

DTI:Planning Review

From: Alex Paschero [REDACTED]
Sent: Sunday, 6 November 2022 7:40 PM
To: DTI:Office of Minister Champion
Cc: DTI:Planning Review
Subject: Development Assessment Panel Review

Dear Minister,

It has come to my attention that you are currently reviewing the existing development act introduced back in 2017/2018. The reason for my letter is to get some answers around a dubious development approval with significant impact to residential amenities and I would appreciate your response.

As context, the history is that in 2014 under the old development act a commercial development was proposed at 1 Harrow Road/77 Payneham Road, St Peters, [REDACTED]. It was introduced as a category 1 development, submitted as merit based. Neighbours were notified and many attended the development meeting with objections. The meeting determination was that the development did not meet the intent of the Norwood, St Peters & Payneham development plan and the merit-based proposal was declined. The developer appealed to the ERD court where I assisted the council in defending the decision as an interested and significantly impacted party. Court proceedings were undertaken for approximately six months ending with the developer receding due to lack of evidence to corroborate their claims and back up their position with any strength. In my opinion, I felt the court sessions were the developer's way of conducting a legally approved bullying technique to remove all interested parties from the further discussions.

In 2017/2018 following changes to the development act and inclusion of the state-run Development Assessment Panel (DAP) the developer resubmitted plans not too dissimilar to the existing plans as a merit-based proposal. Due to the new rules the proposal was submitted as a Category 2 with only notification to connected properties. Minimal consultation occurred and the voice of the community was not widely present in discussions. Due to the new rules the development proposal was heard by the DAP with only one local council member and minimal neighbours/community voice and was approved with no right to appeal or contest their decision.

Having attended the meeting to voice my concerns I can say my concerns were ignored and the impacts considered inconsequential. For example, the developer's report called out that operations would exceed EPA noise levels twice daily and I asked for clarification on time, duration, and type of noise both in my response and during the meeting, this would assist in clarifying impact. My concerns were dismissed, no answers were given. Odour was another issue that was not properly addressed with insufficient practical evidence on impacts, the measures were subjective. On-site parking was also dismissed without due diligence, in fact I hired a town planner who noted that the car parking was insufficient and did not meet the significant need especially at peak use imparting significant impacts on the surrounding neighbourhood, on this basis alone the development should not have been approved.

I request that your review consider this development and provide answers to my questions:

- How can the DAP approve a high impact, borderline or objectionable compliance that does not meet the intent of the development plan? If it had been one issue maybe it is acceptable however there were multiple issues of concern, and the approval report demonstrates the concerns of council appointed specialists and flawed information provided by the developer.
- Who is going to enforce the conditions imposed on the developer when all works are finished? The council admits they have limited authority on industry. Monitoring filtration systems, noise pollution, light spillage, and in general, a reduction to residential neighbour's amenities and living standards are ongoing concerns and their rights need to be represented against industry for the life of the operation.
- As I have lived in my home for more than 60 years, how is it that I have no rights or diminished rights when it comes to industry? My concerns, and issues, are not taken seriously. I am ignored, or labelled a problem, when I raise concerns.

With how non-compliant this development is to the intent of the development plans it makes me wonder if the assessment panel had been influenced by invisible covert mechanisms.

I would more than welcome the opportunity to provide further details of this situation through a meeting or providing further information for your use.

Yours faithfully

Mr Alex Paschero