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**From:** Tim Rudman  
**Sent:** Monday, 11 November 2024 3:55 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Development Assessment Panels Bill

The Draft Bill to establish Development Assessment Panels (DAP) and thereby bypass Council and community planning processes is an authoritarian executive government control that is unwelcome and should be rejected.

I am particularly concerned that a DAP process will politicise developments given the concentration of power in a minister to determine if the process is used and the decision makers in the process. This significantly makes mockery of sound public planning segregation of powers, enhancing the potential for corruption in government and leaving the public disenfranchised. The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. As a demonstration of the perverse nature of the Bill, the Minister may be empowered to instruct councils to make planning scheme changes when local Councils have rejected an application. Planning becomes a ministerial plaything. This is particularly gruelling when there is a high level of non-disclosure of donations to political parties and developers are not banned from doing so!

The removal of appeal rights provides black and white pathways that don't facilitate merits based review on matters of strong community interest. The proposed panel is poorly defined by criteria allowing ministerial discretion in appointments as is the criteria for when a proposal can be referred to the DAP process. We must have genuine input from the community if we are to have a State the community is happy living in.

The DAP process in other jurisdictions have not been shown to be quicker than local councils, and rarely genuinely engage with communities. While the appeal process is limited to points of law at the Supreme Court

level, not how Planning matters should be resolved. There is no problem to be fixed other than political desire to see developers supported where the councils or community may disagree using the well established assessment and criteria the State has previously agreed upon. This is not democracy nor is it a solution to the housing crisis.

The DAP Bill is fundamentally flawed and should be rejected outright.

Yours Sincerely  
Tim Rudman

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**From:** Dieter Nikolai  
**Sent:** Monday, 11 November 2024 3:52 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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Recipients

[

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

**It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers

demands.

**Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour devell** oppose the creation of Development Assessment Panels (Daps) and incgreasin ministerial power over the planning system, for the following reasons:

Hand-picked appointed planning panels conducted by the Tasmanian Planning Commission, will makes **it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point. and of course this is the whole idea, to decide on development applications against your elected local council representatives.

Local concerns will be ignored in favour of developers who may not even be from Tasmania.

DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, also they do not have to provide written reasons for their decision .

**Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

**Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.**

- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

Yours sincerely  
DIETER NIKOLAI

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**From:** Peter McGlone - Tasmanian Conservation Trust Inc  
**Sent:** Monday, 11 November 2024 3:48 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** TCT submission to the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024  
**Attachments:** TCT Planning Panels 'Talking Point' \_ Mercury 11 Nov 2024.pdf

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Find attached a copy of an article published in the Mercury newspaper. Please accept this as the TCT submission to the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024.

Peter McGlone

Tasmanian Conservation Trust Inc

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# Flawed DAP process won't take politics out of the

**T**he state government is being very quiet about the draft legislation, currently out for public comment until November 12, that aims to create Development Assessment Panels.

The government has justified DAPs as a social and affordable housing measure but this is misleading and the Labor Party and cross benches need to be ready to counter it.

This legislation proposes an alternative development assessment and approval process, taking eligible developments out of the normal local council process (removing elected councillors from having a say over approvals) and critically

Development Assessment Panels are not an affordable housing solution, says **Peter McGlone**

removing the community's right to merits planning appeals over an approval.

Minister for Housing and Planning Felix Ellis announced the public consultation on the legislation with a media release titled 'Talking the politics out of planning'.

The minister justifies the DAP's legislation by reference to the need for more affordable and social housing and that housing and other developments are being blocked by councils for illegitimate non-planning reasons.

Hence the need to take politics out of the process.

The minister said, "the Bill will ensure planning decisions are driven by the planning rules, not the personal biases of individual councillors with an axe to grind."

The minister refers, with no evidence to, "too many examples where critical housing or job-creating projects are being blocked by ideologically motivated councillors".

By comparison the minister says, "the Bill streamlines the delivery of

homes for Tasmania's most vulnerable by allowing for social and affordable housing developments".

The government may be trying to keep this Bill under the radar because it is under even more pressure over falsifying how many affordable houses it has actually built.

The TCT challenges the Labor Party and cross benches to oppose this bill, to oppose the DAPs, and to call the government out on its



**Peter McGlone**

misleading claims about social and affordable housing.

The government justifies DAPs as being necessary because housing is apparently being blocked by councillors with 'personal biases' and who don't follow planning rules. The government wants to falsely blame the planning system for stopping housing developments to distract from its dreadful record.

In fact, only about 1 per cent of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

Reading the fine print in the draft legislation it becomes clear the

## planning picture and will weaken our democracy

government is being misleading about housing.

The eligibility criteria for a development to be considered for assessment by a DAP includes – that a project is for affordable or social housing and it must be endorsed by Homes Tasmania.

Sounds great until you read the fine print that says that the application needs to be 'endorsed by Homes Tasmania as including social or affordable housing'.

'Including' could mean only one house out of 100 or 1000 is affordable or social housing. There is no defined quota.

If the Labor Party votes for the legislation without this clause being amended then its commitment to

addressing housing must be called into question.

The government has littered the Bill with language that is wide open for the minister to interpret.

This gives the minister massive and unchecked power to remove developments from the normal planning process when it suits him. For this reason the legislation doesn't take the politics out of planning, it just transfers the politics to the one person, the minister, who cannot be challenged in the planning appeals tribunal.

The minister can approve a development being removed from a council assessment process where the:

**Application** is considered to be of

'significance' to the local area or state;

**Application** is 'overly complex' and the planning authority does not have the expertise to assess it;

**Application** is 'controversial', or 'likely to be controversial';

**Planning** authority has, or is likely to have a 'conflict of interest';

**There** is a 'real or perceived bias' on the part of the planning authority.

In each instance there is no definition of the key terms and no guidelines for the minister's decision.

The key eligibility criteria are that developments have to be relatively large, valued at \$10m or more in cities or \$5m or more in other areas.

How these valuations are done are not addressed by the draft legislation.

Rather than being motivated by a desire to do more for affordable and social housing it appears the government just wants to give property developers a leg up.

There have been a few very large and controversial developments stopped recently, kunanyi/Mt Wellington cable car, Cambria development near Swansea and several high-rise buildings in Hobart.

It appears they want to create another process that offers developers an assured pathway to get big, controversial projects approved that cuts out councillors, removes appeal rights and ignores local community concerns.

If an assessment isn't going their way the developer can abandon the

standard local council process at any time and have a development assessed by a planning panel.

I am concerned this could intimidate councils into conceding to developers' demands.

The DAP process will remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk or appearance of buildings; impacts to streetscapes and adjoining properties; traffic, noise and light; and biodiversity.

Developments will only be appealable to the Supreme Court based on a point of law or process. DAPs will weaken democracy.

**Peter McGlone is the chief executive of the Tasmanian Conservation Trust**

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**From:** Christopher Stennard  
**Sent:** Monday, 11 November 2024 3:46 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

**Subject:**



Dear Sir/Madam

I strongly oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons

for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on *'checks and balances'*.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of *'perceived conflict of interest'*, *'a real or perceived bias'*, *'the application relates to a development that may be considered significant'* and the *'development is likely to be controversial'* is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application [includes](#) social or affordable housing. There is no requirement for a proportion of the development to be for social or

affordable housing. For example, it could be one house out of 200 that is affordable.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

***Yours sincerely,***

**Chris Stennard**

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**From:** Todd Wilson <  
**Sent:** Monday, 11 November 2024 3:40 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** RE: Say NO to planning panels/say YES to a healthy democracy - #ScrapTheDAP

**Subject:**

Hello 'planning@dpac',

Do you enjoy outings along Tasmania's sweeping unspoilt coastline, free of high rise condos and large-scale developments? How about walking in quiet, natural settings that aren't diluted by exclusive upmarket 'wilderness' resorts? Do you like the human-scale experience of Hobart's skyline that isn't dominated by skyscrapers? If you can relate to the uniqueness of this island with all of its untamed 'rawness', you will appreciate why I do not support removing planning appeals, increasing Ministerial power and introducing Development Assessment Panels (DAPs).

I oppose the creation of DAPs and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open

justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application [includes](#) social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the

affordable housing shortage.

- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keep the costs of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

The world is awash with places that have become the same as everywhere else. Don't put Tasmania into the same blender. Protect and celebrate our State's uniqueness. Scrap the DAP!

Yours sincerely,

T Wilson

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Todd Wilson

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**From:** Matt Luck <  
**Sent:** Monday, 11 November 2024 3:25 PM  
**To:** [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)  
**Subject:** Fwd: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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Regards  
Matthew Luck

----- Forwarded message -----

**From:** **Matt Luck**  
**Date:** Fri, 8 Nov 2024 at 07:58  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy  
**To:** <[yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)>

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

Tasmania should be wild, increasing development, overseas money and profiteering is slowly taking away from our island home and the residents who live here.

CHOOSE LIFE OVER MONEY

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.

– A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

**Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

Regards  
Matthew Luck

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**From:** Andrew Hudspeth  
**Sent:** Monday, 11 November 2024 3:01 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** Submission - Development Assessment Panel - Draft Bill

The Government's proposed DAP process is clearly aimed at providing an avenue for developers and their proponents to circumvent (ie. bypass) the well established local government approval process.

As a corollary of this pathway, back-door representations made to the Minister, and general building/development industry lobbying (again, entirely opaque to the public), will be utilised by interested parties in attempts to cause the minister to declare the necessity for a DAP. Developers are, in almost all cases, self-interested parties, and many are prepared to bypass the public interest in favour of their own.

The fact the Minister has ultimate discretion in this and that, even more concerningly, there are no available rights of appeal, tells the public this process is designed and intended to shut out their interests once the DAP process has been embarked upon in relation to specific projects.

Most obviously, this piece of legislation is intended to bypass standard planning approval processes and favour developers over the public interest.

The hand of the likes of Simon Behrakis is plainly at play here.

Andrew Hudspeth

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**From:** Emily Rudling  
**Sent:** Monday, 11 November 2024 2:34 PM  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.**
- **The Tasmanian Planning Commission is not independent.**
- **Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.**
- **Makes it easier to approve large scale contentious developments without due diligence, research, or community consultation.**
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. **TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government.**
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers over democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.**

- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal.
- Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keep down the cost of development applications.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

**Dr Emily Rudling**

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**From:** Brian Walter  
**Sent:** Monday, 11 November 2024 2:15 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Land Use and Planning Approvals Development - Development Assessment Panels Bill 2024

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***To whom it may concern***

I perceive an increased trend to bypass planning processes and to move more power to Ministers and I think none of this is good for Tasmania.

I feel centralisation of power is open to manipulation and corruption. There are already several examples where projects have been proposed that fly in the face of public opinion and where public consultation has been bypassed, ignored and/or manipulated. Given the lack of transparency with political donations it's easy to assume that a vested interest has been served.

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of

developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be*

*controversial*’ is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:

- Valuations of \$10 million in cities and \$5 million in other areas.

- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania’s planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

**Brian Walter**

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**From:** Alison Ratcliffe <  
**Sent:** Monday, 11 November 2024 2:06 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** DAPs – no to planning panels/yes to a healthy democracy

**Subject:**

Dear members,

Please note that, while I have used a suggested text in the body of this email, that does not mean I feel any less strongly about this matter or the reasons listed.

