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Standing Committee on Planning, Environment and TAMS

By email: committees@parliament.act.gov.au

RE: Planning and Development (Project Facilitation) Amendment Bill 2014

Timing of consultation

I note that this Bill was tabled in the Legislative Assembly on 20 March 2014, without any prior public mention. It was expected to be decided on 8 April, only 18 days later (between assembly sittings). That day, on Mr Rattenbury's motion, the Bill was referred to the PETAMS Standing Committee for decision on 8 May. An invitation was issued to the community on 11 April to lodge submissions by 22 April, eleven days later and including Easter. On 14 April at 9.24 am, an email was despatched advising that the first hearing, with the Planning Minister, Mr Corbell, would be held from 11 am to noon that day. The only other day set for hearings was 24 April.

I also note that 18-21 April were the Easter long weekend, followed by the Anzac Day holiday on 25th. Many members of the community had organised to take advantage of these two successive long weekends for a holiday. This period also fell within the school holidays, so such a pattern of behaviour was easily predicted. This means that the public consultation period was organised for a time when a large portion of the community was pre-occupied or out of town.

My reaction to the timing of this Bill was reflected in today's Canberra Times by a comment from Jenna Price regarding the Federal Government but equally applicable in the current case: "my understanding ... is that (the Government) isn't that keen on the public and, moreover, it wishes the public never expressed its interest". This attitude is reinforced by the removal by this Bill of third-party appeals to ACAT regarding fast-track proposals.

Technical and special amendments

Another quote from today's Canberra Times was from Bob Carr regarding Neville Wran as they "watched harbourside land being handed over for a public park, one of his pet enthusiasms". The reverse has become the pattern in Canberra. Over the past decade, small areas of public land, such as the little park near the Page shops on the corner of Petterd Street and Ogilby Crescent, have been rezoned for development. The Aranda Emergency Services Facility is to be built on public land beside Bindubi Street with a small encroachment onto the Aranda playing fields so that its current prime site in Lathlain Street can be sold to feed the Treasury's coffers. Bus layovers are encroaching on public land in Turner and Woden.

This practice reflects the fact that the ACT Government views land for its sale value rather than its community value. This Bill will expedite more such changes. Once a declaration of a special precinct area has been made, a variation to change the boundary of a zone will be a technical amendment rather than a draft variation (s.87(d)) – or is it a special amendment (ss.95(2)(d))?

Qualifications and dimensions

At the hearing on 14 April, in the context of removing appeal rights, Mr Corbell referred to the Giralang appeal. This related to redevelopment of the Giralang local centre where Mr Corbell used his call-in powers to approve a group-centre sized supermarket barely one kilometre from the established, designated group centre in Kaleen in disregard of the Territory's retail hierarchy. This raises the question of how large or small might a project of major significance or a special precinct be?

Could a local commercial centre be the subject of a special precinct declaration? Could the Aranda Emergency Services Facility be designated as a project of major significance? Would these declarations apply only to government projects that are implemented by the private sector or could purely private endeavours such as the West Belconnen residential proposal be declared a special precinct? Could Giralang be declared a special precinct so that Woolworths can get on with a new supermarket there? Would something as small as the new health building, currently under construction at the old Scullin health centre site in Ross Smith Crescent, potentially be designated as a project of major significance if there had been objections from the neighbours?

The criteria in s.85H and s.137I are as typically obscure as the current criteria in the Territory Plan. What is substantial public benefit? How can benefit be quantified? Will there be cost-benefit analyses? There can be no transparency in decision-making based on such imprecise statements and there can be no surety to the community.

Justification for Amendments

The ESDD Zone Newsletter, Issue 20, announced that this Bill will cut "building and construction industry red tape and" add "certainty to key projects"... This is a vital part of the economic stimulus package recently announced by the government that will assist our local building industry, create local jobs and provide confidence to the business community."

Has there been any serious analyses of the need for such changes and likely outcomes or is this just a good excuse to give in to pressure from the development lobby? Over recent years, the ACT has experienced a positive frenzy of building, with tradesmen coming from Sydney to meet labour demands. Traffic on Fridays to Sydney and on Sundays to Canberra was notable for the number of tradesmen's vehicles as they headed home for the weekend and returned to work. Now that the climate has softened, should the ACT be trying to maintain that level of activity? Would it not have been better to moderate development during the boom years to ensure continuity over leaner years?

There is a major conflict of interest inherent in the ACT, specifically because the ACT derives a large portion of its income from land sales and other construction-related revenue. Added to that is the fact that the ACT is both the planner and the developer. Giving the

Minister and Executive more decision-making power reduces transparency to an alarming degree.

The Zone Newsletter also declared that the ACT Government “wants to ensure that major projects with a substantial public benefit cannot be held up by third party appeals and legislation.” Instead of alienating the people who elect them and locking them out of the process, maybe the Government should be paying attention to why there are objectors and community members willing to shell out \$30,000 plus to take a development proposal to court. It is easy to assume that such people are rabid nuisances just because they do not share the Government’s ideology, as propounded by the development industry.

Conclusion

This amendment seeks to further gut the ACT planning regime begun in 2007 with the introduction of criteria to provide “flexibility” and the outsourcing of building inspections. One outcome of these changes has been serious deficiencies in building standards for which individual residents have to compensate. The justification for weakening planning procedures in the context of major projects is not obvious and the downstream consequences might prove to be prohibitive. Significant critique of this amendment is essential before it is approved.

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