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In the trenches: examining housing supply and development assessment in Melbourne

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Abstract:
Delivering new residential housing within established metropolitan areas takes place within a context of competing pressures, with planning and housing policy objectives often at odds with both developer and resident expectations. These competing perspectives typically emerge within the development assessment process, where planning officers and elected officials determine development proposals.

This paper examines the participation of elected Councillors in the determination of development applications in Melbourne, exploring tensions between merits based assessments conducted by planning officers and the politically informed decision making of elected representatives. Using publicly available Council meeting minutes, we analysed metropolitan Melbourne residential permit applications for 2011 that were determined directly by Councillors rather than being determined under delegation by Council planning officers. We investigated the characteristics of applications where Councils withdrew delegated authority from Council planning officers; the degree to which Councillors adopted planning officer recommendations; and the factors influencing decision making, including spatial location, dwelling density and public objection levels.

It was found that in Melbourne, Councillor decisions that override planning officer recommendations are almost always to reject development; and that such decisions are associated with the level of resident objection. The research data and findings strengthen the evidence base for understanding the role that elected representatives play in development determinations.

Keywords: planning; development assessment; decision making; Council

1. Introduction

The dual policy objectives of consolidating cities and increasing well located affordable housing frequently positions housing policy goals against local resident opposition. Along with these well enshrined housing policy objectives, there is an increasing demand for higher density dwellings in existing suburbs (Kelly et al 2011) and greater private developer investment in urban consolidation projects. Resident response to this increased development activity is often to oppose it, and is well documented (Vallance et al 2005; Woodcock et al 2011; Cook et al 2012). This conflict poses challenges for existing models of development assessment and public participation, as existing processes are increasingly seen as inhibiting the delivery of policy objectives and housing product. This has given rise to planning system reviews and subsequent reform agendas (for example in Australia see DSE 2006; Victorian Auditor General 2008; VCEC 2010; NSW Government 2012; Productivity Commission 2011).

Planning systems, and in particular development assessment processes, are positioned in the middle of this conflict. Central to many development assessment processes, including in Victoria where this research takes place, are the roles of the Council planning officers who assess development applications and the elected Councillors who are the decision making authority ultimately responsible for approving or rejecting applications at the local level. Both planning officers and Councillors must mediate the drive for increased residential development with residents opposition to change. This is typically undertaken under the guidance of planning policy frameworks that both encourage development while attempting to protect valued aspect of existing communities. With such competing and often conflicting pressures, Council administered planning systems are firmly positioned within the political realm (Willey 2007). These challenges are accentuated by the discretionary nature of development assessment processes, which allow the potential for differing interpretation of policy intent and preferred development outcomes (Claydon 1998; Tait and Campbell 2000)

Elected Councils are generally the responsible authority for setting local strategic policy and administering statutory planning controls, including the right to allow or refuse developments. However due to the complexity and sheer amount of permit applications submitted each year, elected Councillors delegate their decision making powers to their internal planning department. Assessment and determination of development predominately occurs with minimal intervention from Councillors. However, in cases of significant interest, typically due to their size, nature, development cost, policy relevance or resident objection, Councillors may withdraw their delegation to determine applications directly. As with planning officers, elected officials evaluate the merits of a development proposal against policy provisions, however they do so under a different range of influencing factors. Along with the need to uphold policy objectives, Councillors are informed by their obligations as representatives of their ward and often as members of a political party, making for a challenging and often conflicted roll (Tait and Campbell 2000; Corpus 2003).While contentious cases often characterise the tension between developer interest and resident opposition, they also highlight the differing responsibilities and assessment considerations within development assessment between the Council planning officers and elected Councillors.

In development assessment planning officers act as both experts in policy and facilitators of process, evaluating the merits of a proposal against policy provisions, informed by submissions from the developer and residents. While planners administer a procedurally based system, assessing developments requires judgement, discretion and interpretation to ensure balanced and informed outcomes are achieved. Planning officers must mediate between the often competing interests and expectations of Council, developers and citizens and as such are intrinsically imbedded within the political aspects of the system (March 2007; Tait 2011). There is also complexity in the agency of planners in development assessment: on the one hand they provide the substantive recommendation or decision on

planning matters, and are capable of dismissing or diluting input from non-planning parties (Mees 2000: McGuirk 2001); on the other they are faced with the continual prospect that their authority is overridden by political process (Marshall 2007).

There are perceptions that these two key decision makers – Council planning officers and Councillors - can be swayed by formal and informal pressure from both residents and developers. Cook et al (2012) document the significant influence of formal resident objection and appeal on development assessment processes. Several researchers have explored the informal channels of developer and resident engagement with Councillors and Council planning officers and the effect this has on decision-making processes (Claydon 1998; Hillier 2000; Rumming 2010). Indeed in Victoria and NSW salacious lobbying has led to cases of corruption, with several Councils placed under administrative control (Victorian Ombudsman 2009; ICAC 2008; Dowling 2012). Given the discretionary nature of development assessment, Claydon (1998) argues that developers have the greatest potential to influence decisions via their interactions with planning officers during the period of submission, where there is greatest opportunity for the planning officer to exercise discretion in the nature of his/her assessment.

Increasing recognition that critical attention is required on planning decision-making process in every day practice (Claydon 1998; Tait and Campbell 2000) has lead to a number of significant contributions to the analysis of Councillor and Council planning officer roles in development assessment. These consist primarily of qualitative research, offering important insights into planning process, perceptions and power relations typically based on content analysis of planning documentation (Tait and Campbell 2000; Weston & Weston 2012), or interview and surveys of key actors in planning processes (Claydon 1998; Enger & Heinelt 2008; Hassen 2010; Clifford 2013). However, there is little work that examines the extent and impact of particular Council planning officer and Councillor roles on development assessment processes, with no empirical data quantifying the extent to which Councillors interject and override Council officer determinations.

