

# Revised LUPAA Development Assessment Panels Bill 2025

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**From:** gail ludeke >  
**Sent:** Thursday, 24 April 2025 7:41 AM  
**To:** State Planning Office Your Say  
**Subject:** Protect our rights & our voice - #SCRAPTHEDAP

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It is clear from the arguments below and experiences in other states that DAPs are dangerously undemocratic and potentially corruption enabling devices. I strongly disagree with their introduction.

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government,** they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process** which have a narrow focus and are prohibitively expensive.

- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## 2025 legislation not significantly changed

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

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

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

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

Yours sincerely,  
Gail Ludeke



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**From:** Slow Bus <  
**Sent:** Thursday, 24 April 2025 8:48 AM  
**To:** State Planning Office Your Say  
**Cc:**

**Subject:** Protect our rights & our voice – #SCRAPTHEDAP

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I am writing to object to the introduction of any form of DAPS legislation. I am heartily sick of the behind the scenes corruption occurring in Tasmania. The reputation of politicians is so poor that it is almost synonymous with corruption in our vernacular. We don't trust politicians and frequently have to choose which is the least corrupt or least ineffectual when we vote. Are there any of you who wish to change this and stand up for a governing culture that focusses on making a healthier and happier community with plans that benefit future generations? Please stop this erosion of checks against corrupt behaviour in our government and be a better step forward in improving the culture of service amongst politicians.

My objections to the DAPS legislation are based on the following reasons:

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning

Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
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- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
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NOTE: The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria:

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- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
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- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
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### **Say yes to a healthy democracy**

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

Yours sincerely,

Sarah Loughhead

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**From:** David Ridley  
**Sent:** Thursday, 24 April 2025 9:34 AM  
**To:** State Planning Office Your Say  
**Cc:**

**Subject:** DAP

Thank you for the opportunity to comment on proposed DAP legislation.

I have a shack in the Central Highlands of Tasmania and am impacted by both the Tasmanian Planning Scheme and the workings of the Central Highlands Council.

I wish to say:

- There has been no valid justification put forward by the Government for them to impose a change to the planning approval process on the community.
- The legislation is a rerun of a proposal which was previously put forward to the Legislative Council but was rejected for logical reasons.
- It removes direct involvement by locals with the Local Council about substandard developments and puts it into a 'black hole' where personal representations on a one-on-one basis will not be possible. There is a need for Councils to be provided with additional resources.
- Removal of merit based appeals does not address the problem. Adoption of the DAP proposal will not take away the landholder/community concern about the development.
- Removal of The DAP process will not solve issues of concern and will mean greater litigation for failing to comply (for example, by increased noise complaints to the EPA or Council).

- Merit appeal as part of any approval process (even a DAP process) is needed so the best outcome can be achieved.
- The DAP proposal supposedly will promote investment and jobs but this is not correct because:
  - simple and proper projects already go through Council with ease and with support.
  - the more sensitive projects require a social licence to operate which can only occur by proper consultation before the development, and as part of the approval process, and by merit appeals to fix any legitimate problems that emerge.
  - the Government is lazy and has not established the right framework so that developments, community support, and confidence to invest operate in a co-formulative, cohesive and efficient manner.
- Having more open and transparent processes with community involvement would help establish Tasmania investment credentials by avoiding planning disasters such as Robbins Island Wind Farm (which seems unlikely to get EPBC approval) and the Spirit of Tasmania debacle. The community recognises problems quicker than compliant Government led bureaucrats because locals own the problems and the solutions.

### **Case study: Wind farm in the Central Highlands, Tasmania.**

There are pro-development community members who oppose wind farms in the wrong place and come from every corner of the State. They are not 'anti-everything' that the Government likes to characterise in their effort to cover-up their own failings. The most efficient way to secure investment in wind farms in the Central Highlands with community support is to identify 'No Turbine Zones (NTZ)' in the Tasmanian Planning Scheme. Developing such zones upfront allows the community concerns to be addressed and investments to proceed with a social licence including protection of scenic landscapes and environmental hotspots and recognition of areas suitable for solar farming and wind generation. From personal experience with St Patricks Plains Wind Farm, the use of No Turbine Zones would avoid surprise to neighbours (the first I knew of any wind farm development was when Epuron the developer shoved a note under the door), locating 230m high turbines as close as 250m to the Lakes Highway, putting 230m high turbines as close as 400m to neighbouring farming landholder's formal camping and equestrian areas, and also avoid sleep disturbance from nuisance noise. It is lazy politics by the Government to not address issues upfront by recognising No Turbine Zones. Adoption of NTZ would provide confidence for industry to invest, a social licence to operate, few if any merit appeals, and provide a quick approval process.

If the Government gets the right process upfront right then the outcome will be right and more investment will occur.

There is no need or justification for the DAP legislation.

Thanks for the opportunity to comment.

David Ridley

24th April 2025

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**From:**  
**Sent:** Thursday, 24 April 2025 8:52 AM  
**To:** State Planning Office Your Say  
**Subject:** Submission against proposed Development Assessment Panels (DAPs)

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I oppose the revised Development Assessment Panels (DAPs) Legislation. It has the same flaws rejected by Parliament in November 2024 and fails to provide safeguards for the rights of the Tasmanian Community. My concerns are:

- \* Skyscrapers could easily be approved in Hobart with virtually no community input.
- \* The proposed DAPs would allow property developers to bypass local councils and communities.
- \* They would not make decisions faster than Councils, and there is no concrete evidence to prove that the current system needs reform. In fact, the current system, in place for many years, works well.
- \* Community input, at the beginning of the process, is not allowed.
- \* Developments could only be appealed to the Supreme Court; a really expensive process.
- \* Merit-based planning appeal rights are not maintained. They should be: on all the issues the community cares about - height, bulk, scale, appearance, impacts on streetscapes and adjoining properties (including privacy and overlooking), biodiversity, traffic, noise, smell, and light.
- \* The Tasmanian Civil and Administrative Tribunal (TASCAT) review of decisions is essential for a democratic system protected by 'checks and balances'.
- \* Under the legislation, Panel appointments do not have to satisfy detailed selection criteria or objective processes.
- \* The proposed DAPs have the potential to increase corruption, reduce good planning outcomes, favour developers, and undermine democracy. The NSW Independent Commission Against Corruption has recommended the expansion of merit-based planning appeals as a deterrent to corruption.

I request that this Legislation be rejected.

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**My name:** Melanie Archer  
**My email:**

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**My additional  
comments::**

This is yet again a cynical attempt to bypass local planning rules and the wishes of the community. Governments time and time again attempt to override the preferences and best interests of local communities in order to facilitate inappropriate and greedy development by mates and donors. The major parties have shown themselves incapable of making good decisions, both financially and environmentally. Good planning should start at the local level and involve the community at every stage. Reject the DAPs!



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**From:** joanne maree saunders  
**Sent:** Thursday, 24 April 2025 9:10 AM  
**To:** State Planning Office Your Say  
**Cc:**

**Subject:** Please Vote No to Development Assessment Panels (DAP)

[You don't often get email from <https://aka.ms/LearnAboutSenderIdentification> ] Learn why this is important at

Good morning,

This DAP Bill is about increasing planning system bias towards developers.

Planning systems are supposed to be about balancing private, societal and environmental objectives for land, not only about providing “certainty for developers”. Large scale or contentious developments can have major, long-term impacts on the community and environment, and should not bypass local scrutiny and discussion.

