

Revised LUPAA Development Assessment Panels Bill 2025

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22 April 2025

The Minister for Planning
Parliament House
HOBART TAS 7000
City of Hobart

Dear Mr Ellis

Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025

I wish to voice my objection to your proposal to resubmit draft legislation to Parliament to introduce further Development Assessment Panels into the Tasmanian Planning regimen. This is just adding unnecessary red tape into an already congested planning administration system.

I was very surprised that the Premier has rejected the Project of State Significance status for the proposed Macquarie Point Stadium, unfairly denigrating the respected Tasmanian Planning Commission and the Government's own consultants. This displays a contempt for current process and encourages other developers to use the same process i.e. disregard the current planning scheme.

Your proposal to introduce further Development Assessment Panels would cut councils and all their local knowledge out of the process, despite Tasmania's current system dealing with over 12,000 development applications each year and Tasmania's system being the fastest in Australia. I note that the proposed timeframes for the development assessment panels are at least twice as long as those currently in place for planning applications submitted via local councils. No way is this Simpler, Faster and Fairer!

It is not clear whether proposed assessment process for the Development Assessment Panels will be required to adhere to the Tasmanian Planning legislation. Failure to ensure that this is the case will result in an anarchic system, which will be to the State's detriment.

I also disagree with the Minister's proposal to remove planning appeal rights for decisions made by the Development Assessment Panels. Tasmania has a good system of appeals, with less than 1% of development applications being reviewed. Whilst we do not know details of Development Assessment Panellists, they are only human and will make errors and decisions which will need to be reviewed. Denying the public the right of a merits-based appeal is a backward step and is contrary to the current Tasmanian Planning Scheme.

Another issue is that the proposed legislation appears to refer to mediation being done by the Development Assessment Panel itself. Mediation requires an independent arbitrator and should refer the decision back to the Development Assessment Panel, like what happens when somebody appeals a decision made under the current planning scheme. A Development Assessment Panel cannot mediate its own decisions.

The proposed legislation also means that an appellant to a decision on legal grounds is required to take the matter to the Supreme Court, which is a very expensive process. This will unfortunately prevent people from lodging genuine matters for adjudication.

Another issue with the proposed legislation is the exclusion of Tasmanian Councils. I note that they will still be required to provide information to the Panel, presumably free of charge. Downgrading Councils' involvement in the process is derogatory.

I also have further concerns about the proposed legislation, as criteria, such as qualifications to be assessed for a DAP, will be governed by regulations which can easily be changed. Again, this is a backward step.

We note the Minister's comments that he believes the proposal to introduce another avenue for Development Assessment Panel will take the politics out of planning. This will not be the case. All it will do is move the politics from Local Government to the State Government, unfortunately without the protections available under the current planning regimen.

Summarising, it appears that the Minister wants to exercise uni-lateral control over the Tasmanian Planning Scheme. I believe that the Minister is making a rod for his own back and that he will need to increase his staff to deal with the flood of "qualifying" applications not to mention the need to create Development Assessment Panels with sufficient expertise to carry out the assessments. Where will the panellists come from?

I strongly recommend that the Minister reconsiders his decision to submit the LUPAA Amendment (Development Assessment Panels) Bill 2025 to Parliament.

Yours faithfully

Eric Pinkard

From: [Lorraine Perrins](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Submission against the DAP draft Legislation
Date: Tuesday, 22 April 2025 5:05:44 PM

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Dear Honorable Members,

Thank you for providing the opportunity to provide a submission to the revised 2025 Development Assessment Panel legislation.

Last year I wrote a submission requesting that the proposed draft Development Assessment Panel (DAP's) legislation be rejected due to my deep concerns that it removes a key democratic process within our society by empowering one person, specifically the Planning Minister, to remove assessment and approval of developments from the normal local council process. I was very pleased when the proposal was voted down and thank you for your contribution.

I now request once again that the current, amended, version of the DAP legislation also be rejected as it does not appear to have been altered in any way which reassures me that the Government has listened to the community and local government concerns. Once again I do not think that having a DAP would be of benefit or improve the current process in any way for Tasmania. I am also skeptical of the reasoning for generating these assessment panels to the Tasmanian Community. It has been highly publicised that the stated intent for introducing DAPs is to provide an alternate approval pathway for more complex or contentious development applications and that there was a perception that some Councils were less supportive of new developments than others. In my experience, I have always found the Councils decision-making process and transparency around their decision-making to be clear and objective in relationship to development applications. T

I am particularly concerned about the proposal to remove any planning appeal rights meaning that our communities would have no avenue to voice concerns about

contentious planning decisions. I see this as a direct erosion of my democratic rights as a Tasmanian citizen. It seems to me that altering a system, based on democratically appointed members assessing developments within their local areas of governance, (and which seems to be working quite well), to a new system which seems to enable greater interference by state-appointed panels and the Planning Minister, (who may not represent the area under which the development is proposed), is politicising the process more not less. The DAP's will allow developers to bypass councils and communities creating no avenue for community engagement. 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. Additionally it could see developers pull out of the local government assessment process if they felt an assessment was not going to be approved resulting in a waste of Council time and resources.

Having lived previously in NSW I am aware that DAP frameworks there have been found to regularly favour developers over local community's interests, lack transparency over the decision-making process and do not take into consideration the strategic future planning directions of local government authorities. I would be very disappointed to see these amendments passed undermining Tasmania's current planning processes which ensure that the local communities are represented and importantly have a voice. Additionally decision-makers are currently accountable to the communities they represent, which would not be the case if there was a DAP framework.

It seems to me that there is no justification to introducing DAP's in Tasmania. According to the statistics roughly 1% of council planning decisions go to appeal, which seems to highlight that the current system is operating well. As a Tasmanian community member I want to keep the decisions about developments in my community at a local level. If the Government feels that decisions are not made quickly enough then I would suggest it could provide more investment in the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcome, thereby protecting local jobs and keeping the cost of development applications down.

I am happy with the current planning system in Tasmania, which is local, transparent, independent and allows me to participate in decisions made. I strongly request that the Draft Development Assessment Panels Bill 2025 be rejected.

Kind regards
Lorraine

From: [Heather Becher](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 5:06:09 PM

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The 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.

- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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 critical planning decisions such as rezoning 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.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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,

Heather Becher

From: [Andrea Young](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Scrap the DAP
Date: Tuesday, 22 April 2025 5:23:53 PM

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I am strongly opposed to the redrafted Development Assessment Panel (DAP) legislation which is not significantly different to the previous version that was rejected. I have witnessed the erosion of good planning outcomes and overriding of communities' aspirations in Queensland and NSW through the granting of extraordinary Ministerial call-in powers, and in NSW, the use of Development Assessment Panels (DAPs). Moreover, it is intrinsically counter to natural justice to remove third party appeal rights on issues that significantly impact communities.

I am opposed to the DAP for the following reasons:

- The DAPs represent an alternate planning approval pathway bypassing local councils and communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will determine planning outcomes risking local concerns being overridden by external vested interests, primarily those of developers.
-
- The DAPs will be hand-picked and inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review).
-
- DAPs have been shown in other jurisdictions to be pro-development and pro-State government interests, overriding the interests and aspirations of local communities. They will make it easier for large, controversial development proposals at odds with the aspirations of the community to be approved. Relevant examples include the kunanyi cable car and high-rise

development in Hobart.

- Removes merit-based planning appeal rights via the planning tribunal on issues of importance to the community. The Tasmanian Civil and Administrative Tribunal (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. The cost of such is out of reach of ordinary Tasmanians.
- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and increases the risk of corrupt decisions.

Yours sincerely,
Andrea Young

From: [Cheryl Salter](#)
To: [State Planning Office Your Say](#)
Subject: CM: Subject: DAP
Date: Tuesday, 22 April 2025 5:53:41 PM

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April 22nd, 2025

To whom it may concern:

Draft Land Use Planning and Approvals (Development Assessment Panels) Bill 2025.

The Liberal Government of this state wants me to believe that by creating Development Assessment Panels to oversee the approval (or otherwise) of major projects, any kind of bias – either political or personal – will be removed from the process and that only those with planning expertise will sit in judgement.

When this legislation appears in Parliament for a second time, I would like to remind all those who will decide the Bill's fate of five instances in the recent past where the Government itself has lacked faith in the judgement of the Tasmanian Planning Commission, the Tasmanian Civil and Administrative Tribunal, the Supreme Court or local councils as Planning Authorities.

- 1) The Minister for Planning disagreed with the Clarence Council's vote to disallow further expansion of the Droughty Hill development. He stepped in, and referred the matter to the TPC.
- 2) A shopping centre development at Stoney Rise in Devonport was knocked back by the local council. Special legislation was passed to approve it.
- 3) TasCAT finally killed off the Mt Wellington cable car proposal. The Minister publicly backed the developer, and announced his desire to change the Mount Wellington Park Management Trust and its jurisdiction.
- 4) When opponents of the Robbins Island wind farm found that the EPA had failed in its duty to assess the construction of a large wharf, and took the matter to the Supreme Court, the Government amended the State Coastal Policy to retrospectively approve the wharf
- 5) The Premier's dismissal of a report from the TPC criticising the "back of the envelope" calculations in support of the Macquarie Point stadium was immediately followed by an announcement of enabling legislation to be tabled in the next sitting of State Parliament.

Given that the Liberal Party obviously has no faith in decisions made under the same independent process they wish to centralise in the DAPs, I think the real objective here is to block public input to any development application which adversely affects local communities and environments.

Therefore this Bill should be voted down by all MPs with a conscience.

Cheryl Salter

From: [Janine Bowes](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 6:00:40 PM

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I write to you to lodge my strong objection to the proposed 2025 revised DAPs legislation. I believe it would essentially weaken our democracy. My reasons are outlined below.

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold

hearings that are open to any member of the public 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.
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- **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. The Tasmanian Civil and Administrative Tribunal (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*'.
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NOTE: The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria:

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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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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.
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- 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,
Janine Bowes

From: [Sandro Donati](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com;

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 6:03:26 PM

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From Sandro Donati and Judy Jacques

Having attended community meetings and discussions regarding this proposed development we strongly oppose the revised DAP legislation and support the reasons outlined below. Having being involved in fighting inappropriate development here on Flinders Island we feel very strongly about allowing the community through its elected councillors to have a voice in decisions about the planning system and future developments.

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

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- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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,
Sandro Donati, Judy Jacques

From: [Annie Philips](#)
To: [State Planning Office Your Say](#)
Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Tuesday, 22 April 2025 6:49:01 PM

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I strongly oppose the 'revised' draft Development Assessment Panels (DAPs) legislation. This legislation has not significantly changed from the original which suggests the Liberal party is trying to wear down the public by repeatedly introducing essentially the same legislation. The DAPs will not result in more affordable housing as liberal espouses and the current planning scheme is not to blame for lack of housing currently.

The creation of DAPs gives the minister far too much power over proposed controversial developments, allowing him or her to favour developers / proponents / friends at their discretion. The current system for assessing developments is good, fair and transparent; there is always potential for improvement but the model is a good one and should not be overridden.

Removing merits-based appeal favours developers and leaves concerned community members unheard and with no avenues to respond to highly controversial decisions.

In summary the draft bill lacks transparency, independence, accountability and public participation in decision-making. It should be withdrawn immediately.

Dr A Philips

Sent from my iPhone

From: [T Wilson](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: RE: Protect Tasmania, our rights & our voice - #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 6:59:03 PM

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Dear StatePlanning,

It is disheartening to find myself again writing to your department to object to the proposed introduction of Development Assessment Panels (DAPs) in Tasmania.

The 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of DAPs and increasing ministerial power over the planning system, for the following reasons:

- The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.
- DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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 critical planning decisions such as rezoning 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.
- Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a 'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be ‘controversial’, but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to ‘consider’ them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation, just minor disputes in the process.

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,

Todd Wilson

- - -

Todd Wilson

From:
To: [State Planning Office Your Say](#)
Subject: CM: Objection to the Proposed DAP legislation.
Date: Tuesday, 22 April 2025 7:25:14 PM

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Dear Sir

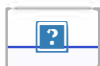
The heart of sensible planning must reside at the level of local government. Local government is receptive to the needs of their community. Objections to unsuitable developments must be able to be heard without penalty on those objections: this is the democratic Australian way. The draft plans for the DAP would remove this privilege from the ordinary citizen. It gives an unfair advantage to developers who will be able to profit at the expense of the amenity of people affected by developments. It also opens the way for inappropriate development in National Parks and the World Heritage Areas.

