

Legislation, Uniform

From: |
Sent: Thursday, 29 January 2015 1:37 AM
To: Legislation, Uniform
Subject: Submission - Parliamentary Inquiry: Planning and Development (Development Assessment Panels) Regulations 2011



Lynette and Geoffrey Pearson

29 January 2015

The Honourable Catherine (Kate) Esther Doust MLC
Chairperson
Uniform Legislation and Statutes Review Committee
Legislative Council of Western Australia
Parliament House
WEST PERTH WA 6005

Dear Ms Doust

Submission - Parliamentary Inquiry: Planning and Development (Development Assessment Panels) Regulations 2011

We write with regard to the above to endorse the comments and suggestions outlined in the submission to your Committee's inquiry by the *Striker Balance!* Community Action Group.

We ask you and your fellow panel members to imagine for one moment what your reaction would be to discovering that a large block of apartments was to be built right next to your home (or that of your parents, perhaps) which demonstrably was of a bulk and scale not in keeping with the general 'feel' of the locality, which would bring with it an immediate doubling of the population of the whole street, a corresponding increase in vehicular movements, noise, parking problems etc., and that this should occur in direct, extreme contravention of all the normal (i.e. expected and generally understood) building requirements to which you / your parents and your / their neighbours (i.e. the rest of the community) are appropriately subject.

We further ask you to consider what your reaction would be to being told that this was to occur, even though 95% of your neighbours opposed the development, your locally elected representatives unanimously opposed it, your local council opposed it - and recommended its refusal - and your two local MLAs also opposed it.

We ask you to consider further what your reaction would be to then being told that this was actually going to occur because three people you've never voted for, never met before, who do not live in the area, and whom you are never likely to meet decided that this would be so.

We also ask you to consider your reaction to being ignored by those same three people when you ask them: "Why?" "On what grounds?" And finally then to be told by the person in charge of those three people (i.e. the Minister of Planning) that "this is all above board and correct." To learn that these same three people are, in effect, a law unto themselves.

Would you not be outraged? Would you not think that some serious questions needed to be asked? Would you not smell a rat? Would you not consider that someone somewhere was greasing someone's palm in order that such a thing could happen?

That, in a nutshell, is what this DAP system brings about, for community upon community.

We are in no doubt that this happens because of the discretionary powers inherent in Part 2 of the R-Codes and the application of so-called "Design Principles", which is nothing less than a euphemism for "personal opinion", and a way of getting round the measurable "Deemed-to-Comply" Principles.

Such discretionary powers to make planning decisions should only ever be placed in the hands of those who can be held to account by those who will feel the brunt of their application. Placing such powers, by whatever means, in the hands of people who are in no way accountable to those who will suffer as a result of their use is an invitation to abuse, corruption and misery.

We believe that, given a moment to imagine this being visited on you and yours, you, too, would find this absolutely unacceptable and objectionable.

For those of us who have already suffered, we therefore look to your committee to bring an end to this highly corruptible and most damaging of systems.

Yours sincerely

Lynette and Geoffrey Pearson