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted

(behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## Say yes to a healthy democracy

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

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Alison Ratcliffe

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**From:** richard upton <  
**Sent:** Monday, 11 November 2024 1:54 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** DAP undemocratic

Planning should be in the hands of the people who live in the area through their LOCAL representatives.

The state may have input, but such decisions should not be made by the STATE GOVERNMENT or its representatives and ministers.

This proposal undermines democracy, and will cause major conflicts that could be avoided.

I urge you to reject this legislation.

Richard Upton

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**From:** Juliet Quarterman <  
**Sent:** > Monday, 11 November 2024 1:48 PM  
**To:** yoursay.planning@dpac.tas.gov.au

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## Say no to the Development Assessment Panels

Dear Sir / madam

I am extremely concerned about the possible introduction of the DAPs. It will be giving developers carte blanche to just build anywhere they like, without the local community having any say in the matter. This is a huge abuse to our democracy. It will basically mean that the state government of the day can hand-pick whoever they like to sit on the panels. This will obviously lead to corruption as they can just pick supporters of their developer friends, who can give them a quiet backhander to see their projects carried out. This bill must be stopped immediately. We have local councils for a reason and these are voted in democratically. I prefer to rely on their decisions about what will suit our area. The developments foisted on us by the state government will ignore locals concerns about noise, traffic and many other issues that effect us locally. I personally emigrated to Tasmania because I like its small population and easy access everywhere and I cannot see why both major parties want to ruin this by encouraging large populations and developments everywhere. Let's enjoy what we have here and stop the DAPs bill now and help keep our democracy healthy and our Island state beautiful.

Kind regards  
Juliet Quarterman

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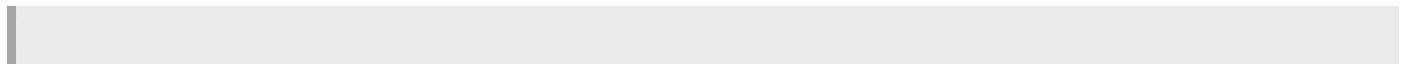
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**From:** Daniel Brough  
**Sent:** Monday, 11 November 2024 1:53 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** Submission - 'Development Assessment Panels Bill', 2024

**Subject:**



To whom it may concern,

I am writing to express my concern in relation to "The draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024".

I am extremely concerned that this bill, if passed, will sideline due processes and the rights of voters and community members via their elected representatives and established consideration and approval processes to be heard in relation to developments that either impact them, their community or some other value of importance that they hold.

This bill appears to be an attempt to avoid the requirement for merit based planning approval within the established planning scheme and to open the door to political 'pet projects' arranged in secret 'behind closed doors' that may not represent value to the community at large but rather to vested interests or a small part of the community at the expense of many more.

There is a risk of facilitation of various forms of corruption, including the potential for political connections to become of greater importance than the following due process and meeting the planning scheme when submitting development proposals.

For these reasons I would consider the DAP proposal to be hostile to the community at large, and out of place in a democratic system that should have transparent rules, planning and approval processes that apply equally to all

entities and development proposals and I therefore urge in the strongest terms that this bill be rejected.

Best Regards,

Daniel Brough

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**From:** Thomas Wagenknecht <>  
**Sent:** Monday, 11 November 2024 1:51 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** Jonathan Harmey; Krista Palfreyman  
**Subject:** RE: Report on Consultation - DAP Framework Position Paper - Request for Extension of Time - Meander Valley Council  
**Attachments:** MVC Draft Submission - Development Assessment Panel Framework - November Council Meeting Item.pdf

Good afternoon,

Noting the previous inability to grant an extension of time, please find attached an excerpt from Meander Valley Council's upcoming November Council Meeting on the 12<sup>th</sup> November.

The letter therein titled '*Submission on the Draft Land Use Planning and Approvals (Development Assessment Panels) Bill 2024*' represents the Council's draft submission on the Development Assessment Panel Framework Position Paper and draft Bill.

A full copy of the November Council Meeting agenda can be found at: [Minutes and Agendas - Meander Valley Council](#)

A finalised version of this submission will be sent to the State Planning Office prior to 5pm tomorrow, following the decision made at tomorrow's Council meeting.

Regards,



Thomas Wagenknecht, Senior Strategic Planner

26 Lyall Street Westbury, TAS 7303 | PO Box 102, Westbury Tasmania 7303

[www.meander.tas.gov.au](http://www.meander.tas.gov.au)

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**From:** State Planning Office Shared Mailbox <StatePlanning@dpac.tas.gov.au>  
**Sent:** Tuesday, 15 October 2024 11:15 AM  
**To:** Thomas Wagenknecht  
**Subject:** RE: Report on Consultation - DAP Framework Position Paper - Request for Extension of Time - Meander Valley Council

Good morning Mr Wagenknecht,

Thank you for your email requesting an extension of time to consider the proposed Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 (the draft Bill) that is currently on consultation until the 12 November 2024.

The State Planning Office understands the difficulties associated with the meeting cycles of local government not always aligning with the timeframes allocated for consultation. We also understand that the draft Bill has an impact on council's development assessment processes and the need for councils to fully understand and consider the impacts of what the government is proposing.

Unfortunately, due to the government's current timeframe for finalising the draft Bill for tabling in Parliament, we are unable to grant an extension of time for making a submission.

Many thanks,

State Planning Office  
Department of Premier and Cabinet  
Level 7 / 15 Murray Street, Hobart TAS 7000 | GPO Box 123, Hobart TAS 7001  
(p) 1300 703 977

[stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

[www.stateplanning.tas.gov.au](http://www.stateplanning.tas.gov.au) | [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



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**From:** Thomas Wagenknecht <  
**Sent:** Monday, October 14, 2024 9:01 AM  
**To:** State Planning Office Shared Mailbox <[StatePlanning@dpac.tas.gov.au](mailto:StatePlanning@dpac.tas.gov.au)>  
**Subject:** RE: Report on Consultation - DAP Framework Position Paper - Request for Extension of Time - Meander Valley Council

Good morning,

Thank you for your email in relation to the consultation on the DAP Framework Position Paper.

Meander Valley Council's next public meeting is in the afternoon of 12 November. To enable Council to consider an endorsed position at this council meeting, Council please requests an extension of time to submit until 5pm 15 November.

This will enable Council to endorse a submission and provide sufficient time for the outcomes of the meeting to be finalised prior to submitting.

Kind regards



Thomas Wagenknecht, Senior Strategic Planner

26 Lyall Street Westbury, TAS 7303 | PO Box 102, Westbury Tasmania 7303  
[www.meander.tas.gov.au](http://www.meander.tas.gov.au)

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**From:** State Planning Office Shared Mailbox <[StatePlanning@dpac.tas.gov.au](mailto:StatePlanning@dpac.tas.gov.au)>

**Sent:** Monday, October 7, 2024 1:54 PM

**Subject:** Report on Consultation - DAP Framework Position Paper

Good afternoon,

On 21 July 2023, the Premier announced the development of new legislation to allow certain development applications to be determined by independent Development Assessment Panels (DAP) appointed by the Tasmanian Planning Commission.

In response to the Premier's statement, the State Planning Office (SPO) released a DAP Framework Position Paper exploring the introduction of an alternate approval pathway outside of Councils' decision-making functions for problematic development applications.

The Position Paper was consulted on for a 6 week period during October and November 2023.

Over 540 submissions were received. A Report on Consultation has been prepared and is available for viewing on the [Planning in Tasmania website](#).

The Report on Consultation discusses the issues raised in submissions and presents a revised DAP framework which has informed the preparation of the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 (the draft Bill) to give effect to the DAP framework.

On behalf of the Minister for Housing and Planning, the State Planning Office (SPO) wishes to advise you that the draft Bill is now available for public comment. The draft Bill is open for a 5

week consultation period commencing 7 October and closing at 5pm on 12 November. The draft Bill and information regarding making a submission on the draft Bill can be found on the [Planning in Tasmania website](#)

If you would like further information on the draft Bill, please do not hesitate to contact the SPO on 1300 703 977 or [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au).

State Planning Office  
Department of Premier and Cabinet  
Level 7 / 15 Murray Street, Hobart TAS 7000 | GPO Box 123, Hobart TAS 7001  
(p) 1300 703 977

[stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

[www.stateplanning.tas.gov.au](http://www.stateplanning.tas.gov.au) | [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



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## 13. Development and Regulatory Services

### 13.1. Submission on Draft Development Assessment Panel Draft Bill 2024

<b>File Reference</b>	S13-09-011
<b>Report Author</b>	Thomas Wagenknecht Senior Strategic Planner
<b>Authorised By</b>	Krista Palfreyman Director Development and Regulatory Services
<b>Decision Sought</b>	Endorsement of the submission on the Draft <i>Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024</i> and its submission to the State Planning Office.
<b>Vote</b>	Simple majority

#### Recommendation

That Council:

1. endorses the Meander Valley Council's Submission – Draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024* (Attachment 1) as its submission to the public exhibition of the Draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*; and
2. approves the lodgment of the Council's submission to the State Planning Office (as provided in Attachment 1).

#### Report

##### Background

On 21 July 2023, the Premier announced the development of new legislation to allow certain types of development applications to be determined by independent Development Assessment Panels (DAP), appointed by the Tasmanian Planning Commission.

The intent was to create an alternate approval pathway outside of local council's decision-making functions, with the State government flagging that this would *take the politics out of planning for more complex or contentious development applications*.

##### Position Paper

A Position Paper on a proposed DAP framework was open for consultation from 19 October to 30 November 2023, with the outcomes of the consultation to inform the preparation of a draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024* (the Draft Bill).

Council endorsed its submission on the Position Paper at its Meeting of 14 November 2023 (Attachment 2).

The key issues raised in the Council's submission dated 14 November 2023 are set out below:

- the proposed solution to the cited issues, such as the conflicting role of Councillors, is a gross overreaction that would unduly curtail local decision-making and the agency of Council when acting as the Planning Authority. This is made abundantly clear when Position Paper itself acknowledges that the evidence of *inappropriate political determination of applications is limited to isolated, but well publicised, cases*. Such significant reform is not warranted by so few cases;
- decisions made by the DAP will not be representative of local ratepayers, will not reflect the aspirations of the community and will not have a fine grain understanding of the values (whether they be natural, landscape, heritage, cultural, scenic, coastal or waterway) that the local community cherish and hold in high esteem;
- the absence of third-party appeal rights against the decision of the DAP will remove a critical opportunity for community involvement considering the application would not be decided by local representatives (ie., the Council as Planning Authority). This would undermine any faith that matters raised by both applicants and representors will be meaningfully heard, understood and addressed;
- decisions made by the DAP would be made by technical specialists appointed by the Tasmanian Planning Commission who will not be responsible to the local community for the decisions they make. The members of the DAP will not be held accountable for their decisions and it will be left up to the Council to bear the burden of regulating the activity; and
- the *conflicting role of Councillors*, perceived or actual, is a type of conflict they already actively manage day-in day-out irrespective of their role as Planning Authority. Councillors are equipped with the knowledge and experience, in addition to technical support from officers, to make tough decisions that balance a range of statutory and non-statutory matters in the pursuit of bettering their community within the legislation framework they must abide by.

