

Development Assessment Panel Framework Position Paper

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From: Hadaway's Folly <>
Sent: Wednesday, 29 November 2023 10:00 PM
To: State Planning Office Your Say
Cc:
Subject: KEEP PLANNING DEMOCRATIC IN LOCAL COUNCIL HANDS IN TASMANIA

Dear Politicians All,

I say loudly "no" to the Liberals new planning panels.

Don't vote in more troubles for this and future governments.

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and

high-density subdivision like Skylands at Droughty Point.

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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](#).
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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 have read and agree with all of the above.

The current Tasmanian government struggles to manage the business of the state now and frequently fails. Look at its record of Health, Education and the Environment.

Tonights news included a comment about the state going backwards. It is.

Additional responsibility if the state takes on Planning at local level will be a disaster for the applicants, the planners and the future of good planning.

Local planning currently allows local answers to local issues and usually someone, even a real person, who might resolve a matter in reasonable time can be talked to.

Just don't.

It won't work.

It's a power grab and anti-democratic and no-one wants more state government interference in their lives.

Yours Sincerely,

Jen

Jennifer Hadaway (Mrs)

From:

Sent:

Wednesday, 29 November 2023 9:42 PM

To:

State Planning Office Your Say

Cc:

Subject:

Protect our local democracy - no to the new planning panels

To whom it may concern,

I wish to oppose the model for planning panels. This is not democratic and will slowly erode the Tasmanian local voice. Please consider the dot points below. I oppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:

- It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities. Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- Makes it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. Developments will only be appealable to the Supreme Court based on a point of law or process.
- Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the planning panel criteria.

The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

- Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- Undermines local democracy and removes local decision making. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- 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.
- Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- Increases complexity in an already complex planning system. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?
Say yes to a healthy democracy
- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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.

Tasmania and Tasmanians can not be bought

Sincerely,

Rachel Tenni

From: Anne Gillme <>
Sent: Wednesday, 29 November 2023 9:40 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our rights - say no to the Liberals new planning panels

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

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

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel 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.
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- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
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Say yes to a healthy democracy

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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

--

Anne Gillme

I am honoured to live on the ancestral lands of the Aboriginal Mouheneenner people. I acknowledge the First Australians as the traditional custodians of the continent, whose cultures are among the oldest living cultures in human history. I pay my respects to the Elders of the community and extend my recognition to their current descendants.

From: Greg Whitten
Sent: Wednesday, 29 November 2023 9:26 PM
To: State Planning Office Your Say
Cc:
Subject: Submission re Development Assessment Panels

Preserve the democratic foundations of Local Government Councils and their roles as a planning authorities.

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

- **It will create an alternate planning approval pathway allowing the State Government and other parties such as property developers to bypass local councils and communities.** Government appointed planning panels would consider development applications rather than elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers' demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington Cable Car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments would only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has their own political bias and can intervene on any development in favour of developers or other persons or entities they wish to support.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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](#).
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?
- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system,** as they are critical for a healthy democracy. Keep decision making local with

opportunities for appeal. Instead of DAPs a better outcome can be achieved by taking action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

- 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.

As a former local government Councillor, I have had some experience as a member of a planning authority, and the robustness and fairness of the local government based planning approval process. I don't agree with the idea of introducing DAPs as a way of improving it. Instead, it will lead to more corruption and poor decision-making that is out of touch with the needs and aspirations of the Tasmanian people.

Yours sincerely,

Greg Whitten

From: Graeme Beech <> Wednesday, 29
Sent: November 2023 9:26 PM State Planning
To: Office Your Say
Subject: No to the Liberals new Planning Panels

Hello

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state-appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
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- **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.](#)

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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.**

Please take this reasoning into account as the alternative is a significant shift away from democracy.

Yours sincerely

Graeme Beech

From: nathalie servant <>
Sent: Wednesday, 29 November 2023 9:21 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say 'NO' to the Liberals new planning panels

Say no to the Liberals' new planning panels

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

It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.

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

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

Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. Developments will only be appealable to the Supreme Court based on a point of law or process.

Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.

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

Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest'

is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

Undermines local democracy and removes local decision making.

State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

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.

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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,
Nathalie Servant

From: Owen Wise <>
Sent: Wednesday, 29 November 2023 9:20 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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This current Government is determined to be rid of any views that oppose the wishes and desires of their Liberal friends and donors; the people that they solely listen to and act on their behalf.

They have no problem with being elected within a democratic system and platform, which is designed to listen to all voters views and concerns.

Once they have control of the public purse it is solely spent on the wishes of Liberal party members and associated developers; they are determined to remove all possible barriers that may stand in their way

They are cowards and hide away from public/tax payer scrutiny; their actions and principles are not similar but the very same of China and Russia ie Dictators

The people of Tasmania have a right for Democracy to be upheld at all times, so it is up to the opposition members to also do the right thing and strongly oppose this draconian proposal and let the current planning authorities continue with current practices that have allowed Tasmania to prosper in a well considered planning environment, benefiting everyone.

Yours sincerely,

Owen Wise

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m Th.

From: Rosemary Costin <>
Sent: Wednesday, 29 November 2023 9:14 PM
To: State Planning Office Your Say
Subject: Proposed Planning Changes and Development Assessment Panels (DAPs)

Dear Sir/Madam

I do not support the proposed Development Assessment Panels because :

- Property developers are still able to make donations to political candidates and political parties and therefore retain the potential for unfair and corrupt influence in Tasmania's planning process. The proposed DAP's will magnify this unfair influence to the detriment of members of the Tasmanian public.
- The proposed Development Assessment Panels are non democratic as they are not appealable as the right to lodge merit based appeals will be lost.
- The current role of Local Government as a locally based planning body, protects the rights of both the proponent, public and local council as rights of appeal for every stakeholder is built into this planning process. The current system is therefore a fairer system for all.
- The proposed Development Assessment Panels will only allow narrow appeals on points of law or process.
- I remain concerned that the current Reserve Activity Assessment process for developments in National Parks has not been reviewed with opportunity for full public consultation.
- The proposed planning changes including adoption of Development Assessment Panels, do not enhance transparency, independence or public participation in Tasmania's planning system.

Yours sincerely

Rosemary Costin.

From: Lel Loubser <>
Sent: Wednesday, 29 November 2023 9:08 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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

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Say yes to a healthy democracy

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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.**

The [Position Paper on a proposed Development Assessment Panel \(DAP\) Framework](#) public comment has been invited between the 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is *Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024*.

I see with my own eyes that we are in the Autumn of our time on this earth. ***It is very stressful to see the destruction and decline of the incredible landscape that is Tasmania. Let due process be done! No short cuts.***

Yours sincerely,

Lel Loubser

From: Leigh Murrell <>
Sent: Wednesday, 29 November 2023 9:04 PM
To: State Planning Office Your Say
Cc: Equal democratic rights for ALL Tasmanians...
Subject:

To Whom it May Concern,

This proposed legislation by the Liberal Government, to empower the Planning Minister to remove assessment and approval of developments from the normal local council process and instead, have it controlled by a planning assessment panel, flies in the face of the democracy we expect from our politicians who after all, are there through us and for us.

This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. There will be no right for the community to appeal the final decision to the planning tribunal. This is UNDEMOCRATIC!

The criteria being considered, would enable virtually any development to be removed from the normal local council assessment process and instead be assessed by planning panels. This would include developments that have already been refused such as the Mt Wellington cable car, out of place and oversized high-rise buildings along with new, large-scale, high-density subdivisions as proposed by the Skylands development at Droughty Point near Hobart.

To add further fuel to the already smouldering democracy pyre, the Planning Minister could also remove a development assessment from any Council mid-way through the process if the developer has any lobbying power and was not getting the result they wanted.

Increased ministerial power over the planning system increases the politicisation of planning and with it, the risk of corrupt decisions. The Planning Minister will decide if a development application meets the planning panel criteria. The Minister would also be able to force the initiation of planning scheme changes,

but perversely, only when a local council has rejected such an application, threatening transparency, strategic planning and democracy.

Perhaps the ultimate stupidity of this proposed legislation is that there is actually no problem to fix. Only around 1% of council planning decisions end up with the Appeals Tribunal. One has to seriously question exactly why the Minister and Liberal Government want this new power.

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

Just how healthy is our democracy at the moment?

I urge you to reject this proposed change to our planning system.

Yours Sincerely

Leigh Murrell

From: Anna & Michael <>
Sent: Wednesday, 29 November 2023 9:03 PM
To: State Planning Office Your Say
Cc:
Subject: Please don't allow Tasmania's planning balance would be tipped against democracy by Development Assessment Panels

Dear State Planning Office and Members of the House of Assembly and Legislative Council,

I am writing to you regarding the *Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024*, which I oppose.

Planning schemes are supposed to be the means by which different community, environment and development needs are balanced. It is vital to ensure that the community has some say over the planning scheme in their municipality, enacted through their ability to convey their concerns and visions to local councillors and their ability to vote for councillors that represent them in those needs. Where councils have been replaced by Development Assessment Panels on the mainland, the influence of developers and development-biased ministers has had negative impacts on community and environment outcomes.

It is also critical that the community retains the right to merit-based planning appeals. Under the proposed Bill, the community would be shut out completely from appeals. Ordinary citizens cannot afford the only appeal pathway through the Supreme Court based on a point of law or process.

I oppose the creation of planning panels and increasing ministerial power over the planning system.

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,

Anna Povey

From: Jonathan Nevill <
Sent: Wednesday, 29 November 2023 8:21 PM
To: State Planning Office Your Say; Jonathan Nevill
Cc:
Subject: The Liberals new planning panel proposal will undermine democracy in Tasmania

Democracy had its birthplace in ancient Greece.

Democracy is the best system of government currently in use on Planet Earth.