This paper presents research that examines the relationship between Council planning officers and Councillors via a quantitative assessment of development assessment pathways and determinations in Melbourne, Victoria. Our research focuses on development applications where Councillors make determinations rather than Council officers under delegation, exploring tensions between merits based assessment conducted by planning officers and the more politically informed decision making of elected representatives. Section 2 and 3 of the paper outlines the research context within the Victorian development assessment system along with the data coding and analysis methods. Sections 4 and 5 of the paper present the data and our analysis, examining the extent to which Councillors deliver determinations that differ to the recommendation of Council officers, along with the nature and justification of these decisions and their relationship with resident objection. The paper concludes with a discussion of key findings regarding the contributions made by elected officials to development assessment.

2. Research context

Melbourne provides an interesting context to investigate development approvals process. Melbourne has many elements common to modern global cities, including an expanding population, a well established planning system, and a strategic focus on urban consolidation policies, which, in combination with the growing population places significant pressure on established areas to accommodate new residential development. The city also has several unique characteristics, including the relatively widespread opportunity for both proponents and third parties to oppose and challenge planning determinations, including through the long established VCAT appeals tribunal, and generic, standardised controls that are applied across all 31 metropolitan Council areas.

The primary mechanism used by Councils to guide development is the administration of a planning scheme, which provides a set of statutory policies and controls that determine how land can be used and developed. Each planning scheme identifies if a planning permit is required to be granted by Council before the proposed use or development of land can occur. If a planning permit is required, a person or organisation must submit an application to Council explaining how the proposal addresses the objectives and requirements of the planning scheme.

Where Council resolves to withdraw delegated authority and determine an application, a committee of Councillors will assess the application at a Council meeting. Before Councillors determine an application, their planning officers are instructed to prepare an 'officers report', which generally contains an assessment of the application and a recommendation of what the Councillors determination should be. An application will be discussed and voted upon by the Councillors present, with the majority vote determining the outcome.

3. Research method

To examine the relationships between Councillors, Council planning officers and the various actors of Melbourne's development approval system, the research examined the planning permit application processes of all 31 metropolitan municipalities, and reviewed all new residential permit applications determined by Councillors rather than planning officers across all of 2011. This created a comprehensive data set which allowed us to investigate the extent to which Councils withdrew delegated authority from Council planning officers; the degree to which Councillors adopted planning officer recommendations; and the factors influencing decision making, including spatial location and public objection levels.

While Council areas may differ in spatial size, economy, demography and history, all share similar aspects that allow comparison. As previously indicated, each Council must operate within the same legislative framework to administer a planning scheme that essentially includes replicated controls and decision guidelines. While there may be local variations to a planning scheme, it remains the same standardised mechanisms for administering the planning permit process.

The research examined planning permit applications relating to the proposed development of new residential dwellings. Applications for mixed use developments were considered provided they contained at least one dwelling. The scope was narrowed to focus on new residential applications as these were the best to highlight Council decisions. We excluded applications for endorsed plans and amendments to existing permits as the decision to grant a permit had already been issued; along with applications proceeding to the VCAT appeals tribunal as these would be determined by a third party. In the applications we examined, the decisions made rested entirely with Councillors.

The Council meetings where the development applications were determined formed the primary data sources, with the research extracting the relevant information from these meetings via the published meeting minutes. Analysing the content of the minutes and agendas was the most appropriate method of obtaining data for the project, as the information required regarding the intricacies of development applications are not captured within secondary sources[1]. To ensure a comprehensive data set was produced the research examined every Council meeting held within the 2011 calendar year. This has ensured that

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[1] We attempted to cross tabulate the cases extracted from the meeting minutes with the Victorian governments Planning Permit Activity Reporting System (PPARs) to streamline the data capture. However, limitations to the PPARs data set meant that all information was extracted from meeting minutes to ensure accuracy.

every application determined by Council that fit the project scope was included within the final data set. Over 500 meeting minutes were analysed and coded, and while the format and content of the minutes and agenda documents vary considerably between Councils, all contained the core information required to conduct the research. Upon completion the details of a total 771 individual development applications had been recorded.

A coding schedule was developed to efficiently extract information from the minutes and agenda and convert it into malleable data. The coding schedule is based upon the DPCD style guide for planning permit activity reporting (see DPCD 2009). The majority of data was assigned a numeric value to allow the maximum data manipulation and testing. A summary of the coding schedule is provided in Table 1.

Table 1: Data coding schedule

Code	Intention	Format Recorded
Planning Scheme	To identify the planning scheme by name	Copied Text
Application Identifier	To identify an applications unique code (as generated by Council)	Copied Numbers/Text
Property Street Address	To record property address an application relates to	Copied Text
Property Locality	To record the suburb an application relates to	Copied Text
Property Postcode	To record the postcode an application relates to	Copied Numbers
Proposed Use	To establish what a planning permit is sought for (as recorded by Council)	Copied Text
Number of Proposed Dwellings	To establish how many dwellings proposed by a development	Copied Numbers
Objections	To establish how many formal objections were raised against an application	Copied Numbers
Public Notice	To establish if an application was 'advertised' to the public	Numeric Code, range 1-2
Planning/General Meeting	To record the meeting format an application was determined at	Numeric Code, range 1-2
Planners Recommendation	To establish a planning officers recommendation	Numeric Code, range 1-2
Council Decision	To establish Councils decision to grant or refuse a permit	Numeric Code, range 1-2
Has Council Followed Planners Recommendation	To establish if Council's decision has adopted the planning officers recommendation	Numeric Code, range 1-2
If Support	To establish how close a recommendation was followed	Numeric Code, range 1-3
Decision Code	To summarise how an application was determined	Numeric Code, range 1-6
If Refusal	To record the reasons outlined in a grounds of refusal (only applied to applications refused a permit)	Numeric Code, range 1-2
Significance with Decision	To record notes on any aspect of a Councils decision	Text
Comments	To record notes on any aspect of an application	Text