It gives total power to a panel of members who may not have any experience in planning matters, particularly at the local government level. The elimination of any rights of appeal for objectors is what makes this proposed legislation so objectionable. It is simply not acceptable in a democratic state. The Government of the day has not made the case that the DAP system is necessary, except to advance their own idealistic idea of development without limits.

I urge you to resist the Government's agenda to force this limitation of citizens' rights and to stand up for democracy.

Yours sincerely

Brian Griffiths



Virus-free www.avast.com

From: [Peter Mallon](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com;

Subject: CM: Protect our Democracy, our voice, our rights and prevent Government erosion of same by our present Government
Date: Tuesday, 22 April 2025 7:51:51 PM

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The Daps proposal was overturned in Parliament in 2024 and reflected the views of the majority of Tasmanians. The 2025 revised DAPs legislation is not significantly altered from the 2024 version yet the current Government is once again ignoring the public's opinion and attempting to proceed with this unpopular legislation. Looked at in conjunction with the Liberal Government's determination to push ahead with the hugely unpopular hobart stadium it reflects on how little this Governments cares about the views of the people of Tasmania.

I am in opposition to the creation of Development Application Panels and increasing ministerial power over the the planning system. This legislation combined with the Federal Government's recent Legislation to protect the Salmon (and other climate destroying industries) restricts the peoples rights to appeal/protest planning decisions. The Liberal Government has demonstrated its willingness to ignore expert reports and proper process in its decision to bypass the Planning Commission in regards to the stadium.

While the DAPs Legislation appears to put in place certain protections these are in fact worthless as the Legislation still permits the Panels to approve developments regardless of of value thresholds and the Tasmanian Planning Commission will be able to issue guidelines as the Minister is only required to 'consider' such guidelines.

There is little or no justification for the DAPs to be introduced. Approx 1% of council planning decisions go to appeal (around 120 of 12,000 per year). Councils cannot be blamed for the Governments poor performance in addressing housing shortage. Tasmania planning system is the fastest in Australia.

The increased Ministerial Power over our Planning increases the risk of corrupt decisions and the politicising of critical planning such as rezoning.

The Minister is granted extraordinary unchecked power as the eligibility Criteria of The DAPs legislation is so undefined and broad . The Minister can declare a DAPs based on '*perceived*' conditions. Again this leaves the process open to corruption both through

Parliament and the Planning Panels.

As a Tasmanian voter I call on you to accountability, transparency and Public participation in decision making in regards to any planning decisions keep the decisions local . Shelve the DAPs and improve local Councils abilities to fast track planning applications by providing more resources.

I also call on you to stop property Developers from donating to Political parties and create a strong anti-corruption watchdog.

Yours Sincerely
Peter Mallon

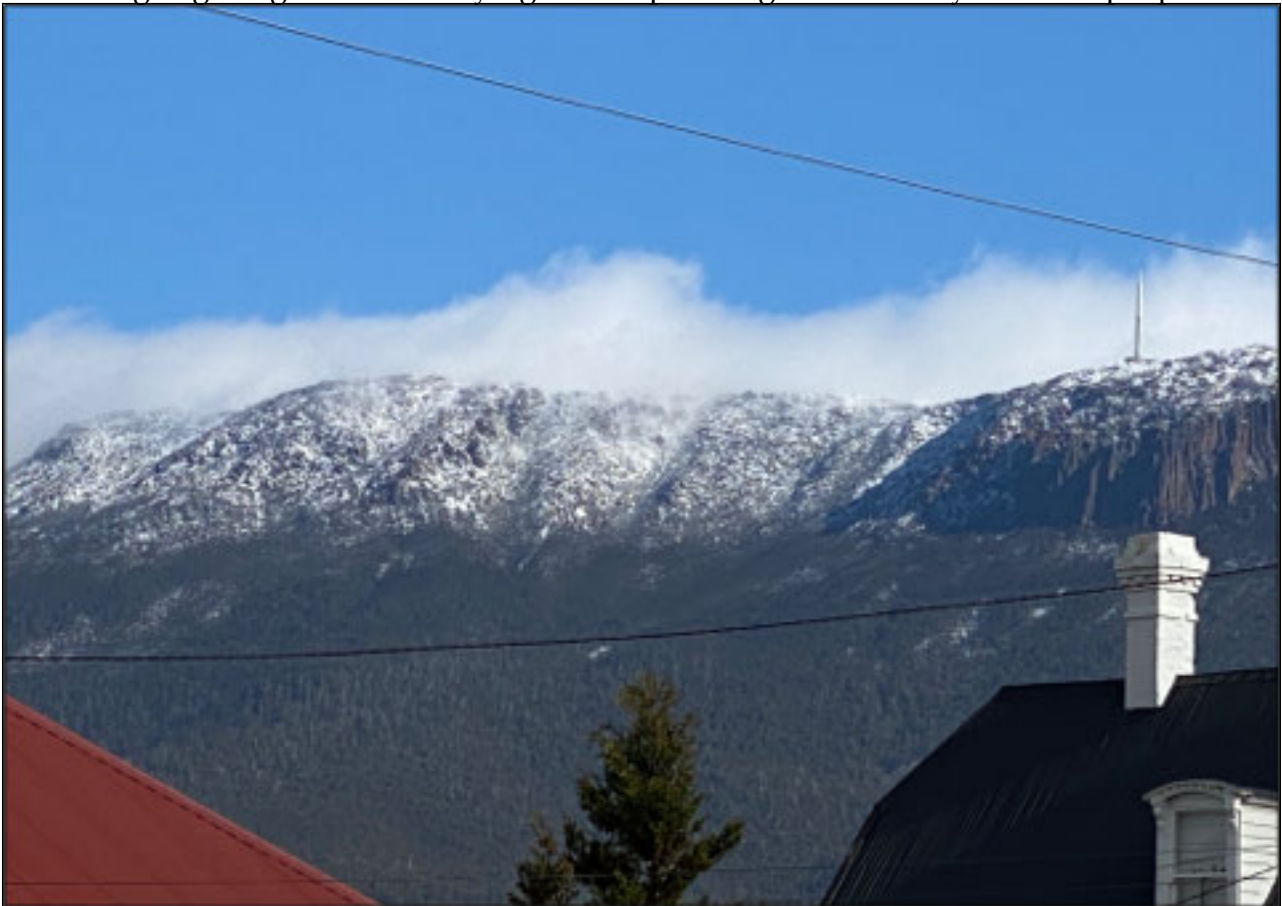
Scrap the draft DAP

Maintain planning appeal rights and our right of say

Transparency, independence and public participation in decision-making are CRITICAL for a HEALTHY democracy-**so I say NO NO NO NO an emphatic NO to DAPs**

Maria IE Riedl B.S.Ed., M.Env.L., M.Env.Gov - 22 April 2025

Here we go again: government trying to take planning control away from the people!



Introduction

It is abundantly clear that the proposal to introduce Development Assessments Panels (DAPs) is rearing its ugly head yet again, with Government trying simply everything they can, over and over again, to remove developments out of the normal planning process, removing councils from having any say what-so-ever over planning approvals, and shamefully removing planning appeal rights of my community and voters. **An attack on democracy, pure and simple**, trying to shove thru a gigantic stadium, helicopter and huts in the middle of Work Heritage, chairlift on Mt Wellington and the list goes on and on and on.



The push going on right at this moment conveniently, blindly ignoring independent reports on the MacPoint stadium is a blatant example of a political take-over of a process. A deal done behind closed doors by AFL and gambling industry and a political or two.

SHAME SHAME SHAME SHAME SHAME SHAME

The further proposed major changes by Government is to almost **entirely** remove my community's right to participate in the planning appeal process. The proposed legislation mean that an appeal can only be lodged by someone who is **DIRECTLY** and **ADVERSELY** impacted by the planning decision. This limited appeal right will apply to all individuals and community groups and other organisations, who will **NOT** be able to appeal **INAPPROPRIATE** developments across private and public land! **Mind you, Property developers will maintain their appeal rights to appeal Council decisions across all land tenures. What a complete farce!!**

This legislation would empower the **POLITICALLY BIASED** Planning Minister to REMOVE assessment and approval of developments from normal local council processes and put into the hands of an unelected Development Assessment Panel, fast-tracking the process without any of us who would be affected visually, physically, mentally by any development!

There is no problem to fix so stop this now! Tasmania's development assessment system as it stands is the fastest in the country.

DAPs add further layers to an already complex planning system and it is most clear that **we need an EXPANSION of merit-based planning appeals as a DETERRENT to CORRUPTION! eg MacPoint stadium!!!!**

- Tasmania still allows political donations from property developers**

- all donations made outside of election times don't have to be declared**

- stating community will be** able to appeal to the Supreme Court is disregarding the fact that appeals there are based on a point of law or process, have a narrow focus, and cost lots and lots of \$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$

- merits of a development **cannot be raised by the community** such as: traffic, building heights, recreation impacts, impacts on plants and animals.....

- appeals to Supreme Court against a decision by the proposed DAPs will be most difficult as they are not required to provide written reasons

My considered position

This 2025 revised DAPs legislation has NOT significantly altered from the 2024 version which I have previously submitted to, and yet abysmally, again FAILS my community ENTIRELY-grants the Planning Minister excessive power to override local councils, silence community voices, and fast-track controversial developments—EVEN IN OUR WORLD HERITAGE AREAS and NATIONAL PARKS!

I yet again OPPOSE the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- this is an ANTI-DEMOCRATIC Bill
- there will be no right for the community to appeal the final decision to the planning tribunal
 - all the community will be able to do, is make comment and MAYBE attend a hearing
 - there will be NO REAL POWER to stop INAPPROPRIATE developments
 - this Bill unbelievably/inappropriately allows developers to bypass local councils and communities
 - it is a fast-track process and it removes elected councillors from having a say on most controversial and destructive developments affecting my local community
 - the panel is handpicked, appointed, NOT elected
 - local concerns will be ignored in favour of developers who may not even be from Tasmania
 - developers donate money to get their developments thru
 - the Tasmanian Planning Commission is NOT independent-as they are hand-picked, without detailed selection criteria, and objective processes
 - DAPs are INCONSISTENT with the principles of OPEN JUSTICE

-
- DAPs don't have to provide written reasons for their decisions
 - community input less effective (if any at all) because the input is delayed until after DAP consults (behind closed doors) with the developer and any relevant government agencies then adopts draft decision
 - DAPs are pro-development and pro-government
 - the whole aim of DAPs is to make it easier to approve large-scale contentious developments: eg cable car, high-rises, high density developments, Halls Island, Robbins Hill wind farm, Zip line, move of UTAS from Sandy Bay campus, MacPoint Stadium.....and the list is never ending
 - removes merit-based planning appeal rights on all issues my community cares about; like impacts on biodiversity, height, bulk, scale, appearance, impacts on streetscapes and adjoining properties, this includes privacy and overlooking; traffic, noise, smell. light and more and more and more!!!
 - the Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an ESSENTIAL part of the RULE OF LAW and DEMOCRATIC system of government based on "CHECKS and BALANCES"
 - removing merit-based appeals removes opportunity for mediation
 - development will only be appealable to the Supreme Court based on a point of law or process and costs \$\$\$\$\$\$\$\$\$\$
 - **it also has the potential to increase CORRUPTION, reduce good planning outcomes, FAVOURS DEVELOPERS and UNDERMINES DEMOCRACY!!!!!!**
 - increased ministerial power increases politicisation of critical planning decisions such as rezoning and risk of corrupt decisions: eg MacPOINT STADIUM because the Planning Minister decides if a development application meets the DAP criteria
 - the Minister will force the initiation of planning scheme changes after local council has rejected the application and this threatened transparency and strategic planning!!!!

- it grants the Minister extraordinary power that is arbitrary and unchecked!!!!

- the Planning Minister has political bias and can intervene on any development in favour of developers!!! for goodness sake how ridiculous!!!

-it increases complexity in an already complex planning system

-the key flaws from the rejected 2024 DAP legislation remain

-only the 'controversial' project criteria has been removed but tis definition is so wide so any development can be approved

-dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above to non-metro but they are still eligible under other broad and undefined criteria! unbelievable

-guidelines aren't worth anything because they just need to be 'considered' by the Minister

-mediation has no clear process or right for objectors unlike TASCAT just minor disputes!!!

Please I ask

1. I ask that you 'ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are CRITICAL for a HEALTHY DEMOCRACY!!!!

2. Keep decision-making local, rather than bypassing it, with opportunities for appeal keeping the strength of community contribution to good decision making

3. Abandon DAPs and instead invest in expertise to improve our government system and existing planning processes by providing more resources to councils AND

ENHANCING COMMUNITY PARTICIPATION and planning outcomes ensuring good strategic lands.