I say this in spite of democracy having a major flaw with respect to the protection of Planet Earth. This flaw is the difficulty democratic planning has in making long term decisions which protect future generations, while imposing penalties on the current generation.

Democracy has been studied by thoughtful writers, including political scientists, for a thousand years.

According to the political scientist Larry Diamond¹ democracy consists of four key elements: (a) a political system for choosing and replacing the government through free and fair elections; (b) the active participation of the people, as citizens, in politics and civic life; (c) protection of the human rights of all citizens; and (d) a rule of law in which laws and procedures apply equally to all citizens.

In practical terms democracies need the following cornerstones:

- informed voters: universal access to education; a free and independent national broadcaster; freedom of speech; a ban on the deliberate publication of false or misleading information by political parties;
- free and fair elections, one vote one value, with multi-party electoral alternatives;
- fully transparent electoral funding and political donations (including effective limits on large donations);
- public agency provision of services relating to: revenue collection, public infrastructure (transport, water, sewerage, energy), health, welfare, education, the management of natural resources, policing, and national defence;

- a regulated market economy operating only where effective markets exist, noting that even where effective markets do exist, major problems will arise where significant externalities are present, or natural resources are involved needing long-term planning frameworks;
- a free and independent press and judiciary, beyond the reach of the tentacles of the rich and/or powerful;
- a rule of law including both statutory and legal precedent;
- separation of church and state; and
- an outright prohibition of the use of police and defence forces for political purposes.

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme

changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

- **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.](#)

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system,** as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

- 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: Tania Stadler <>
Sent: Wednesday, 29 November 2023 7:46 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Say no to the Liberals new planning panels

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

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Yours sincerely,

Tania Stadl

From: Ingrid Colman <>
Sent: Wednesday, 29 November 2023 7:29 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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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.**

Scrap the DAP!

Your sincerely Ingrid Colman

From:

Sent:

To:

Subject:

Wednesday, 29 November 2023 6:46 PM

State Planning Office Your Say

Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:

- * they will add further complication to the existing system
- * they reduce the democratic rights of the community.

Issue 1 Types of Development applications

- * Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
- * Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
- * State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
- * Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister

- * The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input

- * Council should be the primary contact for applicants and its role should not be diminished.
- * Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
- * This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information

- * Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
- * Anecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.

- * Special pathways are not faster, cheaper, simpler or FAIRER.
- * Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
- * Public right of consultation and comment must be guaranteed.
- * All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination

- * The expectation that the DAP will 'engage extensively with the planning authority' provides no

simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name: Lindsey

Your email:

My additional comments:: The introduction of Development Assessment Panels is anti-democratic and threatens to over-ride community opinion to favour developers regardless of the suitability and impact of the development.

From:
Sent: Wednesday, 29 November 2023 6:21 PM
To: State Planning Office Your Say
Cc:
Subject: NO to Liberals new planning panels

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

1. **Undermines local democracy and removes local decision making.**
2. It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.
3. It 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.
4. Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. Developments will only be appealable to the Supreme Court based on a point of law or process.

5. Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.
6. Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the planning panel 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.
7. There is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
8. 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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- 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 with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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.

Sincerely

Kirsten O'Halloran

From: Virginia Watson
Sent: Wednesday, 29 November 2023 6:00 PM
To: State Planning Office Your Say
Cc:
Subject: Protect Our Democracy: No to the Government's new planning panels

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

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29 November 2023

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001
Via: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam

**Submission to Draft Land Use Planning and Approvals (Development Assessment Panel)
Amendment Bill 2024**

Council considered this reform at the ordinary meeting of Council on 22 November, and resolved to make the following comments regarding the : Development Assessment Panel (DAP) framework:

1. the discussion Paper did not establish the case for Development Assessment Panels to be established in Tasmania;
2. There is no additional role for the Minister for Planning to instruct a planning authority to initiate a planning scheme amendment outside the provisions established at Section 40C of the *Land Use Planning and Approvals Act 1993*; and
3. Should Development Assessment Panels be established by the State, the following must be addressed:
 - a. clear triggers must be established for referral of proposals under this process by the applicant and the planning authority, with the Minister having no role;
 - b. better integration of the DAP assessment is required into the processing of applications;
 - c. improved representation is required in the decision making process at the local and regional levels in both reporting and membership of the DAP;
 - d. better access to current assessment and approvals expertise must be provided in the membership of DAP's;
 - e. clarification is required on how DAP's will deal with any additional information they require or other matters that arise from the representations and hearings as part of the decision process;
 - f. better opportunity for involvement of parties in the hearing and decision process, specifically providing realistic timeframes for:
 - i. the assessment of representations and submission to the DAP for at least 28 days;
 - ii. scheduling hearings and enabling representors and parties to participate, with at least 14 days' notice of hearings;
 - g. integration of the DAP into post decision processes for amendments and revisions to permits; and
 - h. clear responses to deal with errors in decisions so not to become a burden for the Council/applicant/proponent and/or the Community.

A detailed paper was presented to support this submission. Please find attached.

Should any member of your office wish to discuss this matter further, I implore you to contact with Ms Jacqui Smith, Council's Development Services Coordinator, at @flinders.tas.gov.au to make any necessary arrangements.

Yours faithfully

Warren Groves
General Manager

Enc – DAP consultation submission

Consultation issue 1 – Types of applications suitable for DAP referral

- a) *What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would therefore benefit from being determined by a DAP?*

Options

- i. *Applications for social and affordable housing which often attract considerable opposition within the local community based on social stigma rather than planning matters;*
- ii. *Critical infrastructure;*
- iii. *Applications where the Council is the applicant and the decision maker;*
- iv. *Applications where Councillors express a conflict of interest in a matter and a quorum to make a decision cannot be reached;*
- v. *Contentious applications where Councillors may wish to act as elected representatives supporting the views of their constituents which might be at odds with their role as a member of a planning authority;*
- vi. *Where an applicant considers there is bias, or perceived bias, on the part of a Council or Councillors;*
- vii. *Complex applications where the Council may not have access to appropriate skills or resources;*
- viii. *Application over a certain value;*
- ix. *Other?*

Flinders Council response:

The criteria for referral are critical to the operation of the reform and integrity of the process/outcomes.

The options listed at i through ix are not justified except through their establishment. There is no discussion. This is inconsistent with the requirements that will be imposed on local government and the community for evidence based decisions under the Tasmanian Planning Policies.

Criteria iv and vi are the only matters that cannot be resolved through internal assessment or administration processes within the Council.

The application types must be clarified, i.e., sections 57 and/or 58, and minor amendments.

- b) *Who should be allowed to nominate referral of a development application to a DAP for determination?*

Options

- i. *Applicant*
 - ii. *Applicant with consent of the planning authority;*
 - iii. *Planning authority*
 - iv. *Planning authority with consent of the applicant*
- c) v. *Minister*

Flinders Council response:

Referrals should be from the applicant or Council.

Legislating a “with consent” process is not supported and is unlikely to address the reasons cited for the reform. Consent may be part of a nomination by the parties but should not be required.

No information was provided to support Ministerial direction. Ministerial directions for planning scheme amendments are addressed at section 40C of the Act.

This section of the Act could be amended to include any other prescribed purpose, rather than the cumbersome process for the minister to instruct initiation of a planning scheme amendment through a process that deals with DAP's.

- d) *Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?*

Options

- i. *At the beginning for prescribed proposals;*
- ii. *Following consultation where it is identified that the proposal is especially contentious;*
- iii. *At the approval stage, where it is identified that Councillors are conflicted.*

Flinders Council response:

The referral process needs to establish different criteria for developer and council referred proposals.

Designation in the DAP process from the beginning must provide for the Delegates to have input as part of the initial assessment, any requests for further information and the assessment of representations.

Options ii and iii in the paper effectively have the same outcome. It is unclear why they were listed separately.

Consultation issue 2 – Provision of an enhanced role for the Minister

- a) *Under what circumstances should the Minister have a power to direct the initiation of a planning scheme amendment by a Council?*

Flinders Council response:

The circumstances established at section 40C of the Act for the Minister to direct an amendment to a local provisions schedule.

The proposal creates a complex situation that could be easily addressed if that section of the Act were amended to include “...any other prescribed purpose.”

- b) *Is it appropriate for the Minister to exercise that power where the Council has refused a request from an applicant and its decision has been reviewed by the Tasmanian Planning Commission?*

Flinders Council response:

No. The State either accepts the responsibility of the LG sector in determining planning scheme amendment requests or it does not.

This reform may be subject to other drivers. Any proposal for the Minister to overrule the planning authority to initiate amendments must require carriage of the entire process by the Minister or State.

Any process outside of section 40C must require the instructing party to carry the obligations and associated burdens of that process for the full assessment/determination and implementation process.

- c) *Are there other threshold tests or criteria that might justify a direction being given, such as it aligns to a changed regional land use strategy, it is identified to support a key growth strategy, or it would maximise available or planned infrastructure provision?*

Flinders Council response:

All of the examples cited in the Paper are addressed at section 40C of the Act.

No other circumstances were identified for planning scheme amendments.

Consultation issue 3 – Local knowledge and process

- i. **Incorporating local knowledge in DAP decision making.**
- ii. **DAP framework to complement existing processes and avoid duplication of administrative processes.**
- a) *To allow DAP determined applications to be informed by local knowledge, should a Council continue to be:*
 - *the primary contact for applicants;*
 - *engage in pre-lodgement discussions;*
 - *receive applications and check for validity;*
 - *review application and request additional information if required;*
 - *assess the application against the planning scheme requirements and make recommendations to the DAP.*

Flinders Council response:

Where there are issues with resources, perceptions of bias or Ministerial call in, the DAP process should provide for all functions.

The Planning Authority should be represented in the reporting process (either as author, reviewer or referral agency) and on the DAP itself (as delegate).

