

From: Patrick Stein [REDACTED]
Sent: Monday, 21 April 2014 11:18 AM
To: Committees
Subject: Submission on Planning and Development (Project Facilitation) Amendment Bill

Dear Committee,

I find this proposed legislation deeply concerning. It may well be that many of its components have precedent in the ACT - however this doesn't make it less objectionable if the precedents are bad, in fact formalising *consciously* such bad precedents is worse.

In absolute and principled terms:

Every project, but particularly major and public projects, and all development applications that make them up, should be open for public comment *and* open for normal review and appeal. There may only be exceptions *perhaps* in unusual extreme situations of urgency.

It was put to me that two such justified examples for 'fast tracking' were:

1. financial crisis stimulus package projects - in this case I agree that it may be justified because the projects were urgent and the situation *unforeseen* (note that the need for future stimulus projects eg to compensate for a consolidation in the federal public service can be reasonably foreseen)
2. mental health facility and bush healing farm - in these cases I cannot agree, they seem to be normal projects that if they have become urgent it is only because they were not begun reasonably early

In normal circumstances I don't agree with removing the opportunity for review or appeal, and looking back at past examples cannot remember any uses justified other than for expediency including for Kingston Foreshore, the Brumbies redevelopment, Flynn school site, Giralang shops and the Gungahlin Drive Extension.

I don't like call in powers and I don't like ad hoc project legislation. However I don't agree that this proposal is an improved process. The ACT has had one of the best planning systems in Australia with least corruption - compared to local councils in other states - because approvals are removed from the assembly/council and assessed by historically relatively well resourced and professional planners and designers against standard and transparent rules. Yes bringing approval of 'fast track' projects to the Assembly rather than the Minister, with debate and *hansard*, and opportunity for public consultation is an improvement on use of call in powers. However if major projects can include whole precincts then this is a terrible regression - restricting input, review and appeal to the start of a project, when in such cases there would be minimal detail to critique, and then allowing *carte blanche* (or close enough) will lead to a reduced quality of outcome.

It seems that the problem that this legislation is attempting to address is 'unreasonable delays' due to 'endless' review and appeals. What is an unreasonable delay? **The solution should be to define a reasonable maximum time to resolve appeals and complete reviews - eg 6 months - and then implement that along with appropriate resourcing to ACAT, and environment/heritage units etc to meet that time period.** Such a solution seems obvious - I can only surmise that the current proposal has been put forward for expediency.

Kind regards,

Patrick
(Turner)

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Patrick Stein