Local councils are important for retaining local values and should not be bypassed

People want their local places to retain their character and culture and to have beauty and fairness, as well as jobs and development, not just endless “growth”.

Revised DAP Bill is still open to Ministerial bias and developer influence

There are still too many subjective criteria that can be used by the Minister to intervene on virtually any development in favour of developers, such as ‘perceived conflict of interest’, ‘a real or perceived bias’, ‘the application relates to a development that may be considered significant’. Even with the proposed ability of

the Commission to issue guidelines, the Minister only need take these “into account”, so the potential for Ministerial bias and interference (even corruption) is still there.

Community input is severely restricted by the DAP Bill

The public would only be able to put in written representations at a late stage in the process, after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, has prepared a draft assessment and has pretty much made up its mind.

Community input provides vital understanding and should inform the authority’s early considerations and final assessment, not be an ignored afterthought.

There should be merits-based planning appeals

Having an appeals process that can review decisions is an essential part of the democratic system of government based on checks-and-balances. Councils (and, of course, DAPs) can sometimes make mistakes, underestimate issues or be overly influenced by certain parties – an appeal has the potential to right these wrongs.

No community group makes an appeal lightly, as there are great costs in time and money to the members (who, unlike the developer, will not generally make money either from the development or from stopping it).

Removing merits-based planning appeals reduces the opportunity for mediation on development applications. Mediation is important for obtaining best outcomes, often permitting a development to go ahead while addressing the problematic issues with solutions. While the revised Bill does allow for the DAPs to use dispute resolution techniques, there is no clear process or rights established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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

Appealing to the Supreme Court based on a point of law or process is too narrow a focus and prohibitively expensive.

DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review).

Please keep decision making local, rather than bypassing it, with opportunities for appeal. Say no to DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

Thanks for reading.  
Warm regards,  
Jo Saunders

joanne maree saunders

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**From:**  
**Sent:** Thursday, 24 April 2025 9:51 AM  
**To:** State Planning Office Your Say  
**Subject:** Submission against proposed Development Assessment Panels (DAPs)

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I oppose the revised Development Assessment Panels (DAPs) Legislation. It has the same flaws rejected by Parliament in November 2024 and fails to provide safeguards for the rights of the Tasmanian Community. My concerns are:

- \* Skyscrapers could easily be approved in Hobart with virtually no community input.
- \* The proposed DAPs would allow property developers to bypass local councils and communities.
- \* They would not make decisions faster than Councils, and there is no concrete evidence to prove that the current system needs reform. In fact, the current system, in place for many years, works well.
- \* Community input, at the beginning of the process, is not allowed.
- \* Developments could only be appealed to the Supreme Court; a really expensive process.
- \* Merit-based planning appeal rights are not maintained. They should be: on all the issues the community cares about - height, bulk, scale, appearance, impacts on streetscapes and adjoining properties (including privacy and overlooking), biodiversity, traffic, noise, smell, and light.
- \* The Tasmanian Civil and Administrative Tribunal (TASCAT) review of decisions is essential for a democratic system protected by 'checks and balances'.
- \* Under the legislation, Panel appointments do not have to satisfy detailed selection criteria or objective processes.
- \* The proposed DAPs have the potential to increase corruption, reduce good planning outcomes, favour developers, and undermine democracy. The NSW Independent Commission Against Corruption has recommended the expansion of merit-based planning appeals as a deterrent to corruption.

I request that this Legislation be rejected.

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**My name:** Carmel Johnson  
**My email:**

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**My additional  
comments::**

I would like to express that I am not against development in our beautiful city of Hobart. However, based on the above, let's ensure that the process is done ethically. I am a 5th Generation Tasmanian who cares about community and merit-based planning appeal rights. Kind regards, Carmel Johnson

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

**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 9:41:33 AM

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If the DAPs were rejected last year, why are they being considered again? If the heart of the legislation is fundamentally flawed and the goal of the legislation opposed by councils and citizens, why is it being considered again? Amendments and adjustments aren't going to resolve this. Democratic choice and due process has to be defended. It is our right and our privilege.

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
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- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-

density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.

- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

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

## **2025 legislation not significantly changed**

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

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

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

Yours sincerely,  
Felicity

**From:** [wallace.seed.3@bigpond.com](mailto:wallace.seed.3@bigpond.com)  
**To:** [State Planning Office Your Say](#)  
**Cc:**

**Subject:** Subject: PROTECT OUR RIGHTS AND OUR VOICES - #SCRAPTHEDAP etc. regarding the Draft Bill 2025  
**Date:** Thursday, 24 April 2025 9:30:49 AM

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You don't often get email from [redacted] . [Learn why this is important](#)

- Dear To Whom it Concerns,

*So far, we are still attempting to live within a Democracy, however when people's voices collective or otherwise are taken away from them it is transparently and blatantly obvious that the very important Democratic process has been destroyed, by the very elected members who have very deliberately utilised the Democratic processes in order to deliberately get themselves into an office that they were determined to attain and subsequently hold.*

*So, having got themselves elected by a democratic process it is now so apparent that they no longer wish to incorporate any form of Democracy into future planning operations, in a situation which they are only in office to **represent** the people of the State of Tasmania.*

*They, the elected and the public servants, nor the developers, **do not own Tasmania.***

*Deliberately fiddling around with the planning system, that is NOT broken, in order to placate developers etc., that is exactly what the perpetrators of the DAP, are doing.*

*The further adding of 2 more fast tracking legislation, on both private and public lands, including Heritage Areas, National Parks and Reserves.*

*Additional contrivances, making it up as they go along, i.e.: 1) to provide fast tracked approvals under the National Parks and Reserves Management Act for developments in reserved land and 2) Another Bill that will ensure the removing/limiting appeal*



rights.

*All 3 expected Bills [DAP plus the above - plus how many more?], will either remove or weaken totally planning rights appeals.*

*Forcing the ridiculous need to go via Supreme Courts for planning matters is **not** due Democratic process. Causing obfuscating and deliberately difficult and unnecessarily expensive levels to prevent community planning appeals rights is deliberately UNDEMOCRATIC.*

*No transparency or accountability will occur/ increase, as will corruption, with no checks or balances, no due processes.*

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

- The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

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

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

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

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

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

- Poor justification – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- Increases complexity in an already complex planning system. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

***2025 legislation not significantly changed***

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

will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

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

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

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

***Yours sincerely,***

Jenny Seed

From:

[State Planning Office Your Say](#)

Subject:

Submission against proposed Development Assessment Panels (DAPs)

Date:

Thursday, 24 April 2025 9:22:08 AM

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I oppose the revised Development Assessment Panels (DAPs) Legislation. It has the same flaws rejected by Parliament in November 2024 and fails to provide safeguards for the rights of the Tasmanian Community. My concerns are:

- \* Skyscrapers could easily be approved in Hobart with virtually no community input.
- \* The proposed DAPs would allow property developers to bypass local councils and communities.
- \* They would not make decisions faster than Councils, and there is no concrete evidence to prove that the current system needs reform. In fact, the current system, in place for many years, works well.
- \* Community input, at the beginning of the process, is not allowed.
- \* Developments could only be appealed to the Supreme Court; a really expensive process.
- \* Merit-based planning appeal rights are not maintained. They should be: on all the issues the community cares about - height, bulk, scale, appearance, impacts on streetscapes and adjoining properties (including privacy and overlooking), biodiversity, traffic, noise, smell, and light.
- \* The Tasmanian Civil and Administrative Tribunal (TASCAT) review of decisions is essential for a democratic system protected by 'checks and balances'.
- \* Under the legislation, Panel appointments do not have to satisfy detailed selection criteria or objective processes.
- \* The proposed DAPs have the potential to increase corruption, reduce good planning outcomes, favour developers, and undermine democracy. The NSW Independent Commission Against Corruption has recommended the expansion of merit-based planning appeals as a deterrent to corruption.