The DAP reform must also provide a process to deal with the advice from the other statutory authorities within the Council for functions such as roads (access, road layouts and infrastructure, design standards, etc), risk & liability, finances, open space and works. Those authorities sit under other legislation and outside LUPAA.

- b) *Is the current s43A (former provisions of the Act) and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures suitable for being adapted and used in the proposed DAP framework?*

Flinders Council response:

Generally yes, except:

- where there are perceptions of bias against Council/staff by the applicant;
- where there are resource limitations within the Planning Authority;
- suitable processes are established for corrections, revisions and amendments to permits issued through the DAP process; and
- the legal complications between the DAP and TASCAT processes must be resolved.

Consultation issue 4 – Further information.

- a) *Should a framework for DAP determined development applications adopt a process to review further information requests similar to the requirements of section 40A and 40V of LUPAA?*

Flinders Council response:

More information is required on how information requests would work with the DAP process.

DAP referral should include opportunity for review of the responses in addition to the initial request. Experience suggests there are significant delays due to partial or inconsistent information responses following information requests.

Independent review may assist with those issues.

- b) *Are there any changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information?*

Flinders Council response:

There should be a maximum number of opportunities for response to information requests or the application automatically lapses. This would require the quality and coordination of responses to improve.

Consultation issue 5 – Appeal rights and timeframes.

- a) *Is it reasonable that decisions on DAP determined applications are not subject to TasCAT appeals where the TPC holds hearings and provides all parties the opportunity to make submissions and test evidence?*

Flinders Council response:

Applications under s57 of LUPAA have appeal rights. Decisions currently made by Planning Authorities are subject to costs by Council to attend appeals. The position paper does not provide any evidence to substantiate or prove the argument that appeals are an overwhelming and unjustified burden on the assessment and permit process.

Noting there are other pressures for this aspect of the proposal, any change to remove appeal rights must deal with the legal function of the different assessment (TPC/inquisitorial v TASCAT/judicial).

The TPC takes on the role of the Planning Authority under the DAP process, which means the same body determining the application will be completing the review. Comparisons to planning scheme amendment processes are not valid as the planning

authority retains its own determination roles, with the TPC providing review of those decisions and a second stage of assessment.

The DAP proposal is different as the same body will be completing the assessment and the independent review. This is further complicated by the provision for Ministerial Directions to initiate amendments and does not deal with other arguments in the Position Paper around conflict of interest and perceptions of bias.

Equivalent processes must be provided to enable participation and maintain equity for all parties in the process, refer comments at items 14 and 15.

It is not clear how the independence of the review process will be maintained on the available information.

- b) *Given the integrated nature of the assessment, what are reasonable timeframes for DAP determined applications?*

Flinders Council response:

OPTIONS Lodging and referrals, including referral to DAP	7 days	Running total
DAP confirms referral	7	14
Further information period (can occur within the timeframes above, commencing from time of lodgement)	7	21
Council assesses development application and makes recommendation whether or not to grant a permit	14	35
Development application, draft assessment report and recommendation on permit exhibited for consultation	14	49
Council provide documents to DAP, including a statement of its opinion on the merits of representations and whether there are any modifications to its original recommendation	14	63
DAP hold hearing, determine application and give notice to Council of decision	35	98
If directed by the DAP, Council to issue a permit to the applicant	7	105 max

The identified timeframes are generally supported, noting the following:

- the process needs to deal with other statutory referrals and associated approval processes that are required such as heritage or EMPCA and the time impacts they have;
- at least 28 days is required for submission of reporting to the DAP following exhibition. 14 days is unreasonable and will not allow for proper consideration

of the representations or internal review processes. A sign off will be required within the Planning Authority prior to submission of the report to the DAP;

- consistent with normal appeal process, opportunity for additional information, submissions and responses must be provided before, during and post the hearing phase;
- timeframes need to be realistic and enable proper consideration rather than force a fast decision, particularly for scheduling the hearing and issuing the determination.
- procedural matters need to be addressed through the process and factored to the timeframe, particularly where and how the DAP decides they want additional information in response to the application or to deal with matters through the determination process. Is this by directions and what are the time implications?

Timeframes must be revised to:

- enabling extension of the statutory consultation period, consistent with a normal application process;
- allow proper investigation and reporting on representations by allowing at least 28 days for reporting to the DAP following the close of exhibition; and
- clarify that public hearings must be subject to at least a 14-day notice period; and
- requiring the decision to be issued within 35 days of the completion of the hearings.

Consultation issue 6 – Post DAP determination issues.

- a) *Should the planning authority remain the custodian of planning permits and be required to issue permits in accordance with a direction from a DAP?*

Flinders Council response:

This is consistent with the current 40T and TASCAT processes. Yes.

- b) *Is it appropriate for planning permits associated with a DAP determined application to be enforced the Council?*

Flinders Council response:

This is consistent with the current 40T and TASCAT processes, however the easing of enforcement procedures for a small council is always at the forefront of decisions when made inhouse.

- c) *Is it appropriate for minor amendments (in accordance with s56 of LUPAA) to DAP determined permits to be made by the planning authority?*

Flinders Council response:

Criteria 1a iii, iv and vi (refer consultation issue 1, Council as applicant, conflict of interest and perceived bias by applicant) suggest that there are circumstances where the DAP should retain these functions as the reforms suggest there are questions over the capacity or independence of the Planning Authority.

If permit amendments are to be addressed by the Planning Authority, a referral and consent process is appropriate for the DAP as part of the assessment process.

Draft DAP Framework Responses

Generally, Ministerial direction for DAP assessments must provide for DAP function through the entire process.

Item	Issue	Response
1, 2	Should allow for DAP participation where conflict of interest or Ministerial direction identified at start of process.	Revise to reflect better process.
3	Must allow referral to other statutory functions within Council.	Clarify how addressed, noting jurisdictional constraints
4A	Does this include where Council is the applicant, proponent or both?	Clarify
4A	Discretionary DAP criteria.	
	Dispute over DAP criteria. Ministerial direction is not appropriate.	DAP to determine, clarify process
	Value based referral – unclear how value determined when subdivision or staged – better information required to determine calculation of \$ value.	Clarify
	Establishment of bias is unclear and a process must be identified to resolve this conflict. Discretionary referral process questioned as fit for purpose where bias raised.	Establish process to identify and determine perceived bias. Transfer to mandatory referral, even if only to determine bias issue.
	Timeframe for determination of referral	7 days forces delegation to staff and prevents decision by the planning authority.
4B	Mandatory DAP referral	
	Set \$ based thresholds for compulsory referral for clear operation	Set \$ threshold

Item	Issue	Response
5	Timeframe to determine DAP suitability must not penalise Council for attempting to use process	Exclude DAP suitability from s57 timeframe
6	Information requests DAP should have input to information requests to ensure the required information is provided. If not, the subsequent assessment process must clarify how any additional information requirements will be addressed through the process	Clarify
7	Appeal for information requests Proposal consistent with normal application process	Support.
8	Response to information should address bias issues and enable DAP input or assessment	Revise to reflect
9	Assessment, recommendation and exhibition Completion of reporting and assessment prior to exhibition is not required under a normal assessment process. The proposal parallels the planning scheme amendment process and is not consistent with the DA process, where exhibition is completed prior to the reporting. 40T is not relevant to the normal PA process.	Resolve conflict between planning scheme amendment and normal DA processes.
10	Exhibition process Consistent with normal DA process and Regulation 9: <ul style="list-style-type: none"> • 14 days exhibition • Site notices • Newspaper Exhibition ought to allow for extended exhibition process to align with s.57 process and contentious or complex proposals.	Support with revisions to extend exhibition period at discretion of Planning Authority.
11	Section reads as though it is dealing with a planning scheme amendment and not a normal PA under the planning scheme. Section 42 of the Act is not relevant to a normal PA process.	Resolve conflict between planning scheme amendment and normal DA processes.
12	Provision of documents Revise to reflect the normal planning application process and not the planning scheme amendment process. A report is required on: <ul style="list-style-type: none"> • assessment of the representations against the planning scheme; and • review of the original recommendation and draft in light of the representation. 	Revise to reflect planning application process and not planning scheme amendments.

Item	Issue	Response
	<p>14 days following exhibition for submission of completed assessment to DAP is not sufficient and will not allow for proper consideration of issues raised in representations, peer review of reports or delegated sign off of reports for submission from the Planning Authority to the DAP.</p> <p>Additional time will also be required for particularly contentious proposals or those with extensive representation.</p>	<p>Revise to 28 days.</p> <p>Establish process for extension to timeframe</p>
13	<p>DAP may hold hearing.</p> <p>Clarify to require DAP to hold hearing where parties want to be heard, consistent with Schedule 1 objectives for participation.</p> <p>Clarify whether hearing process allows for directions to be issued prior to hearing and impacts on timeframes</p>	<p>Require DAP to hold hearing where parties wish to be heard.</p> <p>Clarify ability of DAP to issue directions prior to hearings.</p>
14	<p>Hearing participation</p> <p>Planning Authority participation at hearing must be mandatory rather than discretionary. Confirm the nature of the hearings (inquisitorial or judicial).</p>	<p>Mandate Planning Authority participation.</p> <p>Confirm nature of hearing process.</p>
	<p>One week notice of hearings is impractical and can deny parties opportunity to attend. It is also unrealistic for scheduling absent identification of key dates at the same time as designation as a DAP occurs.</p> <p>A minimum of 14 days' notice is consistent with other similar processes.</p>	<p>Mandate 14 days minimum notice for hearings.</p> <p>Require scheduling of key dates at same time as designation for DAP assessment.</p>
15	<p>DAP determination</p> <p>Decision issued within 35 days of referral, subject to extensions from Minister.</p> <p>Does not address ability of DAP to issue directions during and following hearings. This denies opportunity for true and thorough review of information and proposal available through normal appeal process with evidence and submissions.</p> <p>35 days from referral also likely to result in rushed decisions and prevent same.</p>	<p>Revise to:</p> <ul style="list-style-type: none"> • enable DAP to issue directions prior, during and post hearings; • allow DAP to postpone hearings pending submission of additional information to reflect the nature of Commission hearings, opportunity for participation and equity of access to and consideration of relevant materials; • require decision from completion of hearings

