

CPR Inc Media Alert CPR Inc Media Alert CPR Inc Media

Jon Stanhope gasps at politicising the planning process.....again

Last night members of the community including CPR Inc. were unable to read the Development Application (Block 20 Section 23 Hume) Assessment Facilitation Bill 2008 presented by Mr Stanhope in the Assembly yesterday.

The Explanatory Statement was available however and it broadly describes the Bill's 13 clauses.

A key clause - Clause 9 seeks to "clarify" this data warehouse development as "a communications facility" because it is "evolutionary technology" - a unique description which cannot be found in the Territory Plan.

In August 2008 CPR Inc filed a legal opinion setting out exactly why this development defined by the proponents as being a "communications facility" could not be defined as such and was therefore inappropriate for land zoned as Broadacre.

At the time Mr Stanhope and the Proponents claimed to have a counter legal opinion stating that it could be defined as a Communications Facility.

CPR inc believes Mr Stanhope is shoring up the possibility that this proposal will be found unsuitable for Hume Block 20/23 and is using this new legislation as a means of fast tracking the development's return to the Broadacre site – only now with legislation which avoids having to address the Territory Plan or the community's legal opinion.

Similarly under this new legislation this development is given a fast track to develop on the Belconnen, West Macgregor Broadacre site - also without having to comply with the Territory Plan so that it can proceed on any Broadacre or Industrial areas.

What does this mean?

This legislation signals that business in Canberra is not fair, honest or clear.

While Mr Stanhope is rightly concerned with giving positive messages to businesses wanting to invest in Canberra – under this new legislation - it is only this particular data warehouse development which can be defined as a "communications facility" and therefore only it can be built on Broadacre - and wherever it likes.

The next data warehouse business to build its own power station can not call itself "new, evolutionary technology". Other developers will need to abide by the Territory Plan definitions - unless Mr Stanhope likes you - then he can again use legislation to redefine your business – it is unlikely business he likes will be expected to adhere to any planning laws.

The future?

As he did with the Gungahlin Drive Extension (GDE) fiasco in 2004 – Mr Stanhope finds working within the Planning Laws too difficult – thus he can use his majority to legislate his government out of difficulty - ploughing through the need to consult or consider any one or any piece of legislation opposed to his point of view.

As long as developments have the support of Mr Stanhope's Government, they can build what they like, where they like, any time they like.

This legislation considers the community has been consulted – we disagree and this legislates via clause 13 specifically that third-party appeals will not be permitted, even excluding decisions from ADJR Administrative Decisions (Judicial Review) Act 1989.

Release ends

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