

Planning & Development (Project Facilitation) Amendment Bill 2014

Submission for consideration by the: Standing Committee on Planning, Environment and Territory and Municipal Services

I am writing to bring to the Standing Committees' attention a number of issues that I feel very strongly about. Much of my concern follows traumatic experience in the 2008 project to provide for a 'data centre & power station - Block 1671 Tuggeranong'. A process that caused me to seriously consider moving my family interstate rather than face a repeat in the future.

These concerns are in a simplified form and I am happy to expand on them if required, however I am not available on 24 April which is the published public hearing date.

Matters For Consideration

- Where a proposal is being 'pushed' by the elected Government, and quite possibly facilitated/driven from the Chief Ministers Office, I am very concerned that political will may override affected residents' concerns and normal rights. There needs to be an independent process in assessing the potential impacts and benefits of the project. Otherwise the community and specifically affected residents are powerless.

The Hume data centre/power station project was announced as a political priority, driven through the Chief Ministers Office [REDACTED] and involved a company in which the ACT Government was a major shareholder. Under these circumstances the community felt it had no hope of its significant pollution & health concerns getting serious consideration, indeed an Environmental Impact Statement was only requested by the responsible Minister after a public campaign at the Assembly and in the media demanded it. If the new 'fast track' process has the 'go/no go' decisions made by the same elected assembly I find it hard to see how the local community and its concerns would be treated justly.

I also have a concern that a local community may get less 'political' consideration in terms of its justified concerns if that community is known as not supportive of the political party elected to government. Indeed as the ACT Assembly is a single house Government there is no independent review capacity within government.

- Elected political parties may well see a significant overall benefit to the community but they may not fully appreciate the serious implications for residents that are directly affected.

The 'Hume data centre/power station' project was intended to assist the ACT's budget position and to be a benefit to Canberrans overall, however it had potentially significant pollution and health impacts on adjacent residents which I believe did not get due consideration.

- The grounds for selecting a project for 'fast tracking' should not be those that render a project of significant public concern (pollution, health, traffic, visual impacts etc). In fact avoiding appropriate public concern is a totally inappropriate reason for fast tracking.
- Projects with potentially significant risks in terms of pollution and health impacts should undergo a full Development Approval process. This should include full advertising of the proposed project including appropriate signage at the proposed development site, media advertising and even letterbox drops if

appropriate. There should also be public meeting and consultation as well as an adequate timeframe for response to allow full consideration by the local community.

In projects with potential for significant pollution and health risks, mandatory and independent Environmental Impact Statements should be mandatory. Similarly the impact of such EIS outputs should also be independently analysed. Again the local community must have time to consider and respond to any such EIS.

The 'fast tracking' of a project should NOT be allowed to become a tool for bypassing or restricting the Environmental Impact Statement process.

- Public announcements and advice of significant projects must use appropriate methods of notification and provide a realistic timeframe for the community to consider and respond to DA's, EIS's etc. Inappropriate timing for information releases over the Christmas break, Easter, during school holidays etc is not acceptable and must affect the communities' capacity to respond.

The first the community new of the proposed 'Hume data centre/power station' project was a small sign on a post beside the road about the size of an A4 paper and allowing a very short period for comment. This sign appeared just before Christmas.

- Community consultation by the assembly must be mandatory and must include members from the elected government.

With the 'Hume data centre/power station' project, for whatever reason, members of the elected government refused to meet with local residents. This left genuinely concerned and affected residents feeling alienated and isolated. In addition, given it was a government supported project involving at least one company in which the government was a major shareholder, residents felt there was no way they would get fair hearing and that the project would be approved no matter what – and it did.

- The idea of removing rights to legally challenge the 'go/no go' decisions of the Government leaves us with potentially no independence in the process and no mandatory place of review. This is a high risk approach from a community perspective (for the reasons outlined above) and is a removal of both a normal democratic right, and a standard approach to fair and balanced decision making.

Again with the 'Hume data centre/power station' project the decision was made by the Assembly to proceed while removing 3rd party rights to appeal. Leaving a community with nowhere to go and with serious concerns in relation to health matters still unresolved.

Thankyou for your consideration of my concerns.

Peter Vincent