Item	Issue	Response
		rather than initial referral.
16	Notification of DAP decision 7 days to all parties, the same as the normal planning application process	Support.
17	Planning Authority to issue permit Same as normal Planning Application and Appeal processes.	Support
18	Enforcement Proposed to sit with the Planning Authority. Same as normal Planning Application and Appeal processes.	Support Consider additional enforcement options through DAP process.
19	Appeals of decisions No appeals proposed, different to normal process. Has process issues in comparison to normal appeals through TASCAT process and Commission processes for planning scheme amendments and the inquisitorial nature of their operation.	Revise to reflect inquisitorial nature of Commission operation and hearings. Ensure equity with appeal process maintained.
20	Minor Amendments to decisions Same as normal Planning Application process. Different to normal TASCAT decisions from Appeals as no limitation on nature of amendments.	Enable DAP assessment for limited circumstances and referral for requests to amend decision.
21	Ministerial call in Cited as necessary at any stage of the application process where working relationship effectively fails. For planning applications, this may be useful under a range of circumstances. For planning scheme amendments, this is not supported. The TPC has capacity to assess compliance with the DAP criteria. This mechanism may be useful for other circumstances. Shared consent for the referral does not appear to be a required matter for this type of referral.	NOT supported for planning scheme amendments. May support for planning applications, but further discussion is required on the circumstances and triggers. Shared consent is not required.
22	Ministerial Direction (follows 21) If required, then the same timeframe and process requirements should be applied as other mechanisms and triggers. A timeframe should be established for determination of the request, and this must be outside the normal application timeframes.	Establish timeframe for determination of referral by Minister, 7 days for consistency with other processes. Timeframe must apply in addition to the normal

Item	Issue	Response
		statutory processing timeframes.
23	<p>Establishment of Panel</p> <p>Proposes current TPC process with no local representation.</p> <p>Not supported.</p> <p>Current timeframes for assessments identify additional expertise will be required in the Local Government and planning fields.</p> <p>Local representation from the planning authority should be required on the DAP, subject to completion of suitable education or qualification requirements.</p>	<p>Not supported.</p> <p>Additional staff will be required to ensure suitable representation of current experience and qualifications in both planning and local government sectors, and elected members.</p>
24	<p>Normal planning application fees</p> <p>No change to the current process.</p> <p>Potential legal issues with determination of validity and issue of invoice under s.51A</p>	Resolve potential validity conflict
25	<p>DAP fees</p> <p>Proposed to be lodged following Council referral to DAP for assessment.</p> <p>Does not address applicant referrals to DAP and should do.</p>	DAP fee should apply to applicant regardless of referral source.

Extracts *Resource Management & Planning Appeals Tribunal Annual Report 2020-2021*

ACTIVITY:

The following tables set out the relevant numbers and statistics to report on the Tribunal's functions for the year 2020-2021.

TABLE 2

This table sets out the number of proceedings by reference to legislation.

Appeals By Legislations	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
LUPAA	117	101	119	131	126	123	124	126
Heritage	10							
SOL	1					1		
Marine	1	1						
Water			1			1		1
Strata Titles	2	5	4	11	1	6	1	3
EMPCA	1	2	8	2	1	2	1	
Threatened Species								
Local Government Act				1		1	4	3
Local Government Highways Act				1				
Water & Sewerage Industry Act							1	
Building Act	3	9	9	10	5	3	5	9
NDAP Act					8	8	10	9
Total	135	118	141	155	141	144	146	151

(page 10)

TABLE 6

This table sets out the number of substantive decisions, that is, decisions which dispose of proceedings by either consent orders or a final merits decision arising from a hearing.

% Consent / Hearings to substantive decisions	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Total For Year	85	72	69	101	66	84	84	94
Consent	72.94%	79.17%	79.71%	73.27%	71.21%	79.76%	69.05%	74.47%
Hearings	27.06%	20.83%	20.29%	26.73%	28.79%	20.24%	30.95%	25.53%

(page 12)

TABLE 7

This table sets out the duration of proceedings which were closed during the year 2020-2021. The table also identifies the amount of time attributable to parties who requested and consented to deferment of proceedings for a range of reasons.²

Average Duration of Files Closed in Financial Year 2020-21						
Type	Number	Days³	Average Days	Discount Days⁴	Total Days	Average Total Days
Consent	70	10407	148.67	5321	5086	72.66
Decision	20	2707	135.35	828	1879	93.95
Withdrawals	51	3337	65.43	1273	2064	40.47
Others	5	442	88.40	85	357	71.40
Neighbourhood Disputes About Plants Files						
Consent	0	0	0	0	0	0
Decision	4	1171	292.75	651	520	130.00
Withdrawals	7	588	84.00	100	488	69.71
Other	2	0	0	0	0	0
Total	159	18652	117.31	8258	10394	65.37

TABLE 8

Percentage of appeals resolved within the 90th day statutory timeframe or within such extension required by the parties to an appeal.

Performance Indicator	Unit of Measure	2013-2014 Actual	2014-2015 Actual	2015-2016 Actual	2016-2017 Actual	2017-2018 Actual	2018-2019 Actual	2019-2020 Actual	2020-2021 Actual
Percentage of appeals resolved within 90 days without extension	%	72.41	61.48	55.47	57.52	63.87	62.68	59.71	57.45
Percentage of appeals which did require extensions due to parties ⁵	%	92.50	92.31	91.23	84.62	91.30	98.11	100%	96%

(page 13)

Source: [2020-2021-RMPAT-Annual-Report-FINAL.pdf \(tascat.tas.gov.au\)](#)

Extracts TASCAT Annual Report 2021-2022

	Appeals Due	Within timeframe	Outside timeframe	Extension required due to Tribunal	Extension required due to parties				
Number of Files where 90 day time limit fell due in Fin Year	150	67	45%	83	55%	8	10%	75	90%

This table sets out how many files were closed during the period and the average number of days for the completion of those files.

Timeframe	Number of Files Closed	Average number of days
Financial Year 2021-2022	148	103

Percentage of Substantive decisions

	Year to Date 2021-2022	% of decision
Consent	72	69%
Final Decision - Published	32	31%
TOTAL	104	100%

TASCAT.TAS.GOV.AU



(source:p51, [TASCAT-Annual-Report-2021-2022.pdf](#))

From: Andrea A <>
Sent: Wednesday, 29 November 2023 4:27 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

I am writing to you as the elected representatives of Tasmanians.

Please do not support the government's proposed changes to planning in Tasmania. Local communities' interests and their deep understanding of their issues, needs and opportunities should be respected in the planning process as they currently are. There is too great a risk of future governments - from either end of the political spectrum - using the proposed government powers for political purposes, rather than in the interests of their electors and the community.

Say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more.
Developments will only be appealable to the Supreme Court based on a point of law or process.

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- I also call on you to **prohibit property developers from making donations** to political parties, **enhance transparency and efficiency in the administration of the *Right to Information Act 2009***, and **create a strong anti-corruption watchdog**.

The [Position Paper on a proposed Development Assessment Panel \(DAP\) Framework](#) public comment has been invited between the 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is *Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024*.

Yours sincerely,

Andrea Adam

From: Bron's Email <
Sent: Wednesday, 29 November 2023 4:05 PM
To: State Planning Office Your Say
Subject: Urging you to say NO to Liberals planning panels

This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. There will be no right for the community to appeal the final decision to the planning tribunal.

The criteria being considered would enable virtually any development to be taken out of the normal local council assessment process and instead be assessed by planning panels, including developments already refused such as the kunanyi/Mt Wellington cable car, high-rise buildings in Hobart and Launceston and new developments such as large-scale high-density subdivisions like the Skylands development at Droughty Point near Hobart.

Local knowledge is vital in maintaining our heritage.

We do not need interstate or overseas developers barging in and changing what we hold dear in our state!
Protect our historic beauty!

Mrs Bron Baker

From: Gerry Willis <>
Sent: Wednesday, 29 November 2023 4:04 PM
To: State Planning Office Your Say
Cc:
Subject: Objection to proposed planning process

TO WHOM IT MAY CONCERN

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the Mount Wellington cable car, high-rise in Hobart, Cambria Green, high-density subdivision like Skylands at Droughty Point and the proposed (but seemingly temporarily delayed) development on Little Dog Island in Franklin Sound.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking;

traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of ‘perceived conflict of interest’ is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making. The proposed process means that the decision makers will make decisions about places for which they do not understand local cultures.
- **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](#).
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania’s planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **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?

We would be happy to provide more information should you require it.

Gerry Willis and Frances Henwood,

From: Martin Dore
Sent: Wednesday, 29 November 2023 4:04 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only

when a local council has rejected such an application, threatening transparency and strategic planning.

- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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](#).
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system,** as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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.**

Feel free to also write why this is important to you....

Yours sincerely,
Martin Dore
Sandford

From: duncan mills <>
Sent: Wednesday, 29 November 2023 3:49 PM
To: State Planning Office Your Say
Cc:
Subject: Submission : New Planning Legislation

My perspective:

I am a 4-5 generation Tasmanian, ex: Northern Tasmanian Farmer, president Tasmanian Farm Management Society. I have for 25 years now studied Tasmania's Social Ecology, from my perspective as a typical family person and responsible citizen

I am deeply concerned about the quality of Tasmanian country and culture we leave for future generations of Tasmanians.