4. Prohibit property developers from making donations to political parties at any time (election or not), enhance transparency and efficiency in administration of the *Right to Information Act 2009*, and create a super STRONG anti-corruption watchdog!!

Yours Sincerely

Maria IE Riedl *B.Sc.Ed., M.Env.L., M.Env.Gov*



From: [caitlin ross](#)
To: [State Planning Office Your Say](#)
Subject: CM: Opposition to the DAP
Date: Tuesday, 22 April 2025 9:15:43 PM

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To whom it may concern I would like to make my voice heard with my concerns about the revised development assessment panel bill. My main concern is that there is no significant change in it from when i read over it last year all the issues with it still remain in this bill. I'm particularly concerned about its proposal to fast track development past the local council effectively ruling out the communities voice through our elected members. I'm also really concerned about the ability to fast track proposals without community appeal . I'm in my 20s and I grew up in Hobart and while I'm currently studying on the main land I plan to move back as soon as I finish my studies. One of the things that I love so much about Tasmania is our community's care for the city and its natural environment. When you cut out the voices of the community you are cutting out what I think is one of Tassies biggest assets. I'm so worried about what this would mean for our local environment particularly kunyani and how developments such as the cable car that are so strongly opposed by the local community and also the aboriginal community whose land it is could be fast tracked through without the communities approval. Tassies best asset is our national parks our world heritage areas and our natural places. Trying to develop them in anyway takes away what makes Tassie special and this bill threatens all that.

So I would like to put in my strong opposition to the revised DAP

Kind regards and thank you for hearing my feedback, Caitlin

From: [Ross Coward](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 9:34:33 PM

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Vote NO to the proposed Development Assessment Panel

Dear Honourable Members of the House of Assembly and Honourable Members of the Legislative Council,

I am a constituent in the Division of Clark and the Division of Nelson, Tasmania.

I write to urge a NO vote to this draft legislation which empowers 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 will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. As well, there will be no right for the community to appeal the final decision to the planning tribunal.

Any fast track process to assist development is highly contentious. It may encourage previous development proposals that have previously been rejected by elected councillors and local communities to submit a development application through the DAP process. For example the Mount Wellington Cableway Company (MWCC) may resubmit to a DAP their highly contentious plan to build a cable car on kunanyi/Mt Wellington. This proposal was rejected by Hobart Council Planning Officers, Hobart Councillors, numerous community organisations and the wider community. Furthermore the MWCC lost their appeal at the Tasmanian Civil and Administrative Tribunal. I, personally, do not want to see such a large-scale development like this on the mountain.

The proposed DAP legislation, amongst other contentious matters:

- will grant the Planning Minister extraordinary power that is arbitrary and unchecked.
- will remove merit-based planning appeal rights.
- will remove merits-based planning appeals removing the opportunity for mediation on development applications in the planning tribunal.
- by removing merits-based planning appeals has the potential to increase

corruption, to reduce good planning outcomes, to favour developers and undermine democracy.

- will increase ministerial power over the planning system increasing the politicisation of critical planning decisions such as rezoning and the risk of corrupt decisions.
- there is poor justification for the proposed legislation - there is no problem to fix.
- will increase complexity in an already complex planning system.

All Tasmanian Councils voted against the previous iteration of the DAP legislation (and it was voted down by the Legislative Council). Why introduce the DAP Bill again?

Transparency, independence and public participation in decision-making are critical for a healthy democracy.

Vote NO to the proposed Development Assessment Panel legislation.

Yours sincerely,

Ross Coward

From: [Lee](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com;

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 9:43:31 PM

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Dear representatives,

I am feeling very annoyed that we are revisiting the Liberal Government's proposed DAP and plan to increase ministerial power over the planning system.

The following points are my reasons for not supporting this proposal.

- The revised version has not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws.
- The Planning Commission is not independent and there is no transparency to their decisions.
- It will remove the communities right to appeal inappropriate and stupid/uneconomic developments through rigorous processes carried out by local councils.
- It will allow greedy developers to make destructive changes to heritage buildings, National Parks and public spaces that will only benefit few and seriously impact those living near the proposed developments e.g. cable car on Mt Wellington/kunanyi, the proposed AFL Stadium, new salmon farms and high-density developments.
- Communities and councils should be part of the process when shaping our cities and suburbs and not developers lobbying our politicians for personal gain.

For these reasons, I think the DAP is a bad idea for Tasmania and community and council input should remain.

Yours sincerely,

Lee Douglas

From: [John Whelan](#)
To: [State Planning Office Your Say](#)
Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 10:24:18 PM

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<https://aka.ms/LearnAboutSenderIdentification>]

I consider that the citizens of Tasmania need to have appeal rights, where appeals are considered by an independent body.

The existing approval structure should remain, and not be watered down.
Sent from my iPhone

From: [Poo Poo](#)
To: [State Planning Office Your Say](#)
Subject: CM: DAP - Objection
Date: Wednesday, 23 April 2025 8:51:34 AM

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To Whom it May Concern

I am writing in regards to the proposal to have development applications considered and assessed through a Panel (DAP) thereby removing the rights of residents to have a voice on developments in their community.

Whilst I understand the need to expedite such applications, having a Panel does not adequately address how such applications impact individual residents and allow their concerns to heard in their words.

The Droughty Point development (as it currently stands) has the potential to cause severe environmental impact to existing wildlife and the landscape.

If a Panel was allowed to determine how that application proceeds, there is serious reservation it would give due consideration and weight to these issues...unduly favoring instead the commercial and economic benefits of the proposal.

As a resident of Tranmere, I would like to raise my objection to the DAP and the Droughty Point development.

Kind regards
Jo Lim

From: [Peter Lawrence](#)
To: [State Planning Office Your Say](#)
Cc: [Craig Garland](#); [Ruth Forrest](#)
Subject: CM: scrap the DAP, protect our democratic rights and voice
Date: Wednesday, 23 April 2025 8:51:59 AM

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I am a retired scientist who now volunteers 15-20 hours per week, basically to provide a sustainable biosphere for future generations

- landcare activities to enhance small public reserves in towns,
- a weekly penguin guide for Friends of Burnie Penguins,
- volunteering at Cradle Mt to provide advice to bushwalkers,
- secretary of Friends of Cradle Valley to stop commercial development in national parks,
- member of the Waratah-Wynyard Council advisory committee on sustainable environment.

The 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

The Government says the intent of the 205 DAP Bill is “to take the politics out of planning for more complex or contentious development applications.” I suggest it does the opposite by allowing the Minister to get involved in key decisions at the request of the project applicant.

The DAPs alternate planning approval pathway allow property developers to bypass local councils and communities. Local concerns will be ignored, this erodes democracy.

The 2025 DAP Bill removes the rights of the community to appeal a decision to an independent body such as the TasCAT. This erodes democracy and the voice of the community. Removing a merits-based planning appeal removes the opportunity for mediation on development applications.

The Tasmanian Planning Commission is not independent, DAPs are hand picked without detailed selection criteria and objective processes.

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.

Sincerely,
Peter Lawrence

From: [Sarah Pitt](#)
To: [State Planning Office Your Say](#)
Subject: CM: Draft LUPA Amendment (Development Assessment Panels) Bill 2025 - submission
Date: Wednesday, 23 April 2025 10:07:28 AM

You don't often get email from [redacted]

[Learn why this is important](#)

I oppose the Draft LUPA Amendment (Development Assessment Panels) Bill 2025. as the creation of Development Assessment Panels (DAPs) increases ministerial power over the planning system and reduces the transparency, accountability and opportunity for public participation in the planning process.

I oppose the Draft Bill specifically for the following reasons:

The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.

DAPs will make 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 proposed UTAS Sandy Bay campus re-development.

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.

Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are

retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria

- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

Allowing DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation, just minor disputes in the process.

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.

Regards,
Sarah Pitt

From: [Sue Henn](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: No to DAP Bill version 2 - local community rights should be protected
Date: Wednesday, 23 April 2025 10:41:22 AM

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State Planning Office
Department of State Growth
GPO Box 536
Hobart Tas 7001
By email: yoursay.planning@dpac.tas.gov.au

23 April, 2025

To whom it may concern

Re: Draft Land Use Planning and Approvals Amendment (Development Assessment Panel) Bill 2025 (the draft DAP Bill 2025)

In 2024, I made a submission opposed to the Development Assessment Panel (DAP) Bill and was very pleased when it was voted down by the Legislative Council. I am disappointed that this Bill has been reintroduced to Parliament with minimal amendments.

The proposed DAP is still undemocratic, removes merit based independence, reduces Local Government and community involvement, lacks transparency, increases ministerial power and is open to greater incompetence and corruption. In fact, it appears to be a power grab designed to benefit developers over local communities.

This proposed legislation is flawed in every way. It places no value on expertise, lacks integrity, transparency and accountability. And it is based on flawed and fallacious justifications. The idea that Local Governments are anti-development is ridiculous and Tasmania's planning system is the fastest in Australia. Local Governments are not anti-development but they are more responsive to community interests and requirements. In fact, they are more democratic.

I will reiterate part of what I wrote in my last submission.

In the proposed legislation the Government can appoint anyone to be Chairperson of the Tasmanian Planning Commission and other members do not need relevant, objective experience or qualifications and there are no professional or expertise requirements in the Act for members of the DAPs. This is in stark contrast to the demonstrated expertise required for appointments to TASCAT which currently has the role of a merit based, independent review panel.

Furthermore, and unbelievably, there is no requirement in the Act to ensure that the selection process is transparent and merits based. Instead the Minister chooses members of the Commission and the Commission chooses members of the Panel, including from its own membership, without any requirement to advertise, any selection process or due process. So there is no integrity and no transparency and the make-up of the Commission and the DAP can come under strong political influence - especially as appointments to both the Commission and the DAP can be revoked at any time. Also, out of an 8 person panel, 3 are government office holders and so represent various government agencies and are not independent.

In addition, the Planning Minister has extraordinary power to decide whether a development meets the DAP criteria which opens up the possibility of political bias and undue influence from the powerful development lobby. Local government is bypassed and community involvement is diminished. This can make it easier to approve large scale contentious developments which contravene existing regulations - and planning appeals are deliberately made more complex.

A further concern that I have is that decisions on any projects on public reserves including National Parks and the Tasmanian World Heritage areas need to take into account environmental values, including biodiversity and ecosystems and species extinction. Lack of information and political influence affecting the make-up of the TPC and the DAPs can lead to decisions that benefit developers over the environment, and over the wishes of the Tasmanian community.

In short, I would ask you once again, to decide to reject the proposed legislation for the Development Assessment Panels for public reserves including National Parks and the Tasmanian World Heritage area.

Thank you for your attention,

Sue Henn



LUPA Amendment (Development Assessment Panels) Bill 2025

Shelter Tas Submission

April 2025

Contact us



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SUPPORTED BY
**Homes
Tasmania**



Shelter Tas is the Tasmanian branch of the
Community Housing Industry Association (CHIA)



Shelter Tas acknowledges the Traditional Owners of country throughout lutruwita/Tasmania and their continuing connection to the land, sea and community. We pay our respects to them and their cultures, and to elders past and present.



Shelter Tas welcomes and supports people of diverse genders and sexual orientations.

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About Shelter Tas

Shelter Tas welcomes the opportunity to provide feedback on the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025. Our submission has been prepared following consultation with our members, who include community housing providers responsible for constructing many new social and affordable homes across the state.

Our Submission

We note that Shelter Tas previously provided two submissions, one in response to the [Development Assessment Panel Framework](#) on how a DAP might operate and one in response to the [LUPA Amendment 2024](#).

As with our previous submissions, our comments are limited to how the Bill relates to social and affordable housing. Shelter Tas does not have a position in favour or against the wider use of DAPs as proposed in the Bill. Our submission focuses on the following key areas:

- The definitions of social and affordable housing.
- How the proposed assessment process for determining social and affordable housing applications will work.
- Statutory timeframes for consideration of a development application by a DAP.

The definitions of social and affordable housing

In the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025, Community Housing Providers (CHPs) have been defined according to the Community Housing Providers National Law (Tasmania) Act 2013 but social and affordable housing itself has not been defined other than to say affordable housing is “for persons who may otherwise be unable to access suitable accommodation in the private rental or property market.”



