

# Governments don't need more power over developments

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WHEN a government wants to change the law to grant itself more power over development approvals, it worries me. But when it wants to centralise power in this way while telling the community very little I think it is a very dangerous threat to our democracy.

It seems that the Minister for Planning Peter Gutwein is reluctant to tell Tasmanians about the Draft Major Projects Legislation that is currently out for public comment.

The State Government is doing nothing to promote this significant change to legislation and encourage submissions. But, cynically, the State Government is spending \$27,000 on newspaper and television advertisements that are running now, promoting the changes it made to the state's planning laws last year. These 'cutting red tape' advertisements look like election ads but are paid for by taxpayers.

The Major Projects Legislation proposes a process for fast-tracking developments either at the request of proponents or through ministerial call-in powers. This would take developments out

## Major projects legislation could mean less say for residents, says

**Peter McGlone**

of the hands of local councils and have an unelected panel make an assessment and issue permits.

The minister for planning can veto appointments to these panels.

The minister alone decides which projects are assessed as major projects.

The community will have no right of appeal over approvals of major projects, including people who are directly affected.

The legislation greatly expands the scope of the

existing Projects of Regional Significance criteria so that virtually any project, from a subdivision or larger, could be fast-tracked if, in the "minister's opinion", the project fits the criteria.

When asked about the Major Projects Legislation, Mr Gutwein has been reluctant to answer questions.

He has been particularly evasive on whether the Fragrance hotels proposed for Hobart and Launceston could be declared major projects.

It is crystal clear that these

skyscrapers could be fast-tracked through the new legislation.

In Parliament on September 19, Greens member Andrea Dawkins asked Minister Gutwein to "rule out ... using the powers you would have under the proposed Major Projects Legislation to fast-track" the Launceston Fragrance hotel.

The minister did not rule out fast-tracking the project.

He said the project could not be declared a major project stating, "it will be up to the

community of Launceston to determine the right height for their city" and "it is not for me to call them in".

But under these new laws, he could call in the Fragrance projects and over-ride council height limits.

This would take the assessment and approval of projects away from local councils and provide the community (even local residents) with no right to appeal the final approval.

The project would be assessed and approved by a

panel of 'experts' that the minister has the power to veto.

Minister Gutwein could declare the Fragrance projects to be major projects if he thinks they will make "significant financial or social contribution to a region or the state". They could be called in because, "in the opinion of the minister", the councils have "unreasonably delayed" the project's assessment.

In Parliament the minister has referred to a clause in the draft legislation to support his claim the Fragrance buildings

could not be declared major projects.

Section 60H (3) states that failure to comply with height limits in a planning scheme alone cannot be grounds for a project to be declared as a major project but nor does it discount it.

The Fragrance project would just have to fit one of the other criteria.

I believe Minister Gutwein has made inconsistent statements about the implications of draft legislation that is out for public

comment. He should correct the record before the due date for submissions.

If you are concerned about Minister Gutwein having even more power over projects like the Fragrance hotels then consider making a submission on the Draft Major Projects Legislation, which close on Monday. The draft legislation and discussion paper are at the Department of Justice website.

**Peter McGlone is the director of the Tasmanian Conservation Trust.**