The coding schedule established the necessary facts of an application, the recommendations and decisions of the Council and planning officers and the common themes occurring during the determination of applications. The project recorded additional information outlined within Council and planning officer determination of applications, such as dwelling density and grounds given to refuse applications, however this is not analysed in great detail within this paper. While separate analysis indicated that these factors did not significantly influence planning officer recommendations or Council decisions, this is not fully explored within this piece of work. Additional work being currently undertaking will provide a greater bearing on additional factors that may or may not influence decision making.

4. Councillor engagement in development assessment

The extent to which a Council delegates it decision making authority inevitably influences the amount and type of permit applications it determines at Council meetings. Section 98 of the Local Government Act 1989 establishes how Council may delegate its power, and instructs Councils to maintain an 'instrument of delegation' which indicates when authority is to be delegated pursuant to state legislation, including the Planning and Environment Act 1987. Councils are instructed to review the instrument of delegation' with each election cycle.

To establish if Councils strictly employed their instrument of delegation, were guided by alternative policy or determined delegation in an ad hoc case by case basis, a generic email was sent to the general contact point of each Council. The email requested a brief outline of how the delegation process worked, and if the delegation process was formally recorded within a policy document. A secondary generic follow up request was sent to the Councils who did not initially reply, as well as individual emails to various Councils to clarify their responses. Ultimately 26 of the 30 municipalities provided a response to the request, with the majority providing insight into their particular delegation process. The responses were generally provided by practicing planners of varying seniority, or their administrative staff. It is assumed that any response provided is reflective of standard practice within the Council planning department, however this cannot be confirmed. Table 2 provides a summary of Council responses.

Table 2: Delegation practice across Councils

LGA	Provided a response to request	Indicated the existence of delegation practice	Practice recorded in formal or informal policy	Formal Policy referred to outlining delegation process
Banyule	Yes	No	-	-
Bayside	Yes	Yes	Respondent Unsure	-
Boroondara	Yes	Yes	Formal	Deed of delegation
Brimbank	Yes	Yes	Respondent Unsure	-
Cardinia	Yes	Yes	Unclear from response	-
Casey	Yes	Yes	Formal	21 April 2009 meeting minutes (which referenced deed of delegation)
Darebin	Yes	Yes	Formal	Planning Committee Charter
Frankston	Yes	Yes	Informal	-
Glen Eira	No	-	-	-
Greater Dandenong	No	-	-	-
Hobsons Bay	Yes	Yes	Formal	The Planning Process
Hume	Yes	Yes	Formal	Deed of delegation
Kingston	Yes	No	-	-
Knox	Yes	Yes	Formal	Deed of delegation
Manningham	Yes	Yes	Formal	Major Applications Process
Maribyrnong	Yes	Yes	Informal	-
Maroondah	No	-	-	-
Melbourne	Yes	Yes	Informal	-
Melton	Yes	No	-	-
Monash	Yes	Yes	Informal	-
Moonee Valley	Yes	Yes	Formal	Statutory Planning Controls (March 2011)
Moreland	Yes	Yes	Formal	Guidelines for the Exercise of Delegation for Planning Applications (D10/130483)
Mornington	Yes	No	-	-
Nillumbik	Yes	Yes	Informal	Links to Council website
Port Phillip	Yes	Yes	Formal	A Guide For Objectors
Stonnington	Yes	Yes	Formal	Planning Delegation Guidelines
Whitehorse	Yes	Yes	Formal	Deed of delegation
Whittlesea	Yes	Yes	Unclear from response	-
Wyndham	No	-	-	-
Yarra	Yes	Yes	Formal	Deed of delegation
Yarra Ranges	Yes	Yes	Informal	-

Based upon the responses given, there appears to be no standardised delegation practice across metropolitan Melbourne. The majority of respondents indicated that some form of delegation practice occurred at their Council, however in many cases it was unclear when,

and to what extent, delegation was to be authorised by a Council, and to what type of applications delegation should apply to. Only six Councils referred to a deed of delegation as the policy that informed their delegation process. This suggests that despite the deed of delegation acting as definitive legislative guide to where decision making authority can be delegated, it does not generally inform day to day delegation practice.

Furthermore, despite all Councils maintaining an instrument of delegation, four respondents suggested that no formal delegation process was in place at their Council. Similarly, several responses indicated their Council employed a range of delegation withdrawal thresholds but could not confirm if these were recorded as a formal Council policy or were more of a general 'rule of thumb'. This suggests a level of confusion may exist within some Councils as to how the delegation process operates, and what thresholds are in place to trigger delegation to be withdrawn.

Having established the delegation practices of Council, we undertook the review of planning permit applications. A total of 771 applications that met the research scope of *new dwelling applications determined at Council meetings during the 2011 calendar year* were recorded. With the exception of Maroondah, all municipal Councils determined at least five relevant applications, with 17 of the 31 Councils determining 20 or more applications. Table 3 outlines the number of applications determined at Council meetings, and what per cent of the total applications examined this accounted for; while figure 1 presents the spatial distribution of this data, with the majority of Councils having determined between 10 and 30 applications.