As per our previous submission, we recommend that formal definitions of social and affordable housing, used to determine DAP eligibility, should be included in the Bill and be consistent with those used in the Tasmanian Housing Strategy 2023-43:

- *Social housing*: is affordable housing provided by either the government or community sector organisations to assist eligible people¹ who are unable to afford or access suitable accommodation in the private rental market. It includes public housing, state owned and managed Indigenous housing and community housing. Rents are set as a proportion of household income. In Tasmania this is generally 25% of income plus 100% of Commonwealth Rent Assistance (CRA) if applicable and capped at 74.9% of the market rent.
- *Affordable housing*: is housing for purchase and rental, including social housing, that is appropriate for the needs of low-and moderate-income households and key workers. This is generally understood to mean housing that costs no more than 30% of a household's gross income.

Recommendation 1: Definitions of social and affordable housing should be included in the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025. The definitions should be consistent with those in the Tasmanian Housing Strategy 2023-43.

How the proposed assessment process for determining applications will work

Thank you for acting on Recommendation 2 from the previous Shelter Tas submission to the LUPA Amendment (Development Assessment Panels) Bill 2024, by including the following in the 2025 Bill: In addition to social and affordable housing developments endorsed by Homes Tasmania, social and affordable housing developments submitted by CHPs as defined according to the Community Housing Providers National Law (Tasmania) Act 2013, should also be eligible for DAP determination.

This ensures that any conflict of interest between Homes Tasmania and CHPs can be minimised and that independent CHP developments have a clear pathway for DAP determination.

Yet, Shelter Tas and its members are concerned about the potential for a loss of quality should there be a “free-for-all” approach to such development. For this reason, Shelter Tas believes it is important there is a framework within any assessment process that ensures the quality of building outcomes is maintained. We would not

¹ Eligibility for social housing is set out in the [Homes Tasmania Social Housing Policy](#).



want to see the alternative pathway result in poor quality social and affordable housing across Tasmania.

Shelter Tas recommends a consultation process with CHPs on the assessment process for DAP determination. We note that Homes Tasmania has recently held consultations on its proposed Housing Design Policy. This policy establishes design principles and standards for the construction of new housing stock developed by Homes Tasmania or supported by the Tasmanian government. We believe it would be appropriate for this policy, once finalised, to become an integral part of the assessment process in relation to the quality of social and affordable housing applications deemed appropriate for the DAP pathway. Such requirements could screen out any substandard proposals and ensure transparency in the criteria that is being applied. This Housing Design Policy could sit within the guidelines issued by the Commission, as referred to in Section 8A (2) of the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025.

Recommendation 2: Consult with CHPs on the assessment process for DAP determination and include principles and standards for housing design. The Homes Tasmania Housing Design Policy should form the basis of these principles and standards for new social and affordable housing in Tasmania. This policy should be included in the guidelines issued by the Commission.

Statutory timeframes

Shelter Tas is supportive of a streamlined development approval process for social and affordable housing projects.

As identified in the Productivity Commission's review of the National Housing and Homelessness Agreement, the time an authority takes to decide on a development application is 'lost time' that can increase the cost of the project and uncertainty for developers. Lengthy approval times also limit the responsiveness of housing supply to demand.²

Beyond development impact, there is also the impact that application delays have on people in need of housing. Delays can mean Tasmanians spend more time in rental stress choosing between paying for housing, food or heating; or trapped in precarious accommodation such as couch surfing; or living in overcrowded dwellings; or stuck in crisis shelters with no permanent home.

² Productivity Commission, (2022), [In need of repair: The National Housing and Homelessness Agreement, Study Report](#), Canberra.



The proposed process would see an application involving the provision of social and affordable housing determined by the DAP within 91 days, compared to 112 days for other eligible applications. DAPs would have 4 weeks from close of exhibition to consider and determine Homes Tasmania and CHP applications whereas they would have 7 weeks for other eligible applications. Shelter Tas supports timeframes that swiftly address DAP determination will help to fix the housing crisis by providing affordable, appropriate, safe and secure housing for all Tasmanians, and an end to homelessness.

Conclusion

Thank you for the opportunity to contribute to the consultation on the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025. For any further information on this submission, please contact:

Pattie Chugg, CEO Shelter Tas

E: ceo@sheltertass.org.au

P: 0419 536 100



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 03 6224 5488

 0419 536 100

 info@shelertas.org.au

ABN 99 007 503 300

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From:
To: [State Planning Office Your Say](#)
Subject: CM: Government changes to The Development Laws.
Date: Wednesday, 23 April 2025 11:36:27 AM

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I would like to voice my opinion re: The Changing of the Development Assessment Panel. i think the Government's proposal is taking all voices of Tasmanians, who will be silenced from putting forward the views, which they call democracy. Putting a decision to only a hand full of people will be taking the democracy way from the citizens, will also encourage underhanded and dishonest politics. It must not happen as the systems are corrupt enough now.

Donald L. McGinty.

23 April 2025

Mr Anthony Reid
Director – State Planning Office
Department of Premier and Cabinet
Via email: spo@stateplanning.tas.gov.au

Dear Anthony,

Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025

Thank you for the opportunity to provide a submission on the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025* (the Bill). This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of Tasmanian local government in collaboration with our members; all 29 councils.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by LGAT for that specific issue.

At the April LGAT General Meeting councils considered the Bill and voted to reject it in its current form. While the changes made to the previous version of the Bill are an improvement, they are superficial and immaterial to the key issues associated with the Bill.

Overwhelming, our sector questions the need for this legislation.

The Government's own Development Assessment Panels Framework Position Paper in 2023 said, *'Despite the statistical evidence there remains a perception that some Councils are less supportive of new development than others...'*.

The Position Paper goes on to acknowledge that Tasmania's existing development assessment process is working well, *'being one of, if not the fastest in the country'* when it comes to applications.

Discretionary applications are being determined in a median timeframe of 38 days (40 average) and permitted in 21 days (21 average). Compared to other states, Tasmanian councils are, on average:

- 6 days faster than SA
- 15 days faster than NT
- 21 days faster than ACT
- 43 days faster than NSW
- 45 days faster than Qld
- Data is lacking for WA, but we are perhaps around 40-50 days faster
- 89 days faster than Vic

The Future of Local Government Review Board reported that only about one per cent of discretionary applications across the state go to appeal and importantly the determinations made by elected representatives *‘were no more likely to be appealed than those by council officers’*.

In response to the 2024 draft Bill the Tasmanian Planning Commission said in their submission that the local government sector already administers development assessment processes efficiently and that this new process will:

- Add further layers to an already complex planning system,
- Require the duplication of administrative and technical functions, and
- Result in a more expensive planning system.

The changes in the current version of the Bill have done nothing to respond to these concerns.

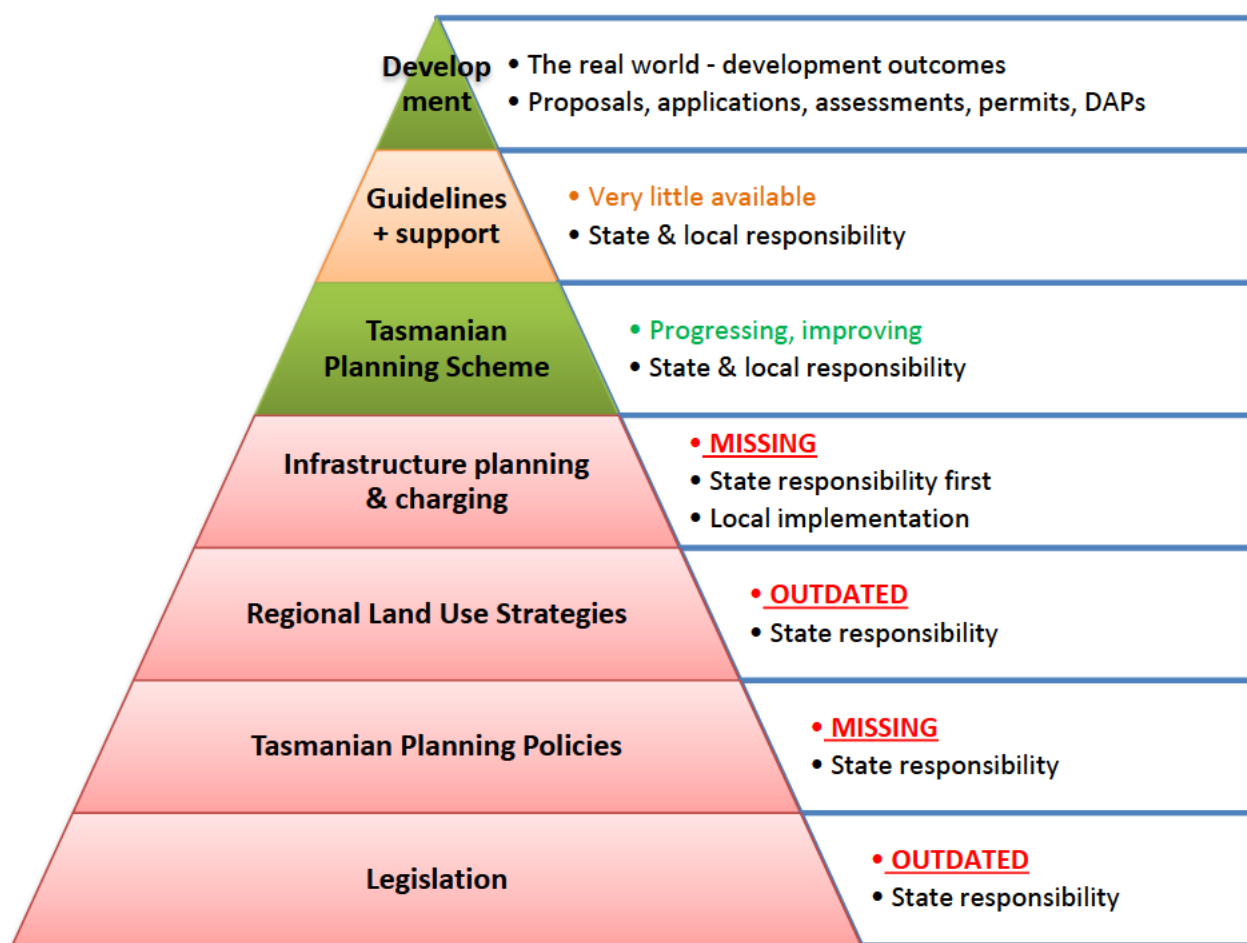
The diverting of precious planning resources to this reform comes at critical time in the development of our planning system, with either incomplete or outdated foundation pieces of our planning system.

The challenges being experienced within our planning system are the results of the planning system that the Government is responsible for administering and it has failed in its role to maintain our planning system. For example:

- Our planning legislation, the *Land Use Planning and Approvals Act 1993* is now over three decades old, and was literally made for a different century.
- The Tasmanian Planning Policies (TPPs), which should express the State Government’s policy approach and expectations of development and its regulation, are still not made after over seven years.
- The three Regional Land Use Strategies (RLUSs) are critical to guiding local development and increasing certainty for proponents. They are nearing 15 years old.

While the Government has developed this Bill it has not worked on these critical foundations that support good development outcomes for local communities and proponents. This is demonstrated in the following image.

Each layer of our framework supports the component above. Development assessment and decisions are the result of all the layers beneath it. But when you interrogate those layers, the foundations of our planning system are either outdated, or missing entirely. These are all state responsibilities. The state is failing our system, not councils.



The DAPs proposal presented by this Bill applies only to the outer surface of our planning system, the development assessment process (top) and it only applies to a very small number of proposals. It does nothing to fill the serious gaps at the very foundations of our planning system. The Bill is a superficial response to development issues. Councils want meaningful action on planning.

The local government sector stands willing to work with the Government on the desperately needed improvements to our planning system, but the current DAP proposal is certainly not one of them.

Please contact Dion Lester if you have any questions or would like further information, at

Yours sincerely,



Dion Lester
Chief Executive Officer

From: [Jai Larkman](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com;

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Wednesday, 23 April 2025 11:56:51 AM

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Dear Ministers,

I write to express my strong opposition to the 2025 revised DAP legislation. I find this revision a cynical re-submission with little change that flies in the face of previous strong opposition to the original legislation.

The release and comment period during easter and school holidays while citizens are otherwise occupied for such an important matter is equally offensively cynical.

This legislation only adds to the potential for corruption and nepotism that is rife in this state due to a low degree of personal separation between associates, friends and family of those making decisions on matters that favour their interests.

The ability to hand pick panels weighted with those likely to be favourable to governments desired outcomes is obvious. With the removal of merit based appeals, this is a flagrant and shocking attack on the democratic rights of Tasmanian citizens and must be rejected again outright.

I concur with the following information:

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.
- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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 critical planning decisions such as rezoning 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.

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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.

