

Hobart Not Highrise Inc.

22nd January 2018

Planning Policy Unit
Department of Justice
By email to planning.unit@justice.tas.gov.au

Dear Sir / Madam,

We thank you for the opportunity to comment on the revised draft '*Land Use Planning and Approvals Amendment (Major Projects) Bill 2018*'.

There have been, in our opinion, a number of major improvements in this revised version, following significant community unrest.

However, this submission identifies a number of significant issues with the revised version of the legislation. These are:

1. The proposed legislation is not required

Hobart Not Highrise Inc. sees no need to introduce a new 'Major Projects' assessment process. The current legislation deals adequately with projects of regional significance. Projects that are 'local' should be dealt with by the local authority.

However, if the proposed legislation is to go ahead, we draw the following to your attention and ask for your action:

2. Highrise buildings are not ruled out

The proposed legislation states that a development will not be called in if it is "solely or predominantly for a hotel, office or residential use." Not included in this list are retail, car park, education (e.g. UTAs), medical (e.g. Royal Hobart Hospital), visitor accommodation; possibly others.

The Fragrance Collins Street tower, as currently proposed, includes an auditorium and hotel. What would be the 'predominant' use if it was re-submitted as an auditorium (conference centre), some car parking, some retail, visitor accommodation, and hotel? How is 'predominant' measured? Our belief is that this proposal could easily be adjusted, allowing it to be called in.

The proposed legislation requires the minister to seek the advice of the Planning Commission, but he/she is not bound by this advice. This should not be so.

3. Definitions

The words 'significant', 'significance', 'potentially significant', 'predominantly', 'unreasonably delayed', and 'timely', require definitions. At the moment, they are open to wide interpretation. It's important that these be defined in the legislation to close loopholes and provide clarity to all parties involved.

4. Call-in powers are open to a wide interpretation based on the Minister's opinion

A project can be called in if, in the minister's 'opinion', a council has "unreasonably" delayed the assessment of a project. There is no definition of what "unreasonable" means.

There is no additional requirement for the project to be of regional significance.

A project can be called in if the minister believes that the project is beyond the 'capacity or capability' of a council to assess it in a 'timely manner'. The word 'timely' is not defined and there is no requirement for the Minister to provide evidence that a council lacks the 'capacity or capability' to assess a project.

5. Appeal

When Council makes a decision on an application, that decision can be appealed to the Planning Appeal Tribunal. If the decision is made by an Assessment Panel, there is no appeal. Hobart Not Highrise believes that there should always be a right to appeal.

6. Advertising

The legislation should exclude any advertising, or consultation, during the Christmas and New Year holiday period.

If there are any questions regarding the above, please contact the undersigned.

Yours sincerely

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