### The Draft Bill

The Draft Bill is open for consultation from 7 October to 12 November 2024 and seeks to provide an alternate assessment pathway for development applications to be determined by an independent Development Assessment Panel established by the Tasmanian Planning Commission (the Commission). A development application may be eligible for DAP determination if it is for a discretionary permit, is not subject to the *Environmental Management and Pollution Control Act 1994* and meets one of the following:

- Is an application for subdivision to accommodate social and affordable housing or for the development of social and affordable housing, that is endorsed by Homes Tasmania as being suitable for DAP determination;

- Where an applicant, or the planning authority with the consent of the applicant, chooses that the development application be determined by a DAP subject to satisfying the following value thresholds:
  - over \$10M;
  - over \$5M in a non-metropolitan area; or
  - over \$1M if the Council is the applicant and the Planning Authority.
- Upon request to the Minister from either the applicant or the Planning Authority, where the Minister determines that the development application is suitable for DAP determination because it satisfies one or more of the following criteria:
  - the application is considered to be of significance to the local area or State;
  - the application is overly complex and the Planning Authority does not have the expertise to assess it;
  - the application is controversial, or likely to be controversial;
  - the planning authority has, or is likely to have a conflict of interest, or there is perceived bias on the part of the Planning Authority.

Development applications can be referred to a DAP at the beginning of the assessment or anytime during the Planning Authority's assessment.

The Draft DAP Bill also provides for the Minister to direct a planning authority to prepare a draft amendment to its Local Provisions Schedule (LPS) under certain circumstances where a review under section 40B of the *Land Use Planning and Approvals Act 1993* (LUPA) has been exhausted.

### Response to Draft Bill

The Bill fails to adequately respond to all concerns raised in the Council's submission on the Position Paper. A summary of the raised issues that were directly responded to within the *Report on Consultation – Development Assessment Panel (DAP) Framework Position Paper* is provided within Attachment 3. These concerns have been reiterated within Attachment 1.

In addition, the following additional concerns are also raised:

- the proposed referral triggers are too broad and ambiguous.
- whether the Council can make representation to applications if it is not the determining authority but must also be a referral body, or otherwise recommend refusal.
- non-mandatory referrals should be at the discretion of the Planning Authority, not the applicant, with the application able to appeal such a request.
- the DAP process, if it does proceed, should align with the process for assessment of a discretionary applications under section 57 of LUPA not the process for a combined amendment and planning application.
- minister intervention into planning applications, both for developments and for scheme amendments, only serves to increase the politicisation of planning approval processes and is contrary to the purpose of the Draft Bill.

- the proposed timeframes for assessment remain extremely tight and are unlikely to be met without significant resourcing within both local government and the Tasmanian Planning Commission.
- the financial costs to the Council, noting that it appears unlikely that councils will receive assessment fees, despite the significant assessment, administration and enforcement that would still be necessary through this process.

The recommended submission represents the continued effort to ensure that ongoing reform to the Resource Management and Planning System occurs through appropriate and reasonable changes to legislation and statutory documents, rather than the implementation of an unnecessary and convoluted Development Assessment Panel Model.

## Attachments

1. Attachment 1 - Meander Valley Council Submission - Draft Land Use Planning and Approvals (Development Assessment Panels) Bill 2024 [13.1.1 - 6 pages]
2. Attachment 2 - Meander Valley Council Submission on Draft Development Assessment Panel Framework [13.1.2 - 3 pages]

## Strategy

Supports the objectives of Council's strategic future direction

1. a sustainable natural and built environment
3. vibrant and engaged communities
5. innovative leadership and community governance

See Meander Valley Community Strategic Plan 2014-24. [Click here](https://www.meander.tas.gov.au/plans-reports) or visit <https://www.meander.tas.gov.au/plans-reports> to view.

## Policy

Not applicable

## Legislation

*Land Use Planning and Approvals Act 1993*

## Consultation

The recommended submission constitutes participation in the community engagement process being undertaken by the State Government and ensures that our community's views are represented.

## Budget and Finance

Based on the information available, it is currently unclear what effect the future operation of the Development Assessment Panel process would have on the Council's revenue or operational costs.



### **Risk Management**

The Draft Bill represents a significant departure from the current norms of the planning approval process and contains significant operational and philosophical issues. Participation in these processes, and provision of responses to the State Government ensures our community's views are represented.

### **Alternate Motion**

Council can adopt the Recommendation with amendments.



12 November 2024

The Acting Director  
State Planning Office  
Department of State Growth

Dear Sir

**SUBMISSION ON THE DRAFT LAND USE PLANNING AND APPROVALS (DEVELOPMENT ASSESSMENT PANELS) BILL 2024**

I write to provide the Meander Valley Council ('Council') submission in response to the draft Land Use Planning and Approvals (Development Assessment Panels) Bill 2024 (the 'Draft Bill') currently open for consultation.

It is noted that consultation on the Draft Bill is open until 5pm 12 November 2024. It is also noted that the State Planning Office has refused Council's request for an extension of time to enable it to formally consider the matter at its meeting at 3pm 12 November 2024 and submit the resolved submission upon the release of unconfirmed minutes later that week.

To ensure that the key issues are raised and heard, a draft version of this submission has been submitted to the State Planning Office to ensure that Council is able to provide a submission within the prescribed timeframe. Notwithstanding, Council considered this matter at its meeting on 12 November 2024 and resolved to make the following submission.

In principle, Council is on the record that it opposes the proposed legislative reform in its entirety, with the particular reference to: (i) the establishment of any form of Development Assessment Panel that would remove both Council's current responsibility to act as Planning Authority and the right of third-parties to merits based appeal; and (ii) conferring powers to the Minister to compel a council to initiate amendments to its respective Local Provisions Schedule. Council's position continues to be that there is no demonstrated need nor sufficient evidence-base to support any purported merits of establishing the proposed DAP process and the additional resource burden that such a regulatory process would require of the State and local governments.

**Response to Previous Engagement**

Upon review of the Report on Consultation – DAP Framework Position Paper, it is clear that many submissions raise similar issues to those being raised by Council, albeit many broadly concede that Development Assessment Panels may have merit if the model were constructed proficiently.

The primary concerns raised by the Council in response to the Development Assessment Panel Framework Position Paper in late 2023 were as follows. Further elaboration on each issue has been provided.

- **Disproportionate response to rare occurrences**

The proposal is a gross overreaction and not a proportional or reasonable response to the deficiencies of the current planning system.

A commitment to provide for improved application pathways for social and affordable housing and to enable councils to better navigate issues of conflicts of interest and bias is a worthy ambition. However, while these are issues that ought to be resolved, the proposed DAP model amounts to 'using a sledgehammer to crack a nut'. To use these two important issues as the primary justification to bring about yet another assessment process into the Resource Management and Planning System is weak and not persuasive. In particular, there has been no detailed justification whatsoever for why the model ought to include the additional prescribed purposes of the application being:

- of a technical or complex nature
- expected to be, or is, highly contentious, controversial or subject to influence by matters outside the relevant planning considerations; or
- considered to have significant social or economic importance to the local or broader area.

The scale of additional regulatory and procedural complexity that the proposed DAPs model and expanded prescribed purposes would deliver (in spite of the attempts to simplify the process) relative to the few instances of the above issues occurring, is completely disproportionate and unreasonable.

- **Removal of merit appeal rights is unjust**

The removal of merit-based appeal rights is unjust at the best of times. However, this DAP model goes a step further and removes this right for applications that are mostly likely to engage in this important process – applications that are highly contentious, controversial or complex. Removing appeal rights is not an appropriate way of facilitating good land use and development and will remove a critical opportunity for community involvement considering the application would not be decided by local representatives. This will undermine any faith that matters raised by both applicants and representors will be meaningfully heard, understood

and addressed. Merit based appeal rights must be provided within any DAPs model if it is to have broader support from the community.

- **Lack of local accountability**

Development Assessment Panels would not be representative of local ratepayers, would not reflect the aspirations of the community and would not have a fine grain understanding of the values that the local community cherish and hold in high esteem.

The State Planning Office has mistaken this, and similar concerns, as local government desiring to act 'on vote of popularity'. But Councillors are well versed in their understanding of the role of Planning Authority and their obligations under the *Land Use Planning and Approvals Act 1993* and take this role seriously. What the State Planning Office fundamentally misunderstands is the need for, and benefits of, local accountability. The role of a local leader is to make the tough decisions – in this case to assess planning applications against the planning scheme – and to be held accountable for those decisions. This accountability may be through the public council meeting process, through merit appeals, or simply through being a living and breathing part of the community they serve. Members of the Development Assessment Panels, no matter how well meaning or proficient, will not be held to account for their decisions.

By providing developers an 'out' from local government decision-making, such as where they believe there is bias or that the application will be controversial - the trust that is built into Local and State institutions erode. This is only reinforced by the lack of third-party merit appeal rights. With no opportunity for review – beyond that of a judicial review – to argue and make the case that the decision was incorrect, how is anyone expected to have trust in this DAP model?

- **The Proposed Development Assessment Panel Process**

That the DAP Process should not be modelled after the Combined Permit and Amendment of Major Project processes, particularly in respect to:

- o the proposed removal of third-party merit appeal rights; and
- o the advertisement of draft conditions before the public has the opportunity to even consider the merits of the application.

- **Minister directing scheme amendments to be initiated**

That the decision to initiate an amendment to a LPS should not be forced by the Minister, as it would otherwise undermine any social license strategic planning has

as a worthwhile local endeavour. This is a clear example of where reactionary politics – particularly that of the State – will impose itself on the local strategic planning processes.

- **Resourcing impacts on the Tasmanian Planning Commission**

There will likely be significant impacts on resourcing assessments, with no clear understanding of the likely number or frequency of applications to be taken to DAPs. This model relies on the Tasmanian Planning Commission being adequately resourced with expert planners, at a time when the planning profession is experiencing a chronic shortage of planners at all levels of government and the private sector.

- **Unnecessarily complex**

That the proposed draft DAP model as drafted was overly complicated and unnecessary. Despite attempts to simplify the process, this concern remains.

The proposal referral triggers, particularly those of the 'prescribed matters' are too broad and ambiguous and require quantitative thresholds.

The DAP process, as proposed, aligns most with the Combined Permit and Amendment Process. This process requires the exhibition of draft permit conditions at the point in time when the community first become aware of and see the application. This process, while it may be an established one, is not conducive to public trust in the objectivity of the decision-making process and is unnecessarily complex. Instead, if the DAP process were to proceed, it would be better served by aligning with the process for assessing discretionary planning applications. This process is relatively simple and familiar to the general public.

Referral timeframes to the planning authority are also very tight – particularly given the proposals include applications that are of a complex nature - and will put further strain on the resources of local governments without obvious monetary compensation.

Upon review of the draft Bill it is considered that it fails to adequately respond, or even acknowledge, the concerns previously raised. The above concerns remain unanswered to Council's satisfaction. In addition to the reiteration of the above concerns, the additional issues have been identified:

- **Resourcing impacts on councils**

There will likely be significant impacts on resourcing assessments and, while yet unclear, it seems unlikely planning authorities will receive fees for such applications, yet would still be required to undertake significant assessment, administration and enforcement through this assessment process.

