



Legislative Council Standing Committee on Uniform Legislation and Statutes Review

Review of the planning and Development (Development Assessment Panels)

Questions on Notice to Charles Johnson arising from Hearing on the 2 July 2015

Response to correspondence from Striker Balance Group re 94 Kitchener Road

I do recall that the DAP Secretariat at the Department of Planning (DoP) did send me a copy of the correspondence from Striker Balance. It was my understanding and recollection that the DoP were going to provide a general response to the Group as they had been dealing with a range of correspondence from them and a number of individuals addressed to the Department and the Minister for Planning.

I note that you have referred to regulation 48 that the DAP Presiding Member has the power to make public comments which I have used on occasions to respond to media enquiries. The issue of interring into ongoing correspondence with private groups and individuals is less clear.

On three occasions now I have received letters through DoP requesting a response from people who have been dissatisfied with a JDAP decision. I have discussed my role in preparing a response with the DAP Secretariat and have sort an agreement that they would fund my costs of preparing a response by paying me a fee for doing so. In this regard it needs to be appreciated that a significant amount of time is needed to prepare a response to the specific questions being asked often relating to the full range of issues that the JDAP considered and how they were considered against existing Council scheme provisions and policies. This could amount to significantly more than the summary that is provided in the minutes of the meeting as the reasons for making the decision.

For your information the advice that I received from DoP in regard to one of these letters was that they would not cover my costs and that they would provide the responses themselves. I am unsure how they did respond as they were not involved in the meeting concerned. As a small business owner I do not believe that I should be expected to cover the costs of spending several hours preparing a response to follow up letters.

My recommendation would be that the JDAP fee structure should be amended to provide a fee to JDAP Presiding Members to allow them to prepare correspondence. It is unreasonable in my view to expect that this should be done within the standard sitting fee of \$500.

Request for Further Comment on the JDAP decision on Kitchener Road

I consider that I have already provided to the Standing Committee with my evidence on this matter. This took the form of a written statement and the answers to the questions asked at that enquiry. I do not have anything to add to what I have already said. I consider that I have given an adequate explanation of the reasons for the JDAP decision on this matter.

For your information preparation of my evidence for that hearing took 8 hours and 2 hours at the hearing. I did receive a payment of \$500 for my time which in no way covers the actual costs.

I also want to state that from my long experience in planning that those that are dissatisfied with a planning decision are very rarely satisfied with the reasons given for making a decision that is not in accord with their wishes. In this regard I don't think I would ever be able to provide the Striker Balance Group with what they consider to be sufficient clarity for the decision that was made.

CHARLES JOHNSON