I request that this Legislation be rejected.

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**My name:** Peter Black

**My email:**

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**My additional comments::** Residents need to be consulted when there is a development proposal. To have a panel of "experts" adjudicate is not a substitute for community consultation. I am strongly opposed to the proposed legislation.

**From:** [Dannielle](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 9:15:34 AM

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To whom it concerns,

I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, specifically in light of the Premier's response regarding the proposed Stadium development, which doesn't appear to meet basic planning or common sense. The panels will just be stacked with pro government and big business members who say 'YES' and provides a framework for conflict of interest and corruption. Decisions won't be made in the best interest of the community or on any planning merit and will green light any appalling development cooked up by big developers with state government and federal funding that doesn't pass the pub test. Representations will just be deemed vexatious preventing any public scrutiny of 'shit' development.

DAPs are not necessary, as the current planning approval pathway enables both good and poor development to proceed ie. subdivisions are frequently approved where only the bare minimum requirements are met and there is no appropriate servicing. Land use strategies have been written so that economic benefit overrides social and environmental concerns. Councils' actively assist developers even when their development ideas are fraught ie. South Prospect subdivision. The only reason for DAPs is to bypass the community's ability to voice their concerns over big controversial developments like cable cars and bulky visitor infrastructure on significant icons like kunanyi/Mount Wellington, or prisons on bushfire prone State reserves with threatened vegetation and species, with no practical way to provide sewerage, water supply, safe road infrastructure or public transport. These are just poor development proposals.

If project managers, developers and the state government employees actually did appropriate site analysis, engage with the community needs, identified values (threatened species matter people) and design appropriately for these, their development's would not be held up in the planning process. Mediation mostly resolves the conflict. The planning scheme has already been watered down, you don't even need to consider impacts on threatened vegetation or threatened species when land clearing for agriculture or subdivisions and state owned businesses can already force landowners to accept enormous electricity infrastructure development onto valuable farm land because of straight line design and economic gain selling power to the mainland.

There is no reason for the DAPs, just do better development that the community needs and wants and choose your sites better and without the big business greed.

Yours sincerely,

Dannielle Denning

**From:** [Julie Vaughan](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 11:53:17 AM

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To ALL

Please consider:

1. the removal of the community from the proposed DAP process;
2. the removal of appeal rights;
3. the lack of genuine consultation and engagement with local government; and
4. the rejection by all 29 local councils of the Bill.

It is worth noting it was all seven of the Upper House Independent Members, and the Green MLC who stood with the community against last year's DAP Bill, whereas the combined Liberal and Labor Members voted to pass the proposed changes. You can view my speech on the first DAP Bill [here](#).

By passing the communities input into planning is frightening to the power & control being given to developers!!

Julie Vaughan

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

**Subject:** Proposed Development Assessment Panel  
**Date:** Thursday, 24 April 2025 11:47:57 AM

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The Proposal currently being put forward is wrong and must be scotched.

It evidences a total and complete lack of understanding of the democratic system under which the Tasmanian Government operates.

It evidences a complete misunderstanding of democratic principles by those suggesting and supporting it.

If it is proceeded with I will lose all confidence in our Tasmanian Government and any instrumentality it works with. I definitely will not vote for any parliamentarian who fails to speak up against such a suggestion.

George Chandler B.A,(Soc.Wk)



# **LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2024 (53 OF 2024), reintroduced February 2025.**

## **SUBMISSION FROM ROSNY HILL FRIENDS NETWORK**

### **BACKGROUND**

Rosny Hill Friends Network (RHFN) exists primarily to ensure that the legislated natural values of the Rosny Hill Nature Recreation Area are upheld and, when necessary, protected. The Network also keeps a watching brief on issues affecting the broader concept of the Rosny neighbourhood (ie beyond the boundaries of the designated Nature Recreation Area).

In 2020, RHFN raised funds to appeal against the Development Permit granted for a large tourist development on the Nature Recreation Area. While the Appeal did not succeed in stopping the permit, our case produced additional evidence of potential ecological damage that was missing from the Developer's proposal, and as a result of this, a number of additional conditions were inserted into the permit, designed to give stronger protection to vulnerable plant species.

This experience amply demonstrates the effectiveness of the checks and balances in the existing system, and we strongly object to any changes to the current mechanism for appeals against planning decisions.

We object to the proposed creation of Development Application Panels (DAPs) and increasing Ministerial powers over the planning system for the following reasons:

### **1. Poor justification**

The proponents and supporters of this Bill have stated that the purpose of creating DAPs is to remove blockages and political bias from planning decisions.

We do not accept that this is a reasonable justification for making the proposed changes.

- We note that only about 1% of Council planning decisions are taken to Appeal.
- We observe that many Councillors are elected as independents and therefore have no particular political agenda to adhere to.
- At present both major political parties in Tasmania are supportive of development, so there is unlikely to be obstruction from Councillors who are elected to represent their views.
- Councillors are required to represent their community and make decisions where there are conflicting points of view all the time (as are all elected representatives, including government Ministers). We do not accept that assessing development permits is any different in principle, in the majority of cases, from other controversial issues that come before a Council.

### **2. Easier pathway for developers**

The overt intention behind the proposed changes is to remove blockages for the benefit of developers, and it is also clear that the DAPs and Major Project assessment provisions could be used by developers to sidestep other assessment processes.

This undermines any pretext of independence on the part of DAPs right from the beginning.

We do not accept that this is a desirable outcome that will lead to long-term benefit for the community, which should surely be the purpose of the Tasmanian planning system.

- We understand and accept that large development proposals are costly to prepare and that developers need to recover those costs in a timely manner. However, we maintain that all developers should be prepared to explain, justify, and withstand challenges to their proposals in the community where they propose to develop, and where the long-term impacts of their work will live on, long after they have moved to another project in another location.
- We understand that developers behind proposals such as the kunanyi-Mt Wellington cable car, Cambria Green, Kangaroo Bay, or Skylands, feel frustration at what they label as negativity in the community. However, in all cases their proposals have been challenged on planning compliance issues, not political bias. Allowing an alternative 'easier pathway' for assessment, on the other hand, seems to create every opportunity for political interference and bias.
- We believe that the enthusiasm already shown by some developers for these changes is ample evidence that easing the pathway for them will be at the expense of community concerns.
- In our Appeal against the proponents for the Tourist development on Rosny Hill our evidence showed that the developer's surveys were incomplete and inaccurate to some degree. As a result of our Appeal, changes were made to the plans to offer better protection to endangered plant species and vegetation communities that would otherwise have suffered major impact. This demonstrates that there is a legitimate purpose behind the existing Appeal process when local knowledge can usefully challenge the information provided by developers.

### **3. Undermines democratic processes**

We strongly believe our current system of democratic elections and representative and accountable decision-making should be upheld.