The proposed timeframes for assessment also remain extremely tight and are unlikely to be met without significant resourcing within both local government and the Tasmanian Planning Commission.

- **Ability for Councils to submit representations**

If the planning authority is required to provide advice to the Assessment Panel on, but not limited to, issues and concerns that the planning authority has in relation to its infrastructure and suggested terms and conditions that should be imposed on a permit if granted [Section 60AE], it would appear that Councils will continue to be intrinsically tied to the application. As planning authority, Council **must** participate in the application and it **must** provide suggested terms and conditions that should be imposed on a permit if granted – how can it be then expected to oppose an application either as a representative of the community or suggest that it ought be refused on technical (planning or infrastructure) grounds? The assertion that the DAPs process would enable Council's to better represent their communities through advocacy – by removing them from their role as the planning authority – is therefore false.

- **Introducing ability to 'by-pass' Council decision-making**

Introducing the ability for developers to request for the Minister to establish a Development Assessment Panel, and thereby bypass Council assessment and decision-making upon planning applications for both developments and for scheme amendments, only serves to increase the politicisation of planning approval processes and is contrary to the purpose of the Draft Bill.

The ability for a developer to seek the Minister to establish a DAP on the basis that the development is, or is likely to be, controversial or that the planning authority **may** have a conflict of interest (or perceived conflict of interest) or a real (or perceived) bias under Section 60AC is a clear example of politics at play and will only act to increase the political 'charge' of the application, not de-escalate it. These thresholds are inherently subjective, and thus open to interpretation and manipulation. In short, these prescribed purposes are not appropriate.

While the DAP Framework Position Paper outlines what the likely 'Prescribed Purposes' will be for Section 60AB, Section 60AC, and Section 60AL of the draft Bill,

it must also be noted that these prescribed purposes are not being put forward as part of this Bill and as such are only hypothetical at present. This leaves the door open for the DAP process to be installed and additional criteria to be introduced at a later date and poses a risk of prescribed purposes being significantly broadened.

Non-mandatory referrals should be at the discretion of the planning authority, not the applicant. The applicant, however, should have the right to appeal such a referral.

### **Conclusion**

The Resource Management and Planning System does not need an additional process to address a few rare - albeit noteworthy - circumstances. It needs its core strategic and statutory documents to be operational and in good working order. The time, effort and resources of the Minister and the State Planning Office would be better served by finalising the draft Tasmanian Planning Policies (subject to making significant improvements to them), facilitating the review of the Regional Land Use Strategies, and completing the review of the Tasmanian Planning Scheme.

Council looks forward to seeing the elements of the Resource Management and Planning System that require immediate improvement, such as the elements mentioned above, to be prioritised in the near future.

Regards

Wayne Johnston  
**Mayor**

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**From:** Vera Thomson  
**Sent:** Monday, 11 November 2024 1:48 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** MY SUBMISSION TO THE DEVELOPMENT ASSESSMENT PANEL BILL.

Regarding the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024.

This bill currently out for public comment will provide a new fast tracked DAP process to provide a permit for developments on both private and **public land including World Heritage Areas, National Parks and Reserves which should not be allowed.**

The government also intends to introduce new legislation that will provide fast tracked approvals under the **National Parks and Reserves Management Act for developments in reserved land.**

Firstly, **I Say Yes to a Healthy Democracy but say NO to Development Assessment Panels because of the following reasons:**

1. By empowering the Planning Minister to remove assessment and approval of developments from the normal local council process for assessment, will STOP the elected councillors from having a say on the most controversial and destructive developments affecting their local communities.
2. There will be no right for the community to appeal the final decision to the planning tribunal
3. The criteria being considered would enable virtually any development, except for industrial and mining developments regulated by the EPA, to be taken out of the normal local council assessment process and instead be assessed by DAPs, including developments already refused such as the kunanyi/Mt Wellington

cable car, high-rise buildings in Hobart and new developments such as a large-scale subdivision like Skylands development at Droughty Point.

4. The Planning Minister can take a development assessment from councils mid-way through the development assessment process if the developer doesn't like the way it is heading

5. The Planning Minister would also have new powers to instruct councils to commence planning scheme changes, but perversely, only when a local council has rejected such an application.

6. World Heritage areas, National Parks & Reserves have been created for our future generations and as such should not be tampered with. They have been created for a reason – to protect our heritage

and the health of the planet....EARTH – OUR HOME

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Vera Thomson

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**From:** Lorna Boxall  
**Sent:** Monday, 11 November 2024 1:49 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** DAP is WRONG

I object to the Liberal government clearly trying to ride roughshod over the existing planning approval procedures, removing all due process from our elected councillors purely to pursue Jeremy Rockliff's progress at any cost!

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less

effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the

planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

**Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

**Lorna Boxall**

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**From:** Keith Jacobs  
**Sent:** Monday, 11 November 2024 1:33 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** New Planning Scheme.

I am writing to strongly oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer

than local councils to make decisions.

- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application [includes](#) social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

***Yours sincerely,***

**Emeritus Professor Keith Jacobs**

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**From:** Carran Doolan <  
**Sent:** Monday, 11 November 2024 1:27 PM  
**To:** yoursay.planning@dpac.tas.gov.au; Craig.Garland@parliament.tas.gov.au;  
Draft Bill Consultation, LUPA, 2024

**Subject:**

10/11/2024

Dear Department of Planning Tasmania, Senators and Independent Members,

I oppose and do not consent to the creation of planning panels and increased ministerial power over the planning system.

The idea of an alternate pathway, which in effect would be to override or remove the powers of the elected representation of communities of Tasmania, by dismantling of the democratic process and substituting an unaccountable body to make decisions that prioritise financial gain for business lobbyists at the expense of ordinary Tasmanians and the environment in which they live.

It is absolutely critical that communities retain its representation for planning appeals and decision making. Fast tracking is no justification for possibly detrimental investment schemes, to avoid or ignore issues that should be part of fair process of contentious or complex development applications. Growth at all costs is potentially destructive for now and future generations.

On the mainland it has shown that in creating planning panels, which override local decisions and concerns, they favour developers and undermine democratic accountability.

Say Yes to a healthy Democracy. I ask that you can ensure transparency independence and accountability, fully informed public consultation and community participation.

Sincerely,

Carran Doolan

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11<sup>th</sup> November 2024

Hon Felix Ellis MP  
Minister for Housing and Planning  
State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

Dear Minister Ellis

**DRAFT LUPA AMENDMENT (DEVELOPMENT ASSESMENT PANELS) BILL**

Thank you for the opportunity to comment on the Draft LUPA Amendment (Development Assessment Panels) Bill. As stated in Council's previous submission to Minister Ferguson on 22 November 2023, the principle of Development Assessment Panels (DAPs), is supported but the draft Bill does not adequately address Council's concerns.

Council is disappointed that its previous concerns were not fully considered and maintains that the draft Bill does not meet the intent of depoliticising planning and reducing conflicts of interest. We are concerned about the draft's "choose your own adventure" approach, which increases complexity and undermines the planning process.

Council believes the DAP process should mirror the current process, where officers assess the application, and the DAP makes the final determination after public exhibition. The current "opt-in" system will only add complexity and delay, as seen in the proposed extended timelines.

The proposed Bill requires DAPs to rely on significant technical expertise. Whether these experts are employed directly by the Commission or as consultants, it will put a significant strain on the existing shortage of planners and development engineers currently facing the industry.

Council is frustrated that the introduction of DAPs will most likely remove the ability for it to work with stakeholders to achieve positive outcomes for the community, as seen and achieved for South Brighton which includes the Brighton High School, a Homes Tasmania subdivision, TasWater installing significant infrastructure to service infill development, and subsequent planning scheme amendment to allow implementation of ordinance to support that development.

Councils' detailed response to the draft Bill to support Councils submission is below.

**Minister to direct a council to initiate a planning scheme amendment under draft s40BD**

Council again notes that this section has nothing to with DAPs and questions why it forms part of the draft Bill.

The stated purpose of DAPs is to depoliticise the system, therefore Ministerial involvement should be avoided at all costs, and decisions should be made on good planning grounds, taking into account strategic land use planning that has been undertaken by councils.

Section 40B of LUPAA already allows a person to seek a review from the Commission relating to an application for planning scheme amendment. That process allows the Commission to direct a planning authority to reconsider an application, noting that the Act requires any planning scheme amendment to both the planning authority and the Commission to consider the LPS Criteria contained in s34 of the Act. Again, any planning scheme amendment should be based on strategic land use planning undertaken by councils.

If the intent of the DAPs is to 'take the politics out of planning' the Minister should not have a role in the planning system.

### **Types of development applications suitable for referral to a DAP for determination**

The draft Bill provides that the following applications may be referred to the Commission for a discretionary permit where:

1. *An application that is endorsed by Homes Tasmania (HT) as including
  - (i) social or affordable housing
  - (ii) A subdivision for the purposes of social or affordable housing*
2. *Development valued at over \$10m or \$5m in a non-metropolitan municipality, by choice of the applicant, or by the planning authority with the consent of the applicant.*
3. *An applicant or planning authority, with the consent of the applicant, may request the Minister to refer an application to the DAP where the Minister is satisfied that the **DAP criteria** is met and agrees that it is a suitable determination.*
4. *A council can refer an application over \$1m in value to a DAP where it is both the applicant and the planning authority.*

### **DAP Criteria**

- i. *The application is considered to be of a technical or complex nature in a municipality where the planning authority does not have the adequate skills or resources to undertake the assessment;*
- ii. *the application is expected to be, or is, highly contentious, controversial or subject to influence by matters outside the relevant planning considerations;*
- iii. *the application is considered to have significant social or economic importance to the local or broader area;*
- iv. *where the planning authority has or is likely to have a conflict of interest or there is perceived bias on the part of the planning authority.*

Council is appreciative of the additional information in the draft Bill which defines the criteria under which applications can be referred for assessment. However, Council's previous submission stands in relation to preferring that referral occurs after the close of public exhibition, based on the number of representations received. Council perceives applications with a significant amount of community interest as being the ones most likely to be problematic, and which are generally applications that receive a large number of representations and where representors and developers are both lobbying Councillors with opposing views.

This would have the added benefit of the planning assessment being undertaken by Council officers, utilising local knowledge, keep the process simple and timeframes to a minimum. Of note, is the extensive time frames proposed under the DAP framework, which are more than twice that afforded to the planning authority under s57 of the Act.

Council also disagrees with the ad-hoc approach to when an application can be referred to a DAP for assessment and maintains that referral should be after assessment and exhibition has occurred, but prior to determination.

Council is pleased to see that referrals for social and affordable housing are not mandatory under the draft Bill, and trusts that this will not become a mandatory requirement internally for Homes Tasmania and its housing providers. Brighton Council has a good working relationship with Homes Tasmania and its providers, and as evidenced by the complex applications approved by the planning authority, mandatory referral is not supported.

In relation to point 2 above, the threshold identified is considered too low. Council suggests that the figures should be increased to \$20m and \$10m respectively to take into account the market cost of development.

