

As our members have been to VCAT numerous times against, or sometimes in support of, applications involving local and State planning provisions, we commend Labor Victoria for introducing this Bill, and wish to comment in general support of the proposed Planning and Environment Amendment (Recognising Objectors) Bill 2015. While we support this principle, we consider that the more important matter that needs reform is the need for community representatives and laypeople to be given a fair go at VCAT.

Our experiences at VCAT have been mostly - though not entirely - disappointing because of the unequal contest between community groups like ours with limited resources and well-resourced developers, planners, corporations or lawyers. Planning and environmental regulations seem designed to favour development or action by well-resourced agencies, businesses or individuals rather than favouring the community or care of the natural environment or other Green Wedge objectives.

The hike in VCAT fees is a highly undemocratic and unfair way of limiting objections, as it puts even so basic a recourse as an order to enforce an approved planning application beyond our means. This is not true progress and is undemocratic and unequal in every way, disadvantaging both society and the environment. Clearly the original plan for VCAT to be a tribunal for citizens to have a fair go is no longer given much consideration. The original plan for lawyers to be discouraged by not allowing costs to be awarded has also been undermined. In any case developers almost always use expensive lawyers and expert witnesses, whose expenses they can claim off their taxes. This means Councils feel the need to expend ratepayers' funds to match the developers' resources and ordinary citizens and community groups are outgunned.

This imbalance can be partially corrected by VCAT being required in their ruling to make allowances for less-well-resourced community groups and to take into account both the number of objectors and the merit of objections. Hence we consider that a wider review of VCAT's operations is needed in the best interests of the community.

We have submitted (without result!) to successive VCAT reviews that one measure that would help would be if VCAT maintained a panel of expert witnesses and allocated them where the tribunal member felt it necessary, but that their services should be paid for by the developers.

Our observations are that most community groups and citizens attend VCAT for altruistic reasons or because too much change is being forced upon them and their communities. True progress happens when actions bring changes that benefit both society and the environment - recognising objectors and the merits of their arguments would be a small but valuable progressive step.

Yours faithfully

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