- Easing the path for developers as proposed will lead to a situation in which local communities will have little information, little opportunity to raise concerns or ask questions, and no opportunity to Appeal.
- We are concerned that there is no provision for public hearings or publication of the rationale for a DAP decision. Decision-making 'behind closed doors' leads to limited accountability and greater opportunities for interference, influence or, in extreme cases, corruption.
- DAPs appointed by the Tasmanian government will not be accountable to their electors in the same way that Councillors are.
- We believe that Councillors can have an important role in acting as a conduit for information between developers and the community by asking questions and reviewing responses on behalf of community members, who even under the present system are rarely able to have direct access to the developer or their team members.
- We believe that the concept of 'independent planners' is flawed. We wish to note that in our experience of the Appeal against the tourist development on Rosny Hill, it was extremely difficult to find a planner in Tasmania who could honestly claim to

be independent. Given the small professional pool available, nearly all have worked for, or hope to work in the future, for government bodies or major developers and therefore could be compromised if giving an opinion that might be considered unfavourable to the proponent/s.

- We understand that interstate experience in NSW has shown convincingly that DAPs are often subject to intense lobbying from developers, leading to some instances of corruption and political interference.

We want to ensure that Tasmanians can rely on transparency, accountability, independence, and public participation in all aspects of the planning assessment and decision-making system. We maintain that DAPs will not deliver this outcome. If reform is undertaken it should more properly be to strengthen the resources available to local Councils to enable them to undertake their role as a Planning Authority with confidence and responsibility.

#### **4. Scope for increased political interference**

We draw attention to the recent actions of the Tasmanian government in criticising and rejecting comments made by the independent Tasmanian Planning Commission (and other independent expert commentators) in relation to the proposed stadium at Macquarie Point.

It is clear from these statements and subsequent actions proposed by the government that they do not value the advice given by independent bodies if it stands in the way of their political agenda. It is hard to see, therefore, that so-called independent Development Assessment Panels will fare any differently, particularly if they should decide against a project the government wants to progress.

Far from reducing political interference we contend that DAPs will be a convenient rubber stamp for big business to gain access to public land on advantageous terms with no options for community input or comment.

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

While I'd like to be polite and say thank you for the opportunity to comment on this bill, I actually resent having to do it. I, along with many others, spent many hours writing submissions to the previous version of this bill, which was defeated by the Legislative Council, and now we are faced with a slightly modified version as the government tries again.

Specific comments:

- There is no need for the legislation. Tasmania has the fastest planning system in the country, and only about 1% of council planning decisions go to appeal. In some years, up to 80% of appeals are resolved by mediation. The government already has the option of declaring a Project of State Significance or a Major Project if it wants to bypass elected councils. And we've already seen that if it wants to bypass the Tasmanian Planning Commission, it can simply legislate.
- Elected councillors are the people who know their area and their communities; bypassing them is sending a message that the government really has no interest in how developments affect people living in an area or who otherwise care about it. It's interesting that the proposed criterion in s. 60AD for appointing a DAP is that 'the application is for development that is considered to be of significance to the local area': these are precisely the kinds of developments that local elected representatives should be considering and deciding upon.
- The proposed DAP process is against the principles of open justice; community input is delayed until after the DAP has consulted behind closed doors with the proponent and any relevant government agencies and adopted its draft decision. DAPs would not have to provide written reasons for their decisions – a provision that invites corruption and also makes it difficult to seek judicial review.
- Removal of merits-based appeal rights for non-proponents denies community members their democratic right to defend their own living space, their local area or other places they value, such as Kunanyi, against developments that would fundamentally alter them, for example, through impacts on biodiversity, streetscapes and landscapes, traffic, noise, light, overshadowing and so much more.
- Removing merits-based appeal also makes corruption and poor planning outcomes in favour of developers more likely, as pointed out by the NSW Independent Commission Against Corruption, which recommended the expansion of merits-based appeals.
- While the proposed DAPs process has been touted as 'taking the politics out of planning', it would have the opposite effect: the lack of accountability, behind-closed-doors decision-making, lack of meaningful opportunities for community input and appeals would only serve to stir up community angst and opposition. The proposed power of the Planning Minister to decide whether a development meets the DAP criteria is open to political bias and potentially corruption.
- The amendments in the new version of the legislation would make little difference to the objections raised above and in my and others' submissions to the first bill.

In summary, this proposed legislation gives us a fine example of what a planning system should not be: anti-democratic; ignorant of the needs of local communities; against the principles of open justice; likely to increase anxiety and opposition to proposals in the community, not to mention the government; open to corruption and political bias... the list could go on.

Rather than showing how it wants to control development planning to favour of its own preferred outcomes and those of developers, the government should be investing in the existing planning system by providing more resources to improve expertise and systems in local government, enhance community participation and planning outcomes through democratic processes.

Sharon Moore

24 April 2025

**From:**

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

**Cc:**

**Subject:** DEVELOPMENT ASSESS PANEL

**Date:** Thursday, 24 April 2025 11:21:48 AM

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I am totally appalled at this further erosion of our democratic system of government.

Jennifer Chandler B.Ed.

**From:** [Austra Maddox](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:** [planningmatterstas@gmail.com](mailto:planningmatterstas@gmail.com); [craig.farrell@parliament.tas.gov.au](mailto:craig.farrell@parliament.tas.gov.au); [bec.thomas@parliament.tas.gov.au](mailto:bec.thomas@parliament.tas.gov.au);

**Subject:** Why we need to #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 11:05:49 AM

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To all as addressed -

I write to strongly oppose the proposed DAP legislation.

From the very first page of the Consultation paper it is an insult to any thinking person! It states in the Background section, "The intention was to provide an alternate approval pathway outside of Councils' decision-making functions and help 'take the politics out of planning' for more complex or contentious development applications."

This would be rather amusing if it weren't such a serious issue, as It is quite clear that the focus of the proposed Bill is in fact to make the process almost wholly political, centralising decision-making in the Minister, and leaving such decisions free of community input or any merit-based process, such as appeal rights!

The proposed legislation was rejected last year, so it is also insulting that the Government now wants to re-introduce virtually the same legislation without having taken into account most of the objections raised previously - AND WITHOUT RESPONDING DIRECTLY TO THOSE ISSUES. This is **not** what parliamentary democracy should look like.

I have seen various current responses to the so-called Consultation Paper. I don't wish to simply repeat the very many valid points made by TasPIN, PMAT, Clarence Council, and others in pointing out the significant deficiencies of the proposed legislation. However, I certainly want to endorse those responses. The community deserves and needs proper merit-based processes, including appropriate appeal rights, so that planning in this state is not treated as a political football!

"haveyoursay" - Would you please acknowledge receipt of this submission.

(Ms.) Austra Maddox



**From:** [Louise Woods](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** DAP/LUPA  
**Date:** Thursday, 24 April 2025 11:04:30 AM

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With regards to the DAP and LUPA please ensure that there is provision for community voices to be heard.

Given the need for houses in Tasmania I understand the desire for this process and agree development of houses is needed, however it needs to be well designed and community input is vital. It is the local community that have knowledge of the needs of the community and area more than developers.

Louise Woods

**From:** [Mimi Refaei](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:** [planningmatterstas@gmail.com](mailto:planningmatterstas@gmail.com)  
**Subject:** #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 10:49:38 AM

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[Learn why this is important](#)

Protect Kunanyi

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**

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

- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

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

development from council assessment before requesting the minister have it assessed by a DAP.