I vehemently abhor the short term and exploitive philosophy of the Major parties, and in particular this government, as articulated in proposed Planning Changes ; which I see as destroying the quality and extent of opportunities of future generations to a life of joy and good health.

Submission:

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

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

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

Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. Developments will only be appealable to the Supreme Court based on a point of law or process.

Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.

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

Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

Undermines local democracy and removes local decision making. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

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.

Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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,
Duncan Charles Mills
PS)

As a social ecologist, I see a well life educated citizenry, as vital to developing a shared understanding of our infinitely complex situation.

A situation that is not amenable to reductionist analysis or administrative procedures.... They can help if impartial and not subject to conflict of interest; which is clearly the current situation.

The latter is highly problematic with the failure of the current government and Opposition to limit election donations to \$1000 and declare in real time. (as recommended by independent experts on Democracy).

Such effect is to prevent election of MPs capable representing best long term interests of Tasmania's Social Ecology.

From: Sue Webster
Sent: Wednesday, 29 November 2023 3:42 PM
To: State Planning Office Your Say
Subject: Independent Planning panels - can these really work?

I am concerned about the proposed planning panels and their capacity for objectivity and independence. In a small state like Tasmania it is often difficult for the merit principle to be applied where lobbyists and influencers (and developers) can hold great sway. We the people of Tasmania do not want to be locked out of decision-making processes when it comes to planning decisions.

Our existing council based planning system allows for proper processes of community engagement. Planning decisions can be made that reflect the wishes of the local community. To override local planning decisions with ministerial powers seems a very retrograde step in a modern democracy.

The Proposed Planning panels seem to be headed in the opposite direction to Best Practice in planning as outlined by many government and statutory bodies throughout Australia. Below are some points from one such document in Western Australia.

"Guide to Best Practice Planning Engagement in Western Australia"
<https://www.wa.gov.au/system/files/2022-03/Engagement-Guide.pdf>

"Stakeholder engagement and consultation is critical to inform good planning process and outcomes. It leads to inclusive plan making, informed decision-making and overall, greater confidence in the planning industry."

"1.2 Benefits of good engagement Engagement and consultation beyond minimum statutory consultation requirements can achieve a range of benefits for the community, proponents and regulators.

This includes:

- Improved community awareness and understanding about a planning proposal, its process and any matters of interest.
- Improved relationships between communities, proponents and local/State Government.
- Better understanding about community sentiments and the experiences of various members of the community.
- Community buy-in into planning proposals and higher levels of community ownership of planning proposals and instruments.
- Community awareness and understanding about the impacts of matters such as population growth, climate change, resource protection, metropolitan growth challenges etc and the need for planning responses.
- Uncovering new ideas and expertise based on local understanding and experiences.
- Reduced conflict within stakeholder groups.
- Smoother and more certain assessment and decision-making processes."

I see no point in changing the existing planning processes in Tasmania unless the purpose is to alienate the citizens and voters from their rights to free speech in planning decisions.

Sue Webster

(voter and rate payer)

From:
Sent: Wednesday, 29 November 2023 3:41 PM
To: State Planning Office Your Say
Cc:
Subject: please don't undermine our democratic system

I am deeply concerned about the Liberals proposed new planning panel and oppose it for the following reasons:

1. It is not democratic – a hand-picked panel does not represent us in the way our local council does
2. Allowing property developers to bypass councils and communities ignores local concerns and that just isn't right or fair under a democratic system
3. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability

I urge you to keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process enhancing community participation and planning outcomes. I also urge you to prohibit property developers from making donations to political parties.

Regards, Anne Boxhall

From: Linda Collier <>
Sent: Wednesday, 29 November 2023 3:13 PM
To: State Planning Office Your Say
Cc: Submission re Proposed New Planning Panels Legislation
Subject:

**SUBMISSION
IN RESPECT OF THE
PROPOSED DEVELOPMENT ASSESSMENT PANEL LEGISLATION**

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

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

- **Makes it easier to approve large scale contentious developments** like the Gorge Hotel and other inappropriate high rise buildings in Launceston, kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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](#).
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**

THANK YOU for taking the time to read this submission, ; ...your interest is sincerely appreciated.

Kind regards

Linda Collier

From: Jamie Hanson <>
Sent: Wednesday, 29 November 2023 3:05 PM
To: State Planning Office Your Say
Cc:

Subject: Re: Position Paper on a proposed Development Assessment Panel (DAP) Framework

Hi there,

I'm writing to express concerns around the centralisation of planning decision-making under a proposed Development Assessment Panel.

I don't think that having centralised, politically influenced mechanisms controlling planning related decision-making (or "development" - the framing is already pretty clearly heading in one direction) will lead to better outcomes.

It feels rather like the current proposal is a solution in search of a problem.

I often disagree with planning decisions in/around where I live (Mount Nelson), but I don't think that having centralised and bureaucratised alternatives will lead to outcomes that are better for the people concerned than current processes. And I have significant concerns that what will be created is a venue in which what are essentially political conflicts play out, but in which local communities are placed at a disadvantage. It is hard to imagine how such a body would be able to operate in ways that respect the spirit of democracy better than current processes, that allow for stronger community engagement (not that they're perfect - but that's another conversation), in line with guidelines and constraints determined by state or federal government regulation.

It strikes me that the proper role of state government is at this level - providing frameworks around key values etc, with implementation devolved to more appropriate levels for decision-making.

To be honest, that seems to me to accord better with Tasmanian values, with essential Liberal values around local control over local issues, and with the fundamental ethos that underlies the people-
it'll sit well with pretty much everyone on this committee ;)

In summary: I believe that creating processes that take away control over planning from communities would create issues with legitimacy with regards to the decisions of the panel - and probably increase the level of conflict and disharmony created by major planning decisions.

Cheers,

j



30 November 2023

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Emailed: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam,

CENTRAL HIGHLANDS COUNCIL RESPONSE TO DEVELOPMENT ASSESSMENT PANEL (DAP) FRAMEWORK POSITION PAPER

At Council's Ordinary Meeting held 21 November 2023, the State Government's Development Assessment Panel (DAP) Framework position paper was discussed, and now Council provides the following comments to the proposed new legislation to allow certain development applications to be determined by an independent Development Assessment Panel appointed by the Tasmanian Planning Commission.

Overall, Council rejects the need to 'take the politics out of planning', especially for complex or contentious development applications. Council sees no reason for the introduction of a DAP framework to provide alternate approval pathways and strongly believes that decision-making functions of Councils acting as Planning Authority must remain in the hands of Local Government.

Fundamentally Council strongly believes that contentious Development Applications are EXACTLY those that need to stay with Local Council acting as a Planning Authority. It leaves the Council then able to impose the best possible conditions to any consent.

Furthermore, the DAP position paper lacks any substantial detail for Council to come to an informed decision on the matter. Without a clear understanding of the details regarding the composition of the assessment panel, the potential cost or loss of revenue to Council and a clear framework in which development applications should be referred to the DAP, Council is unable to make an informed decision. However, Council provides the following response to the concept of a Development Assessment Panel.

In response to the position paper Council assumes that the definition of potentially contentious development means development applications are those where the Council, from knowing and understanding the community that they represent, pre-empt what is being proposed is going to raise significant issues.

Administration & Works & Services
Tarleton Street
Hamilton, Tasmania 7140
Tel: (03) 6286 3202
Fax: (03) 6286 3334

Development & Environmental Services
Alexander Street
Bothwell, Tasmania 7030
Tel: (03) 6259 5503
Fax: (03) 6259 5722

website www.centralhighlands.tas.gov.au

Response to Consultation Issue 1

Within our rural Community, there have been few Development Applications which have been contentious or attract considerable opposition within the local community based on social stigma. Central Highlands Council does not see this as a concern. Additionally, if Council received a Development Application for critical infrastructure or for an application where Council is the applicant and the decision maker, Council is satisfied that it can act as a Planning Authority with integrity and will continue to rely upon the professional recommendation of Council and contracted Planning Officers. Council currently employs additional Planning support from the private sector to assist in assessments. In addition, Council may also enter into an agreement with a neighbouring Local Authority for them to assess Council's own development applications and visa-versa.

When and if such contentious Development Applications arise or if an applicant considers there is a bias, or perceived bias on the part of Council or Councillors, with nine councillors, it is unlikely that Conflict of Interest declarations would reduce Councillor numbers to below the quorum.

The option for DAP to assess a complex application where council may not have access to appropriate skills or resources may have some merit. However, in these situations Council is more likely to engage the skills required to make an assessment. If in the future there is a process for these applications to be put to an assessment panel, it must be for Council to make the determination to refer the application, not the applicant.

The decision to refer any Development Application to an Assessment Panel must be made by the Local Authority as planning Authority, or by the applicant with the written consent of the Planning Authority.

Response to Consultation Issue 2

Council agrees that it could be appropriate for the Minister to direct a Council to initiate a Planning Scheme Amendment in the following circumstances:

- enhance or implement the strategic vision of a scheme.
- implement new state-wide, regional or local planning policy.
- update the scheme.
- correct mistakes.
- allow a use or development currently prohibited to take place.
- restrict use or development in a sensitive location.
- set aside land for acquisition for a public purpose or to remove such a reservation when it is no longer needed in the scheme.
- incorporate a document as part of a planning scheme.
- authorise the removal or variation of a restriction on title (for example, a registered restrictive covenant) .
- incorporate changes made to the TPS.
- regulate or prohibit the development of land on which there is or was a heritage building that has been unlawfully demolished.

In a situation where the Council has refused a request from an applicant and its decision has been reviewed by the Tasmanian Planning Commission, Council agrees that the Minister should direct the initiation of a Planning Scheme Amendment by a Council.

