URGENCY MOTION

ITEM NATION BUILDING & JOBS PLAN FACILITATION
Launceston City Council

Decision Sought

That LGAT request the State Government to direct their relevant departments proposing projects under the Nation Building & Jobs Facilitation (Tasmania) Act 2009 to develop projects in accordance with and compliant with the respective local councils planning provisions and processes.

That this matter also be raised by the President at Australian Local Government Association (ALGA) and Australian Council of Local Government (ACLG) meetings.

Background comment:
At a recent Launceston City Council meeting a recommendation was put forward that the Mayor, Clr Albert van Zetten, write to the Association and to the other 28 Tasmanian councils seeking support for the above motion.

The Association has since received the letter and has also received copies of letters forwarded to Launceston City Council by Tasmanian councils confirming their support.

This matter was also raised at the General Management Committee meeting held on 10 March 2010 and it was determined at that time, that the President would raise this issue with the ACLG.

While this motion has not been brought to the General Meeting through the normal processes, given the evidence of support shown by Councils it was decided that the issue be tabled as a late motion to ensure immediate action.

LGAT Comment
While only a few councils have experienced difficulties of any significance in relation to developments being progressed under the Nation Building and Jobs Facilitation (Tasmania) Act 2009, a much larger number have expressed concerns about the potential issues which may arise if economic stimulus planning system interventions (for social housing and education ) were to be made permanent.

These include:

- Ill informed decision making and a piecemeal approach to land use planning.
- Immediate economic benefits at the expense of the amenity and long-term costs for local communities.
- Land use conflict created by incompatibility of uses in close proximity.
- Development or intensification of use generating more traffic in a residential area.
- Inappropriately located social housing (possibly isolated from services).
- Construction of buildings where infrastructure services are not capable of servicing (current or long term)
While representatives of the Department of Education and Department of Health and Human Services have generally been found to be cooperative there have been difficulties which have arisen in relation to developers outside State Government (i.e. independent schools or housing providers). There has also been difficulty experienced in obtaining access to plans and the resourcing of submissions. Consideration of heritage issues has been constrained. Further, while the Premier made a commitment that there would be no ‘back doors’ to previously unacceptable proposals, there have been examples of developments now contravening previous permit conditions. Despite raising such examples with the Department of Treasury the outcome remained unchanged. For some councils, a crisis management approach was required, particularly where information was insufficient to make informed comment within the seven day timeframe. There is no recourse for a process not properly followed.

With current planning reform agendas (at both the national and state levels) steering toward more ‘deemed to comply’ provisions and thus reducing the likelihood of third party appeals, it shouldn’t be necessary to implement the interventions on a permanent basis. If they comply with the provisions set down in the scheme, there won’t be any uncertainty or vexatious appeals or significant time delays. If they don’t comply, then it suggests that they certainly shouldn’t be exempt as they don’t align with the objectives for the area, which local communities have invested time and effort in establishing.

While some of the issues raised relate to school projects, primarily the concerns raised in relation to a long-term extension of the Nation Building approach are related to social housing. This is particularly the case with new larger scale developments where an area may have infrastructure capacity constraints (roads, sewerage treatment, bridges). Such developments may be prohibited under a scheme for good reasons such as traffic, servicing, agriculture. Changing roads and services is expensive. Who will pick up that bill down the track?

Local Government is supportive of the integration of social (including public) housing into towns and cities, rather than larger scale developments. Zoning and infrastructure capacity must be of consideration.

In relation to social housing the following points were raised by councils:

- This form of residential development shouldn’t be distinguished from others. Why treat one section of the “community” different to other sections of the community?
- There is the potential for substantial inequity in the development sector, particularly if areas are opened up for housing developments, which are not strategically allocated as residential land.
- The development must be consistent with the coordinated land use strategies set out in planning schemes otherwise ad hoc, un-serviced or conflicting development may occur.
- Attention should be paid to planning reforms to ensure smooth processes rather than exempting developments on the basis of the proponents.
- The same level of preparation of plans and documents should still apply (which is really where much of the time delays can result for developers in doing the background design, and infrastructure availability for approval).
Social housing, correctly sited and zoned should progress through Council planning processes within timelines that are not prejudicial to the project (single houses meeting setback and heights are permitted as of right, grouped housing permitted with permit when meeting development standards). Where they do not meet these development standards and require discretionary approval, why should different rules apply?

It would be a very backward step to basically exempt a sector from the States Land Use planning.

The assessment process has lacked the rigor and certainly provided by the usual Council assessments, so it is likely that there will be problems in the future.