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

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

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

**Yours sincerely,**

Mimi

**From:**  
**To:** [State Planning Office Your Say](#)  
**Subject:** Submission against proposed Development Assessment Panels (DAPs)  
**Date:** Thursday, 24 April 2025 10:39:54 AM

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I oppose the revised Development Assessment Panels (DAPs) Legislation. It has the same flaws rejected by Parliament in November 2024 and fails to provide safeguards for the rights of the Tasmanian Community. My concerns are:

- \* Skyscrapers could easily be approved in Hobart with virtually no community input.
- \* The proposed DAPs would allow property developers to bypass local councils and communities.
- \* They would not make decisions faster than Councils, and there is no concrete evidence to prove that the current system needs reform. In fact, the current system, in place for many years, works well.
- \* Community input, at the beginning of the process, is not allowed.
- \* Developments could only be appealed to the Supreme Court; a really expensive process.
- \* Merit-based planning appeal rights are not maintained. They should be: on all the issues the community cares about - height, bulk, scale, appearance, impacts on streetscapes and adjoining properties (including privacy and overlooking), biodiversity, traffic, noise, smell, and light.
- \* The Tasmanian Civil and Administrative Tribunal (TASCAT) review of decisions is essential for a democratic system protected by 'checks and balances'.
- \* Under the legislation, Panel appointments do not have to satisfy detailed selection criteria or objective processes.
- \* The proposed DAPs have the potential to increase corruption, reduce good planning outcomes, favour developers, and undermine democracy. The NSW Independent Commission Against Corruption has recommended the expansion of merit-based planning appeals as a deterrent to corruption.

I request that this Legislation be rejected.

---

**My name:** Russell Thomson

**My email:**

---

**My additional comments::** We need to have an independent review of building proposals that may take the heritage streetscape away from Hobart Russell Thomson

**From:** [Patrick Gleeson](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:** [planningmatterstas@gmail.com](mailto:planningmatterstas@gmail.com); [craig.farrell@parliament.tas.gov.au](mailto:craig.farrell@parliament.tas.gov.au); [bec.thomas@parliament.tas.gov.au](mailto:bec.thomas@parliament.tas.gov.au);

**Subject:** Delete Development Assessment Panels  
**Date:** Thursday, 24 April 2025 10:28:54 AM

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Good morning,

I think Tasmania requires fewer councils, not a new planning law enabling the Minister to override all of them.

The 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws.

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

1. The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.
2. The Tasmanian Planning Commission is not independent– DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
3. DAPs will make it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
4. Removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an

essential part of the rule of law and a democratic system of government based on 'checks and balances'.

5. Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.
6. Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.
7. Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
8. Increased ministerial power over the planning system increases the potential for politicisation of critical planning decisions such as rezoning and risk of dubious, arbitrary decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
9. Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

10. Poor justification – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
11. Increases complexity in an already complex planning system. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

12) The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and **all the key flaws remain**.



13) One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

14) Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

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

16) The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.

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

### **Promote genuine democracy**

18) 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.

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

20) I also request you to ensure that any financial donations by property developers to political parties are publicly disclosed; to enhance transparency and efficiency in the administration of the *Right to Information Act 2009*; and to create a strong anti-corruption watchdog.

Yours faithfully,

Patrick Gleeson



**From:** [Ford, Melissa](#)  
**To:** [State Planning Office Shared Mailbox](#)  
**Cc:**  
**Subject:** Heritage Council feedback on LUPA Amendment (Development Assessment Panels) Bill 2025  
**Date:** Thursday, 24 April 2025 10:17:36 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[20250423 Ltr to SPO - THC feedback on LUPA Amendment \(DAP\) Bill 2025.pdf](#)

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FYI.

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**From:** Ford, Melissa  
**Sent:** Thursday, 24 April 2025 9:38 AM  
**To:** Reid, Anthony <  
**Cc:**

**Subject:** Heritage Council feedback on LUPA Amendment (Development Assessment Panels) Bill 2025

Anthony,

Please find attached a submission from the Tasmanian Heritage Council to the public consultation process on the above revised draft Bill.

Kind regards  
Melissa



Melissa Ford | Director  
Heritage Tasmania  
Department of Natural Resources and Environment  
Tasmania  
134 Macquarie Street HOBART TAS 7000  
E:  
W: [www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

A picture containing text, screenshot, font? ? Description automatically generated



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24 April 2025

Mr Anthony Reid  
Director  
State Planning Office  
Department of State Growth  
[spo@stateplanning.tas.gov.au](mailto:spo@stateplanning.tas.gov.au)

**Consultation on draft Land Use Planning Approvals Amendment  
(Development Assessment Panels) Bill 2025**

Thank you for attending the Tasmanian Heritage Council (Heritage Council) meeting on 9 April 2025 to provide a briefing on the revised *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025* (the Bill), which provides for amendment of section 33 of the *Historic Cultural Heritage Act 1995*. The Heritage Council appreciates the opportunity to provide further feedback, following its submission dated 11 November 2024 on the 2024 version of this Bill.

It is noted that the proposed changes are intended to provide greater certainty and to reduce the potential for planning assessment conflicts for complex or more contentious development applications. However, as you observed, this is not a reflection of the Heritage Council's decision-making, and the Heritage Council remains of the view that it should continue to be a consent authority for discretionary permits affecting places listed in the Tasmanian Heritage Register. Its mature decision-making framework developed over many years provides transparent, consistent and timely decision-making.

Under the Ministerial Statement of Expectation, the Heritage Council in exercising its regulatory functions is required to have regard to identified Government objectives, such as increasing social and affordable housing. It has been particularly supportive of proposals that provide for adaptive reuse and sustainable development of heritage listed places. This balance of development with conservation and protection of state heritage listed places is most effectively achieved by the Heritage Council. However, in view of a change from a consent authority to an advisory entity, the Heritage Council provides the following feedback on the Bill:

- It is recommended that the draft provision for section 60AF(3)(a) regarding matters that the Heritage Council is to have regard to be amended to be consistent with section 39(2) of the *Historic Cultural Heritage Act*. This would limit the "place or area adjoining the place" to adjoining registered places only.
- With the Heritage Council as an advisory entity instead of a consent authority, the importance of pre-lodgement engagement becomes even greater. Pre-lodgement

engagement, including consideration of the Heritage Council's Works Guidelines and discussion with Heritage Tasmania advisors, will enable the proponent to progress a scheme with greater confidence in obtaining approval. It has potential to save time and expense in the process. It is strongly recommended that for DAP applications affecting THR listed places the requirement for pre-lodgement heritage consultation be embedded in the DAP process.

- While the Bill preserves the Heritage Council's enforcement functions (section 60AO), conditions imposed by the DAP may differ from those recommended by the Heritage Council. This could create practical challenges for Heritage Tasmania to gauge compliance and there is a risk that those conditions will not be enforceable. To mitigate this risk, the THC proposes that its standard heritage conditions, which have been tested in appeals and are mature, be adopted in the DAP process.
- The proposed DAP process will have a resourcing impact on Heritage Tasmania and the Heritage Council in responding at multiple stages of the DAP process. This impost is acknowledged to some degree through the provision of cost recovery fees for relevant authorities, which is welcome. However, it is unlikely to enable Heritage Tasmania to engage additional resources. Accordingly, it is recommended consideration be given to requiring a Heritage Impact Statement be provided by the proponent for any project in the DAP process. Reference may be made to the Heritage Council's *Practice Note 1B: Preparation of Heritage Impact Statements* (April 2023).
- Section 60AD (Ministerial referrals) and section 8A(2) (Commission guidelines) would benefit from clearer eligibility thresholds and decision criteria. In the interest of fairness and predictability, eligibility requirements for Minister intervention or DAP referral should be publicly available and unambiguous.
- Above all, the DAP framework must remain aligned with the objectives of the Historic Cultural Heritage Act and support the Heritage Council's role in ensuring that development is compatible with the conservation and protection of Tasmania's unique historic heritage.