Threshold tests or criteria that might justify a direction being given should include the provision of major projects that are not foreseen within a planning scheme that may include sustainable energy developments.

Response to Consultation issue 3

Council supports and agrees that DAP determined applications must be informed by local knowledge, should a Council continue to be:

- the primary contact for applicants;
- engage in pre-lodgement discussions;
- receive applications and check for validity;
- review application and request additional information if required;
- assess the application against the planning scheme requirements and make recommendations to the DAP.

Additionally, Council agrees that the current s43A and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures are suitable and can be adapted and used in the proposed DAP framework.

Response to Consultation Issue 4

Council supports the framework for DAP to determine development applications process to review further information requests similar to the requirements of s40A and s40V of LUPAA.

Suggested changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information include the ability at any reasonable time before the hearing of an application for a development application or before the decision to grant or refuse the application (if there is no hearing), by written notice, request the applicant to provide further information relating to the application. In short this provides for the ability to seek multiple requests as opposed to existing constraints – 1 x request within 21 days as per s54(1)(a).

At any reasonable time before a hearing or, if no hearing is to be held, before the decision is made, a consent authority may commission any person to prepare a report on any matter relating to an application, including information provided by the applicant in the application if the activity for which the approval is sought may, in the authority's opinion, have a significant adverse environmental effect. Costs however, to be borne by the applicant.

Response to Consultation Issue 5

It is reasonable that decisions on DAP determined applications are not subject to TasCAT appeals, given the conflict the TPC has in the existing decision making process.

Council considers that reasonable timeframes for DAP determined applications, should be contingent on whether there is a need for a hearing and preference here is reference to working days, not calendar days; Publicly notified DA (with hearing: 130 days and Publicly notified DA (no hearing) 60 days.

Response to Consultation Issue 6

Council agrees that the Planning Authority remains the custodian of planning permits and be required to issue permits in accordance with a direction from a DAP, assuming that the local authority has a potential source of revenue from the fee payment.

Planning permits associated with a DAP determined application should be enforced by Council unless the DAP will default to monitoring and enforcement functions of EPA.

Council considers it appropriate for minor amendments (in accordance with s56 of LUPAA) to DAP determined permits to be made by DAP, not the Planning Authority as long as the local authority has the ability to provide DAP with its own interpretation.

In conclusion, on behalf of Council's elected members we now submit the above comments for consideration to the Draft DAP Framework.

Yours faithfully,

Kim Hossack
General Manager

From: logan nettlefold <>
Sent: Wednesday, 29 November 2023 2:31 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light

and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
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- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system,** as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more

resources to councils and enhancing community participation and planning outcomes.

- 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.**

Feel free to also write why this is important to you....

Yours sincerely,
Logan Nettlefold

From: Robyn Wellock <>
Sent: Wednesday, 29 November 2023 2:20 PM
To: State Planning Office Your Say
Subject: Fwd: Protect our local democracy - say no to the Liberals new planning panels

Begin forwarded message:

From:
Subject: Protect our local democracy - say no to the Liberals new planning panels
Date: 29 November 2023 at 2:06:50 pm AEDT
To: yoursay.planning@dpac.tas.gov.au
Cc:

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

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

panel. This could intimidate councils into conceding to developers demands.

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

Thank you for the opportunity to comment.

Yours sincerely

Robyn Wellock

Robyn Wellock

From:
Sent: Wednesday, 29 November 2023 2:09 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
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adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

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governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

- 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.**

Tasmania is becoming less and less a democratic state. The people and taxpayers must have a say in what happens to their state and money. Developers do not always have the interests of the people as their first priority. Their first priority is normally how much can they make out of a project!

*Yours sincerely,
Janice Overett*

Thank you for your time

NO STADIUM Yes Team Group

From:
Sent: Wednesday, 29 November 2023 1:58 PM
To: State Planning Office Your Say
Cc:
Subject: Reject planning panels

You will probably receive multiple emails along the lines recommended by Planning Matters Alliance Tasmania. I don't need to repeat all the arguments to you but support them fully.

In particular, I am a strong believer that local government is LOCAL.
It should be up to local Councils, representing local residents, to make decisions on further development.

I also strongly support the call 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.

Peter Tuft

From: Lyn Munden
Sent: Wednesday, 29 November 2023 2:07 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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

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Thank you for the opportunity to comment.

Yours sincerely

Lyn Munden

From:

Sent:

To:

Subject:

Wednesday, 29 November 2023 2:00 PM

State Planning Office Your Say

Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:

- * they will add further complication to the existing system
- * they reduce the democratic rights of the community.

Issue 1 Types of Development applications

- * Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
- * Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
- * State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
- * Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister

- * The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input

- * Council should be the primary contact for applicants and its role should not be diminished.
- * Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
- * This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information

- * Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
- * Anecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.

- * Special pathways are not faster, cheaper, simpler or FAIRER.
- * Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
- * Public right of consultation and comment must be guaranteed.
- * All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination

- * The expectation that the DAP will 'engage extensively with the planning authority' provides no

simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name: Maureen Sierink

Your email:

**My additional
comments::**

From: Chris Rees <>
Sent: Wednesday, 29 November 2023 1:55 PM
To: State Planning Office Your Say
Cc:
Subject: Planning reforms - submission

Say no to the new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.**
- **Makes it easier to approve large scale contentious developments without proper scrutiny**
- **And this one is outrageous! It removes merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes - and there is evidence of plenty of**

corruption already.

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.**
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.**
- **Mainland experience demonstrates planning panels favour developers and undermine democratic accountability.**
- **Poor justification – THERE IS NO PROBLEM TO FIX.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.**

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 with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- **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.**

WE NEED AN OPEN, TRANSPARENT, MERIT BASED PLANNING SYSTEM REMOVED FROM POLITICAL INTERFERENCE. THE PROPOSED CHANGES OPEN THE DOOR TO POLITICAL INTERFERENCE, CRONY DEALINGS, CORRUPTION AND GREED.

Yours sincerely,
Chris Rees

From:
Sent: Wednesday, 29 November 2023 1:52 PM
To: State Planning Office Your Say
Subject: Protect our local democracy - say no to the Liberals new planning panels

Hello,

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at any time and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more.

Why then have these elements in the schemes if only to be removed in a court case scenario

- **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- Boggling down an already overloaded court system
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel 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. These matters should not be a person decision but a process decision that there are rules for all to follow.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision

making.

- **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.](#)
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system,** as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- I also call on you to **prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration**

of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

- The building & planning processes need to be a fair process for all to be able to be heard using a standard set of rules that everyone follows.

Regards

Theresa Hatton

**Tasmanian Planning Commission
Level 3, 144 Macquarie Street
Hobart, Tasmania 7000**

Submission – Gregory J Carr, Director A J Carr Development Corporation 29 November 2023

Re: Position Paper, Development Assessment Panel (DAP) Framework

The Droughty Point Peninsula and the Skylands Masterplan provide a textbook case demonstrating the need for, and benefits of, a DAP process.

The large majority of the undeveloped part of the peninsula has been under the ownership of a single Australian family since 1981.

Some 400 lots have been developed using a typical Urban Sprawl approach. In 2019 the family, unhappy with this kind of development, was granted permission to develop a masterplan based on New Urbanism.

An international search resulted in the selection of DPZ based in the USA. DPZ have master planned New Urbanism developments in many parts of the world, including Jindree in Western Australia.

DPZ made two visits to Hobart and met with Councillors each time, as well as meeting with planning staff and inspecting the site.

In developing the Skylands masterplan DPZ were supported by Macroplan Melbourne for Market analysis, Traffix Melbourne for Transportation analysis, Turf Studios Sydney for Landscape design and Hobart based Engineering and Planning consultants.

DPZ held extensive communications with a wide range of Government and Community organizations.

To engage with the community DPZ conducted a well-publicized and attended virtual “charrette” or workshop over a 5-day period. During each session DPZ planners showed preliminary concepts and discussed them with participants. Comments were sought and some were incorporated while others were rejected, with explanation for the rejection.

DPZ planned to conduct the workshop in person however international travel was prohibited at the time due to Covid.

The cost to develop the masterplan to date is more than \$450,000. There have been no new development approvals for the Carr family land in the last 3 years.

The masterplan was ready for presentation to the Council in September 2022. It was fully supported by Councils Planning staff. Consideration was delayed until March 2023 due to the election of a new Council in November 2022. Four new Councillors were elected. These four Councillors, of course, did not have the benefit of meeting DPZ staff in the two meetings with Council when planning was initiated.

The masterplan is supported by the two major adjoining property owners, Lilly and Luckman. Lilly has incorporated their land in the masterplan and Luckman approves of the plan.

The Summary Masterplan Report comprised 178 pages of detailed information. Development of the masterplan was continuously reviewed by Council planning staff as it progressed.

It seems unreasonable to expect Councillors to thoroughly review and reach well-grounded conclusions for such a complex 178-page plan. Hence it seemed that the Council would, on the advice of planning staff, recommend the masterplan for further consideration by the TPC.

A campaign by “Friends of Tranmere and Droughty Point” against the development was mounted soon after the first concepts were shown to the public. The campaign created a website with much inaccurate/dishonest and misleading information. The campaign turned to an American for-profit company, Change.org to develop an on-line petition. The petition claims over 5,000 signatures, however there are less than 150 visible responses. Change.org posts and promotes each petition worldwide.

The FoTDPA campaign refuses to provide verification that signatories reside in Tasmania or even Australia. The campaign exerts substantial political pressure on Councillors.

In March 2023 the Council, against the recommendation of Planning Staff, voted against the masterplan, 9 to 3. Interestingly it was believed by planning staff a few days before the Council meeting that Council would vote to support the plan.

Soon after rejection by Council, the Minister for Planning designated the Droughty Point Peninsula UGB, along with several others to be anomalies and removed them.

