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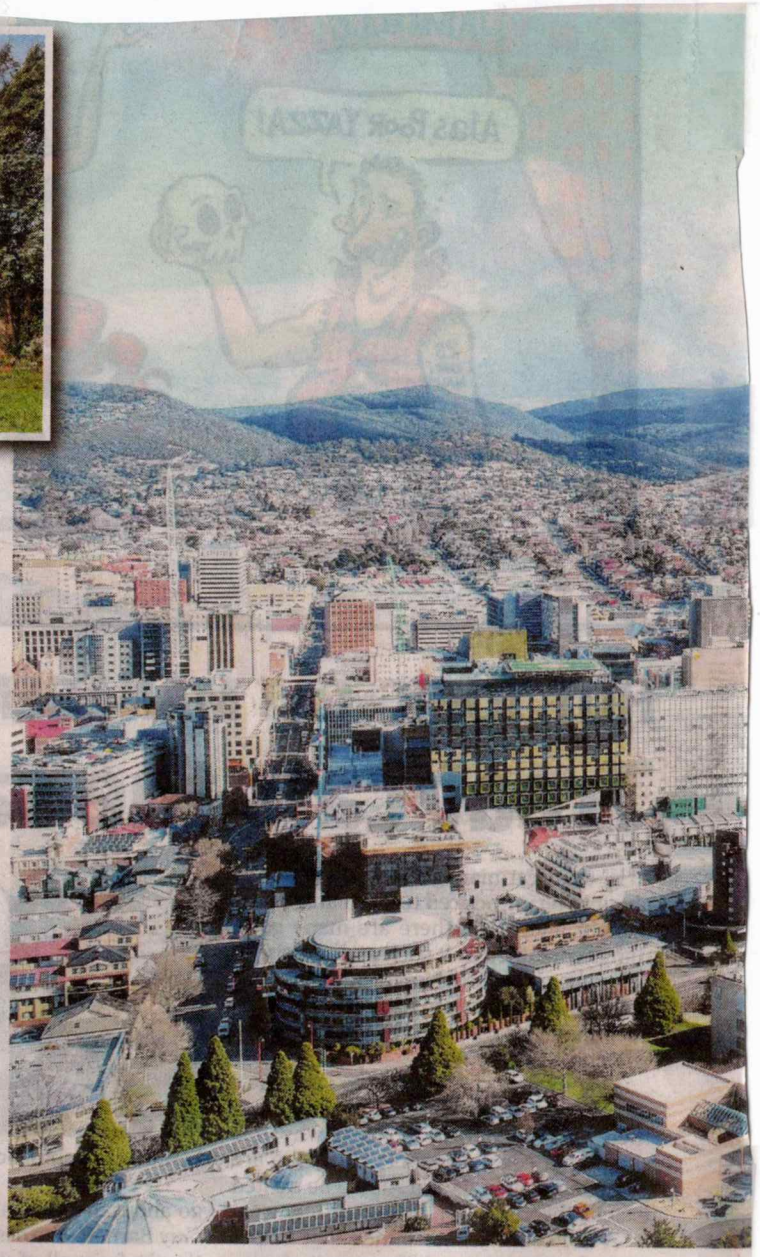
Show your hand on projects law

If it wants to put people first, Labor must stop sitting on the fence on upcoming Major Projects Bill, says **Peter McGlone**



WE expect the Liberal government to table the Major Projects Bill when parliament sits this week. Now is the time for the community to ramp up its fight against the Bill and in particular to convince the Opposition Labor Party to put people first.

The Major Projects Bill gives developers a special fast-track process and cuts the community out by removing appeal rights. The Bill removes fairness and balance from the planning system and seriously weakens our democracy. The current council planning process is fair to community, businesses and developers and provides protections for the environment.

In response to this planning Armageddon, the Labor Party sits on the fence, saying it supports the fast-track bill in principle but hopes the government addresses community concerns. The Tasmanian Labor Party's slogan is "Putting people first", but at the moment they are putting property developers ahead of Tasmanians.

Labor needs to stand up for the community and oppose this legislation, or if it thinks the flaws can be fixed it needs to publicly commit to addressing concerns.

In my view the key community concerns are: the Bill sets up a special pathway similar to those gifted to mining, forestry and industrial fish farms; the minister has unchecked power to declare virtually any project a major project; we fear all of the controversial developments currently proposed around Tasmania could be fast-tracked through the major projects process; the community will have token input into the assessment process and no right to appeal approvals; councils (elected by their communities) will have no say over the final approval of major projects; and the independent and trusted Tasmanian Planning Commission will be sidelined and have a limited role in assessing or approving major projects including planning scheme amendments.

There are questions regarding the Bill that have not yet been answered. It is unclear whether proponents (especially if based offshore) can request a planning scheme change but not be required to provide evidence of who owns the land. The Cambria Green 3000 hectare proposal was refused by the Tasmanian Planning Commission for this reason but the Bill may provide the developer a way around this requirement. There are concerns that pollution and heritage protection rules will not apply to major projects and that the Development Assessment Panels will develop and then assess against their rules for each project.

Even if the Labor Party thinks it can propose amendments to fix these flaws, there is much more to consider. The Bill has been rushed through during the peak of coronavirus lockdown when many people's lives have been disrupted. The public consultation process came with inadequate information, and the fact sheet produced by the planning policy unit responding to concerns was misleading and highly political. Many councils are unhappy about the Bill and the Local Government Association raised serious concerns in its written submission. The state's largest council, Hobart City, said the legislation was unnecessary.