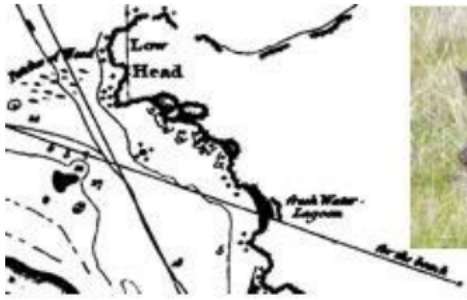
Yours sincerely,

Jai Larkman | Sustainability Assessment Officer

Furntech-AFRDI

www.furntech.org.au

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Friends of the Heads Inc.

State Planning Office
Department of State Growth.
23 April 2025

Dear Sir/Madam,

"Unsafe for any Community", FROTH Inc. Submission, Re: ['DAP' Planning Bill](#) (2025)

I write to object to the Rockliff ['DAP' Planning Bill](#), because if approved by Parliament, the proposed DAP Act will adversely impact not only all our current members, but also on future generations of friends and residents.

Rockliff's DAP Bill (2025) appears to us to be inherently **"Unsafe"**, because:

- A. Unlike the planning panel approval benchmarks set by those mainland States that already use Development Assessment Panels, in Rockliff's DAP Bill:
 1. Third party appeal rights are **OUT** [[DAP 2025 S.60AO](#)]
 2. Public Hearings are **OUT**. [[DAP 2025 S.60 AI\(2\)](#).] and
 3. Political donations by developers are still **IN**. (Despite the fact that the NSW, Qld, and the ACT all ban developer donations.)
- B. On 11 April 2025, all 29 Local Councils in Tasmania unanimously rejected the State Government's updated DAP Bill. ([LGAT, 11/4/25](#))
- C. Unfortunately, the Government's February [2025 DAP Background Report](#) for Consultation contains significant errors and omissions. eg: The Report claims ([p.5](#)) that Public Hearings will be held, whereas the Hearings defined in the Bill [[DAP 2025 S.60 AI\(2\)](#)] are not Public Hearings.
- D. The Consultation Report's claim ([p.1](#)) that the Rockliff Government's stated intent for introducing DAP's '*to take the politics out of planning*' is no longer relevant. This is simply because, the Government has clearly now changed its mind, and decided to put politics back into planning, by introducing legislation to Parliament that will give political planning approval to its proposed Macquarie Point Stadium project.
- E. Safer, more practical, and efficient alternatives to the DAP Bill have been put forward by [Professor David Adams](#), University of Tasmania . ([The Mercury, 1/3/25](#))

Yours sincerely,

Chris Flood
President

23 April 2025

State Planning Office
Department of State Growth

Via email: haveyoursay@stateplanning.tas.gov.au

Dear Sir/Madam,

DRAFT LAND USE PLANNING AND APPROVALS AMENDMENT (LUPAA) BILL 2025

1. INTRODUCTION

As a land owner in Tasmania and potential future developer, we welcome the opportunity to provide this submission to the State Planning Office, with regard to the revised draft Land Use Planning and Approvals Amendment Bill 2025 ('LUPAA Amendment Bill' or 'the Bill').

2. BACKGROUND

The preparation of legislation incorporating the introduction of independent Development Assessment Panels ('DAPs') was announced in July 2023, following an enquiry into the performance of local government undertaken in 2022. The LUPAA Amendment Bill intends to provide an alternative approval pathway for complex or contentious development applications.

LUPAA Amendment Bill Version 1 was tabled at Parliament in November 2024, where the bill was not passed by the Legislative Council.

Consultation on a revised LUPAA Amendment Bill Version 2 has now commenced. The State Planning Office is accepting submissions regarding the Bill until **5pm, Thursday 24 April, 2025**.

The revised 2025 LUPAA Amendment Bill seeks to facilitate similar approval pathways to those of Version 1, with key differences being in the eligibility criteria for development applications to utilise this pathway and other administrative changes.

At a high level, the LUPAA Bill 2025 seeks to introduce the following:

- **DAP Assessment Pathway:** Provides an approval pathway for certain discretionary development applications to be determined by an independent DAP, subject to the application satisfying relevant criteria, including the following (amongst others):
 - The application is valued at over \$10 million in cities and \$5 million in other areas.

- The application relates to development or subdivision including social and/or affordable housing.
- The applicant takes the view that the planning authority is not equipped with the technical expertise to assess the application.
- The application is for development that is of state significance or significant to the local area.
- **Ministerial Direction to Prepare a Draft Amendment:** Enables the Minister to direct a Council to prepare a draft amendment to its Local Provision Schedule (LPS) where the planning authority has refused to make an amendment to their Local Provisions, and the Planning Commission has directed them to reconsider, but they have still refused to progress the amendment.

Our submission with regard to this draft bill is provided below.

3. SUBMISSION

We are strongly supportive of the LUPAA Amendment Bill and believes the Bill to be an important reform to the Tasmanian *Land Use Planning and Approvals Act 1993*, as outlined below.

The proposed Bill promotes investment and economic growth in Tasmanian cities and regions. Notably, the Bill is an important undertaking in providing confidence to future proponents of both developments and planning scheme amendments, seeking to promote investment and growth at a local and state level.

Alternative, independent pathways for the assessment of applications will provide greater certainty to applicants that a proposal incorporating significant development can be appropriately and independently assessed.

We note that the majority of Councils throughout Tasmania are supportive of investment in their local area, are proficient in the assessment of planning applications, and have insight into their local community needs. Unfortunately, however, there may be instances where local Councils may be restrictive or lack the resourcing to appropriately assess larger-scale applications in a timely manner. In some cases, smaller Councils lack sufficient resources to assess larger projects in a timely manner. A lack of resources can therefore hinder the assessment of proposals which would stimulate growth and investment in the state.

We see the pathway allowing the Minister to direct assessment of a proposed amendment to a Scheme's Local Provision Schedule where it has been refused by Council as a positive step in allowing appropriate economic development in the State. In some circumstances, local Councils may be wary of development which has real or perceived local impacts but on balance achieves important state and regional objectives. Similarly, independent assessment by a DAP may deem a proposal to be of net benefit both at a local and state level, despite local government opposition.

The Bill will provide greater confidence to future applicants that the authority responsible for assessing an application will have the technical skills and resourcing to appropriately assess larger-scale proposals, whilst the independent nature of the panel ensures that a fair assessment of more contentious proposals will be undertaken. As such, this Bill provides the opportunity for such projects to be progressed on the basis of their merits, and in a timely manner.

The structure of the Bill provides authorities and communities with confidence that these proposals will still be rigorously assessed on their merits under the new pathway.

The proposed eligibility criteria for utilising this pathway are supported and appropriately allow for proposals of high complexity and contentiousness to be assessed under the proposed alternative pathway, as is the Bill's intention. We expect that the vast majority of applications will continue to be assessed by local Councils, but that in the case of substantial proposals with significant economic benefits, the new pathway will provide greater certainty for project proponents. Similar planning reforms have been introduced around the country, and we have seen benefits to local economies through faster approvals.

For the reasons outlined above, I submit that the LUPAA Amendment Bill, if passed, will be an important catalyst in promoting developer confidence, and in so doing, encouraging substantial investment within Tasmanian cities and regions. Therefore, this Bill will have a significantly positive impact for planning and economic growth in Tasmania, whilst ensuring applications are thoroughly and appropriately assessed. We commend the Bill to the Parliament.

We would welcome the opportunity to have a conversation with the Department, should the Department wish to further discuss this submission.

Kind regards,



Jasper Lai

By email:

TAS 7052
23/04/2025

The Honourable Minister for Planning
Parliament House, Hobart, Tasmania

Re: LUUPA Amendment (Development Assessment Panels) Bill2025 - Objection

Dear Sir

I object most strongly to this Bill on the following grounds:

1. The Tasmanian electorate were not informed about the proposed introduction of the Development Assessment Panel (DAP) process prior to the last election. Voters must be given the right to pass judgement on this proposed far-reaching measure at the next election.
2. Your Government has spent 10's of millions of dollars and many years implementing the new "Faster, easier, cheaper" Tasmanian Planning Scheme. The TPS is so cumbersome that after 6 years of great effort by the Kingborough Council, we still have no approved Planning Scheme in Kingborough – a real disgrace! Now, without electoral consent, the Tasmanian Government seeks a mechanism to get around the requirements of its own Planning Scheme!
3. Elsewhere in Australia where DAP's have been introduced with the intent of speeding up implementation of planning strategies (such as increasing population density along rail corridors), this has been ignored with developers being allowed to erect high-density developments in totally inappropriate locations. The motivation? Money, and lots of it.
4. The Tasmanian Planning Scheme, when complete, will reflect both the aims of STRLUS and the aspirations of the Tasmanian public. Pride in one's community is a key motivator and this will be at risk if one's living environment quality of life can be destroyed, with no real rights of appeal, by a faceless DAP committee that may have minimal interest in community wellbeing.
5. The introduction of the DAP's process is an open invitation for corruption. We have seen this before wherever there is lots of money to be made from dodgy developments.

To conclude, I am firmly of the opinion that the only honest and proper course of action in respect of this Bill is to defer it until such time as the electorate has had the opportunity to pass judgement on it at the ballot box.

Yours Faithfully



Miles Harrison

From: [Tina Curtis](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: #SCRAPTHEDAP (2025) - Protect peoples rights & voices
Date: Wednesday, 23 April 2025 1:24:49 PM

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Dear Sir/Madam

I oppose the formation of Development Assessment Panels (DAPS) for the following reasons:

- Development Assessment Panels would create an alternate planning approval pathway allowing property developers to bypass local councils and communities. They would be state appointed, not elected. Local concerns would be discounted in favour of financially invested, but not necessarily moral, developers.
- DAPs would Make it easier for governments to rubber stamp large scale contentious developments like the kunanyi/Mount Wellington cable car and associated appalling previously proposed summit development.
- DAPS would Remove 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.
- 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.

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as all these mechanisms are critical for a healthy democracy. Do not support the legislation that allows the creation of DAPs and instead invest in the local government system and existing planning processes by providing more expertise and resources to councils to effectively facilitate community participation in planning outcomes.

Yours sincerely,

Tina Curtis

From: [Colin Allen](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com;

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Wednesday, 23 April 2025 1:50:17 PM

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To All Concerned,

As a Landscape Planner/Architect I strongly object to the proposed DAP not only as it appears that the minority Liberal Government appears to want to pick and choose who seems to be assessed by the Planning Commission (private development but NOT public development dictated by the AFL), but also for all the reasons listed below. It should not be the AFL determining the future look and identity of our city!

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.
- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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 critical planning decisions such as rezoning 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.

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the

Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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,

Colin Allen

From: [chrisbell](#)
To: [State Planning Office Your Say](#)
Subject: CM: Protect our rights
Date: Wednesday, 23 April 2025 2:04:23 PM

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Dear Reviewers

This is an urgent appeal for you to reject outright the DAP Bill. This bill is nothing short of a corrupt shortcut to allow ALL developments to be approved WITHOUT the time-honoured process of Councils' involvement and the disallowing of the public to contribute.

Consider this: if the whole of government was stacked by environmentalists most people would consider this arrangement to be wholly unsatisfactory and corrupt. And yet here we are about to do the same thing. Corruption should be a thing of the past not the new arrangement to facilitate ALL developments simply because the current government believes in development at all costs.

This proposed bill is the worst piece of legislation I have ever seen in my 53 years in Tasmania.

Reject it or be seen as corrupt facilitators.

Sincerely
Chris Bell

From:
To: [State Planning Office Your Say](#)
Subject: CM: Submission on Revised Bill about Development Assessment Panels
Date: Wednesday, 23 April 2025 2:16:47 PM
Attachments: [Development Assessment Panel Revised Bill 2025 - Submission 23 April 2025.docx](#)

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Dear State Planning Office

Please find attached a submission on the proposed changes to LUPAA.

Yours sincerely
Scott

Scott Morgan

Submission on Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025

Dear State Planning Office

Thank you for the opportunity to comment on the Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025

Having reviewed the revised bill I do not consider that the changes compared to the 2024 Bill are significant and the 2025 version retains all the key flaws of the previous bill that was rejected by the Legislative Council.

The bill has previously been presented as "taking the politics out of planning", when it is actually taking the local democracy out of planning and transferring it to a combination of a group of unelected bureaucrats and a single minister. It also would make the process of decision making far less transparent and provide reduced opportunities for people to have a say and influence on decisions that will impact them and their local community.