Table 3: Applications Determined at Council Meetings

Council	Applications Determined at Council Meetings	Percentage of Sample
Banyule	5	0.6
Bayside	44	5.7
Boroondara	28	3.6
Brimbank	10	1.3
Cardinia	10	1.3
Casey	6	0.8
Darebin	71	9.2
Frankston	21	2.7
Glen Eira	22	2.9
Greater Dandenong	32	4.2
Hobsons Bay	9	1.2
Hume	25	3.2
Kingston	32	4.2
Knox	37	4.8
Manningham	14	1.8
Maribyrnong	16	2.1
Maroondah	0	0
Melbourne	15	1.9
Melton	10	1.3
Monash	25	3.2
Moonee Valley	48	6.2
Moreland	39	5.1
Mornington Peninsula	20	2.6

Nillumbik	15	1.9
Port Phillip	12	1.6
Stonnington	34	4.4
Whitehorse	18	2.3
Whittlesea	90	11.7
Wyndham	6	0.8
Yarra	31	4.0
Yarra Ranges	26	3.4
Total	**771**	**100.0**

Figure 1: Spatial distribution of data
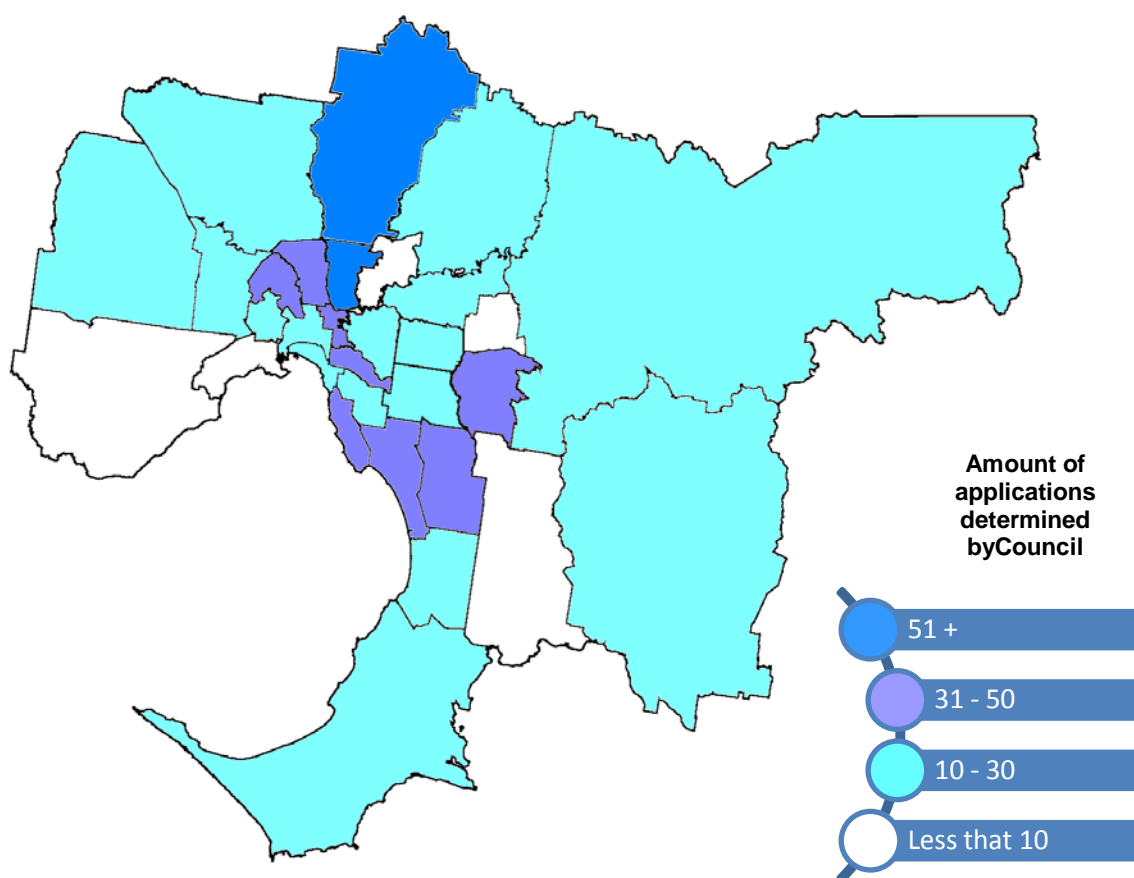
Of the 771 applications examined, 507 were granted planning permits while 264 were refused. As previously noted, before Councillors determine an application, their planning officers are instructed to prepare an 'officers report', which generally contains an assessment of the application and a recommendation of what the Councillors determination should be. Table 4 presents the frequency of planning officer recommendations across the entire data set. It shows that the vast majority of Council officer recommendations in the data set are to grant a permit (86.5%).

Table 4: Planning Officer Recommendation

Recommendation	Number of Applications	Percent
Grant Permit	667	86.5
Refuse Permit	104	13.5
Total	**771**	**100**

An application determined at a Council meeting will be discussed and voted upon by the Councillors present, with the majority vote determining the outcome. Table 5 presents the frequency of Council decisions across the entire data set. Councillors issued planning permits to approximately two thirds of all applications (65.8%). The data shows Councils refused a planning permit to a much higher percent of applications (34.2%) than was recommended by planning officers (13.5%).

Table 5: Council Decisions

Decision	Number of Applications	Percent
Grant Permit	507	65.8
Refuse Permit	264	34.2
Total	771	100

Councillors are not bound to adopt a planning officer's recommendation. Indeed, there is currently no legislated requirement for Council to respond to the recommendations of planners, or provide justification if they reject the recommendation. However, the data analysed indicates that the majority of Councils framed their decision as a response to the planner's recommendation, so there is some evidence recommendations are seriously considered. Table 6 outlines the rate that Councillors adopted planning officer recommendations. Councillors adopted the decision recommended by the planning officer in 77.7% of applications, thus rejecting the recommendation in 22.3% of applications.

