

## DTI:Planning Review

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**Sent:** Friday, 21 October 2022 4:54 PM  
**To:** DTI:Planning Review  
**Subject:** Planning System Implementation Review

[REDACTED] [REDACTED]

Thank you to the Expert Panel for the Planning System Implementation Review for providing the opportunity to comment.

In relation to the PDI Act Discussion Paper;

1. The reforms to the planning system have largely removed third party appeal rights as a result of previous governments misguidedly relying on the community to be involved upfront in policy development. There has been little real involvement by the public in the development of the Code and subsequent amendments. During consultation on the new planning system previous governments were continuously advised that the premise for nearly removing all third party rights is at odds with the fact that the public are largely interested in planning at the proposal stage and do not understand and do not get routinely involved in policy making. I agree developments which largely meet the parameters of the Code should be approved but only if the public is really involved in the making of planning policy. The statistics for the number of submissions on Code amendments show that the public has not been involved in commenting to any great extent and this replicates behaviour in past amendments to development plans. It would be useful for the panel to review the extent of public comment on the Code and subsequent amendments.
2. The Paper points out that the number of notified developments is very small and the number of applications attracting third party appeal rights is even smaller. The Paper notes that in 2019/2020 708 applications were lodged across the state which attracted appeal rights but there were only 88 such applications lodged in 2020/2021. Of all applications lodged in 2021/2022 just 5.8% were publicly notified compared to 10.4 % in 2019/2020 under the Development Act . I would suggest that this number would not meet public expectations at all. For example, in my suburb of Prospect whilst it is easier to access some details of applications through the Portal very few applications have attracted notification rights let alone third party appeal rights. Recently there has been a great deal of interest in an application by the Catholic Church to carry out work at the Rosary School including work affecting an historic building and the removal of a significant tree. This application is not categorised as one requiring public notification.
3. However a further fundamental problem is that the Code is written in such a flexible way that the chances of success for third party appellants is very low. It would be useful for the panel to review third party appeal decisions made since the introduction of the Code.
4. The establishment of another tribunal is not the answer as the Environment, Resources and Development Court has had the expertise in this area for many years.
5. I would urge the Panel to recommend fundamental changes to the breadth of public notification and third party appeal rights.

Melissa Ballantyne