





Coversheet for a submission on the  
Planning and Environment Act Review

Name John G. NABBE SVP/PAW

Organization (if applicable) \_\_\_\_\_

Project title (if applicable) \_\_\_\_\_

Investigation 350 KITTAWAJ RD, KILKENNEDY, QLD 3180  
and 1600/1600-2000/1600-2000/1600-2000

Which of the following best describes your (person's) role?  
 Government  
 Community-based organization  
 Local government  
 Planning or development industry organization  
 Individual or company related to the development industry  
 Planning or development consultant  
 Other (please specify) \_\_\_\_\_

Please tick the number on "Publication of submission" on page 2.

We believe that planning outcomes in our area should be controlled by Council and that the increasing government interventions are abhorrent. Councils and their communities need to be able to rely upon prescriptive guidelines that have been through a democratic consultative process for inclusion in their planning policies, which reflect the needs and desires of the local community.

Council's decisions should not be subject to routine over-rules by the undemocratic, "captive" VCAT process which is dominated by planners who often rely upon the development and construction industry for their livelihood. The current VCAT model is not an independent body to review planning applications, but an incestuous organization of planners to promote their occupation and greedy overdevelopment of the suburbs.

However, we do accept there is a need for an appeal process that is totally independent of government and the planning industry. Whilst we are not clear on how this might be set up, it seems that planners making decisions on planning is subject to too much tunnel vision and decision-making that heavily favours the industry. It seems to us that Tribunals made up of legal professionals would make better and more democratic decisions. We repeat that any appeal process must be, and seen to be, totally independent of the planning industry and the government.

Our belief is that housing affordability should be included in the planning process and all development issues should include health and wellbeing matters. We do accept and insist that specific objectives relating to heritage, culture and local protection zones should be included to ensure protection against unacceptable development in sensitive areas.

## **5 & 6. PROCESS**

A system of pre-lodgement certification by private practitioners would lead to diminution of councils control over planning and this notion is rejected. The idea of cutting red tape by having three classes of notification is totally rejected by us.. General notification must be mandatory in every case involving multi -dwelling, commercial, mixed use or industrial developments. This will ensure that residents democratic and human rights will be upheld.

We believe that triggers for wider notification could be included where development sites are of wider community interest . With regard to "objections" we say that this term should be replaced with "submission" and these could be specific to the submitter or could be related to broad community concerns. This change in terminology should eradicate frivolous and irrelevant objections. This process should be seen in the same light as a submission to VCAT for a review of a Planning Application.

Planning decisions must remain open and inclusive as possible especially in view of the government's appalling implementation of Melbourne 2030 and the exploitation by some developers in their applications to council and appeals to VCAT. The current Act requires all "objections" to be considered by the responsible authority. However if the

responsible authority determines to reject an “objection” it should be on properly considered grounds, whether substantive or procedural ; e.g. the objector does not disclose a proper basis for refusal, the objector does not have standing or the objection is out of time. The “sixty day rule” is only a short cut to VCAT by developers that do not respect the application process. The developers we’ve had contact with in Knoxfield have no interest in respecting the local community’s needs, environment, supporting wildlife or mental well-being.

The public interest is best served by affording all stakeholders reasonable opportunity to participate in the appeal process and be advised of the grounds on which the objection was considered and finally determined. This is what we consider would promote transparent decision-making. Currently it seems that residents who make a submission to council or VCAT are treated as a nuisance, as it is deemed to hold up the DEMOCRATIC process. Anything less would make the review process clouded and open to abuse.

## **7. PLANNING SCHEMES & AMENDMENTS**

Criticism of “pro former” objections is not relevant. The fact that some responses are pro forma or raise common or similar issues is not a valid reason to disregard them. To say they can add significantly to the processing costs of planning authorities is a specious argument. It is generally very difficult to engage community in planning or development issues even when their own interests as community stakeholders are affected. To devalue or discount submissions of those who do get involved is a denial of natural justice and will inevitably lead to unrepresentative decision-making and lack of transparency. We say that this happens far too often especially at VCAT where pro-former Form B’s are virtually ignored.

## **8. SIGNIFICANT PROJECTS**

The discussion paper points to the lack of formal criteria about which projects are of state significance thereby allowing the Planning Minister to intervene at VCAT or “call in” a particular project; and suggests that such criteria would make the decision making process more transparent. We reject this notion, as it is only a tool to speed up massive development at the detriment of the local community. Development at all costs will destroy Melbourne as we know it and create ghettos and slums of the future.

There must be a specific process for assessment of state significant projects and the exercise of Ministerial intervention must be strictly prescribed and subject to review.

## **FINALLY**

We note the potential action for consideration on page 59 indicating the desire to extend the powers to the minister under Act 171 & 172. To us the Minister already exercises such power too often to the detriment of many local communities and we demand that this potential action be deleted. To provide ministers with unfettered power results in dictatorial government action and puts much of the decision making in the hands of the faceless bureaucrats in the Planning Department.

We understand the need for development to house the rapidly increasing population but this must respect the character and needs of the local communities. Developers have seized on this notion to overdevelop residential blocks and fill their pockets with profits. None of the developers currently pursuing planning applications in Knoxfield live in or near our suburb. We are the fodder for real estate agents, developers and town planners, who are destroying our suburb.

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