Table 6: Frequency of Council Adopting Planning Officers Recommendation

Decision	Number of Applications	Percent
Adopted Recommendation	599	77.7
Did Not Adopt Recommendation	172	22.3
Total	771	100

Across the data set Council generally adopted the recommendation of Council officers, however there is a significant minority of cases (22.3%) where they formed an alternative view. Table 7explores this further, outlining the frequency that various scenarios occurred when determining applications. Council adopted the planning officer's recommendations to *grant* a permit in 501 applications. In 474 of these cases (94.61%) Council adopted the permit conditions recommended by the planning officer without alteration[2]. Of the 98 cases where Council adopted the planning officer's recommendations to *refuse* a permit, the recommended grounds of refusal were generally adopted unchanged. In the 172 applications where Council did not adopt the planning officer's recommendation, this was almost exclusively to overturn a recommendation to grant a permit. In 166 of these cases (96.51%), Council determined to refuse a planning permit despite a recommendation from the planning officer to grant. In only 6 applications over the 12 month period did a Council disregard a recommendation to refuse a planning permit and determine to issue one.

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[2] The threshold for altered conditions being that the amount of proposed dwellings had been amended.

Table 7: Degree Recommendation was adopted

Scenario	Number of Applications	Percent
Planner recommends grant of permit, **Council** adopts recommendation without alteration	474	61.5
Planner recommends grant of permit, **Council** adopts recommendation with alterations	27	3.5
Planner recommends refusal of permit, **Council** adopts recommendation without alteration	98	12.7
Planner recommends grant of permit, **Council** refuses permit	166	21.5
Planner recommend refusal of permit, **Council** grants permit	6	0.8
Total	**771**	**100**

Figure 2 demonstrates the distribution of Council rejecting planning officer recommendations across Melbourne LGA's. As demonstrated in Table 3, the number of applications determined by Melbourne Councils ranged from 0 to 90, at an average of 25 applications per Council. Figure 2 presents the percentage of applications where Council's decision rejects planning officer recommendation for the Councils that determined at least 10 applications within the 2011 calendar year. It was considered that Councils who determined less than 10 applications did not provide enough data for analysis.

Figure 2: Spatial distribution of Councillor rejecting Council officer recommendation

Percentage of applications where Council's decision rejects planning officer recommendation

40 +
30 - 39
20 - 29
10 - 19
Less that 10
Not enough data
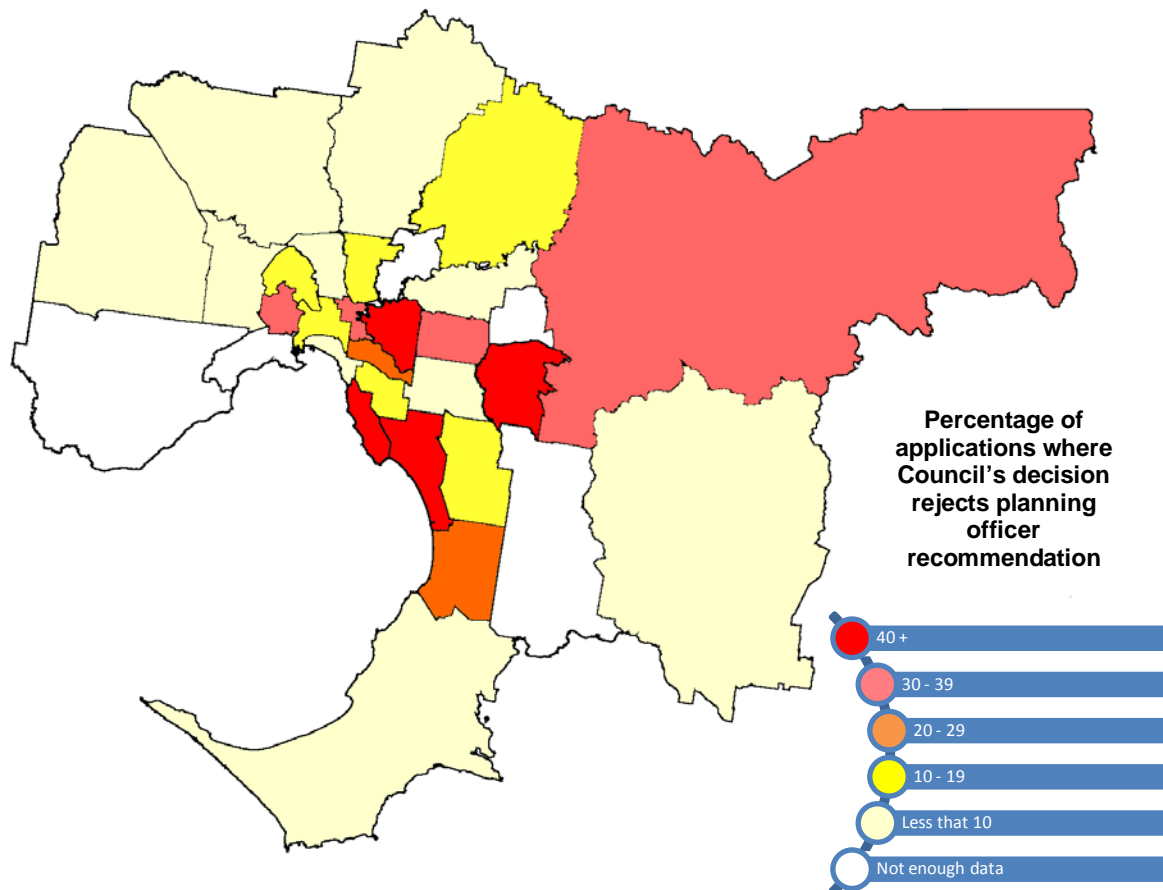
The spatial distribution reinforces that there is varied mix of practice across the city, however with more of an understanding of Melbourne there are some interesting but not unexpected concentrations of Councillor activity. The highest concentrations of rejecting recommendations were found in the affluent, established inner areas of Boroondara, Bayside and Kingston. As an alternative, several of Melbourne's outer growth areas were less inclined to reject recommendations, with Melton, Hume, Whittlesea and Cardinia Councillors overturning less than 10% of all planning officer recommendations.

