

Islamic Council of Victoria
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10 July 2015

The Honorable David Davis
Chairman
Environment & Planning Committee

Dear Sir,

Re: inquiry into the Planning and Environment Amendment (Recognising Objectors) Bill 2015

Thank you for the opportunity of submitting a representation with respect to the above proposed legislation.

It is our understanding of the draft Bill that the effect of the proposed amendment will place a positive onus on a local Council, or other approving authority, to consider the number of objections received to a planning proposal as a separate matter to the merits of such objections.

The Islamic Council of Victoria, on behalf of our member organisations, and the Muslim community generally, is concerned with this proposal.

It is our view that the current regulations provide sufficient opportunity for genuine concerns relating to planning proposals to be raised and considered having regard to the interest of all parties including the general public.

Including the volume of objections as a basis for potentially rejecting a proposal is problematic for a number of reasons including:

1. What number of objections is the critical point for rejecting a proposal? Is it an absolute figure or a percentage of local residents? Is it at the discretion of each approving authority?

We respectfully submit that it would be almost impossible for the Parliament to adequately address this point and to leave it to the discretion of each approving authority will potentially give rise to different standards being applied across the state for similar developments. This will lead to uncertainty and ambiguity.

It is likely that such a situation will lead to an increased number of development applications being taken to the tribunal both from objectors and developers as neither side will be satisfied when a decision goes against them.

2. We have seen in recent times development applications for Mosques and other Islamic centres become subject to campaigns of objections. Those objections have, in many cases, been co-ordinated by individuals not only outside the local area but even outside the State. The Bendigo Mosque proposal being a relevant case in point. This proposal will have the potential to exacerbate this unwelcome phenomenon.

If individuals, whose real basis for objection has little to do with planning matters or the amenity of the local area, have an avenue to prosecute their agenda purely on a basis of numbers then it is likely that this will lead to an increase in these types of campaigns.

Such campaigns do little to build social harmony and in fact often cloud genuine concerns of residents around planning matters. We are concerned that those genuine issues will be further lost in the maelstrom of objections that will likely be lodged purely to get the 'numbers up', objections which are often based on bigotry and prejudice.

3. Individual members of the community have many vested interests and while all individuals have a right to voice their concerns ultimately these decisions need to weigh up competing interests. That balancing process is not, and should not be, a case of numbers. If it was then any minority group is potentially disadvantaged when submitting development applications.

Planning laws should, and do, lay out criteria that is required to be met before any new developments are approved. Provided those criteria are met, and this assessment is made by professionals with knowledge and expertise, then just the fact of a certain number of individuals being opposed to such a development should not be a determining factor.

We respectfully submit that this proposed amendment will lead to a greater level of uncertainty for religious and community groups seeking to build important social infrastructure. It will potentially increase the risk of discrimination and bias influencing decisions that should be free of such considerations and for developments that have a significant social benefit.

We urge the Parliament to reconsider this proposal.

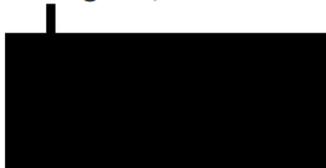
Alternatively, we submit that such a proposal should not apply to applications for places of worship, community centres and the like. We believe that these cases are fundamentally different to commercial developments for example and while the number of objections to a commercial or high rise development may have some merit, the considerations for places of worship and community centres are different and should be treated differently.

Having such an exemption we believe will allow the proper consideration of the needs of minority communities while still having regard to the interests of the broader community. We do not believe that the current process has led to any significant problems in regards to religious and community based developments and there is no compelling reason to change the manner in which such applications are considered.

We respectfully submit that the potential adverse impact of the proposed changes on religious and minority groups will far outweigh any perceived benefits in this area.

We urge the Committee to consider recommending an exemption as outlined above be introduced into the legislation if it is to proceed.

Regards,



Ghaith Krayem
President