The draft Bill provides opportunity for applicants to make a direct request for DAP assessment, whilst at the same time requiring the planning authority to obtain consent from the applicant to do so. Council submits that a planning authority should be afforded the same respect as an applicant to directly refer an application to a DAP if it is of the opinion that it is unable to make a proper assessment, or if a conflict of interest or perceived bias exists. It is common practice for planning officers to discuss contentious applications with an applicant as part of its mediation process, however an amendment to this criterion would assist where a conflict of interest may arise, or even in the event of a stalemate. In any event, the draft Bill requires notification to affected parties should a request for DAP assessment be submitted to the Commission.

Where a Council is both applicant and planning authority, Council submits that the threshold should be removed from point 4 above. It is contended that applications which meet the criteria of council being both the applicant and planning authority may not necessarily achieve the \$1m threshold proposed, but still have the ability to cause controversy or perceived bias.

Council maintains its position that the determination of whether an application is expected to be, or is, highly contentious, controversial or subject to influence by matters outside the relevant planning considerations, is extremely ambiguous, as is the criterion relating to perceived bias. This criteria raises all kinds of issues about when an application should be referred and how Council comes to the decision to determine whether an application is contentious. Again, Council reiterates that referral to DAPs should be based on a pre-determined number of representations received.

Re-iterating Council's earlier submission, trying to determine whether an application is contentious prior to exhibition would be difficult and unreasonable. For example, an initial application may be seen as contentious when it is first submitted but may not be compliant with the scheme at all. Through the assessment process the contentious elements may be amended.

A further example is if an application is perceived as contentious but turns out to have little community interest or Council bias and could be assessed under delegation. Early referral would add an extra layer of assessment, complexity, time delays and cost to the process.

Council submits that, with regard to point (iii) above, that there is already Major Projects legislation within LUPAA to assess significant social and economic importance, and that there is no need for this to be replicated.

## Appeal Rights

Council disagrees with the removal of appeal rights from the DAP process. The current system provides for councils, acting as planning authority, to make a determination based on sound planning advice, and recourse to TasCAT should an appellant wish to appeal.

The requirement in the draft Bill for a person to appear at a public hearing is likely to be intimidating. Further it is likely that DAP hearings end up operating like TasCAT appeals where parties are required to call on technical experts and lawyers, adding significant cost for developers and Councils, and straining resources.

Further, the process of advertising draft conditions implies that the proposal is fait accompli and gives a perception that there is little point in making a submission to an application.

## Timeframes and Resourcing

The draft Bill provides an onerous time frame on council resourcing, reducing the amount of time council officers have to assess what are likely to be complex and contentious applications, within a shorter timeframe than what exists under the current legislation, including the provision of draft conditions prior to public exhibition. In contrast, DAPs will be provided with extended time frames in which to determine applications, compared to those available to the planning authority under s57 of the Act, whilst removing appeal rights for stakeholders.

The draft Bill allows the planning authority to request information in relation to impact on council assets, application of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP) and any other advice, however, it does not appear that there is opportunity for further consideration of that information by the planning authority. Are the DAPs assuming they have the complex knowledge of the local area and assets, sufficient to determine impact on council infrastructure without further input? The draft Bill provides that a DAP is able to determine whether or not the planning authority's request is relevant to the application. Surely, if the planning authority has requested further information to aid in assessment and drafting conditions, the DAP must make the request on behalf of the Planning Authority?

In addition to planners, Councils rely heavily on internal advice from their development engineers, environmental health officers, natural resource management officers, etc. to assess an application. It is unclear how the Commission intends to resource technical expertise for DAPs, particularly if it intends to review further information requests? As previously identified

there is already a significant shortage of planners and engineers across the state and the creation of DAPs is likely to exacerbate this issue.

Council maintains that the DAP will need to be available to field questions or clarification required by the applicant, for any conditions it imposes.

Council is concerned that the draft Bill places a significant impost on council officers to undertake assessments on behalf of the DAP, draft conditions, attend hearings, as well as prepare permit documentation and undertake the “after permit” care such as applications for minor amendments and enforcement of permit conditions, but has not provided any information as to how these resources will be funded.

Lastly, given the shortage of planning and development engineering professionals statewide, can the Minister guarantee that the assessment of applications referred to the DAP will be undertaken by candidates with greater experience than those currently undertaking the assessments?

As noted above, Council’s position remains that Council officers should continue to carry out the entire assessment process as it currently does, with a DAP referral coming at the end of an application. This ensures that local input and expertise are maintained throughout the process without duplication and unnecessary resource burden.

If you wish to discuss Council’s submission further please contact Jo Blackwell (Acting Director, Development Services) on 6268 7028 or [jo.blackwell@brighton.tas.gov.au](mailto:jo.blackwell@brighton.tas.gov.au).

Yours sincerely

  
James Dryburgh  
CHIEF EXECUTIVE OFFICER

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**From:** Susan eade  
**Sent:** Monday, 11 November 2024 1:05 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** ScrapTheDAP

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.**
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review).
- 
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights.**
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.**
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.**
- **Flawed planning panel criteria.**
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Regards  
Susan Eade

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**From:** Jan Jansen  
**Sent:** Monday, 11 November 2024 12:26 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Please say no to planning panels!

I strongly oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system.

There are many reasons for this, including increasing the potential for corruption, but the most important one for me is respect. Respect to local communities, nature and democratic processes. The decisions we make today will impact our beautiful home state for years and decades to come, and we therefore need to make sure we respect what the majority of people want when we make those decisions. Respecting every voice as much as the next one, not respecting developers more than the electorate.

As part of this, I call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

I sincerely hope you consider what negative impact these developments can have on the trust and respect local communities have in our system.

Yours sincerely,  
Jan Jansen ()

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**From:** Daniel Fuller <>  
**Sent:** Monday, 11 November 2024 12:23 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

We have a right to a fair choice. Our elected officials in the council have our best interests at heart and it is totally unfair to go over the top of their decisions. I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written

reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:

- Valuations of \$10 million in cities and \$5 million in other areas.
- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Grateful,**

Daniel Fuller

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**From:** Brian Chapman  
**Sent:** Monday, 11 November 2024 11:52 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** DAPs

Dear Sir / Madam,

I object to the State Government's intention to set up DAPs when local councils can and do perform that task. The present intent in planning is that the local scene knows the best for their own locality otherwise one may as well go and live somewhere else. There would be too much control given to one person ie. the Minister for Planning which is fine if that person is neutral but presently we have a minister who is clearly driven by development and developers. I love living in Tassie because locals through their council can have a say in respect to appropriate and non appropriate development. Please keep it this way. Regards, Brian Chapman. Bellerive

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**From:** June Templer  
**Sent:** Monday, 11 November 2024 11:44 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** NO to Planning Panels!!

Many friends have told me about the proposed Planning Panels and how they will eliminate LGA Councils' involvement in decision making.

We have local Councils for a reason! So that the people can have a (proper) say in what happens in their neighbourhood. Please do not take this away from us!!

We are supposed to be living in a democracy ... one wonders these days in Tasmania.

June Templer

Sent from my iPhone

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**From:** Carmel French and Richard Nichols <  
**Sent:** Monday, 11 November 2024 11:26 AM  
**To:** yoursay.planning@dpac.tas.gov.au Scrap the DApS  
**Subject:**

We are opposed to DAPS as it removes our right to object to developments if we strongly oppose them. This, to us, is undemocratic. It is placing too much power in the hands of a chosen few who may not have our community's best interest at heart. Who chooses them has a big bearing on what they decide and support!

Our current system is working fine and allows community involvement and input. Leave well alone as all we see from DAPS is the opportunity for the developers to do whatever they want and that might mean development at any cost especially to us, the ordinary folks.

Sincerely, Carmel French and Richard Nichols

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**From:** Douglas Brown  
**Sent:** Monday, 11 November 2024 11:22 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at any time and have a development assessed by a planning panel. This could intimidate councils into conceding to developers' demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed

doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development, pro-government and anti-environment, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus redevelopment.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.

- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keep the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

**Douglas Brown**

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**From:** Kevin Kiernan <  
**Sent:** Monday, 11 November 2024 11:10 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** DAPS

After having given considerable thought to the proposed Development Assessment Panels (DAPS) process, I have concluded that it is definitely not in the public interest that it should proceed. While the planning system as it stands may not be perfect, allowing ministerial over-ride and eliminating rights of appeal are particularly inappropriate and unwarranted.

Local councils exist for a reason. They allow communities likely to be affected by developments in their area to have their voices heard, and they provide some means of accountability. To give political party ministers and state governments the power to simply bulldoze local communities and individuals aside to enable some political agenda to be met is just not on.

Simply to hang that threat over the heads of councils at the outset implies pressure upon them to second guess what they think the minister/government/developer wants if it is not to be relegated to irrelevance. This will diminish the quality of planning decisions generally.

Establishing such a situation should not be seriously countenanced in any place that aspires to fair-minded and rational decision-making, or to considering itself a democracy. It would be quite wrong to establish a system that

- allows for opaque selection of DAPS members
- allows them to operate effectively in-camera
- allows proposed developers to “set the scene” behind closed doors beforehand, thereby giving them the edge in shaping the DAPs mindset at the outset
- gives DAPs the power to make decisions without having to very openly and fully justify them in the public domain
- and then, perhaps most appalling of all, provide no means for the public to appeal against DAP decisions *before a more independent and transparent arbiter.*

After having given considerable thought to the Development Assessment Panels (DAPS) process, I have concluded that it is definitely not in the public interest. While the planning system as it stands may not be perfect, allowing ministerial over-ride and eliminating rights of appeal are particularly inappropriate and unwarranted.

Local councils exist for a reason. They allow communities likely to be affected by developments in their area to have their voices heard, and they provide some means of accountability. To give political party ministers and state governments the power to simply bulldoze local communities and individuals aside to enable some political agenda to be met is just not on.

Simply to hang that threat over the heads of councils at the outset implies pressure upon them to second guess what it thinks the minister/government/developer wants if it is not to be relegated to irrelevance. This will diminish the quality of planning decisions generally.

Far better that any deficiencies in local government capacities are addressed than that local government be simply bypassed. The proposed process will also reduce the potential for mediation that might achieve better outcomes and negotiated settlements satisfactory to various stakeholders.

The DAPS system should not be seriously countenanced in any place that aspires to fair-minded and rational decision-making, or to considering itself a democracy. It would be quite wrong to establish a system that

- allows for opaque selection of DAPS members
- allows them to operate effectively in-camera
- allows proposed developers to “set the scene” behind closed doors beforehand, thereby giving them the edge in shaping the DAPs mindset at the outset

- gives DAPs the power to make decisions without having to very openly and fully justify them in the public domain
- and then, perhaps most appalling of all, provide no means for the public to appeal against DAP decisions ***before a more independent and transparent arbiter.***

I am more than a little incredulous that such a situation could ever be considered in Tasmania. In Russia perhaps, but not in Tasmania.

There is a big difference between “proper” process and the deliberate manufacture of a corrupted system of new “legal” process that

- is simply a mechanism to allow decisions to be made behind closed doors by individuals hand-picked by governments seeking to have their own political agenda fulfilled.
- establishes a situation where the only course of appeal involves taking the matter to the supreme court - an expense beyond the financial capacity of people affected
- makes even the supreme court avenue available only on a point of law, when this entire new process is an exercise in doctoring the law to remove appealable points of law

The sorts of developments that DAPS are most likely to consider are the sorts of decisions that are most likely to impact large numbers of people, that is, large scale developments that arouse public concern. To establish a system that sidelines the public in this way would be unconscionable.