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

- The DAP process would provide a planning approval pathway allowing developers to bypass local councils and communities. This fast-track process will remove the democratically elected councillors (who are representatives of the local community) from having a say on the developments that will have the biggest impacts on their local communities. There already exists legislation for projects of state significance or major projects. I can see no good reason for projects which fall below the thresholds as stated in that legislation to be removed from the responsibility of local government.
- The processes outlined for the DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public (such as compared with council and committee meetings where decisions are made). DAPs do not have to provide written reasons for their decision, which given the lack of transparency compared to the processes used by local government, is not acceptable. This also makes it difficult to seek judicial review, where such a course is warranted. 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.
- Given their nature DAPs are less likely to deeply engage with local communities, and certainly be less familiar with the local community than local governments. The timeframes in the bill for a decision to be made are longer than the 42 days required for decisions by local government. Past experience shows that they are likely to be less efficient, as councils process many DAs and have streamlined systems. As an example of non-council inefficiency, when the Sullivans Cove Waterfront Authority ceased operation and responsibility returned to Hobart City Council, the amount of extra staff required by the council was only a fraction of that which had been employed by the Authority for processing development applications.

- DAPs will make 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 proposed UTAS Sandy Bay campus re-development, even if the local community is strongly opposed.
- if approved it would remove merit-based planning appeal rights on all of 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, light and so much more. The Tasmanian Civil and Administrative Tribunal (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, which can often resolve issues and result in more suitable and sustainable development.
- Development permits could only be appealed through the Supreme Court based on a point of law or process which have a narrow focus, depriving the community of being able to challenge a permit based on its merits. Such challenges 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 via this proposed legislation increases the politicisation of planning decisions, potentially riding roughshod over important community views and concerns. 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.
- Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a 'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.
- The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria:
 - In the section that states threshold valuations of \$10 million in cities and \$5 million in other areas, there is also section 2 (d) where "a class of application prescribed in

Regulations", can also be included. This means any other class can be added on the whim of the government or minister by regulation and not have to be approved by parliament.

– 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 100 that is affordable.

– In the proposed section 60AD one of the criteria is that “the application is for development that is considered to be of significance to the local area”. It is considered far more appropriate for the local government for the area acting as the planning authority to make the decision on a planning application as they are the elected representatives of the local area.

– In the proposed section 60 AD one of the criteria includes whether “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”. This is too broad and ill-defined and could be used in almost any instance. Local governments have processes to address conflicts of interest of councillors. The use of the term “perceived bias” is considered to be inappropriate as it is almost totally subjective. There should be a need of actual evidence of demonstrated bias.

- Poor justification – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania’s planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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.
- It would increase 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?

The 2025 version of the proposed legislation has not significantly changed from the 2024 version that was refused by the Parliament in November 2024. All of the key flaws remain. As noted in more detail below the changes have little practical impact.

- One eligibility criterion has been removed, that a project is likely to be ‘controversial’, but the other broad and undefined criteria are retained. There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values would however potentially still be eligible under the other criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the minister only needs to give regard to them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights

have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

There is a need to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Decision making needs to be retained at the local level being made by locally elected representatives, rather than bypassing it, and there needs to be opportunities for merits based appeal. The implementation of DAPs should be abandoned and instead investment should be made in improving expertise and systems in local government 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.

Yours sincerely

Scott Morgan

32-34 Georges Bay Esplanade
St Helens Tasmania 7216
T: 03 6376 7900 | ABN 96 017 131 248



Our Reference: 23/5310
Contact: Deb Szekely

23 April 2025

Mr. Anthony Reid
Director
State Planning Office
Department of Premier and Cabinet
GPO Box 123,
HOBART TAS 7001

E: haveyoursay@stateplanning.tas.gov.au
E:

Dear Anthony,

LUPA Amendment (Development Assessment Panels) Bill 2024

Thank you for the opportunity to provide comments on the revised draft **LUPA Amendment (Development Assessment Panels) Bill 2025**.

The proposal to introduce an alternative pathway for Development Assessment continues to represent a significant departure from the current framework. The period afforded for public consultation is a welcome deviation to the past management of this process. Meaningful consultation when attempting to introduce an amendment to the Tasmanian planning system, with potentially far-reaching implications, is a requirement that will always be closely guarded.

Firstly, and foremost, Council wishes to remain open-minded to the proposed regulatory reform. It is important we remain engaged within the process to ensure we continue to manage any impacts to Council as the planning authority and advocate for a system that is fair, equitable and robust.

The council's position on the revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025 remains restricted to three primary areas.

The first being support for a referral trigger to a Development Assessment Panel in matters of social and affordable housing but restricts this support to development applications being lodged by Homes Tasmania. It is imperative that the State is able to deliver social and affordable housing. Qualifying the referral of development applications for social and affordable housing by or on behalf of Homes Tasmania only, ensures any deviation from the existing DA process is justified and appropriate for a statutory body tasked with providing housing and housing assistance to eligible Tasmanians. The governance structure of Homes Tasmania ensures the additional development assessment pathway will be utilized appropriately to deliver on their core task.

Secondly, Council again reiterates its support for a planning authority to be able to refer applications for which it is the applicant and the planning authority, to a Development Assessment Panel. This support continues to be grounded in the desire to ensure the development assessment process is open, transparent and in accordance with planning instruments.

Finally, there remains overwhelming concern regarding the loss of appeal rights through the DAP process. Council continues to oppose any loss of appeal rights despite understanding the reasoning provided in information materials to date.

Ministerial direction to prepare a draft amendment to an LPS also continues to be a concern to Council. Similar to any other aspect of the proposed amendment that requires direction from the Minister, the detail within any Commission Guidelines to assist the Minister in decision-making, must be part of a further community consultation process.

Break O'Day Council is also interested in further edits that address full cost recovery for the role of local government within the process and ensuring the eligibility for Councilors to choose to attend the Hearings irrespective of whether or not they have made a representation on the development application.

The Break O'Day Council maintains an open mind about the proposal and looks forward to continuing to be a part of the conversation around regulatory reform to Tasmania's planning system.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Raoul Harper", with a stylized flourish at the end.

Raoul Harper
Acting General Manager

From: [Rosanna Cameron](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Wednesday, 23 April 2025 2:36:04 PM

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Dear Members

I have used the presented reasons for not passing the DAP laws because this presentation has all the facts. and is endorsed by me. I could not write it better.

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I put in a submission against the original legislation and I have not changed my mind.

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. 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. Developers are in Building for their own profit. the do not have to live in the Community after the development is completed. I have seen development where the

Developed says he is going to live in the units - so that they can make it all feel better - but then the sell immediately after.

- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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 critical planning decisions such as rezoning 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.

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a *'perceived conflict of interest'*, *'a real or perceived bias'*, *'the application relates to a development that may be considered significant'*. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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.
- **2025 legislation not significantly changed**
- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in

metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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.

I am aware that there is great public awareness and resistance to this legislation . I hope that we - the people can be heard.

Yours sincerely,



State Planning Office
Department of Premier and Cabinet
HOBART TAS 7000

23 April 2025

Dear Madam/Sir

I am writing on behalf of the Taroona Community Association (TCA) to lodge a submission regarding the Tasmanian Government's *Draft Land Use Planning Approvals Amendment (Development Assessment Panel) Bill 2025*.

Taroona is a southern suburb of Hobart located in the Kingborough local government area. It has a population of just over 3000. The TCA seeks to:

- enrich the lives of Taroona residents by helping them connect with each other, utilise the services within our community, and enjoy and care for our foreshore and other parks and reserves
- promote Taroona's community services and groups
- effectively represent Taroona residents on matters of community interest
- liaise with Kingborough Council on general maintenance of our public areas and on development proposals within our community.

In 2024 the TCA conveyed our strong concern in response to the Government's Position Paper proposing Development Assessment Panels. Later in the year the TCA again lodged an objection in response to the Government's public exhibition of the first version of the draft DAP Bill. There were over 450 submissions received at this time with the majority against that bill. Nevertheless, in November, only one week after the closing date of public submissions, the Government proceeded with tabling the unamended DAP Bill in Parliament. Following hearings, the Legislative Council voted against this bill.

It is very disappointing that the Tasmanian Government has not been receptive to the considerable and ongoing opposition to the first version of the DAP Bill. Opposition has included the majority of Tasmanian councils and the Local Government Association of Tasmania which represents these councils. The Government nevertheless, has had the audacity to propose to table in Parliament an updated version of the DAP Bill, slightly amended, but with the same essential framework and intention.

The TCA is standing firm on its position. We remain strongly concerned about this planning reform and are opposed to the amended DAP Bill for the following reasons:

1. It will diminish democracy and the legislatively defined planning powers of local government. Taking planning decisions away from elected councillors undermines local democracy.
2. The draft bill still provides for Ministerial power over the planning system. This is inherently political and antidemocratic.
3. The system is effective and works well. The Government has not provided any evidence as to why this reform is needed. Tasmania's development assessment process overseen by Local Government as laid out through planning legislation is one of the fastest in Australia. The evidence is clear; last year there were about 12,000 planning applications that were lodged with Tasmanian local governments; only 1% of discretionary applications went to appeal and most of them had a mediated outcome.
4. The DAP Bill just adds further layers to an already complex planning system that will lead to the duplication of administrative and technical functions of local government that is already under pressure.
5. This Bill fundamentally reduces merit-based planning appeals again undermining democratic processes, and it increases political interference in the development assessment process. The Tasmanian Civil and Administrative Appeals Tribunal (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'.
6. Removal of merit-based planning appeals removes the opportunity for mediation which reduces good planning outcomes, and can lead to greater corruption.
7. There are many conflicting and contradictory issues with the DAP frameworks that will lead to complexity and greater timeframes. Rather than streamline the system, it will increase red tape and assessment timeframes.
8. The criteria to determine eligible applications for referral to a DAP, even though refined, remain too broad to have transparency, and some cannot be applied objectively.

The Government needs to focus its efforts on completing the larger planning reform projects that are already underway that will genuinely improve the planning system from the top down. These are the Regional Land Use Strategies, the Policies and improvements to subdivision legislation.

Overall the proposed DAP framework will make it easier to approve large scale contentious developments. The framework has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.

Thank you for the opportunity to comment.

Yours sincerely

Jill Hickie
TAROONA COMMUNITY ASSOCIATION

From: 
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Defend Democratic Process, Scrap the DAP.
Date: Wednesday, 23 April 2025 2:38:57 PM

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I wish to make some commentary on the proposed 2025 DAP Bill. It is inappropriate, over-reaching, and anti-democratic. Tasmania needs **sustainable** and site-appropriate developments, not rush jobs performed for political gain.

I note that the [2025 revised DAPs legislation](#) has not been significantly altered, from the 2024 version that was refused by the parliament. The new version retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.
- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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 critical planning decisions such as rezoning 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.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any

development can fit the remaining criteria.

- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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,

Dr. Andrew Grosse (PhD, Chem).

From: [Scott Coleman](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com;

Subject: CM: PROTECT LOCAL VOICES - SCRAP THE DAP'S
Date: Wednesday, 23 April 2025 2:55:20 PM

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I am writing to express my strong objections to the proposed Development Assessment Panels.

The government, along with the hilariously titled opposition, are submitting a revised draft of the bill, which despite minor amendments, does nothing to alter the intention or effect of the draft legislation. All my original concerns remain.

I have heard the minister talking about those of us who took the time to make a submission on the massive undemocratic changes proposed.

He made clear his contempt for anyone who had the nerve to object to his power grab.
His rude, arrogant and patronising statements, dismissing all concerns with the lazy term "Nimbyism".
This verbal assault alone gives me no reason to respect him as a person, let alone his ability to make fair and unbiased decisions.

His parties complete incompetence in the Bass Strait ferries debacle alone, demonstrates a party wide lack of common sense, let alone real capability. It's a pity their losses in the last election added not one jot of humility to their demeanour.

I have to scoff at the idea that a politically partisan individual minister, of any ilk, is somehow less subject to bias, or more knowledgeable concerning local issues and needs, than the democratically elected collection of individuals that comprise a local council.

Once again we see the pretense of community consultation and response to concerns. The almost Trumpian desire for autocracy demonstrated by this draft bill is not something we need or want in Tasmania.

Scrap this appalling legislation.

I also add my support to the submission from the P.M.A.T. included below.

Sincerely

Scott Coleman.

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.
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- **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. The Tasmanian Civil and Administrative Tribunal (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*'.
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- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on

a *'perceived conflict of interest'*, *'a real or perceived bias'*, *'the application relates to a development that may be considered significant'*. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria:

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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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

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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.