If you would like to discuss the Heritage Council's concerns, please contact Melissa Ford, Director Heritage Tasmania, on (03) 6165 4765 or by email at [melissa.ford@heritage.tas.gov.au](mailto:melissa.ford@heritage.tas.gov.au).

Yours sincerely

Brett Torossi  
**Chairperson**  
**Tasmanian Heritage Council**

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

**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 10:14:11 AM

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Dear State Planning Department,

I do not support the DAPs legislation. Increasing ministerial power and reducing democratic rights (the right to appeal) is a dangerous move.

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent – DAPs are hand-picked,** without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the

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

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

- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be

'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

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

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

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

Yours sincerely,  
Zoe Magnus

**From:** [Carmel McCormack](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** FW: Submission - Draft LUPAA Amendment (Development Assessments Panels) Bill 2025  
**Date:** Thursday, 24 April 2025 10:07:29 AM  
**Attachments:** [image001.png](#)  
[PIA Submission draft Land Use Planning Approvals Amendment \(DAPS Bill\) 2025 - April 2025.pdf](#)

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You don't often get email from [carmel.mccormack@planning.org.au](mailto:carmel.mccormack@planning.org.au). [Learn why this is important](#)

State Planning Office  
Department of Premier and Cabinet

Please see attached submission from Planning Institute Australia (Tas) on the Draft LUPAA Amendment (Development Assessments Panels) Bill 2025.

Thank you for the opportunity to make this submission.

**Carmel McCormack**  
**State Manager VIC & TAS**

[www.planning.org.au](http://www.planning.org.au)

Level 18, 1 Nicholson St,  
East Melbourne, VIC, 3002



[LinkedIn](#) / [Instagram](#) / [X.com](#) / [Facebook](#)

PIA acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to Elders past and present.



State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
Hobart Tasmania 7000

Via email: [haveyoursay@stateplanning.tas.gov.au](mailto:haveyoursay@stateplanning.tas.gov.au)

## **Submission - Draft LUPAA Amendment (Development Assessments Panels) Bill 2025**

PIA Tasmania provides this response to the draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025* (Bill) and *Background Report for Consultation* (February 2025) 'Consultation Report'. The Bill proposes some of the most extensive changes to the *Land Use Planning and Approvals Act 1993* (LUPAA) since amendments to facilitate the Tasmanian Planning Scheme in 2015.

PIA supports Development Assessment Panels and generally supports the revisions within the 2025 Bill, however we do have some concerns, as we believe the proposal to introduce Development Assessment Panels (DAPs) will increase complexity within the planning system and lead to increased frustration and confusion with approval pathways.

### **Amendment Initiation**

PIA supports a merits-based assessment of refusals to amend a Local Provisions Schedule (LPS) but continues to have concerns over the proposed revisions at 40B of the Bill.

The Bill does not provide a clear requirement for decisions based on professional advice, with mechanisms to address potential issues with proposal materials and technically compromised proposals.

We submit that the proposed provisions at 40BA(1) should be removed or revised to provide for a merits-based review of the refusal to initiate an LPS amendment by the Planning Authority. Any merits review should be made by a suitably qualified party, such as the Commission. If the Minister retains a role, it should be to request the Commission to complete the review, and then issue the final decision per the Commission's recommendation

### **The need for DAPs**

The 2025 Bill and Supporting Report do not provide any substantive additions to the justification for DAPs or identify the problems with the regulatory system that require these interventions.

DAPs will add complexity to the approval processes under the Act. Clear guidelines will be required for any implementation to provide certainty for proponents on when to use a DAP process, to reduce potential conflicts with other approval processes such as Major Projects or Projects of State Significance.

It is critical that any reforms remain consistent with the Objectives of LUPAA, particularly ensuring that planning is coordinated between State and Local Governments. The introduction of DAPs reinforces the need for Tasmania to have a mature and well-resourced strategic planning system that delivers effective community and stakeholder engagement on planning for our future.

The submissions received on the Position Paper demonstrate that there is still significant community concern over the process around the potential exclusion of the public from the process for contentious projects. Using established and accepted processes as much as possible helps to demonstrate the legitimacy and transparency of decision-making in the community.

### **Revised triggers and thresholds**

PIA Tasmania supports the removal of triggers for the preliminary rejection of frivolous and vexatious representations, referral of an application part way through an assessment process and the increased thresholds for referral of applications.

A financial mechanism such as indexing is required to ensure referral triggers remain current, and a clear way to verify project value is needed.

### **Resourcing**

Further clarity is required on the additional administrative and delegate positions that will be provided for the Tasmanian Planning Commission to deliver this process, to prevent adverse impacts on their existing commitments. We note the Commission's own submission on this issue.

The State must deliver clear information guides for the development sector and proponents, that make clear the approval process and information requirements for applications and timelines.

Additionally, the State must deliver education for the general community, and the planning and related professions, around the process.

The Bill will require an increase in the planning workforce in both the private and public sectors of Tasmania. We recommend the State provides recurrent, operational funding to increase student or graduate positions across State and Local Government and the private sector to build the required pipeline of professional planners within the profession.

## **RECOMMENDATIONS**

In summary, the following recommendations are put forward to improve the operation of the Bill:

- All Ministerial decisions must have clear decision criteria and be based on professional advice.
- Financial nomination triggers must require a mechanism to maintain currency, such as indexing, and confirm project value.
- The State must publish guidelines that provide clear recommendations for project types and approval pathways to simplify process selection.
- A transparent and well-funded program of public education and effective explanatory guidelines are required to improve industry and public understanding of the planning process including the functions of DAPs in the process.
- Ministerial powers through proposed 40BA for review of a refusal to initiate a planning scheme amendment should be removed. If that is not palatable, the Commission's powers should be amended to enable a merits-based review of a refusal to initiate a planning scheme amendment in addition to existing administrative review provisions.

The current Tasmanian planning system currently places too much emphasis on regulatory processes. Supporting and enabling effective strategic planning and education to enable better outcomes that meet community expectations at the state, regional and local level are critical to ensuring clear pathways through the regulatory process.

PIA Tasmania strongly advocates for increased strategic planning efforts to ensure that local government and the community are appropriately involved in setting the policy framework under which DAP decisions will be made.

Thank you for the opportunity to make a submission to these important reforms. We reiterate our in-principle, support for the introduction of DAPs in Tasmania and reinforce our concerns about this proposal.

We welcome any opportunity to further assist with progression to a successful DAP model in Tasmania.

Yours sincerely,

**Mick Purves MPIA (fellow)**

President

Planning Institute Australia (Tas.)