5. The influence of resident objection

Given the divergence on Council and Council officer determinations, along with other research pointing to the influence of resident objection on development assessment, a focus of our research was to examine what, if any, relationship exists between Council and Council officer decisions and objection levels. A quantitative assessment of this was possible as objection numbers are recorded in development assessment, and were coded in the production of our data set. Approximately 96.5% of the permit applications examined in this research were advertised[3] to the public, which provides instruction on how to lodge an objection against a proposal. Across the applications examined, objection levels ranged from no objections up to 145 objections. Table 8 demonstrates the frequency of objections recorded against applications.

Table 8: Frequency of objection levels

Objections Range	Total Applications	As Percentage
0	65	8.43
1	75	9.73
2	60	7.78
3 - 4	78	10.12
5 - 6	71	9.21
7 - 9	84	10.89
10 - 15	136	17.64
16 - 29	133	17.25
30 - 49	34	4.41
50 +	35	4.54
Total	**771**	**100**

The objection ranges were chosen to more evenly distribute the data, reducing outliers and extreme values, but are also based on an understanding of the phenomenon of resident objection and its influence within the development assessment process. We consider that objections levels can be thought of as at a local level (less than 10) then gaining some mobilisation (11to 30), then to widespread community concern (above 50). The following series of table and figures examines the relationship between development assessment decisions – to grant or refuse a permit - and objection levels.

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[3]A Council's planning scheme identifies if the public is to be notified of a permit application, and if a legal right for the public to formally object to the application is available. These notification guidelines are standardised across Melbourne Councils, and are commonly referred to as 'advertising' controls. This is undertaken through either direct notification to parties considered to potentially the experience material detriment from a development, or passive notification through an advertisement in a local newspaper or signage erected to the front of the property to be developed, or a combination of above.

Table 9 presents the results for planning officer recommendations, with figure 3 highlighting the relationship between the proportion of applications recommended to grant a permit against objection levels. There is no defining trend evident between officer recommendations and objection levels. While there is some decline in recommendations to grant a permit for applications that have attracted more than 7 - 9 objections, when considering the entire data set there is only an approximate 7% reduction of approval recommendation for applications which have attracted more than 50 objections as opposed to 1. Planning officers also recommended the highest rate of refusals for applications that attracted no objections. These considerations suggest that objection levels do not have a significant influence on planning officer recommendations.

Table 9: Objection levels and planning officer recommendations

Objections Range	Grant Permit		Refuse Permit		Total Applications
	Percentage	Number	Percentage	Number	
0	67.69	44	32.31	21	65
1	81.33	61	18.67	14	75
2	85.00	51	15.00	9	60
3 - 4	87.18	68	12.82	10	78
5 - 6	91.55	65	8.45	6	71
7 - 9	95.24	80	4.76	4	84
10 - 15	90.44	123	9.56	13	136
16 - 29	90.23	120	9.77	13	133
30 - 49	85.29	29	14.71	5	34
50 +	74.29	26	25.71	9	35

Figure 3: Proportion of planning officer recommendations to grant permit against objection levels
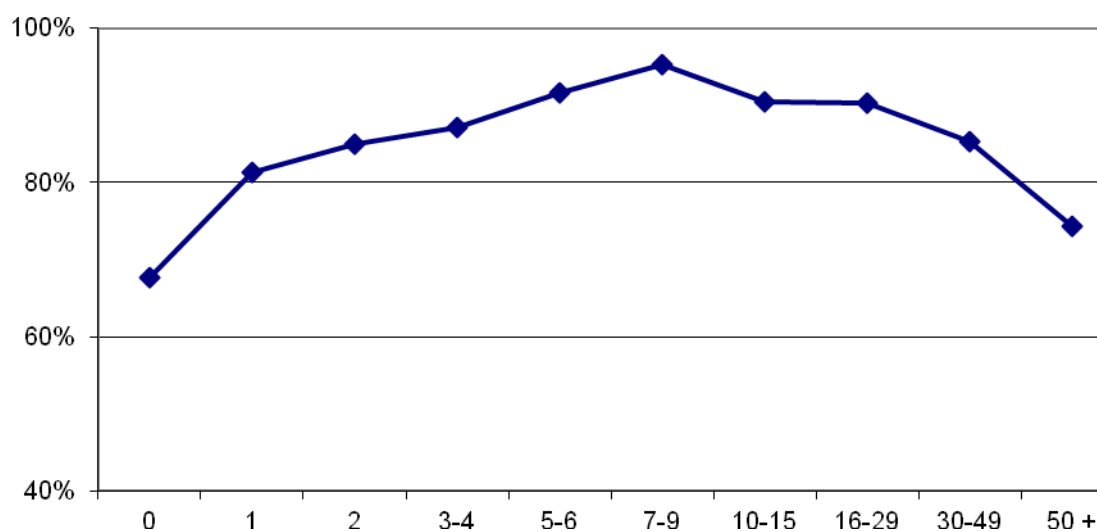

Table 10 presents the results for Council determinations, with figure 4 highlighting the relationship between the proportion of applications recommended to grant a permit against objection levels. In this case, a trend begins to emerge between increased objection levels and Councils determining to refuse planning permits. Once an application attracts 10 or more objections, the rate of approvals begins to decrease. Applications that have received more than 30 objections are as or more likely to be refused than granted a permit.