The DAPS system will also reduce public confidence in government due to the potential it offers for corruption to occur behind closed doors. Faith in the outcomes of any DAP decision will inevitably be undermined. The NSW Independent Commission Against Corruption notes that

- “A consistent and overwhelming message from the ICAC’s investigations and research is that corruption prevention strategies require thought, effort and commitment from the top levels in order to succeed.”
- “It goes without saying that good tone at the top means refraining from corrupt conduct as well as conduct that ***allows***, encourages or causes corrupt conduct.” (My emphasis)

The DAPS exercise is the very antithesis of setting a good tone from the top. Rather than expediting achievement of the government’s wishes over the concerns of the wider community it is theoretically meant to serve, it will cause further mistrust, social division and delays in achieving social licences and outcomes acceptable to the community.

Local communities should be able to trust governments, not perpetually see them as an enemy that is continually trying to bulldoze the community aside to further the aspirations of a political party or that party’s mates and donors. Tasmania deserves better.

We should be trying to facilitate a situation where the community and its elected governments (at all levels) can better work together, confident in knowing that even if opinions differ, they share the same aspirations for a better future and can work towards it together. The DAPS system is a pathway towards the very opposite of that situation.

Please do not allow the DAPS process to proceed.

Yours sincerely,

Kevin Kiernan

Kevin Kiernan

*I acknowledge and respect the environment into which I was born and upon which I am reliant; the spirits and traditional custodians of both the Nuenonne/Paredarerme country where I dwell and of wherever else my life may take me; and all those engaged on their own journeys, past, present and emerging.*

---

**From:** Hayden Lobry  
**Sent:** Monday, 11 November 2024 11:05 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Against the DAP

Hi there,

I'm opposed to the concept of Development Assessment Panels (DAP).

There are a few reasons for this:

- I don't think local communities should be overlooked when considering significant developments or changes. These communities will be the most impacted, and deserve to have a say in development. The most powerful method of choice in a democracy is our vote. Non-Elected officials should not be making important development decisions as they have no accountability.
- I am also concerned by the methods that are available to communities to challenge the outcomes determined by the DAP. If the Supreme Court is the only higher body, this reduces the ability for robust criticism or challenge to the DAP.
- Originally coming from NSW, where there have been many instances of corruption in the state government, I am concerned by creating a body that increases the likelihood of misconduct occurring.

I would prefer greater accountability in decision making rather than a body that does the opposite.

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

Yours sincerely,  
Hayden Lobry

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**From:** Deborah foster <  
**Sent:** Monday, 11 November 2024 11:03 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** Draft legislation to establish DAPs

The government has offered no evidence that the existing DA approval process is not working and my understanding is that it presently works well to give quick approval to good developments. The DAP system would eliminate a good process and replace it with a poor one , which offers insufficient scrutiny and accountability. Please leave it alone.  
Thanks  
Deborah Foster

Sent from my iPad

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**From:** michael foster  
**Sent:** Monday, 11 November 2024  
**To:** 10:58 AM yoursay.planning@dpac.tas.gov.au  
**Subject:** DAP proposal

I am strongly opposed to this proposed legislation.

Data shows that the current DA process works well, allowing most applications to be processed quickly and sensibly. No justification for change has been demonstrated.

The legislation practically eliminates the capacity of ratepayers to be heard and to appeal and their concerns taken into account. There is no evidence that the existing process has been abused or has resulted in the rejection of good development application.

Please abandon the proposed changes.

Regards

Michael Foster

Sent from my iPad

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**From:** Mila Gunko  
**Sent:** Monday, 11 November 2024 10:57 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** Submission - Development Assessment Panel - Draft Bill

## Submission on the Land Use Planning and Approvals (Development Assessment Panels) Bill 2024

To Whom It May Concern:

In an email message to the public regarding the proposed changes to Planning law, the Minister for Housing and Planning wrote, "We're taking the politics out of planning - it's as simple as that."

However, I think it would have been more truthful to say, "We're taking the **democracy** out of planning - it's as simple as that."

At the moment, under our current system, it is Councillors – elected representatives – who make planning decisions. Because they are elected, they are therefore more accountable to the people for the decisions they make. However, the Land Use Planning and Approvals Bill seeks to take these decisions out of the hands of Councils and instead give them to bureaucrats, who are not elected. This does not seem like an improvement.

The Minister further wrote that the Bill will improve "certainty, transparency, and the effectiveness of planning across Tasmania.

This Bill will ensure planning decisions are driven by the planning rules, not the personal biases of individual councillors with an axe to grind."

However, I do not see why Councillors are any less capable than unelected bureaucrats of making planning decisions in accordance with planning rules. Why does the Minister assume that Councillors have "an axe to grind"? Has he lost faith in the integrity and competence of elected Councillors? Has he lost faith in our democracy? And if so, on what grounds has the Minister come to such a view? Has any systematic study been done of all the planning decisions made by Councils in order to determine whether or not these decisions were in accordance with existing planning rules, and what exact percentage of all decisions made were incorrect/not in accordance with the rules? Without such a study, it seems inappropriate to make a sweeping statement that Councillors have "an axe to grind".

If there are, indeed, any problems with Councils' decisions not always being driven by planning rules, then would it not be more proper to first try to reform the existing system, and provide Councils with the guidance and support they need to make sure planning decisions are made in accordance with the law, rather than scrapping the existing system altogether and replacing it with a more bureaucratic one? I can see no reason why "certainty, transparency, and the effectiveness of planning across Tasmania" cannot be improved within the current system. Moreover, how can the Minister guarantee that unelected bureaucrats under a new system would never make biased planning decisions because they, too, may have "an axe to grind"?

Western countries including Australia have always prided themselves on their strong democracy. It therefore seems like a large step back to then replace a system in which planning decisions are made by elected representatives in favour of one where unelected bureaucrats are making these decisions instead. Less democracy is not better.

For the reasons discussed above, I am against the Land Use Planning and Approvals (Development Assessment Panels) Bill 2024, and I urge the government not to pass this proposed legislation.

Regards,

Mila Gunko

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**From:** David Lathwell <  
**Sent:** Monday, 11 November 2024 10:44 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** PLEASE say no to Development Assessment Panels

The DAPs under consideration will extend the central control of planning to government and NON independent bodies, making it easier for developers and others to totally bypass local councils with their appropriate knowledge, and remove the chance of appeals. They increase politicisation and risk of corruption with development applications, and the reality is that a healthy appeals system can obviate this risk.

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy.

**PLEASE STOP THIS LEGISLATION**

Sincerely  
David Lathwell

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**From:** Alex Hartshorne  
**Sent:** Monday, 11 November 2024 10:38 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Opposition to the forming of the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024

**To Whom it may concern,**

I am writing to state my opposition to the forming of the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024, and thus increasing ministerial power over the planning system.

This draft legislation is so obviously in response to community backlash around large scale contentious developments like the Mount Wellington cable car and alike. It would create a fast-tracked development application process by using a 'hand-picked' government body. This will effectively remove councils and communities from the development application processes. There will be no right for the community to appeal final decisions by the proposed planning tribunal. Also of concern is that this proposal impacts private and public land, thus including World Heritage Areas, National Parks and Reserves.

As a long term resident of Tasmania and a lover of the outdoors and wilderness areas this aspect is of particular worry. With conservation of the place and our access to our 'wild' areas including South West National park and Frezennet National park being paramount.

I am also a life long rock climber, and the DAP would mean we have no voice on developments proposed in important climbing areas. Given climbers have strong engagement and need for access to reserves, national parks,

the Wellington Trust, and the World Heritage Area, this legislation poses a significant long-term risk to access and natural values in almost every area we rely on for our sport.

You'll no doubt be receiving many emails with the cut and paste points from ScrapTheDAP. I believe they make some very good points so I'll do the same.

I oppose the formation of the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 because i believe:

- It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers' demands.
- The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision. Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- Makes it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- Removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on 'checks and balances'. Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.
- Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.
- Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

I call on you to rethink the creation of DAP, in order to ensure a fair and unbiased outcome, transparency, independence, accountability and public participation in decision-making within the planning system. Keep decision making local, rather than bypassing it altogether. I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

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Kind Regards

**Alex Hartshorne**

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**From:** Jerry de Gryse  
**Sent:** Monday, 11 November 2024 10:26 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Proposal to introduce Development Assessment Panels

Members of the House of Assembly and Legislative Council,

I have been involved with planning for 40 years in Tasmania and am strongly opposed to the proposed legislation to create Development Assessment Panels (DAPs).

The measure diminishes the role of purposeful planning by increasing unwarranted ministerial power over the planning system. Transparency, independence, accountability and public participation are all curtailed by the proposed process. I believe planning decisions should remain with my duly elected government representatives with continuing opportunities for public review and appeal.

I am aware that many share my concerns that the changes:

- **Will further politicise the planning process** giving property developers licence to to bypass community input and duly elected local council representatives. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more will alienate community members and create divisions in the community. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on *'checks and*

*balances'*. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.

- **Mean that the Tasmanian Planning Commission loses its role as an independent arbiter** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the Chambroad Development at Rosny, the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus redevelopment.
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage. **This legislation is not about housing! It is a disingenuous attempt to insert those with politically vested interests into the system in an unfair manner against the community's valid interests in how our State develops.**

Thank you for the opportunity to comment on this significant change to Tasmania's planning system and its impact on the role of local government in representing my views about how my community should develop.

Please feel free to contact me in this matter if you have any questions about my submission.

Yours faithfully

**Jerry de Gryse**

Fellow Australian Institute of Landscape Architects, Founder Inspiring Place

*We acknowledge the palawa/pakana people upon whose lands we work, live and play and pay our respects to their elders past, present and emerging.*

*Limit your emails and reduce carbon*

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**From:** Rob Fearn  
**Sent:** Monday, 11 November 2024 10:24 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at any time and have a development assessed by a planning panel. This could intimidate councils into conceding to developers' demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed

doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus redevelopment.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.

- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

Rob Fearn

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**From:** Norma Jamieson <>  
**Sent:** Monday, 11 November 2024 10:05 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** #SCRAPTHEDAP

To All Honourable Members of Parliament,  
Please listen to your local communities. Do not bypass local voices, Councils and appeal rights.  
Yours in good Faith,  
Norma Jamieson

----- Forwarded message -----

**From:** Planning Matters Alliance Tasmania <sophie\_underwood@81438474.mailchimpapp.com>  
**To:** ">  
**Sent:** Sunday, 10 November 2024 at 06:30:37 am AEDT  
**Subject:** It's time for action — make a submission to #SCRAPTHEDAP

[View this email in your browser](#)

# PLANNING NEWS

November 2024



**It's time for action!**

**Final days to make a submission - closes 12 Nov @5pm.**

‘Listen in to PMAT’s State Director Sophie Underwood on ABC  
Mornings with Leon Compton after the 9 am news on Tuesday 12

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November 2024.