**From:**  
**To:** [State Planning Office Your Say](#)  
**Subject:** Submission against proposed Development Assessment Panels (DAPs)  
**Date:** Thursday, 24 April 2025 10:05:28 AM

You don't often get email from [redacted] . [Learn why this is important](#)

I oppose the revised Development Assessment Panels (DAPs) Legislation. It has the same flaws rejected by Parliament in November 2024 and fails to provide safeguards for the rights of the Tasmanian Community. My concerns are:

- \* Skyscrapers could easily be approved in Hobart with virtually no community input.
- \* The proposed DAPs would allow property developers to bypass local councils and communities.
- \* They would not make decisions faster than Councils, and there is no concrete evidence to prove that the current system needs reform. In fact, the current system, in place for many years, works well.
- \* Community input, at the beginning of the process, is not allowed.
- \* Developments could only be appealed to the Supreme Court; a really expensive process.
- \* Merit-based planning appeal rights are not maintained. They should be: on all the issues the community cares about - height, bulk, scale, appearance, impacts on streetscapes and adjoining properties (including privacy and overlooking), biodiversity, traffic, noise, smell, and light.
- \* The Tasmanian Civil and Administrative Tribunal (TASCAT) review of decisions is essential for a democratic system protected by 'checks and balances'.
- \* Under the legislation, Panel appointments do not have to satisfy detailed selection criteria or objective processes.
- \* The proposed DAPs have the potential to increase corruption, reduce good planning outcomes, favour developers, and undermine democracy. The NSW Independent Commission Against Corruption has recommended the expansion of merit-based planning appeals as a deterrent to corruption.

I request that this Legislation be rejected.

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**My name:** Brian Rieusset

**My email:**

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**My additional comments::** As a long-term resident and active defender, supporter and guardian of our extraordinary heritage buildings in Tasmania, I implore you to reject whoever, and whatever financial organizations and developers are pressuring you and to oppose the revised Development Assessment Panels (DAPs) Legislation.

**From:** [Iid Huddo](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:** [planningmatterstas@gmail.com](mailto:planningmatterstas@gmail.com); [craig.farrell@parliament.tas.gov.au](mailto:craig.farrell@parliament.tas.gov.au); [Bec.Thomas@parliament.tas.gov.au](mailto:Bec.Thomas@parliament.tas.gov.au);

**Subject:** Protect our rights and our voice - Scrap the DAP  
**Date:** Thursday, 24 April 2025 9:56:08 AM

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State Planning,

In relation to changes to the DAP legislation, it is important to know that the process of approving developments should be undertaken by people who are qualified to assess applications in a transparent and independent process and this process should be based on a range of strategic and policy settings that balance the needs of the community and environment with appropriate social and environmental outcomes, that are appropriate for the location of any proposed development.

I do not believe that the members of Parliament have the expertise required or the time and independence to appropriately assess applications with the level of consideration required to make these long lasting decisions and the knock on effects of those decisions. There are examples of where Ministers have made decisions on the delivery of major infrastructure projects that have failed in various ways due to poor consideration of all factors that should be reviewed.

There is no justification for the proposed changes and these changes appear to be an action of removing a more thorough process to a process that removes the option for the community to have a say on how their communities evolve. Without timely and transparent disclosure of political donations and lobbyist meetings with Ministers and other political associates, this change further dismantles trust in our political processes and democracy. In light of what is happening to the American democratic establishment I am appalled that our current political representatives feel this change is appropriate.

The following points articulate my views on the changes proposed to DAP.

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

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

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

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

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

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

- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

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

## **I look to you to support a healthy democracy**

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

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

**Yours sincerely,**

Ms L Hudson



**From:**  
**To:** [State Planning Office Your Say](#)  
**Subject:** Submission - Draft Development Assessment Panel - Draft Bill 2025  
**Date:** Thursday, 24 April 2025 4:53:56 PM

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

Dear State Planning Office

Please accept this submission on the draft DAP bill 2025.

I object to these amendments because they have very broad terms in the types of developments that may be included for assessment under the DAP process and there is no right of appeal on the decisions made. It is particularly not a reasonable or democratic process for assessing developments on public land.

Yours faithfully,  
Sarah Richards

**From:** [Janet Kelly](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 1:00:24 PM

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

To all Members of the House of Assembly and all Legislative Councillors

I am writing to express my profound misgivings about the Development Assessment Panel Bill 2025 Version 2. If passed and implemented this bill would severely undermine the democratic process in our state, disempowering councils and the community members they represent.

I implore you not to pass this extremely flawed and problematic bill.

Yours sincerely,  
Janet Kelly,

Sent from my iPad

**From:** [YAHOO](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** Draft LUPA Amendment (Development Assessment Panels) Bill 2025  
**Date:** Thursday, 24 April 2025 1:33:38 PM

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Good afternoon,

I would like to submit my strong objections to the above proposal. Once again the liberal government are attempting to remove the long standing process regarding developments.

The recent decision to bypass expert and the planning commission's advice regarding the stadium is frightening for our democracy.

The changes proposed do little to alleviate the concerns surrounding this proposed legislation. which could be applied to not just private land but include National Parks and World heritage areas.

It appears to still seek to entrench an undemocratic fast track development approval process. This undermines the important principle of sound, evidence-based and accountable decision-making processes, reduces community input and rights of appeal. These planning processes should be first in the public interest, consultative and transparent.

thank you for your time  
sincerely  
Anne Geard

**From:** [Jenny Rayner](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:** [David](#)  
**Subject:** submission to the DAPs consultation  
**Date:** Thursday, 24 April 2025 12:18:01 PM

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We object to the proposed legislation on the following grounds

**1. Unnecessary change**

Tasmanian already has a system under which major projects can be assessed outside the usual process of Council approval.

**2. Removes accountability for decision-making over planning issues**

At present councillors are accountable to their electors for planning decisions. It is difficult to see who will be accountable for decisions made under the proposed changes.

**3. Favours developers over communities**

The stated reasons for the proposed changes are clearly skewed to favour developers over community members.

We maintain that this is an erosion of democratic rights and will lead to circumstances in which developments are proposed and assessed 'behind closed doors' with no opportunity for the community to make representations, ask questions or challenge developers' ideas.

**4. Lack of Appeal rights**

We strongly believe that developers should be required to put their proposals to the community, to explain and justify their plans, and if necessary to put them to the test of an Appeal. Appeals are costly and rarely undertaken for vexatious reasons.

It seems only fair that major proposals should be exposed to the rigour of an Appeal process when communities feel strongly enough. They have additional insights into the value of a site and will have to live with the impact of the proposal long after the developer has moved on.

**5. Will increase opportunities for political interference**

Although the legislation purports to depoliticise the planning process, this government has recently discredited several highly-regarded independent experts from a variety of sources when their advice or assessment does not accord with their political direction. We have no faith that DAPs would be treated any differently.

We urge this government to drop the proposed changes to sideline community interest in favour of big business.

Jenny Rayner  
David Jones

**From:** [Brian Garland](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:**

**Date:** Thursday, 24 April 2025 12:40:16 PM

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Protect our rights & our voice - #SCRAPTHEDAP

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

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

- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this

subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

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eligible under the other broad and undefined criteria.

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

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

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

Yours sincerely,  
Brian Garland



**From:** [Trish Moran](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** Protect our rights and our voice — #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 1:31:00 PM

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[Learn why this is important](#)

Tasmania is unique and beautiful, and Tasmanians are justly keen to have a say in developments that affect our own little pieces of paradise. Please consider the arguments below and act to retain our democratic right of appeal and an independent planning system free of undue political influence.

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

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

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

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

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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?