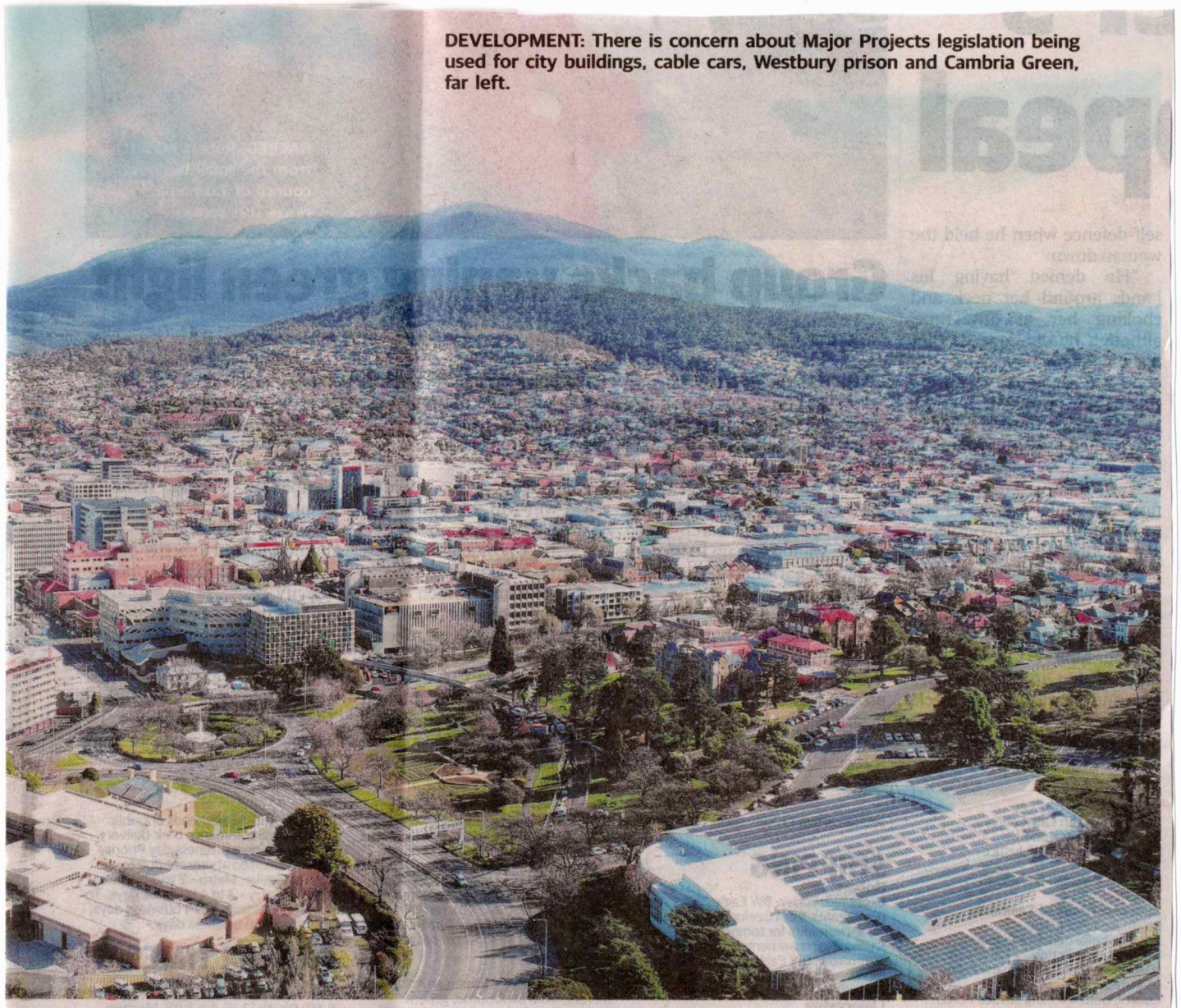
The Labor Party went to the 2018 election saying it did not support major projects legislation while the Liberal Party did not take a policy to the state election regarding major projects legislation.

Labor resembles the Liberal Party on the Major Projects Bill. Rebecca White stated in a letter to a community group that Labor supports development assessment panels because it will take "the politics out of planning". Another way of saying this is that it takes the democracy out of planning by removing the community's right to appeal decisions and removing elected councils from having a say. "Taking the politics out of planning" is straight from the media releases of the property council.

Ms White says the goalposts are not being moved and major projects must be assessed against "planning laws and meet all regulatory requirements". This is false. Council approval is a regulatory requirement that will be removed by the Bill. Planning schemes must be considered but major projects inconsistent with planning schemes can be approved.

The Labor Party is silent on the government's many misleading statements and efforts to downplay community concerns. Minister Roger Jaensch says the "Major Projects process provides no fast-tracks, short cuts or easy routes, and it cannot be applied to any project" (Mercury, April 30). This is wrong. The major projects process provides three enormous shortcuts. One, the community has no right to appeal the approval of a major project. Two, your elected local councillors have no role in approval of a major project. Three, planning scheme amendments can be forced on councils and communities and the Tasmanian Planning Commission must amend the scheme to fit the approved project.

The minister said projects like Cambria, skyscrapers and Lake Malbena would be unable or highly unlikely to be



DEVELOPMENT: There is concern about Major Projects legislation being used for city buildings, cable cars, Westbury prison and Cambria Green, far left.

considered Major Projects. "Highly unlikely" is not good enough especially as the minister's opinion is critical and ministers will come and go while the Major Projects Bill remains. The Tasmanian Planning Commission "may" produce guidelines but the minister must only "have regard" to them and is not required to abide by them.

The minister says he has no plans to take the Mt Wellington cable car or Westbury prison (Mercury, June 12). The minister could change his mind and declare these as major projects or the proponent can request they be declared major projects. The minister could promise to amend the legislation to make them ineligible but has failed to do so.

Peter McGlone is director of the Tasmanian Conservation Trust.