From: [G Davis](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Wednesday, 23 April 2025 3:48:22 PM

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Dear Minister of Parliament,

I am writing to make a submission against the proposed Development Assessment Panels 2025 legislation. The proposed DAPs are an undemocratic way of conducting planning assessments. They are not independent, transparent, nor chosen by any rigorous protocols to include properly qualified, ethically minded members.

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
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- **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.
- **DAPs will make 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 proposed UTAS Sandy Bay campus re-development.
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- 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.

I ask you to consider all of the above reasons for not passing this legislation. We have a fine planning process now through councils and an opportunity to appeal through an independent body in the form of TASCAT. Decisions made by a DAP will not alleviate community concerns nor address poor planning.

Yours sincerely,

Georgina Davis

From: [Collette Lansdell](#)
To: [State Planning Office Your Say](#)
Subject: CM: Scrap the Development Assessment Panels Bill
Date: Wednesday, 23 April 2025 4:36:58 PM

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I support the scapping of the Development Assessment Panels Bill.
It's not a fair process for rate payers .

Collette Lansdell

From: [Jane Boot](#)
To: [State Planning Office Your Say](#)
Subject: CM: SCRAPTHEDAP
Date: Wednesday, 23 April 2025 5:21:31 PM

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- 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,

Jane Boot

From: [NE Bioregional Network](#)
To: [State Planning Office Your Say](#)
Subject: CM: Development Assessment Bill 2025 comment
Date: Wednesday, 23 April 2025 5:28:11 PM

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To whom it may concern we are resubmitting our previous representation on Development Assessment Panels as our concerns remain the same.

NE Bioregional Network

From: [redacted]
To: yoursay.planning@dpac.tas.gov.au
Thu, 30 Nov 2023 at 10:17 am

The North East Bioregional Network is a community based nature conservation group with a long history of engagement in land use planning issues. We have participated in numerous RMPAT/TASCAT and RPDC/TPC processes related to specific developments as well as broader land use strategies and planning scheme reviews.

In the early to mid 1990's a raft of visionary planning/conservation laws were implemented in Tasmania including establishing the RPDC and RMPAT, the LUPA Act, Threatened Species Act and State Coastal Policy. For a while these new initiatives created opportunities for the local community to have meaningful input into land use planning and protection of our coast and threatened species. However over time and particularly since the election of the Liberal Government in 2014 planning laws have been weakened year after year under the guise of reducing "red and green tape"in other words making planning laws more developer friendly and limiting community groups and individual citizens ability to participate in land use planning.

Development Assessment Panels (DAP) represent yet another tranche of this Governments continual white anting of land use planning to progress the agenda of vested interest groups such as the Property Council, Master Builders Association, Housing Industry Australia etc etc etc. A good example is the proposed automatic referral of "affordable housing" projects to the DAP without any definition or criteria of what constitutes "affordable housing"basically a means of fast tracking large scale housing development for the benefit of property developers.

We do not support establishing DAPS.:

- *They have failed in other states of Australia
- *They give more power to the Minister in a state (Tasmania) where there is already inadequate anti corruption oversight and where as in other states of Australia property development is one of the highest risk areas for corruption to occur.
- * Having the TPC select DAP members is somewhat problematic. For example should Pam Allen be allowed to select a DAP member when she is a member of Northern Tasmania Development a pro development lobby group.
- *It will limit or possibly exclude third party appeal rights for individuals and community groups to object to inappropriate development.

Todd Dudley
President
North East Bioregional Network

From: [Karmen Pemberton](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Wednesday, 23 April 2025 5:40:52 PM

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The Draft DAP fast-track process will remove our (elected) councillors from having a say on what undoubtedly will be controversial and inappropriate developments in our communities. I cannot believe too that there will be no right for the community to appeal the final decision to the planning tribunal! I, and many members of this Tasman community, strongly oppose this DAP process.

Karmen Pemberton

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From:
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: our rights & our voice – #SCRAPTHEDAP
Date: Wednesday, 23 April 2025 5:51:47 PM

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Tasmania needs independent planning processes that are separate from Ministerial influence and control. Citizens should be entitled to be involved in planning processes.

The idea that developers can bypass the normal planning processes whenever it suits them or the current Government or Minister is a process that invites a perception of closed government and corruption.

If the planning rules and zoning is wrong, then change the planning rules and zoning, but don't introduce special legislation to bypass the existing planning process.

Even worse is a habit of the current government of introducing special legislation for any project they feel they would like to run roughshod over the opinion of the people, but that is another matter.

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.
- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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*'.
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- **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 critical planning decisions such as rezoning 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.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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- 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

From:
Sent: Wednesday, 23 April 2025 6:30 PM
To: State Planning Office Your Say
Subject: Reject the DAP's
Attachments: Scrap DAP April 25.docx

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<https://aka.ms/LearnAboutSenderIdentification>]

To the Planing Authority

Please find attached our submission seeking to reject the proposed DAP's

Geoff and Rosie Murray

Save Democracy and Scrap the DAP

We are writing to express our emphatic objection to the proposed Development Assessment Panels which are intended to diminish public participation in assessing development proposals. We list some of the reasons for dismissing this proposal which include the well –recognised and obvious objections such as these listed below:

- Lack of justification or rationale for this major change. Tasmanian approvals are amongst the fastest in Australia (reference ABC Morning Show interview 22nd April 2025)
- Overriding the normal democratic processes
- Providing a pathway for projects that would otherwise fail normal planning process
- Lack of independence
- Demonstrably pro development bias
- Potential to favour large scale development so often supported with resources to ensure approvals
- Without reflecting on the integrity of the current members of the TPC, there is the very obvious potential for corruption and conflict of interests
- No justifiable rationale or public demand for this proposed changes
- Inadequate and unsuitable protection procedures for developments
- Obvious potential for political intervention to override the democratic rights.

Let us consider a current example which epitomises the intent of this legislation. Our submission focusses on the last point with a specific example that epitomises so many of the above points. The contentious proposed over development of Droughty Point as submitted by the US based developers in a manner based on intensive US style development in conflict with Tasmanian way of life, disregard of skyline, destruction of native bushland, elimination of wildlife habitat, creating an unworkable and unsafe transport network, lack of provision of suitable and usable public open space (not ‘cliff’ faces as proposed), destruction of the visual appearance of the iconic headlands, disregarding the steep contours and adverse consequences, disregard for endangered hand fish breeding grounds, creating a network of visually offensive and unnecessary roads over the hilltop. All of this is in the name of generating massive profits.

The community would accept sensible rationale development consistent with Tasmanian values and most certainly not excessive overdevelopment as proposed. Objections to the contentious issues were expressed emphatically over a number of years by different means.

1. A preliminary survey by Council appointed consultants, Niche, showed overwhelming opposition to extending the UGB, linking roads to Rokeby, development on the skyline, destruction of native vegetation, over development, inappropriate road network, lack of suitable public reserves, adverse visual impacts plus unsuitability of intensive development.
2. The developer’s consultants own on-line survey was fully consistent with these objections with many more opposed than supported it. These results were removed off line but recall suggests as many as three or four times as many people objected compared to those who supported it. Allowing for support coming from those seeking financial gain then these results are very telling.

From: Stephen Huth >
Sent: Wednesday, 23 April 2025 6:30 PM
To: State Planning Office Your Say
Subject: - #SCRAPTHEDAP

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To whom it may concern,

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.
- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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.**
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- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning 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.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a *'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant'*. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria:

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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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

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- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
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- 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.
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Yours sincerely,
Steve Huth

Sent from my iPhone

From: Jamie Riley
Sent: Wednesday, 23 April 2025 6:30 PM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights & our voice - #SCRAPTHEDAP

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I'm writing to you to voice my opposition to the DAP proposal, as it would remove individuals like myself from the planning process. When corporations and entrepreneurs want to demolish Tasmania's precious wilderness heritage areas, the only thing that stops them is people power. This legislation is a way to circumvent democracy and take rights away from everyone who is affected by these harmful planning proposals, forcing communities to put up with new schemes that they as a whole would have rejected in the name of capitalist greed and "growth." While the things that make Tasmania unique and special are killed with impunity. I urge you to vote against this new version of the DAP bill and protect our rights as concerned citizens. Those of us who care about the environment and our future generations are appalled by such an obvious grab for money and power, that once again puts profit margins ahead of sustainability, community and a liveable planet.

The 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

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a ‘perceived conflict of interest’, ‘a real or perceived bias’, ‘the application relates to a development that may be considered significant’. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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Poor justification – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania’s planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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.

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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,
Jamie Riley

From: Deleeze Chetcuti >
Sent: Wednesday, 23 April 2025 6:09 PM
To: State Planning Office Your Say
Subject: Kingborough Council submission - Draft LUPA Amendment (DAPs) Bill 2025
Attachments: Kingborough Council- Draft Bill submission_April 2025.pdf; Kingborough Council- Draft Bill submission_ Nov 2024.pdf; Kingborough Council- Draft Bill submission_ Nov 2024.pdf

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Good evening,

Please find attached Kingborough Councils submission on the Draft LUPA Amendment (DAPs) Bill 2025 and copies of referenced previous submissions.

Kind regards

Deleeze Chetcuti | Director Environment, Development and Community | Kingborough Council

Phone (03) 6211 8204

Address Civic Centre, 15 Channel Hwy Kingston TAS 7050

Email dchetcuti@kingborough.tas.gov.au | **Web** www.kingborough.tas.gov.au

The logo for Kingborough Council, featuring the word "Kingborough" in a serif font with a green swoosh underneath.

Kingborough Council acknowledges and pays respect to the Tasmanian Aboriginal Community as the traditional owners and continuing custodians of this land and acknowledge Elders – past, present, and emerging

Please consider the environment before printing this email. This email and any attachments is strictly confidential and should be read only by those persons to whom it is addressed and its content is not intended for use by any other persons. If you are not the intended recipient you must not use, copy or distribute it. If you have received this message in error, please destroy and delete the message along with any attachments from your computer and notify us immediately.

23 April 2025

The Hon Felix Ellis
Minister for Housing and Planning

Via email: haveyoursay@stateplanning.tas.gov.au

Dear Minister,

KINGBOROUGH COUNCIL SUBMISSION ON DRAFT LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2025

Thank you for the opportunity to make a submission on the above-mentioned Draft Bill.

Council previously made submissions on the proposed development assessment panels (DAPs) in November 2023 and November 2024 (attached hereto). In both submissions, Council expressed that DAPs are broadly unnecessary but acknowledged potential benefits for certain Councils and application types. Council also raised concerns about the proposed model, particularly:

- The Minister's decision-making powers
- The broad, subjective criteria for referring applications to a DAP
- The loss of local knowledge in the assessment process

The revised DRAFT Bill includes the following changes:

- Removal of an applicant's ability to request transfer of an application to a DAP process partway through a council assessment process.
- Reduction in the subjective grounds upon which the Minister can refer a new application to a DAP (no longer if an application is 'controversial').
- Increasing the value thresholds for an application to be referred to a DAP from \$5 million to \$10 million in a city, and from \$2 million to \$5 million in other areas.
- Allowing the Commission to issue guidelines to assist the Minister in determining whether to refer an application to a DAP and a requirement for the Minister to take these guidelines into account when making that determination.
- Other changes relate to alternate dispute resolution techniques, modified hearing dates, substitute panel members and Heritage Council involvement in the process

While the changes introduced in the 2025 revised draft Bill represent an improvement to the previous proposed framework, they are relatively minor and do not address the fundamental deficiencies in the proposed statutory framework for the DAP process, which remains concerning for the reasons outlined below.

Compromised public involvement

The draft Bill proposes to remove appeal rights and delay public exhibition until after a recommended decision has been made. These measures risk significantly undermining public confidence in the planning system and run counter to the objectives of Tasmania's Resource Management and Planning System, which promote public involvement in planning matters.

Ministerial interference

The draft Bill continues to allow the Minister to review a planning authority's decision not to prepare a Local Provisions Schedule (LPS) amendment and to direct planning permit applications to the DAP process based on subjective grounds, with guidelines yet to be determined. The ad hoc nature proposed in the Bill, enabling ministerial intervention on a case-by-case basis is not supported. Council's concern is that there is a risk that planning decisions could be driven by political agendas rather than by long-term planning goals or community needs. It is acknowledged that guidelines are proposed to be developed however as the guidelines are not available, comment can not be made as to their appropriateness.

Loss of local knowledge

For many applications, particularly subdivisions and larger developments, Council become the authority for maintaining the associated constructed public infrastructure as well as being responsible for development permit compliance. Council is concerned that the proposed DAP process will compromise Council's ability to properly assess these components of an application which will then increase the likelihood ongoing management and maintenance issues.