Councillors then met and requested 6 points be considered/resolved between FoTDPA, the Carr Family and Council. Several meetings were held with the participation of the Department of State Growth. The Carr family made several concessions:

- Elimination of an east-west connection (Norla Street), albeit with an easement should State or Local Government decide a road should be built in the future.
- Enlargement of the south end of the hilltop park
- Addition of two school sites
- Commitment that lots sold for a single dwelling would be limited to a single dwelling, unlike earlier development
- Lots above existing housing would not be developed for 7 ½ years.

Council planning staff fully support the revised plan.

Councillors will vote again on December 8.

As noted earlier, it seems wholly unreasonable to expect Councillors to thoroughly review and reach well-reasoned conclusions of a complex 178-page plan for a 30-year development of some 2,500 dwellings. It would seem appropriate for them to rely on their professional planning staff with in-depth knowledge of all aspects of the plan.

A DAP process providing an in-depth technical review and report by independent Tasmanian planning experts would provide a sound basis for a decision.

Skylands with 2,600 dwellings at an average cost for house and land of \$600,000 + commercial facilities will result in a minimum of \$1.7 billion development + the ongoing economic activity from the commercial properties. It will also result in a wide range of housing to help meet the current housing crisis, including the need for social housing.

Following is a list of some major features and benefits of Skylands.

Some features and benefits:

Active transport option – Bike friendly road design

Active transport option - Bike Trails

Active transport option – Walk for daily needs

Climate change friendly CO2 capture – Expanded areas of vegetation

Climate change friendly CO2 reduction - Ferry service is inevitable, likely 10 years away, say 2033

Climate change friendly CO2 reduction – Fewer and smaller cars per household – a trend that is sure to continue

Climate change friendly CO2 reduction – Infrastructure and home designs to provide electric charging option

Climate change friendly CO2 reduction – Walking and biking increased,

Climate change friendly CO2 reduction – Work from home, even more common since Covid, reducing travel.

Climate change friendly CO2 reduction – Work in Neighbourhood center offices

Climate change friendly – each home with a rainwater tank

Daily needs – Coffee Shop/ Bakery Café

Daily needs – Hairdresser – 2 to 3 days a week initially

Daily needs – Gymnasium and martial arts center in neighbourhood 2

Daily needs – Post office – goal is to be in neighbourhood 1, relocated to neighbourhood 3 eventually

Daily needs – Small groceries

Dark skies protection through lighting design standards

Health lifestyle – Fishing

Healthy lifestyle – Marinas, currently designed for Neighbourhoods 2 and 5. Boating of all types

Healthy lifestyle – Parklands

Healthy lifestyle – Playgrounds and pocket parks scattered throughout + foreshore walkway

Healthy lifestyle – Playing fields, Option for CCC to allocate in hilltop parkland

Healthy lifestyle – Playing fields, Private school playing field for public use outside school hours

Healthy lifestyle – Walking

Heritage protection and celebration – Aboriginal – Carefully designed areas of protection and celebration

Heritage protection and celebration – European – Carefully designed areas of protection with and celebration

Housing option – rental apartments

Housing option – single family

Housing option – 5% social

Housing option – strata title multiple dwelling

Housing option – terrace house or villa

Housing options – strata title apartments

Infrastructure capacity and efficiency – Roads – early design for ultimate needs, State Growth confirmed plans

Infrastructure capacity and efficiency – Schools – Education Department considers capacity sufficient

Infrastructure capacity and efficiency - Sewer – early design for ultimate needs. Taswater confirmed capacity

Infrastructure capacity and efficiency – Water - early design for ultimate needs. Taswater confirmed capacity

Infrastructure efficiency – Electricity and broadband - through early design for ultimate population

Local Employment option – Work from home

Local Employment option – Work in neighbourhood businesses, including home maintenance and landscaping

Local Employment option – Work in Neighbourhood Centre office suites

Native fauna – increased with extensive and connected parklands

Native flora – increased with extensive and connected parklands and reforestation

Parkland - along the foreshore 22 Ha

Parkland - on the hilltops “Albert Park” 57 Ha

Parkland - pocket parks 7 Ha

Parkland - ridge to river connectors 29 Ha

Schools – Montessori in Neighbourhood 1, other Neighbourhoods will have similar schools

Schools – Private – area set aside in Neighbourhood 2

Schools – Public – area set aside in Neighbourhood 3

Social connection – encouraged by Neighbourhood centres.

Social connection – facilitated for the elderly with opportunities to downsize and stay in familiar surroundings

Social connection – Improves community safety and leads to longer, healthier lives. Ref. “The Blue Zones” - Netflix

Social Services – Childcare – Neighbourhood 1

Social Services – Community center for public gatherings – Neighbourhood 2

Social Services – Library, Skylands will start a library in Neighbourhood 3 to be operated by Libraries Tasmania

Social Services – Medical and Dental care – 2 to 3 days a week initially. Neighbourhood 1

Social Services – Police, Fire and Ambulance – Land to be made available in Neighbourhood 3

Thank you for considering this submission.

Please let me know if you have any questions or would like any clarifications.

Sincerely

Greg Carr

Director

A J Carr Developments.

From: James Edwards <>
Sent: Wednesday, 29 November 2023 1:41 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light

and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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](#).
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- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system,** as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more

resources to councils and enhancing community participation and planning outcomes.

- 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.**

--

Sincerely,
James Edwards

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



Our Reference: 23/5310
Enquiries: Deb Szekely

27 November, 2023

State Planning Office
Department of Premier and Cabinet
GPO Box 123,
HOBART TAS 7001

E: yoursay.planning@dpac.tas.gov.au

E: michael.edrich@lgat.tas.gov.au

Dear Brian,

Position Paper – Development Assessment Panel (DAP) Framework

Thank you for the opportunity to provide comment on the draft Development Assessment Panel (DAP) Framework. Council became aware of the Position Paper on 19 October, 2023 through the State Planning Officer and Local Government Association of Tasmania.

The proposal to introduce an alternative pathway for Development Assessment represents a significant departure from the current framework. Following a recent Workshop, the Council conveyed a resolute message to the State Government, expressing commitment to respectful and purposeful engagement in the ongoing process. This commitment was evident as the Council promptly considered the matter during its first available workshop on November 8, highlighting its importance.

The Council deems the current consultation period as disrespectful and inadequate, lacking an understanding of Council processes and meaningful local government participation in reforming the development assessment process. To address this, the Council urges the State Government to extend the consultation period until mid-2024. This extension would provide local government with the necessary time to thoroughly assess the proposal, engage meaningfully, and contribute to the much-needed reform in the Tasmanian planning system.

The position paper outlines the State Planning Office's expectation of the next consultation phase in early 2024, with a Bill tabled in Parliament later that year. The Council finds this timeframe unacceptable, given the significant impact on local government as a planning authority. An extension until mid-2024 is advocated to allow local government to engage responsibly and meaningfully, respecting the complexity of the process and community expectations in development assessment.

Having expressed our concerns regarding the inadequacy of the consultation period, Council wishes to remain open-minded to ensure the proposal is considered in its entirety. The Break O'Day Council is proud of how it has fulfilled its role as a planning authority and like any Council understands there are complexities in the decision making. This planning authority, like many others, has managed to keep the politics out of the process and observe its role as a decision maker. We would like the State to observe the same and consider that if a development application requires mandatory referral due to the type of application e.g. Social and affordable housing, then this should be considered further within existing decision making frameworks i.e. Major Infrastructure or Projects of State Significance. Additionally, Ministerial referrals of DAs to the DAP and Ministerial direction to initiate a planning scheme amendment provides public perception of increased political interference in decision making.

It is important that any proposed decision making framework doesn't introduce new uncertainty within the process. The range of referral avenues has the potential to introduce greater uncertainty with respect to time frames, ability to appeal a decision and likely conditions. Assessment of discretionary matters have consistency within local government and are informed by Tribunal decisions. There is opportunity within the proposal for increased uncertainty within the process. The proposed DAP framework will introduce extraordinary increases in time frames for the development assessment process which appear to be unnecessary as -

- only a very small percentage of applications are decided in the TASCAT;
- Council has procedures in place to ensure transparency in decision making of Council projects and is not aware of any issues in that regard;
- Is proud of its time frames for decision making and seeks to continually improve the same;
- Ensures every decision on development applications is based on the relevant planning instruments;
- Council seeks to mediate meaningfully with the public with regard to development conflicts.

Further consideration needs to be given to:

- How matters of state interest are best handled and perhaps pathways for Projects of State Significance and Major Infrastructure Development, need to be explored more. An amendment to the pathways and eligibility requirements for matters of state interest should be explored further;
- Removing the ability for DAP decisions to be appealed is concerning and consideration needs to be given to consistency in decisions based on interpretation. The introduction of a new decision making entity may introduce conflicting interpretation of use standards and development standards. There appears the possibility of procedural unfairness when those applications that do not meet the criteria for referral to the DAP must exercise appeal through the TASCAT, whilst more complex applications avoid appeal through the DAP;
- The eligibility of applications to be referred to the DAP needs to be clearly articulated and if a proposal meets the eligibility requirements, the DAP should not have the ability to reject the application for assessment through the DAP;
- State interference in the request for further information process is not supported. There is clear information available to assist a planning authority in preparing a request for further information in relation to a development application;

- Any new Ministerial direction in the development assessment process or the amendment of planning schemes, must not be an avenue for political interference;
- The role of PlanBuild must be incorporated into any new pathway and the urgency of furthering PlanBuild needs to be realised and acted upon to ensure all planning reform progresses together.

Once the State Government has provided a more realistic, considered and respectful consultation timeframe, the Break O'Day Council intends to conduct further discussion and consideration with both staff and elected members, in order to provide more targeted and helpful response to the proposal.