Sophie will be discussing why PMAT is opposed to the creation of Development Assessment Panels. DAPs will bypass councils, communities and appeal rights and increase political influence over Tasmania's planning system.'

[Also view PMAT's Submission Guide on our website HERE.](#)

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### **Say yes to a healthy democracy/Say no to DAPs**

The Tasmanian government has released draft legislation to empower the Planning Minister to remove assessment and approval of developments from the normal local council process and have it done by Development Assessment Panels (DAPs). **This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. There will be no right for the community to appeal the final decision to the planning tribunal.** The criteria being considered would enable virtually any development, except for industrial and mining developments regulated by the EPA, to be taken out of the normal local council assessment process and instead be assessed by DAPs, including developments already refused such as the kunanyi/Mt Wellington cable car, high-rise buildings in Hobart and new developments such as large-scale subdivisions like Skylands development at Droughty Point.

The Planning Minister can take a development assessment from

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councils mid-way through the development assessment process if the developer doesn't like the way it is heading.

The bill currently out for public comment will provide a new fast tracked DAP process to provide a permit for developments on both private and public land including World Heritage Areas, National Parks and Reserves. The government also intends to introduce new legislation that will provide fast tracked approvals under the National Parks and Reserves Management Act for developments in reserved land.

The Planning Minister would also have new powers to instruct councils to commence planning scheme changes, but perversely, only when a local council has rejected such an application.

Transparency, independence and public participation in decision-making are critical for a healthy democracy – **please make a submission to say no to DAPs.**

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**Please take action for Tasmania's democracy in  
SIX VERY EASY STEPS!**

Note: These steps may be easier to do from a desktop computer.

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**STEP 1 – Copy and paste the submission email into your ‘To’ field**  
[yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)

**STEP 2 - Copy and paste into your “CC’ field Members of the House of  
Assembly and Legislative Council:**

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[michelle.obyrne@parliament.tas.gov.au](mailto:michelle.obyrne@parliament.tas.gov.au);  
[shane.broad@parliament.tas.gov.au](mailto:shane.broad@parliament.tas.gov.au);  
[ella.haddad@parliament.tas.gov.au](mailto:ella.haddad@parliament.tas.gov.au); [josh.willie@parliament.tas.gov.au](mailto:josh.willie@parliament.tas.gov.au);  
[meg.brown@parliament.tas.gov.au](mailto:meg.brown@parliament.tas.gov.au); [dean.winter@parliament.tas.gov.au](mailto:dean.winter@parliament.tas.gov.au);  
[jen.butler@parliament.tas.gov.au](mailto:jen.butler@parliament.tas.gov.au);  
[rebecca.white@parliament.tas.gov.au](mailto:rebecca.white@parliament.tas.gov.au);  
[anita.dow@parliament.tas.gov.au](mailto:anita.dow@parliament.tas.gov.au);  
[michael.ferguson@parliament.tas.gov.au](mailto:michael.ferguson@parliament.tas.gov.au);  
[simon.wood@parliament.tas.gov.au](mailto:simon.wood@parliament.tas.gov.au); [rob.fairs@parliament.tas.gov.au](mailto:rob.fairs@parliament.tas.gov.au);  
[felix.ellis@parliament.tas.gov.au](mailto:felix.ellis@parliament.tas.gov.au); [jeremy.rockliff@parliament.tas.gov.au](mailto:jeremy.rockliff@parliament.tas.gov.au);  
[roger.jaensch@parliament.tas.gov.au](mailto:roger.jaensch@parliament.tas.gov.au);  
[madeleine.ogilvie@parliament.tas.gov.au](mailto:madeleine.ogilvie@parliament.tas.gov.au);  
[nic.street@parliament.tas.gov.au](mailto:nic.street@parliament.tas.gov.au); [eric.abetz@parliament.tas.gov.au](mailto:eric.abetz@parliament.tas.gov.au);  
[jacquie.petrusma@parliament.tas.gov.au](mailto:jacquie.petrusma@parliament.tas.gov.au);  
[guy.barnett@parliament.tas.gov.au](mailto:guy.barnett@parliament.tas.gov.au);  
[jane.howlett@parliament.tas.gov.au](mailto:jane.howlett@parliament.tas.gov.au);  
[mark.shelton@parliament.tas.gov.au](mailto:mark.shelton@parliament.tas.gov.au);  
[simon.behrakis@parliament.tas.gov.au](mailto:simon.behrakis@parliament.tas.gov.au)

**STEP 3 – Suggested email subject heading:**

#ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

**STEP 4 – Copy and paste suggested email text:**

*If you can, please personalise your submission by writing why you don't support DAPs, increasing Ministerial power and removing planning appeals.*

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***Personalising your message creates a powerful impact with  
Parliamentarians.***

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent – DAPs** are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any

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relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**

- 
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
  - **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
  - **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of *‘perceived conflict of interest’*, *‘a real or perceived bias’*, *‘the application relates to a development that may be considered significant’* and the *‘development is likely to be controversial’* is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any
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development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:

- Valuations of \$10 million in cities and \$5 million in other areas.
- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania’s planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in

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expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

*Yours sincerely,*

(Include your name)

**STEP 5 – Please send your email 😊 ASAP.**

**STEP 6 – Please share this critically important email with your friends, family and community!**

 [Share](#)

 [Forward](#)

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**WANT TO KNOW MORE?**

**PMAT Media Release - 08 Nov 2024**

[Proposed planning laws are anti-democracy, anti-transparency and will](#)

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[be catastrophic for ordinary Tasmanians](#)

**Listen/Watch PMAT's #ScrapTheDAP 400+ strong Town Hall 2024 public meeting**

[Listen/watch here](#) to key issues of DAPs from: **John Dowson** - President, Fremantle Society, former Deputy Mayor and Councillor, City of Fremantle, WA. **Why DAPs have failed in WA. Dr Phillipa McCormack** - Adjunct Lecturer in Law, University of Tasmania & researcher with the University of Adelaide with expertise in environmental regulation & administrative law. **Alice Hardinge** - Tasmanian Campaigns Manager, Wilderness Society Tasmania. **Anja Hilkemeijer** - Lecturer in law at the University of Tasmania, with a focus on foundations of public law, constitutional law and human rights law. **Mayor Reynolds** - Lord Mayor & Councillor, Hobart City Council.

### **Key documents**

- [Report on Consultation - DAP Framework Position Paper.](#)
- [Development Assessment Panel \(DAP\) Fact Sheet.](#)
- [The draft Land Use Planning and Approvals Amendment \(Development Assessment Panels\) Bill 2024](#) and [General Bill process.](#)

### **Independent Commission Against Corruption (ICAC)**

ICAC REPORT - [Anti-Corruption Safeguards & the NSW Planning System](#)

### **DAPs failing on mainland Australia**

**NSW:** Local planning panels were created to stamp out corruption, but

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councillors from across the political spectrum (including Philip Ruddock) say they favour developers and undermine democratic accountability: [How 'unelected faceless men and women' keep approving NSW developments](#), Sydney Morning Herald, August 15, 2021.

**WA:**

[JDAP Ignores 220 Submissions](#), Fremantle Herald, October 2023.

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**Please keep sharing and speaking about this with your friends, family and community. Our voices together are powerful. This is something worth fighting for.**



**Thank you for your support,  
Sophie and the PMAT Team**





*PMAT acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.*

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**From:** Anne Geard  
**Sent:** Monday, 11 November 2024 9:51 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** Development Assessment Panels

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I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

It appears to provide developers with a means of bypassing local councils and public scrutiny.

It is not clear how the panel will be selected and therefore could create the impression of support for developers who could possibly be political donors.

It removes and restricts the right of appeal for ordinary people by being expensive, confusing and legalistic.

Please ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy.

Thank you

Anne Geard

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**From:** keith thompson <>  
**Sent:** Monday, 11 November 2024 9:46 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** Submission - Land Use Planning and Approvals (Development Assessment Panels) Bill 2024

The Draft Bill looks like something you would expect in Trumps America. It is decidedly un-Australian in its blatant shift away from democratic processes. There was an RSL rally yesterday that reminded us that people fought for democracy and freedom to have their views heard. This Bill does the opposite. It cannot be supported on any reasonable grounds.

Keith Thompson

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**From:** Greg Kennedy  
**Sent:** Monday, 11 November 2024 9:37 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To whom it may concern,

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### Say yes to a healthy democracy

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

Yours sincerely,

Greg Kennedy

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**From:** John Hepper  
**Sent:** Monday, 11 November 2024 9:31 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Response to the proposal to introduce Development Assessment Panels

Members of the House of Assembly and Legislative Council,

I have been involved with planning for 40 years in Tasmania and have strong concerns about the proposal for creation of Development Assessment Panels (DAPs).

There is no clear evidence of the need for such measures and it will diminish the role of purposeful planning by increasing unwarranted ministerial power over the planning system. This will diminish transparency, independence, accountability and public participation in decision-making within the planning system. I believe that decision making should remain locally based with opportunities for appeal. The State Government should instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. DAPs will not deliver better decisions but rather lead to increased disputes and even greater exposure of ill-conceived decision making. Public respect and trust in governments to make transparent and fair decisions about development, with due respect to all views, will further decline.

I consider the reasons for concern, as shared by many people and community organisations, are:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Yours sincerely,

John Hepper  
Founder



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**From:** M.C. Jones <  
**Sent:** Monday, 11 November 2024 9:26 AM  
**To:** yoursay.planning@dpac.tas.gov.au; felix.ellis@parliament.tas.gov.au;  
shane.broad@parliament.tas.gov.au; helen.burnet@parliament.tas.gov.au  
**Subject:** Development assessment panels bill 2024

To: The Minister and State Planning Office:

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing selected property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**

- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
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  - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** There is no reason to increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia.

### **Say yes to a healthy democracy**

- I call on you to keep decision making the same for all, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

regards,  
Ms M. C. Jones,

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**From:** Sue Chandler <  
**Sent:** Monday, 11 November 2024 9:22 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To whome it may concern,  
Please oppose the DAP as it is not a valid scrutiny process and will allow inappropriate development.

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

Makes it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.

Removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on 'checks and balances'.

Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.

Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.

Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.

Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

Flawed planning panel criteria. Changing an approval process where the criteria is on the basis of 'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant' and the 'development is likely to be controversial' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:

- Valuations of \$10 million in cities and \$5 million in other areas.

- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

Increases complexity in an already complex planning system. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

Yours sincerely,

Susanne E. Chandler

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**From:** Janet Whelan  
**Sent:** Monday, 11 November 2024 9:17 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** DAP Proposed legislation

This is an appalling proposal. To remove planning processes from democratically elected councils and place them in the hands of a panel selected by Government and responsible to the Minister is undemocratic. Furthermore, it shows blatant disregard and disrespect for local government councillors, council staff selected on the basis of merit and professional expertise, residents and electors in local government areas.

The DAP process has all the elements of a government pursuing its own interests and those of developers. This proposed legislation should be completely and utterly rejected.