Table 10: Objections and Council decisions

Objections Range	Grant Permit		Refuse Permit		Total Applications
	Percentage	Number	Percentage	Number	
0	64.62	42	35.38	23	65
1	76.00	57	24.00	18	75
2	68.33	41	31.67	19	60
3 - 4	67.95	53	32.05	25	78
5 - 6	69.01	49	30.99	22	71
7 - 9	75.00	63	25.00	21	84
10 - 15	70.59	96	29.41	40	136
16 - 29	54.89	73	45.11	60	133
30 - 49	50.00	17	50.00	17	34
50 +	45.71	16	54.29	19	35

Figure 4: Proportion of Council decisions to grant permit against objection levels
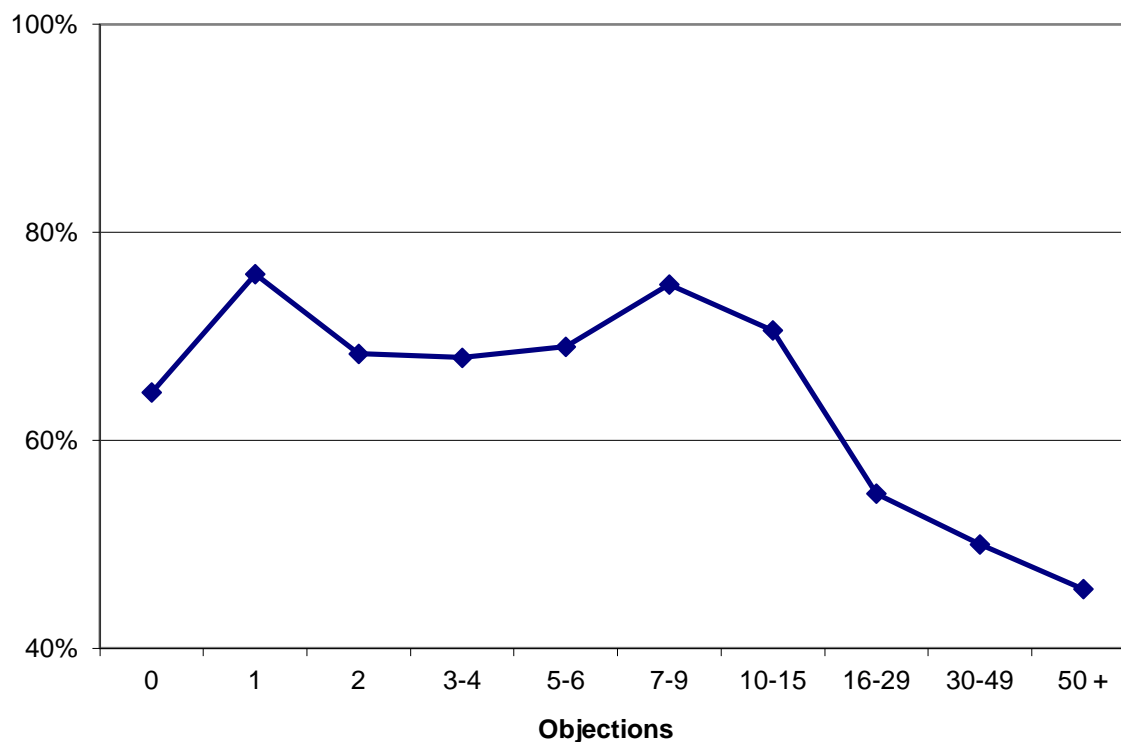

Both the Council officer and Council figures above are based on the full data set of applications determined at Council. A subset of the data that is worthy of analysis are the cases where the Council officer recommends to grant a permit. In such cases it can be assumed that applications are at a minimum compliant with the controls of the planning scheme, as a merits based review by a Council officer has recommended approval. As such, the decision of Council to refuse a planning permit to these applications is considered entirely attributable to Council (rather than just supporting the recommendation of the Council officer). Table 11presents the Council determinations across objection ranges only for applications that planning officers have recommended be granted a permit, with figure 5 highlighting the relationship between the proportion of applications recommended to grant a permit against objection levels.

What emerges is a strong correlation between objection levels and Council decisions. As more objections are raised against an application, the frequency of Councillors granting planning permits decreases. Council's permit approval rating for new housing developments drops from an approximate 90% for applications attracting none or one objection, down to around 75 to 80% approval rating for applications with up to 10 – 15 objections, before settling at around 60% for applications that have attracted over 16 objections. While objection levels are not the only determining factor in granting or refusing planning permits, the data suggests that the more objections an application attracts, the less likely Council will grant it a permit.