Resourcing and timeframes

It is still uncertain whether the new DAP process will receive sufficient resourcing or be practically achievable within the proposed timeframes. While the Commission has the discretion to extend assessment periods, the timeframes as proposed remain ambitious.

Yours sincerely,

DELEEZE CHETCUTI
DIRECTOR – ENVIRONMENT DEVELOPMENT AND COMMUNITY
KINGBOROUGH COUNCIL

11 November 2024

The Hon Felix Ellis
Minister for Housing and Planning

Via email: yoursay.planning@dpac.tas.gov.au

Dear Minister,

KINGBOROUGH COUNCIL SUBMISSION ON THE DRAFT DEVELOPMENT ASSESSMENT PANELS BILL 2024

Thank you for the opportunity to make a submission on the draft Development Assessment Panels Bill 2024 (the draft Bill).

At its Council meeting held on 4 November 2023, Kingborough Council considered the proposed changes contained in the draft Bill. The commentary below reflects the content of the report tabled in the agenda (attached) and views put forward by elected members during the discussion.

The proposed framework

As outlined in the submission made on 27 November 2023 on the Development Assessment Panels Position Paper, Kingborough Council (Council) considers the need for a Development Assessment Panel (DAP) as broadly unnecessary, however it is acknowledged there may be benefit of a DAP for some Councils and applications. In its submission, Council suggested that if a DAP were to be established, Planning Authorities should continue to receive and complete the assessment of relevant applications and provide recommendations to a DAP for consideration. This model would avoid the creation of another approval pathway and retain local knowledge in the assessment process. This is not the model proposed in the draft Bill where eligible applications can be referred to the Tasmanian Planning Commission (the Commission) who will then establish a DAP to undertake the assessment. The complexity of the planning process and assessment timeframes are a recurring theme in feedback received by Council from applicants. While it is acknowledged that the intent of the draft Bill is to address potential political influence on decision making for development applications, the proposed approach appears to increase 'red tape' and assessment timeframes and is counterintuitive when the existing process could be modified to achieve the same outcome without increasing complexity.

Utilising the Commission and its governance processes to establish a DAP when required is a reasonable and practical approach. To ensure the objectives of the draft Bill are achieved, it is suggested that the Commission develop and publish governance policies relating to the management of DAPs and application referrals, as well as regularly monitoring and reporting performance against these policies.

Types of applications suitable for referral

Council maintains the view that a DAP could play a beneficial role for applications for social housing, for Councils who are resource constrained, for complex and highly technical applications and for applications where the Council is the applicant.

The proposed framework allows for applicants (and the Planning Authority) to apply to the Minister for an application to be assessed by a DAP, which can be made anytime through an assessment. This appears to be contrary to the intent of the draft Bill, as it will result in the state government being directly involved in decision making within the assessment process. The proposed framework does necessitate a means to determine the eligibility of applications for assessment by a DAP, and it is suggested that the Commission is the appropriate body to make this determination rather than the Minister. The criteria set out in the draft Bill for the Minister to refer certain applications to the Commission are subjective. To ensure that referrals are made objectively, consistently and are not influenced by political priorities, more detailed guidance, definitions and evidence requirements should either be included in the draft Bill, subordinate regulations or in supporting guidelines.

The ability for an applicant (or Planning Authority) to apply to the Minister for the transfer of an existing assessment to the Commission does not represent procedural fairness and will be difficult for all entities involved to navigate and administer. If retained, it should only be allowed in strict circumstances where sound evidence can be provided by the entity applying for the transfer. Again, the Commission would be more appropriate in determining whether an application is eligible in these circumstances.

Permit enforcement

Council is concerned that a DAP in the context of the proposed framework (i.e. undertaking an assessment) would be limited in its ability to consider and account for the practical implications of ongoing permit enforcement. It is noted that applications will be referred to planning authorities, however if recommendations provided are not properly incorporated into the assessment and permit, it is likely that there will be ongoing financial, asset management and environmental impacts which will then become Councils' responsibility to manage. This issue could be avoided by implementing the suggested model where planning authorities complete an assessment and provide recommendations to a DAP for consideration.

Minister direction to prepare a draft amendment to a Local Provisions Schedule

The draft Bill 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 (the Act) has been exhausted. The rationale for this amendment has not been provided in the consultation material and 'special circumstances' are not defined in the draft Bill. This amendment seems to be in contrast with the intent of removing the influence of politics from the planning process and lacks sufficient detail to inform meaningful consultation. A more suitable approach may be to undertake legislative reform to allow for an appeal or review of the validity of a planning authorities decision to refuse an application to amend its LPS.

Thank you for your consideration of this submission,

Yours sincerely

DAVE STEWART
CEO
KINGBOROUGH COUNCIL

Kingborough Council

 Civic Centre, 15 Channel Highway, Kingston TAS 7050
 (03) 6211 8200

 kc@kingborough.tas.gov.au

 Locked Bag 1, Kingston TAS 7050
 www.kingborough.tas.gov.au

From: Stevie Davenport <>
Sent: Wednesday, 23 April 2025 5:53 PM
To: State Planning Office Your Say
Cc:

Subject: DAP 2025: please discard

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Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

Via email: yoursay.planning@dpac.tas.gov.au

Dear State Planning Tasmania Staff,

Re: Draft Development Assessment Panel – Draft Bill 2025

Thank you for the opportunity for input regarding DAP 2025

As a ratepayer/part-time resident in Hobart and ratepayer/resident of the East Coast, someone who loves Tasmania, its natural and heritage attributes, I strongly object to another move towards eroding our democracy.

Erosion of our democracy is, effectively, the proposed outcome should the Development Assessment Panel 2025 be approved.

The DAP, and the treatment of some proposed developments currently under consideration give the impression of our Tasmanian State Government as a bulldozer, ploughing roughshod over citizens' preferences.

I strongly object to:

- the proposed bypassing of Local Government in decision-making regarding proposed developments
- removing from individuals and the organisations we support, the right of appealing development decisions
- Development Assessment Panels being proposed for development applications for public in addition to private land. This is extraordinary overreach. It provides the potential for Government to be swayed for developments in our precious public spaces – e.g. National Parks, public reserves and World Heritage Areas.

Please, fulfil our democracy fully and let us aim for a fair working democracy in projects large and small, on land and sea.

Yours sincerely,

Stevie Davenport

From: Mila
Sent: Wednesday, 23 April 2025 6:32 PM
To: State Planning Office Your Say
Subject: Submission on Draft LUPA Amendment (Development Assessment Panels) Bill 2025

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To Whom It May Concern:

I am writing to object to the proposed Draft LUPA Amendment (Development Assessment Panels) Bill 2025. This legislation is undemocratic and is likely to result in great harm to Tasmania.

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, this 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.

In essence, the DAP Bill threatens the following:

1. Loss of Community Voice: Local councils, who know the specific needs and wishes of their communities, would be sidelined. Decisions affecting our cities would be made by panels that lack proper accountability to residents.
2. Erosion of Democratic Principles: It is crucial to maintain transparent, participatory planning processes. Tasmanians must retain the right to appeal decisions and take part in shaping their communities' futures.
3. All 29 local Councils have rejected the Bill.

A similar Bill was rightly defeated last year, because its potential harms were understood. The current Bill that is under consideration is not sufficiently different from the first. It should therefore be rejected.

Regards,

Lyudmila Gunko

From: [Lalani Hyatt](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com;

Subject: Protect our rights & our voice - #SCRAPTHEDAP
Date: Wednesday, 23 April 2025 6:40:11 PM

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The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public 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.

- **DAPs will make 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 proposed 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. The Tasmanian Civil and Administrative Tribunal (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 critical planning decisions such as rezoning 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.

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

NOTE: The scope of the DAPs includes a range of other 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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. 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?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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,

Lalani A Hyatt

State Planning Office
Department of Premier and Cabinet
Executive Building
Level 7, 15 Murray Street, Hobart, TAS 7000
yoursay.planning@dpac.tas.gov.au

24th April 2025

Response to Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025

Dear Sir/Madam,

Master Builders Tasmania appreciates the opportunity to continue providing input as this important piece of legislation progresses through its final stages. As the peak industry body representing Tasmania's building and construction sector, we advocate on behalf of residential, commercial and civil contractors, as well as subcontractors, suppliers and associated professionals across the state. Our focus is on ensuring a fair, efficient and sustainable industry that supports economic growth and delivers high-quality outcomes for the Tasmanian community.

It is on behalf of this diverse and essential industry that we remain supportive of the intent and direction of the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025*, and we are pleased to see that the latest draft incorporates a number of thoughtful amendments.

These changes take meaningful steps toward improving the transparency, clarity, and overall effectiveness of the planning process, outcomes our industry has long advocated for.

In particular, we appreciate:

Guidelines for referrals

Empowering the Commission to issue clear guidelines helps everyone understand which types of proposals—whether social housing, subdivisions or other projects—may be steered to a DAP.

Panel makeup

The requirement to appoint three to five panellists, and only expand a panel where extra expertise is genuinely needed, gives confidence that each DAP will be properly balanced and focused.

Broader inclusion

Recognising registered community housing providers alongside Homes Tasmania ensures that all genuine social housing proponents have access to the same streamlined pathway.

Fee framework

Setting out maximum and minimum fee parameters, and defining exactly who may charge those fees, lays the groundwork for fair, predictable costs.

Built-in evaluation

A formal five-year review will let us check that the DAP process is working as intended and fine-tune it if needed.

These are positive steps, but we remain mindful of a few areas where further detail will be important:

Key Concerns and Risks from an Industry Perspective

Incorrect information within the Background Report

We note that the Item 2.1 DAP assessment pathway "Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025 - Background Report for Consultation" states that:

"2.0 Summary of DAP Bill 2024

2.1 DAP assessment pathway

The DAP Bill 2024 provided an option for certain discretionary development applications to be determined by an independent DAP, established by the Commission, subject to the application satisfying one or more of the following criteria:

- being for social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by or on behalf of Homes Tasmania or a registered community housing provider;
- where the applicant, or the planning authority with the consent of the applicant, requests a DAP to determine the application and the application is for development valued at over \$5M in metropolitan areas or over \$2M in non-metropolitan areas;"

This is in contrast to the actual value criteria set out in the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*, which specified:

"(b) the application relates to a development that is valued in excess of –

- (i) \$10,000,000 or such other amount as may be prescribed – if all, or any part, of the development is to be located in a city; or
- (ii) \$5,000,000 or such other amount as may be prescribed – in any other case;"

We seek clarification on this discrepancy and take this opportunity to reiterate our broader concern regarding the current project value thresholds.

The variation between the consultation report and the Bill underscores the need for greater clarity and alignment in how access to the DAP pathway is determined. We maintain that the thresholds currently proposed are too high and risk excluding regionally significant projects that, while smaller in dollar value, often present considerable complexity and merit independent assessment. Aligning Tasmania's thresholds with other jurisdictions, where access is available from \$2 million, would broaden the benefits of the DAP process and help ensure that critical local developments are not overlooked.

Guidelines for Ministerial referrals

The new requirement for the Commission to prepare guidelines for the Minister when determining whether to refer an application to a DAP is a welcome addition. However, it is critical that these guidelines are published promptly and clearly define the scope and intent of referrals. Doing so will ensure consistency and transparency in decision-making and will help avoid the risk of medium-sized projects being unnecessarily drawn into complex panel processes that may not be warranted.

Panel composition and scalability

The flexibility to appoint between three and five panel members is appropriate for applications that are large or complex. However, we would caution against the use of larger panels for routine or lower-risk developments, as this could increase administrative overhead, extend assessment timeframes, and place unnecessary cost pressures on applicants.

DAP fee structure

The absence of a prescribed fee schedule remains a concern. Until fee structures are confirmed through regulation, builders and developers face uncertainty in planning and pricing for projects that may be assessed by a DAP. Clarity on fees will be essential to support informed project budgeting and ensure the cost of assessment is proportionate to the scale and complexity of applications.



Master Builders Tasmania values the collaborative approach taken throughout the consultation process and welcomes the opportunity to remain involved as the final details are refined. We are committed to working closely with the State Planning Office to ensure the DAP framework achieves its intended outcomes; delivering a faster, fairer, and more transparent planning system that supports both industry certainty and community confidence across Tasmania.

We would also welcome the opportunity to contribute to the development of associated guidelines and fee structures as the DAP framework is operationalised.

Thank you for considering our submission. We look forward to continued engagement on this important issue.

Regards

Jessie Fiddymont
Acting Technical Manager
Master Builders Association of Tasmania

