

NEW TOWN COMMUNITY ASSOCIATION INC.

31 Joynton Street
New Town TAS 7008
Phone 6228 3033

23 May 2008



Chairman
Review of the Planning System
GPO Box 1691
Hobart 7001

Dear Sir/Madam,

SUBMISSION - REVIEW OF THE PLANNING SYSTEM

It is of concern to the Association that the Review will be considering the role and functions of the RPDC and RMPAT with the intention of merging them. We are opposed to that occurring.

The RPDC deals with the approval of planning schemes and amendments to them and handles the assessment of projects of state significance. This at times involves dealing with complex and highly technical proposals and uses a process that engages public involvement. The RPDC makes a decision by balancing the interests of the developer, community, and individuals. The planning scheme or amendment that it approves becomes a legal instrument because planning schemes are a requirement under the *Land Use Planning and Approvals Act 1993*.

RMPAT is only concerned with hearing and deciding appeals against planning decisions made under a scheme and concerning contraventions of a scheme. This is a part of the enforcement process and it is only concerned with whether or not there has been a breach of the relevant planning scheme. The Tribunal has no jurisdiction under the *Resource Management and Planning Appeal Tribunal Act 1993* to involve itself in a process that balances the interests of the parties to the appeal. It may require mediation between the parties but it may only approve an agreement they may reach that complies with the planning scheme.

In merging the roles and functions of these two bodies the distinction between the approval and enforcement roles will disappear. An appeal against a contravention of a planning scheme could be referred by the appeal chairman to the part of the new organisation that deals with approving planning scheme amendments for the appeal to be dealt with as a planning scheme amendment. This would mean that the appeal chairman and appeal panel would be required to exercise some judgement in making

such a decision as to whether or not a planning scheme amendment would be able to re-balance the interests of the parties to the appeal to their mutual benefit, and the community as a whole, which would not be a party to the appeal.

This would create uncertainty and be unstable. The Schedule 1 objectives of the *Land Use Planning and Approvals Act 1993* Part 1 require the system to be fair, orderly and sustainable in the use and development of air, land and water and encourage public involvement in resource management and planning. In Part 2 there is a requirement for sound strategic planning, explicit consideration of social and economic effects, to ensure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians. These objectives would be compromised with a merger.

A further concern to the Association is the prospect of the Minister being given '*best practice call in powers*' presumably along the lines of the South Australian legislation. We are opposed to that occurring.

The *State Policies and Projects Act 1993* provides for the normal process to be by-passed for projects of state significance and for the RPDC to make a recommendation to the Government who will make the decision, then be put to Parliament. Any move to take the assessment process away from the RPDC and put it in the hands of politicians must inevitably be at the expense of public participation including the participation of technical experts, which will result in decisions being made on one-sided information. A move along the lines of the process used to assess the '*Gunn's Pulp Mill*' proposal would be detrimental.

Mr. & Mrs. Davies, who are members, have provided the Association with a copy of their submission to the Review dated 22 May 2008. The Association supports the principles expressed in their submission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Rex Maddock', with a long horizontal flourish extending to the right.

**REX MADDOCK
PRESIDENT**