Table 11: Council decisions only for applications planners recommended Grant of Permit

Objections Range	Grant Permit		Refuse Permit		Total Applications
	Percentage	Number	Percentage	Number	
0	90.91	40	9.09	4	44
1	91.80	56	8.20	5	61
2	76.47	39	23.53	12	51
3 - 4	77.94	53	22.06	15	68
5 - 6	75.38	49	24.62	16	65
7 - 9	78.75	63	21.25	17	80
10 - 15	77.24	95	22.76	28	123
16 - 29	60.83	73	39.17	47	120
30 - 49	58.62	17	41.38	12	29
50 +	61.54	16	38.46	10	26

Figure 5: Proportion of Council decisions to grant permit against objection levels – where a planning officer has already recommended to grant permit.
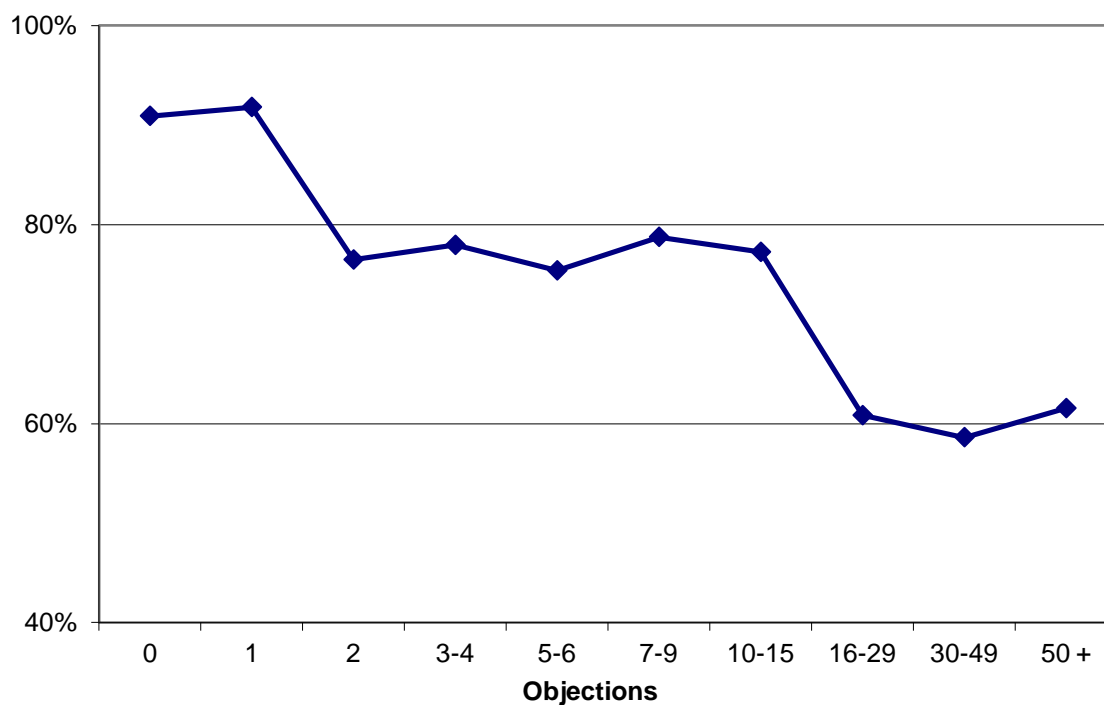
6. Findings

This research project has developed an empirical data set relating to Councillor and Council planning officer decision making action, strengthening the evidence base for understanding the role that elected representatives play in development determinations. Based on the data and analysis presented above we offer the following findings.

Firstly, the research has demonstrated great inconsistency between how metropolitan Councils delegate decision making authority and determine planning permit applications. This has reinforced the findings of several recent government reviews (DSE 2006; VCEC 2010; Productivity Commission 2011) that have shown dramatic variation between how Councils determine applications. While some local variations in policy are expected, the current practices support concerns that inconsistency of how a development is assessed amounts to unreasonable uncertainty for development interests (Gurran et al 2009; Kelly et al 2011). The research demonstrates that despite all metropolitan Councils operating within a standardised approvals process, how an application is considered and ultimately determined is dependent on where in Melbourne it is proposed.

Secondly, that when assessing applications, Council planning officers primarily recommended that a planning permit be issued. This is to be expected given planners generally assess applications over an extended period of time and are positioned to influence the design and nature of proposed developments, providing applicants with feedback that they are unlikely to support an application if suggested revisions are not adopted. This form of engagement increases the likelihood of development proposals being amended to a point where they gain officer support, or for officers to utilise their discretion to make concessions of the preferred outcome. However, this high rate of planning officer support for development applications lends support to concerns raised about the increased interaction between planning officers and developers in planning decision-making, particularly where such interaction excludes or diminishes the role of local residents (Claydon 1998; Hassen 2010). Planning officer support is often at odds with vocal community sentiment.

Thirdly, that while in the majority of cases elected Councils support the recommendation of Council planning officers, in a significant minority of cases they over turn the recommendation. Furthermore where Council overturned the recommendation of a planning officer this was nearly always to reject a development application. While Councillors and Council officers have differing responsibilities and context in which they make decisions (Tait and Campbell 2000; Corpus 2003; Tait, 2011), the two groups generally agreed on whether a permit should be granted or refused in over three quarters of the applications examined. This alignment between Council and planning officer suggests that simply because an application is being determined at a Council meeting does not indicate there is likely to be conflict between the two parties. However the 22.3% of cases where Council rejected the planning officer recommendation present as a significant minority and highlights the fundamental differences in how applications are determined. In the 172 applications where Council did not adopt the planning officers recommendation, this was overwhelmingly to refuse applications where the recommendation was to grant a permit. This suggests that the influence of Council contribution to development assessment is overwhelmingly protectionist in nature.

Finally, as applications attract more objections the likelihood of Council granting a planning permit decreases. The more objections raised against an application, the more likely it is to be refused by Council. It is acknowledged that a range of factors influence a Councils decision, and that increased public objection levels may be reflective of flawed developments, with these flaws acting as the driver of Councils refusals rather than public pressure. However within the same data set planning officers do not consider these potential

faults to warrant permit refusals. The high rate of Council refusal appears to confirm Cook et al (2012) findings that objection levels influence Council determinations as they are increasingly vulnerable to political pressure. The data suggests that Council's are more likely to take the conservative, protectionist approach to change and development espoused by the public than the high level of support for development shown by planning officers.

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