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SUBMISSION ON PLANNING AND DEVELOPMENT (PROJECT FACILITATION) AMENDMENT BILL 2014

STANDING COMMITTEE ON PLANNING, ENVIRONMENT AND TERRITORY AND MUNICIPAL SERVICES

Friends of Hawker Village Incorporated welcome the opportunity to comment on this proposed amendment to the Planning and Development Act. Superficially, the Bill seems reasonable, especially the provision for veto of declarations by the Assembly rather than just approval by the Minister or Executive. On closer scrutiny, however, several concerns appear. If more adequate time had been provided for consultation, it is likely that further concerns would be identified. It is not clear why this amendment is being rushed through the Legislative Assembly with such unseemly haste.

Introduction of special precincts and significant projects

We understand that there will be a sunset clause on individual special precincts and significant projects. The definition of these two terms, however, is quite inadequate. The qualifying objectives of special precincts in s.85H and significant major projects in s.137I are broad and vague. It would be possible to argue that anything is a significant major project and, thus, declare a special precinct. Reviewing such a declaration could take up a considerable amount of the Assembly's time, if it is to be done properly.

There needs to be clearer definition of the parameters of special precincts and significant projects and, in particular, a statement of magnitude and a minimum level below which a project will not qualify.

Substantial public benefit

Substantial public benefit is a vague term that means different things to different people. What will benefit one group might disadvantage another group. There is no description of what constitutes public benefit nor any explanation of what part of the public should benefit. Neither the Act nor the Territory Plan contains any definition relating to any of the words in the phrase "substantial public benefit".

There needs to be clearer definition of "substantial public benefit" to assist in the speedy assessment of "projects of significance".

Simultaneous lodgment of DA, DV and EIS

Simultaneous lodgment of these three documents will require considerable resources to be devoted to a single project over a short span of time if the reduction in time taken for assessing proposals is to be achieved. This is likely to divert scarce resources from other development applications not in the fast track and to slow down their processing.

This process assumes that the project developer will be prepared to put resources into a development application before the draft variation and EIS have been approved. This, in turn, suggests that the project developer will be confident that the DV and EIS will both be approved. There appears to be considerable room for less than transparent processes to be undertaken between the developer and the assessor.

Simultaneous lodgment of a DA, DV and/or an EIS is either potentially wasteful or assumes that approval is inevitable. Why go to all the effort and expenditure of producing a DA if there is a possibility that either the DV or EIS will not be approved?

There will be a loss of transparency and a conflict with processing other ordinary applications, variations and environmental impact statements.

Large projects are more complex

It is counter-intuitive that DAs for major projects, which are necessarily complex, should be processed in less time than DAs for normal projects. The target time frame of two months to assess all three documents – DA, DV and EIS – is too tight for major projects to be properly assessed in an openly transparent fashion. Further, a decrease in transparency increases the risk of corruption.

There is potentially an unnecessary decrease in transparency even if just by the adoption of unrealistically short time frames.

Speeding up the process for the private sector

This Bill is part of a package of measures designed to support the building industry at a time of economic slowdown but the amended legislation will be a permanent change. The Explanatory Statement uses emotive terms such as “faster delivery of projects”, “time-consuming process” and “unnecessary delays” to justify this amendment. There is no analysis of whether those time-consuming processes and slower delivery are unnecessary or justified; nor is there any analysis of whether these changes can produce the desired results while maintaining high quality decision making. The implicit overtone, purveyed by private interests, is that the system is wasteful and should be trimmed down. Complex projects need more time, not less, and more care, not less.

The private sector is voluble in publicly criticising government processes whose removal would benefit those represented by building sector lobbyists. Before dismantling those processes, the government should examine the purpose of those slower processes. Maybe they are necessary to ensure good outcomes for the public good in the long term.

In conclusion, Friends of Hawker Village Incorporated is concerned that these proposed changes are driven by short-term considerations to the likely detriment of the long-term outcome.