

Tasmania's Alternative Government: Who really runs Tasmania?

Almost 300 submissions were made to the Tasmanian Planning Commission on the **Draft State Planning Provisions**.

One of the most telling submissions was made by the **Property Council of Australia (PCA), Tasmanian Division**. (See below to read the full submission).

The **PCA** originally started as the Building Owners and Managers Association. It is a national industry body representing the interests of private investment in the built environment. Their mission is "To Champion a Strong Property Industry".

In reality this means pushing to improve the profitability of investment properties by reducing regulation, reducing costs and de-regulating planning laws. In Tasmania the **PCA** boasts over seventy member companies. Their Executive Director is the former Labor politician, Brian Wrightman, who lost his seat in Bass in the 2014 State election.

Not only is the **PCA** interested in de-regulating planning laws in Tasmania, they have a list of demands on government, including:

- increasing population
- building regulation reform
- reducing regulation generally
- reforming utilities
- reforming local government
- reducing taxes and Council rates

The **PCA** submission begins by boasting how they "**advocated aggressively in the lead-up to the 2014 Tasmanian State Election for a modernised planning regime**". They claim the Liberal Opposition mantra for a "**single state-wide planning scheme**" "**was repeated regularly and accepted by the majority of Tasmanians**". (*emphasis added*)

They then go on to mention how they "**welcomed and strongly supported**" the appointment of Ms Mary Massina in April 2014 as Executive Chair of the **Planning Reform Taskforce**. (Mary Massina was previously the Director of the **PCA**.) So the **PCA** now have one of their senior colleagues in the top planning reform position. The **PCA** say the Planning Reform Taskforce "**was the direction required to lead not only the modernising of Tasmania's planning regime, but to sharpen the state's economic direction.**"

So the scene was set for planning reform in Tasmania; promoted by the Liberal Government, and driven by the Property Council.

As well as having their woman in the top position the **PCA** was then also invited to join "**the Industry Consultative Committee**". With this influence the **PCA** was able to provide "**detailed feedback on each Tranche of proposed legislation through verbal feedback at industry briefings, and subsequent formal feedback via written submissions**".

The **PCA** state they worked "**with the State Government to ensure legislation underpinning the Tasmanian Planning Scheme passed the independent Legislative Council unanimously.**"

The PCA seems a little surprised by the success of their **“advocacy effort which has led to Australia's first ever single state-wide planning scheme”**. They believe it **“remains a pivotal moment in the state's investment history.”** Note: **“investment history”**, not any other sort of history. And it was all achieved **“a year ahead of schedule”!**

The problem with local government

However, while the PCA is pleased with their achievements so far, there are dark clouds on the horizon. The PCA state they **“remain of the view that planning should be removed from the remit of local government and placed in an independent statutory body”**.

The PCA **“continues to express concern that planning decisions remain open to political interference and should be made by professionals with expertise in interpretation, implementation and decision making under the relevant planning legislation.”** With their success in influencing the Planning Reform Taskforce so far, the PCA could be expected to seek similar influence with such an independent statutory planning body, which the PCA want to be responsible for all planning decisions in Tasmania.

To further their opposition to any further role of local government in planning matters, the PCA believe **“structural reform of the local government sector is required to reap the full benefit of the implementation of the Tasmanian Planning Scheme.”**

The PCA seem to have some difficulty with the existence of local government. **“Along with the ridiculous number of council municipalities in Tasmania totalling twenty-nine, there have been just as many planning schemes if not more, with at one point 33 schemes underpinning the regime in Australia's smallest state.”**

But, begrudgingly, the PCA admit **“Most positively, in recent years there has been a move to enhanced uniformity with the introduction of the Interim Schemes, which admittedly while not perfect, have delivered a significant improvement in the suite of Tasmanian planning laws.”**

The uncertainty of Local Planning Provisions

The attack on local government continues.

“The PCA does not take issue with the Draft State Planning Provisions.” “Our concerns rest with the 29 Local Provision Schedules, the contents of which are currently unknown.”

“Concern remains that due to the fact that the local government sector will have significant input, there will be room for interpretation and potential for unpicking consistency.”

Here the PCA is talking about the possibility of local planning variations by way of:

- Particular Purpose Zones
- Specific Area Plans
- Site Specific Qualifications or
- Local Area Objectives

However, there is hope for the PCA yet: **“We have been assured that the parameters are tight”**. Presumably the Government has told the PCA not to worry too much - **“the parameters are tight”**.

But just to be sure the Government has got the message “**we encourage the State Government to remain cognizant of our concerns. It would be extremely disappointing if the implementation of the Tasmanian Planning Scheme was unpicked by unruly councils wishing to impart their unique views regarding particular local planning matters.**” So Councils can be “**unruly**” and have “**unique views**” regarding local planning. Outrageous!

They go on: “**The parameters around their interaction and development of Local Provisions Schedules should be kept water tight.**” So this is the next battle ground for local control of planning.

The **PCA** are concerned about the clause on the State Planning Provisions which allows Local Provisions to over-ride the State Provisions. The clause, 5.4.3, states: *Where there is a conflict between a Local Planning Provision and the State Planning Provisions, the Local Planning Provision prevails.* The **PCA** state “**The ramifications of this clause should be watched most closely.**”

The **PCA** say they do “**not want state-wide planning issues driven by the views of particular councils.**”

The impact of PCA influence on the planning process

The **PCA** continue the rhetoric: “**A fairer, faster, cheaper and simpler planning system in Tasmania remains an essential component of an improving economy.**”

“**The Tasmanian Planning Scheme ... will provide a template for reform which can be utilised to shape other areas of legislation in an effort to assist economic growth.**”

“**And the system will be simpler because it will be one scheme where more developments are permitted.**”

So much for our democratic processes. So much for the **Resource Management and Planning System of Tasmania**, which includes this **Objective**:

- To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

So, who is really running the planning reform agenda?

What is most disturbing about the **PCA's** submission is its blatant promotion of its own self interest as if this will lead to a better society. A better society for whom?

The current **Draft State Planning Provisions** are likely to lead to greater community conflict, reduced transparency of planning decisions, more ad hoc development, and a lack of due process.

The **PCA** is driving planning de-regulation in Tasmania. But what is needed is a strategy led reform process supported by the community, rather than a market driven process supported by sectional interests such as the **PCA**.

Read the full **PCA** submission #265 at:

<http://www.iplan.tas.gov.au/Pages/XC.Track.Assessment/SearchAssessment.aspx?id=347>