime. There is not an ounce of cement in the original dwellings.

DAP approved a proposal (offices only, in the residential infill zone!) with two level underground garage, with NO CONDITIONS to address impact of de-watering and vibrations to the heritage listed properties 6 metres across the road. The professional experts should have understood the damage that would have caused, but clearly chose to ignore it. We had **no right to question or appeal the decision**. One of us took it to the Supreme Court, lost and had damages awarded against her. We have in the meantime commissioned an expert report by a structural engineer, and it clearly states all the physical dangers for our properties had the DAP approved development gone ahead. How is that professional???

I find it absolutely incredible that anyone could have such power over my life and my finances, and without any scrutiny, consequence or any responsibility. I spoke on many occasions along these lines, but it really felt like that Chinese student in front of the tanks in Tiananmen square: the tanks are rolling, so you either move away or you'll get squashed.

The process allowed to the DAP members is secretive, non-transparent, inconsistent and above all without any **responsibility** for the damage they are causing to the community, property or amenity. The affected individuals or community have no recourse or appeal – the DAP rubber-stamps (sometimes even secretly), and that's a done deal.

There is too much dealing behind the closed doors, too much 'tweaking' and done deals, the public has no confidence whatsoever in the process. I had no opinion or knowledge about any of those issues, until they literally got dropped on my doorstep, and I realised how **powerless** I was.

On the line of Planning and Development, I'd also like to express my concern with the Ministerial intervention for the old Pavilion Markets in Subiaco.

What is happening in the area between Rokeby, Roberts, Catherine and Hay is a disorderly and improper planning (if it can be called planning at all), it will wreak havoc in traffic, parking, infrastructure, services access and lots more that should be properly planned for. It's all really reflective of the powers who appear to have been 'scheming' rather than 'planning' to allow inappropriate developments in this section of Subiaco. I believe someone should give some **explanation to the public** why a 16 storey tower was imposed onto Subiaco.

The public puts in submissions, which nobody pays any attention to – it's all done and decided without public input, Submissions appear to be just a smoke screen behind which real deals are done.

It is of enormous concern to me that all this can be happening without a mechanism that would **keep this DAP business in check**.

I am afraid that this all looks like laying foundations for some real grief in future: **corruption in process** will ultimately lead to **corruption in substance**.

Based on my personal experience with the DAP process and decisions, I firmly believe that in a democracy there is no place for the 'discretionary', secretive, inconsistent, non-reliable and generally questionable decision making body like the DAPS.

Sincerely.

Ines Janca