

talkingpoint

Red tape gives way to power grab

Over-regulation needed fixing, but planning changes are dangerous, says **Greg Barns**

ONE issue in this State Election campaign that ought to get an airing is the extent to which the Hodgman Government's much vaunted planning reforms, the Statewide Planning Scheme and the proposed major projects law, represent a disturbing increase in the power of executive government at the expense of the legislature and community.

In other words, instead of being a laudable case where government establishes a regulatory framework that ensures environmentally and socially enhancing development along with investor certainty, what we have is a dangerous situation where powerful interests can unduly influence a minister and a government. It's called regulatory capture.

The previous Labor government began work on a sorely needed statewide planning scheme and the Hodgman Government completed the work.

The absurd over-regulation of planning in Tasmania allowed for capricious decisions, too much NIMBYism and deterred investment. But the shift to a statewide scheme has been undertaken unsatisfactorily and will put at risk Tasmania's natural and built heritage.

The new planning system vests enormous powers in the planning minister. Under the new Tasmanian Planning Scheme the minister, current Peter Gutwein, devises and issues what are called State Planning Provisions. These are decrees that set out what is and is not permitted on every inch of land in Tasmania. The extent of the power of whomever is planning minister is evidenced by this explanation by the Government about SPPs: "The SPPs include 23 generic zones which indicate what land use and development is appropriate for each zone such as residential, business, agriculture, utilities, environmental and recreational uses."

The Tasmanian Parliament cannot disallow an SPP and there is no independent body that must certify it, before it is issued.

This tendency of Mr Gutwein to want to accumulate power is also manifest in another of the Hodgman Government's planning reforms, the proposed major projects law.

Under this law certain projects can be declared major projects by the minister of his or her own volition as well as at the request of the project proponent. The criteria for what is a major project is extraordinarily broad. All that the project needs to show is that it meets two criteria out a vacuous list. These criteria include that the project will "make a significant financial contribution to the region or the state; is of strategic planning significance to a

region or the state; will significantly affect public infrastructure; has significant environmental, economic or social affects; or requires two or more approvals under relevant planning, utility, heritage and environmental legislation (project-associated Acts), or the approval or implementation of the project.

will require assessments of the project by more than one planning authority."

The Hodgman Government says the independent Tasmanian Planning Commission will be the check and balance on the major projects regimen. But

guess who appoints members of that body? The Minister for Planning!

But there is a broad coalition concerned about these planning reforms and Professor Michael Buxton from RMIT University, probably Australia's foremost

planning expert, is warning against these changes.

A group called the Planning Matters Alliance, headed by Sophie Underwood, is advocating greater community participation on planning.

What is intriguing about her organisation is that its

membership is diverse. Anglicare is a member but so is the Hobart Dog Walking Association.

Professor Buxton, in a 2016 interview, described the evil arising from planning ministers amassing power in the way that is being done in



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Hodgman Government believes it is creating a long-term investor friendly environment with its reforms.

It is doing the opposite. The competitive advantage of Tasmania's built and natural heritage is put at risk and there will be no certainty in decision making.

The minister can act capriciously, vindictively and even whimsically in dealing with planning matters and there is little that can be done about it. This is what happens when politicians like Mr Hodgman and Mr Gutwein get lobbied by self-serving groups like the Property Council and its allies.

They are sold a line about jobs and cranes in the sky and it does the trick.

Meanwhile Tasmania's urban, rural and wilderness environments are now in the hands of all-powerful and secretive government officials.

A disaster in the making.

Greg Barns is a human rights lawyer. He has advised state and federal Liberal governments.

VULNERABLE: Tasmania in the hands of secretive officials.

Picture: AERIAL VISION AUSTRALIA

Tasmania. "Nobody knows who is influencing who, how and why. And while developer donations are allowed, and powerful influences buy access, a favour bank exists. Access to the minister gives powerful interests a major

advantage. If somebody walks in off the street they can't even get an audience with the minister. But if you're a peak property group you can get an audience by clicking your fingers. There's a difference. Access is rationed to the

influential and the powerful, and to political donors. If people don't get what they want from making political donations, then why do they give money to political parties," Buxton argued. It is ironic that the