

INQUIRY INTO THE PLANNING AND DEVELOPMENT (PROJECT FACILITATION) AMENDMENT BILL 2014

SUBMISSION BY TUGGERANONG COMMUNITY COUNCIL (TCC)

Purpose

This submission details the comments and objections of the Tuggeranong Community Council (TCC) to the *Planning and Development (Project Facilitation) Amendment Bill 2014*, for consideration by the Standing Committee on Planning, Environment and Territory and Municipal Services.

Background

The TCC understands the Amendment Bill provides for:

- the declaration of major projects of important public interest;
- the declaration of special precincts that would not be subject to the Territory Plan;
- such declarations to be the subject of Assembly approval or disapproval as 'disallowable instruments'; and
- several restrictions on the ability of existing legal entities and communities to review, object to or to appeal against such declarations.

It is further understood that the Bill, if passed by the Assembly, does not alter the existing call-in powers of the relevant Minister.

Comments

One may well read and understand the many arguments put forth in the Explanatory Statement and the case put by Mr Rattenbury in the Assembly on the 8 Apr 14 for adoption of the Bill (albeit subject to standing committee consideration). However, given that the existing call-in powers of the relevant Minister do not appear to change, one may ask legitimately why the bill is considered necessary by the Government.

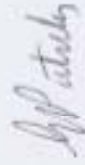
The TCC considers that the Bill, when passed, will:

- permit the Government to declare any project as major or any area as a special precinct, in the full knowledge that the Assembly will not disallow any such 'disallowable instrument', in spite of the claimed transparency of the Assembly process;
- allow the Government to over-ride current processes to amend the Territory Plan, in order to implement a project;
- certain provisions of the Heritage Act and the Tree protection Act will not apply to declared precincts; and
- severely restrict opportunities for affected communities to review and to comment on such proposals, even to the extent of having to raise funds to challenge projects/precincts in the Supreme Court.

While the TCC can well appreciate the motivation of the Government to speed up the implementation of projects, the Bill does not allay fears of the politicising the planning process. Although the Bill claims transparency and enhanced critique by the Assembly, rather than the exercise of call-in powers by the Minister, there are concerns about the ability of affected communities to have their concerns addressed.

TCC Position

In summary, while the TCC has no basic objection to provisions of the Bill to facilitate faster implementation of important development projects, it is very concerned about measures that will unduly restrict prior public consultation and post-decision appeal. The TCC, therefore, has strong reservations about the Bill in its current form and recommends substantial relaxation of planned provisions of the Bill to restrict public consultation and appeal.



[G. Patulny]

Acting President, Tuggeranong Community Council (TCC)

22 April 2014