

The Mercury

Talking Point: Tasmanian Major Project power shift not on

PETER MCGLONE: Draft planning legislation gives too much say to ministers and takes it from councils and communities

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DEVELOPMENT: Fast-tracking not needed. Picture: MATT THOMPSON

WITH Will Hodgman's retirement, Peter Gutwein's planning agenda is being revealed with an assault on the Tasmanian Planning Commission plus unprecedented new Major Projects legislation.

Premier Gutwein has balked at amalgamations, but the Major Projects legislation shows he wants to take major planning decisions from local council and limit the community's influence on them. We don't need more major projects or fast-tracking powers — this legislation must be abandoned.

The Major Projects legislation provides the minister with power to declare a project a Major Project, which takes it out of the normal local council planning process. The legislation does not constrain the minister in any way. The Tasmanian Planning Commission may produce guidelines but, even if they do, the minister only has to consider them and doesn't have to follow them.

Any project refused by a council or the Planning Appeals Tribunal could be declared a Major Project and potentially approved. Used in this way, the legislation makes the Planning Appeal Tribunal largely irrelevant.

The Major Projects legislation allows virtually any development that would normally go to a council, from a subdivision to a pulp mill, to be declared a Major Project and assessed and approved outside normal council planning process. Eligibility criteria are so broad and open to interpretation by the minister that the minister can justify any project as a Major Project. The ineligibility criteria are so hard to meet that virtually no development could be ineligible.

All the most controversial projects could be fast-tracked through this legislation: Cambria on the east coast; skyscrapers in Hobart and Launceston; the Westbury prison; developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

The community and its elected councillors will be sidelined. The Major Projects legislation allows the minister to take developments away from local council. Your elected councillors will not have a say over approval of Major Projects, regardless of the impact on their local communities. The local community will have no right to appeal against approval of a Major Project and will have limited right to have input.

The previous version of the Major Projects legislation included a clause that addressed community concerns about high-rise developments — but this has been removed from the latest draft. The Fragrance Group's Collins St skyscraper, that Hobart City Council refused last year, could come back and be fast-tracked through the Major Projects process. The Gorge Hotel that was approved by the Launceston City Council, then refused on appeal, could come back as a Major Project.

The Tasmanian Planning Commission will be sidelined.

Contrary to what the State Government has said, the independent Tasmanian Planning Commission will not be assessing and approving Major Projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission, but this could change after the government's current review of the commission.

Under the proposed legislation, planning schemes amendments can be forced on councils and communities.

A Major Project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency.

The proponents of Cambria may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the Major Projects process and have the commission's decision overturned. The legislation subverts the role of the commission in the same way as it subverts the Planning Appeals Tribunal.

The State Government has justified the new Major Projects legislation by saying it retains many elements of the existing Projects of Regional Significance process.

The 2009 PORS process is seriously flawed, and this is why it has never been used. The Major Projects legislation is much worse and cannot be supported. The government says the Major Projects process is very lengthy, but this in no way makes up for all of its fundamental flaws.

The government has not made the case that new Major Projects powers are needed.

We have Projects of State Significance legislation which is a credible process for large and complex projects, and was successfully used to approve the Basslink cable. We don't need more Major Projects or fast-tracking powers.

Submissions to the draft Major Projects legislation are due on May 15.

Peter McGlone is director of the Tasmanian Conservation Trust.