



Westbury Region Against the Prison Inc (IA 12477)

15 May 2020

Representation on the Review of the Tasmanian Planning Commission

I write on behalf of Westbury Region Against the Prison Inc (**WRAP**) to make the following representations in relation to the review of the Tasmanian Planning Commission (**TPC**).

WRAP is a community group formed to oppose the proposed location of the Northern Regional Prison at 135 Birralelee Road, Westbury (**Birralelee Road**). Community opposition is based on a range of reasons, but most of them relate to the proximity of the site to the township.

Since the announcement of Birralelee Road as the preferred site for the prison on 30 September 2019, many people in the Westbury community have spent a huge amount of time and energy voicing our opposition to the siting of the prison there.

Over the course of this journey we have taken some comfort from the fact that planning assessment process will follow the course of a rezoning application under the *Land Use Planning and Approvals Act 1993* (**LUPAA**). Any such application would need to go through two separate assessments, firstly by local council and secondly by the independent Tasmanian Planning Commission (**TPC**).

The involvement of the independent TPC has offered the community confidence that the proposal would be subjected to the appropriate degree of arms' length scrutiny before any final planning decision is made. In short, the TPC is critical to the community's opportunity to have the Birralelee Road site independently scrutinised and assessed.

We note that the review is will explore the importance of the TPC remaining completely independent from Government, thereby remaining free of political interference.

With this in mind, we raise the following concerns about the proposed review of the TPC.

1. WRAP is concerned that the roles and functions of the TPC might be limited, curtailed or narrowed following the review. If the review were to recommend and result in any further diminution or reduction of the scope of functions and powers of the TPC, we would be opposed to such a course.
2. WRAP believes that in the Tasmanian political environment where there is limited separation between stakeholders and Government, it is critical that a body which is completely independent of the Government retains the role of holding hearings, making assessments and giving or withholding approvals in planning matters (including projects of State and Regional significance). In this context, the TPC is a quasi-judicial body, and the principles of separation of powers are applicable. Such independence will safeguard against political interference with significant planning decisions and approvals. The public and the individuals who make it up are all affected by such decisions (legally or otherwise) and without a completely independent arbiter, public faith in planning matters will be undermined. All current functions of the TPC

should be retained to ensure independence of decision making, and no alteration of its composition should be entertained.

3. WRAP also believes it to be critical that the TPC retains its functions as the provider of independent advice to the Government on planning matters. The Government is subjected to lobbying by private lobby groups who have a financial interest in developments taking precedence over sound planning decisions. The independent role of the TPC means sound planning policy and principles are placed front and centre in planning matters, which is where they belong. In fact, the independence of the TPC counterbalances strident voices coming from all sides of the political and planning spectrum.
4. The funding of the TPC should be maintained to allow it to properly exercise its functions. Any reduction in funding will result in a loss of efficiency and effectiveness, and could lead to significant backlogs.
5. The role of the TPC should not be diminished by the introduction of legislation, such as the Major Projects Bill, which would see its functions diluted vicariously.
6. Asking for comment on the review of the TPC does not really amount to consultation on any changes that the Government proposes to make to the TPC. The public deserves to be notified of any changes which are recommended as part of the review, at which time further consultation and feedback should be undertaken. In other words, it is impossible to provide feedback on proposals that do not yet exist.
7. The timing of the request for feedback is extremely inappropriate in light of COVID-19. My recent experience with different levels of government has been that they have readily relied on COVID-19 to explain away their own delays. In this case, the public cannot gather to discuss the relevant issues.

The TPC is central and critical to the health of the planning system in Tasmania. The community needs to have the opportunity to hold public meetings so that the community can be briefed on the significance of any recommended changes. This opportunity needs to be afforded to the general public so that people have sufficient time to inform themselves, engage in discourse and properly participate in their democracy. In other words, WRAP requests that final decisions to be made on the TPC are only made after the community is able to gather in sufficient numbers to engage in discourse about the proposed recommendations, which stand to impact on Tasmanians for generations to come.

Yours sincerely,

Linda Poulton (President)
WRAP Inc