Janet Whelan  
0419108574

Sent from my iPhone

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**From:** Laurie Goldsworthy - Friends of the Great Western Tiers kooparoona niara Inc  
**Sent:** Monday, 11 November 2024 9:07 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Development Assessment Panels

Our group is Friends of the Great Western Tiers kooparoona niara Inc.. As a group concerned about potentially environmentally damaging developments in the Great Western Tiers and surrounding natural areas, we oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written

reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear

criteria:

- Valuations of \$10 million in cities and \$5 million in other areas.
- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

**Laurie Goldsworthy**

**President, Friends of the Great Western Tiers kooparoona niara Inc.**

[www.greatwesterntiers.org](http://www.greatwesterntiers.org)

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**From:** Rex Williams  
**Sent:** Monday, 11 November 2024 8:28 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** jacquie.petrusma@parliament.tas.gov.au; guy.barnett@parliament.tas.gov.au; jane.howlett@parliament.tas.gov.au; mark.shelton@parliament.tas.gov.au; simon.behrakis@parliament.tas.gov.au  
**Subject:** Scap the DAP

Dear Sirs/Madams,

I find it difficult to comprehend why a citizen such as I has to go to the trouble of convincing any of you that the proposed DAP process is a dreadful idea. That it grossly undermines democracy should be painfully obvious. I'm sure you know very well this is not what Tasmania is about.

I submit that the DAP process should be scrapped on the grounds that the process we have presently is perfectly adequate, balanced and democratic.

I further oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on *'checks and balances'*.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has

rejected such an application, threatening transparency and strategic planning.

- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of *‘perceived conflict of interest’*, *‘a real or perceived bias’*, *‘the application relates to a development that may be considered significant’* and the *‘development is likely to be controversial’* is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
  - Valuations of \$10 million in cities and \$5 million in other areas.
  - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania’s planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

### **Say yes to a healthy democracy**

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

Rex Williams



# **SOUTH HOBART PROGRESS ASSOCIATION**

*(Incorporating Cascades Progress Association)  
Founded 1922*

**ABN 65 850 310 318**

**President:** Michael Cole

**Acting Secretary:** Liz Rees

## **DAP Response from South Hobart Progress Association**

**November 2024**

We remain strongly opposed to the introduction of the proposed Development Assessment Panel framework as an alternative development assessment pathway.

The Summary of issues raised in the Report on Consultation (October 2024) reflected our views as expressed in our initial submission.

The main reasons for this opposition are as expressed in the Summary. In particular:

- Tasmania's planning system is performing well and there is no demonstrated need to introduce a new development assessment pathway;
- There is concern that the Government, through the relevant Minister, will effectively select panel members - thereby introducing bias and political interference into the planning process
- Taking planning decisions away from locally elected members undermines local democracy and reduces community participation in planning processes;
- The removal of merit appeal rights is unjust, and makes it even harder for citizens or communities to challenge the process;
- The proposal further complicates an already complicated system.

We also remain strongly opposed to expanding Ministerial powers in directing a council to prepare an amendment to its Local Provisions Schedule (LPS). We agree that this would undermine local democracy and threaten local strategic planning. Indeed, it would make a mockery of an application process that should be an examination against a known and accepted set of planning rules

The report goes on to respond to and examine specific issues in more detail. As far as we can determine, the response is to dismiss those issues in all but the most minor detail, with the exception of expanding the range of "entry points" and to leave the proposed Bill effectively unaltered in its substance and much detail.

We looked at particular responses in the Report as follows:

## **Councillors' conflict**

We do not agree that this is an issue. The “justification” does not hold water – it is based on “anecdotal” “evidence”, largely focussed on “perceived” opposition to social housing developments. We would need to see specific and firm evidence from independent sources that this is in fact occurring on a consistent basis.

**System working well** - so why meddle with it.

The report asserts that “advice from social and affordable housing providers **and the development industry** cannot be ignored”. Again, where is the firm evidence that this is anything more than anecdotal, or worse a spurious claim from those seeking to gain an advantage?

This though seems to provide the only real basis for the proposal – and whilst we are all supportive of the need for social and affordable housing, the real focus here is on those developers who are frustrated by not getting what they want from the system.

## **Role of minister and applicant**

It seems that any development can be sent to a DAP, either at the request of the applicant, or directly by the Minister, at any time in the process. We are strongly opposed to this “cherry- picking” approach.

## **Local Democracy**

We agree that the job of Council is to “observe, and enforce the observance of, that planning scheme...” So where is the evidence that anything different is occurring. (In contrast, much of the DAP process seems designed to provide the exact opposite – the opportunity to “amend” the criteria spelled out in the planning scheme.)

To rephrase the corresponding “conclusion” in the report; “The issues raised relating to the perceived **conflict of interest** in determining development applications do not warrant **implementing** the proposed framework.

## **Membership of DAPs**

At the end of the day, appointments to the Planning Commission are in the gift of the (State government) Minister: as the report details “All members are appointed by the Governor on the nomination of the Minister.”

In setting up similar panels to DAPs, the TPC draws on a “pool of candidates..., many of which are members of ...TasCAT”. In turn, “There is no legislative requirement for the TasCAT members to be nominated by the Minister, but the Minister in effect nominates persons for appointment through the Cabinet and Executive Council processes.”

All power, in practice rests with the Minister in this appointment process. The members of this “pool of candidates” will certainly know what outcome the Minister

wants. The structure is there for a biased, politicised process, whatever protestations of integrity and independence are made. As we have seen, experiences elsewhere in Australia provide evidence of the outcome.

## **Rights of Appeal**

All of the above is exacerbated by the absence within the proposal of a merit-based, accessible appeals process. The examples given of what happens in other states, show more about the wide-spread desire of governments to diminish the rights and roles of communities in determining how their areas are developed.

The way to cut back on the length and cost of appeals is to carry out real consultation before and during projects, whilst adhering to agreed guidelines and planning regimes.

## **Duplication of assessment**

Concerns remain over the ability afforded by the proposal for applicants to “cherry-pick” their assessment pathway – even as the process is in train. This too will surely add to the time and cost of assessing applications.

## **Requests for further information**

These are largely necessary now because the application has not provided the required information. Better education, and more thorough preparation of applications, are the way forward here.

## **Ministerial role**

We have already noted the power of the Minister to influence DAPs. The framework seeks to add to that the power to “direct a council to prepare a planning scheme amendment”.

This is unacceptable – either we have (agreed) planning rules, or we do not. If the rules need revision, then let us have a democratic and consultative process to amend them, rather than an arbitrary ministerial imperative. By all means amend the current act (section 40C) to remove that power.

The **Revised DAP Framework** really only seeks to expedite any and all applications that may “fall foul” of the legitimate criteria of the planning rules, but that the State government wants to go through.

As noted at the outset, the current assessment process is working well for the great majority of applications. If we want the assessment process to work more effectively

and in a timely manner, instead of making it more complicated, why not focus on any blocks in the present system, and addressing those?

A key to progress would be in providing resources to support applicants, and in turn the assessment process. So that would mean education and (professional) development for applicants and assessors, with support from professionals with planning expertise to support councils in their work. It also means providing the TPC with the resources to carry out its work “effectively and in a timely manner”.

**Michael Cole.**

President. SHPA (Inc.)

November 9 2024

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**From:** Jocelyn McPhie <  
**Sent:** Monday, 11 November 2024 8:37 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** draft Land Use Planning and Approvals (Development Assessment Panels) Bill 2024

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draft Land Use Planning and Approvals (Development Assessment Panels) Bill 2024

Thank you for the opportunity to comment on the draft Bill.

My first comment is that the Bill lacks adequate definitions and guidelines in the statements of criteria for the referral of applications to an Assessment Panel. In the absence of such definitions and guidelines, the Minister's role is unconstrained. Presumably mainland states that use DAP have either deliberately or through practice, identified appropriate definitions and guidelines that could be adapted to the Tasmanian context.

The specific clauses of the Bill where definitions and guidelines are needed (p15-16) follow, along with the additional information required in **bold font**.

"The application relates to a development that may be considered significant, or important, to – (i) the area in which the development is to be located; or (ii) the State; "

**What criteria define "significant" and "important"?**

"or (b) either party to the application believes that the planning authority does not have the technical expertise to assess the application; "

**Under what circumstances will technical expertise be judged as "inadequate"?**

"or (c) the application relates to a development that is, or is likely to be, controversial; "

**Provide criteria for judging a development to be "controversial".**

"or (d) the relevant planning authority may have, in respect of the proponent or development – (i) a conflict of interest or a perceived conflict of interest; or (ii) a real or perceived bias, whether for or against the proponent or development; "

**Give examples of likely conflicts of interest.**

**Give the procedures for demonstrating "real or perceived bias".**

It would be appropriate that everyone involved in the DAP including the Minister be required to sign conflicts of interest statements.

My second comment relates to the exhibition notice (p27). All rate payers in the municipality should be **directly** contacted regarding the development proposal and the opportunity to comment. Notifying immediate neighbours only is inadequate. All the other clauses relate to passive notification in which potentially interested and affected residents have to seek the notice.

Yours sincerely,  
Jocelyn McPhie

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**From:** Wilfred Hodgman  
**Sent:** Monday, 11 November 2024 8:33 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** DEVELOPMENT ASSESSMENT PANELS

I oppose the creation of Development Assessment Panels (Daps) for the following reasons:

- **It will create a weaker planning approval process.**  
Local concerns will be ignored in favour of developers who may not be from Tasmania. Planning Approval should be democratic. The community should have easier rights of appeal, not less rights of appeal.
- **Contentious Decisions**  
Any government involvement should be diminished, to avoid the mistakes of the past. The existing planning scheme should be retained, possibly improved. Planning for our cities and environment is a indication of a sound Democracy. This has been the case since the Romans. Do we want to improve Tasmania with sensible properly planned development, or do we want Tasmania to become a second rate society where we have destroyed that which makes Tasmania so unique and worthwhile?
- **Development appeals to the Supreme Court**  
Individuals or the community generally cannot afford to go to court based on a point of law which is prohibitively expensive.
- **Increased ministerial power over the planning system.**  
The Planning Minister will decide if a development application meets the DAP criteria. Don't we have faith in the planning and architectural professionals and the preparation of planning schemes? Improve city planning, improve environmental planning, don't destroy it.

## DEMOCRACY

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

Yours sincerely,

Wilfred Hodgman Bat Arch, Ba Env Design

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**From:** Margaret Lange  
**Sent:** Monday, 11 November 2024 8:25 AM  
**To:**  
**Cc:**  
**Subject:** Community involvement please not more bureaucracy

Dear Parliamentarians,

I respectfully request you reconsider any imposition of a Development Advisory Panels and increase community participation in Tasmania not overlook it.

We don't need a DAP to further complicate and obscure true planning in our wonderful State. Our current processes with Councils work well enough and the more we are all involved, the stronger and more vital our communities are. We don't want to encourage more "they oughta". We oughta, we do and we will.

Participation is a key ingredient in community health.

With the current state of the world, we have no confidence that legalistic processes give any equity or justice and we really need more of both, not less that a DAP implies to me.

Please keep doing your job to stand up for people in our State and communities. Give us all a say on what's important to us, not hand it to more bureaucrats, more delays, more layers of remoteness and legalism. It may seem tedious to you at times but it essential to our mental health and well-being and healthy community development. Please keep our communities alive. Scrap the DAP thanks.

Yours sincerely,

Margaret Lange

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