I trust you will consider the response by the Break O'Day Council and further consider the need for extending the consultation period to mid-2024 prior to drafting amendments to the Act. The Break O'Day Council maintains an open mind about the proposal and looks forward to contributing meaningfully.

Yours sincerely,

John Brown

GENERAL MANAGER

CC. michael.edrich@lgat.tas.gov.au

From: Kate Hill <>
Sent: Wednesday, 29 November 2023 1:29 PM
To: State Planning Office Your Say
Cc:
Subject: NO to the Liberals' new planning panels

Say no to the Liberals new planning panels

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

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

- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
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- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision

making.

- **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](#).
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
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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 with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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,

Kate Hill

From: Kristen Riley
Sent: Sunday, 8 October 2023 9:17 PM
To: State Planning Office Your Say
Subject: Housing Land Supply (Kings Meadows) Order 2023

To whom it may concern,

I am writing to express my deep concerns regarding the proposed development of Lot 3 Techno Park Drive in Kings Meadows. I believe that this project, if it proceeds, would have a detrimental impact on our local environment, specifically the valuable bushland that is home to numerous native animals.

The preservation of our natural habitats is crucial for maintaining biodiversity and protecting our unique native wildlife such as the Masked Owl and Barred Bandicoot (Tasmanian Threatened Species Protection Act 1995). The area is semi rural and prime habitat for part in fully protected species, such as the masked lapwing Plover, Ringtail Possum, species of Parrots, wood Duck ect. The land in question serves as a habitat for various species, many of which are already facing threats due to habitat loss and urbanization. Approving this development would further encroach on their habitats and disrupt their fragile ecosystems.

Additionally, the prospect of significantly increased traffic in the area is concerning. It not only poses a potential danger to pedestrians and existing road users but also contributes to air pollution and road noise, negatively affecting the overall quality of life for residents in the area.

The current roads are designed for small residential traffic and are not built for a large volume of traffic that the proposed plan would bring. The streets are not wide enough for people to park in front of their house and people to safely pass.

I strongly urge you to reconsider this development proposal and explore alternative options that do not involve the destruction of valuable bushland. There must be a balance between economic development and environmental conservation, and in this case, the potential environmental costs far outweigh any short-term economic gains.

Thank you for your attention to this matter. I look forward to hearing about any developments or changes regarding this project.

Thank you for your time.

Regards,
Kristen Riley.

From: wendy wilkinson <>
Sent: Wednesday, 29 November 2023 7:12 PM
To: State Planning Office Your Say
Cc:

PROTECT OUR LOCAL DEMOCRACY IN TASMANIA - A BIG 'NO' TO THE LIBERALS NEW PLANNING PANELS.

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking;

traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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](#).
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system,** as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing

more resources to councils and enhancing community participation and planning outcomes.

- 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
W.Wilkinson

From: Stuart Godfrey <>
Sent: Wednesday, 29 November 2023 9:07 PM
To: State Planning Office Your Say;

Dear Parliamentarians,

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based**

on a point of law or process.

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
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- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
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planning outcomes.

- 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 wholeheartedly agree with everything written above. Frankly, I'm astonished that the Liberal Party would offer a process that so blatantly leaves you vulnerable to corruption.

Yours sincerely,

From: Jacqueline Mampieri <>
Sent: Thursday, 30 November 2023 10:56 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent

Commission Against Corruption **recommended** the expansion of merit-based planning appeals as a deterrent to corruption.

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
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- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
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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 with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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

Jacqueline Mampieri

From: Louisa d'Arville <>
Sent: Thursday, 30 November 2023 7:10 PM
To: State Planning Office Your Say
Cc: Say no to new planning panels- protect our local democracy!
Subject:

To whom it may concern,

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

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

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

Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. Developments will only be appealable to the Supreme Court based on a point of law or process.

Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.

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Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

Undermines local democracy and removes local decision making. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

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.

Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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

The Position Paper on a proposed Development Assessment Panel (DAP) Framework public comment has been invited between the 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024.

From: Romy Greiner <>
Sent: Thursday, 30 November 2023 6:49 PM
To: State Planning Office Your Say
Cc:
Subject: For local democracy--against planning panels

I oppose the creation of planning panels and increasing ministerial power over the planning system because this fundamentally undermines democratic principles and the right of Tasmanian citizens to have a say in how their 'home' shapes into the future. Detailed reasons are:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
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- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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
Romy Greiner

From:
Sent: Thursday, 30 November 2023 6:07 PM
To: State Planning Office Your Say
Cc:
Subject: Liberal new planning panels

Democracy is a system of government that is based on the principles of freedom, equality, and justice. It is a way of ensuring that all people have a say in how they are governed and that their voices are heard. How is this possible when decisions will be taken away from democratically elected local government and into the hands of a panel... selected by whom with an unclear decision-making framework and criteria.

In a democracy, the people have the right to vote and elect their representatives to make decisions on their behalf. The elected representatives are accountable to the people and can be removed from office if they fail to fulfill their duties. Who will the planning panel be accountable to????

Regards, Kim Barker

From:

Sent:

To:

Subject:

Thursday, 30 November 2023 5:49 PM

State Planning Office Your Say

Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:

- * they will add further complication to the existing system
- * they reduce the democratic rights of the community.

Issue 1 Types of Development applications

- * Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
- * Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
- * State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
- * Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister

- * The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input

- * Council should be the primary contact for applicants and its role should not be diminished.
- * Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
- * This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information

- * Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
- * Anecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.

- * Special pathways are not faster, cheaper, simpler or FAIRER.
- * Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
- * Public right of consultation and comment must be guaranteed.
- * All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination

- * The expectation that the DAP will 'engage extensively with the planning authority' provides no

simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name: Gill Martin

Your email:

**My additional
comments::**



TW CM ref: 23/79699

30 November 2023

State Planning Office

Department of Premier and Cabinet
GPO Box 123
Hobart Tas 7001

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

To the State Planning Office,

Response to the proposed establishment of Development Assessment Panels (DAPs)

Thank you for the opportunity to consider and provide a submission on the position paper for the proposed DAP framework. TasWater has taken the opportunity to consider the paper and has also considered the online presentation available on the planning reform website.

Establishment of DAPs

TasWater is generally supportive of the establishment of DAPs, as it provides consistency with other jurisdictions throughout Australia, and specifically supports the mandatory and Ministerial referral processes. As noted in the position paper and the online presentation, further work is required on refining the triggers for referral, specifically the position paper notes that the financial thresholds are not yet determined, nor is the meaning of critical infrastructure.

While TasWater generally supports establishment of DAPs, the discretionary referral for/to DAPs is not supported for the following reasons:

1. there is significant overlap between the criteria for discretionary and mandatory referral; and
2. the relevant Planning Authority and the applicant for the development/use must agree to the referral; and
3. one of the criteria that have been listed, which are discussed in the next paragraph, also needs to be met.

While the proposed criteria are reflective of a view that there are issues with the current process, this has not been TasWater's experience. The view that there are issues with the current process may not fully appreciate Planning Authorities' processes to manage bias. Nor, perhaps, does it fully reflect the position paper's statements as to the process being tried and tested, well established and understood by planners.

For example, where Councillors have used community views/representations that are irrelevant to determining an application, they have been corrected on appeal. Appeals are required by law to be heard and determined within 90 days, when added to the maximum 42 day timeframe this results in a maximum 132 day turnaround. The proposed DAP process will, in any event, result in more than a

Tasmanian Water & Sewerage Corporation Pty Ltd
GPO Box 1393 Hobart Tas 7001
Email: enquiries@taswater.com.au
Tel: 13 6992

ABN: 47 162 220 653

100 day turnaround, so this does not appear to provide any real benefit, at least not in the case of discretionary referrals.

Additionally, its unlikely agreement between the applicant and relevant Planning Authority is regularly going to be achieved. Further, the criterion for discretionary referral has significant overlap with the mandatory referral mechanism. It would, therefore, seem unnecessary to have a discretionary referral mechanism in those circumstances.

Ministerial Direction to initiate Planning Scheme Amendments

TasWater sees merit in providing the Minister with the power to direct Planning Authorities to initiate planning scheme amendments. However, this power should not be a broad-brush discretion and exercise of the relevant Minister's power should be limited to specific criteria. For example, to provide a merits-based review of the Planning Authority's decision not to initiate the amendment.

As noted in the consultation letter we look forward to being further engaged to consider the draft bill which we understand will be released in early 2024.

Thank you again for the opportunity to provide comment. If you have any queries, please refer them to Eamonn Tiernan, Head of Development Services, on or on .

Yours sincerely,

Matt Derbyshire
General Manager, Sustainable Infrastructure Services

From: Adrienne Eberhard <>
Sent: Thursday, 30 November 2023 5:14 PM
To: State Planning Office Your Say
Cc:
Subject: Protect local democracy - no to Liberals new planning panels!!

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

1. It will create alternate planning approval pathway allowing property developers to bypass local councils and communities. Development applications should be decided by local elective representatives not handpicked state planning panels! Developers can abandon the standard local council process at any thme and have a development assessed by this a planning panel.
2. Makes it easier to approve large-scale contentions developments such as the kunanyi/Mt Wellington cable car, high rise in Hobart, Cambria Green and high-density subdivisions like Skylands at Droughty Point.
3. It removes merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale and appearance of buildings; impacts to streetscapes. Developments will only be appealable to the Supreme Court based on a point of law or process.
4. Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.
5. Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.
6. Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught.
7. Undermines local democracy and removes local decision making.
8. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability.
9. Increase complexity in an already complex system.

Please ensure a transparent, independent, accountable and public-based process in decision making within the planning system. This is the basis of a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and take action to improve governance and the existing council planning process by enhancing community participation.

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

Yours sincerely,
Adrienne Eberhard