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

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

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

**Subject:** #SCRAPTHEDAP - Submission against proposed legislation  
**Date:** Thursday, 24 April 2025 3:50:54 PM

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## **I call on you all to Scrap the State Gov's anti-democratic DAP Bill**

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

I call on you now to SCRAP this undemocratic proposed legislation. It's outrageous you would even consider this legislation. Remember, WE VOTE! AND WE DID NOT ASK FOR THIS AND DO NOT WANT IT. PROTECT OUR RIGHTS TO DEMOCRATIC PROCESS AND OUTCOMES. THIS IS DICTATORSHIP GOVERNMENT, IS UNJUSTIFIED AND OUT OF CONTROL.

It's blatant political interference in the development assessment process that currently works. The State Government's intention to introduce new legislation to bypass their own existing legislation and processes is a dangerous abuse of good governance and undermines the integrity of the whole planning system. Protecting the independence of the Planning Commission and its ability to appoint good independent panels for DAP's as allowed for under our existing Projects of State Significance legislation is what I believe is important.

Our The current 'process' ( or lack of) around the stadium is also a powerful demonstration of how this government (and the Opposition) will disregard any independent advice that is not to its liking. YOU FAIL!!! LISTEN TO THE EXPERTS INDEPENDENT ADVICE AND LISTEN TO THE PEOPLE! WE DON'T WANT THE RUBBISH BEING DEALT TO US.

**Say yes to a healthy democracy AND SCRAP THE DAP.**

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

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version

that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government,** they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**



- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

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

appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

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

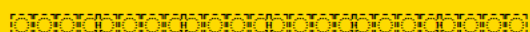
#### **2025 legislation not significantly changed**

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

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

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

- 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:** [R.DW](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:**

**Subject:** Please refuse the DAPs bill again - it hasn't changed significantly and is still terrible  
**Date:** Thursday, 24 April 2025 12:49:14 PM

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You don't often get email from [redacted] . [Learn why this is important](#)

Dear State Planning officers and parliamentarians,

My thanks to everyone involved with refusing the DAPs legislation at the end of 2024. As you will all be aware, the new bill is not significantly different from the previous bill, and all the key flaws from last year are still in the new bill. This new bill should also be refused.

As Tasmanians, my family and I do not support DAPs. Nor do we support increasing Ministerial power, or removing planning appeals. None of these is appropriate in a state that supports democracy and fairness for all Tasmanians.

There are already too many concerns about potential corruption and cronyism between government and developers in Tasmania - let's not increase this further. Nor should Ministers have even greater power and influence over our planning system - that too increases the risk and perception of corruption. As you are probably aware, other Australian states have already proven that planning panels (such as are proposed in this bill) favour developers - and the Independent Commission against Corruption in NSW specifically recommended expanding - not removing - merits-based planning appeals, in order to reduce corruption.

As you will be aware, only a tiny % of council planning decisions go to appeal - there is actually no problem to fix.

I would not vote for any MP or party that supports DAPs, or that supports removing merits-based planning appeals regarding proposed developments. Merits-based appeals are critical (the justification is in the name!) - they need to be available for most Tasmanians who cannot afford to pay for expensive appeals through the Supreme Court. Removing that right is not fair to Tasmanians - the people whom the government is meant

to represent.

Thank you for again refusing to impose such inappropriate legislation on us as Tasmanians.

Sincerely  
R Donaldson

# CULTURAL HERITAGE PRACTITIONERS TASMANIA

Website: <http://www.chptas.org.au>

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24<sup>th</sup> April 2025

State Planning Office  
Department of Premier and Cabinet  
GPO Box 123, Hobart, Tasmania, 7001

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

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

Dear Madam/Sir,

Thank you for the opportunity for Cultural Heritage Practitioners Tasmania to make comment on the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025*.

Cultural Heritage Practitioners Tasmania (CHPT) is a non-profit group comprising heritage practitioners from a range of disciplines. Formed in 1995, CHPT has an expert and long term perspective on historic heritage management in Tasmania, and an interest in the long term protection of significant cultural heritage in Tasmania, including through the planning system. We have previously made submissions in relation to the proposed state planning matters, including the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*.

In relation to the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025*, CHPT's views remain essentially the same as for the 2024 Bill, as there appears to be very limited substantive change between the two Bills in the areas of concern to us.

**CHPT therefore does not support the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025*.** Primarily we question the necessity of the Bill; and our other key concerns are detailed in our 2024 submission (see attached).

We note that some changes have been made in the 2025 Draft Bill to clarify historic cultural heritage matters. Our review of the 2025 Draft Bill however indicates that while the changes are useful, our key concerns in relation to the protection of cultural heritage have not been addressed (see item 3). In particular the wording of Section 60AE (2) in the 2025 Draft Bill Section 9, and the repeal of, and replacement wording for, section 33 of the *Historic Cultural Heritage Act 1995* in the Draft Bill Section 11, continue to suggest that *Historic Cultural Heritage Act 1995* will not, or can only be applied in part, under the Development Assessment Panel process. As noted in our 2024 submission, this removes the only protections for historic cultural heritage that is of, or potentially of, state level significance. This and the lack of clarity around the protection provisions for local level cultural heritage in the 2025 Draft Bill continue to be unacceptable to CHPT.

Please note that our specific concern regarding when a Development Assessment Panel process can be requested (see item 6), appears to have been addressed in the 2025 Draft Bill.

CHPT would be happy to answer any queries in relation to our submission.

Yours sincerely,



Anne McConnell

**Coordinator**  
**Cultural Heritage Practitioners Tasmania (CHPT)**

## ATTACHMENT 1:

### CULTURAL HERITAGE PRACTITIONERS TASMANIA

PO Box 134, Hobart, Tas, 7001. Email [chptas@yahoo.com.au](mailto:chptas@yahoo.com.au)

Website: <http://www.chptas.org.au>

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12<sup>th</sup> November 2024

State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
Hobart, Tasmania, 7001  
Email: [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)

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

Dear Madam/Sir,

Thank you for the opportunity for Cultural Heritage Practitioners Tasmania to make comment on the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*.

#### Introduction

Cultural Heritage Practitioners Tasmania (CHPT) is a non-profit group comprising heritage practitioners from a range of disciplines. Formed in 1995, CHPT has an expert and long term perspective on historic heritage management in Tasmania, and an interest in the long term protection of significant cultural heritage in Tasmania.

CHPT also has had a long term interest in planning in Tasmania at a range of levels, including land use planning as it relates to cultural heritage at both a local government level and in relation to protected area management. We have previously made submissions in relation to the proposed *Tasmanian State Planning Provisions* in 2016, the *Tasmanian State Planning Provisions Review Scoping Paper* in 2022, the *Draft Land Use and Planning Approvals Amendment (Major Project) Bill* in 2020 and the *RAA Reform Consultation Paper* in early 2024. It should be noted that these last two matters involved planning and approvals reform, and both involved creation of Development Assessment Panels. CHPT did not support Development Assessment Panels per se in either case for a range of reasons, including the arguable necessity for such and a lack of clarity around their composition.

In making comment on the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024* we have used as key bases:

- The objectives of the *Land Use and Planning Approvals Act 1993*, in particular the objectives of Schedule 1, part 2 (g) which indicates the objective and intent of planning schemes in Tasmania in relation to cultural heritage.<sup>1</sup>

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<sup>1</sup> The objective of the *Land Use and Planning Approvals Act 1993* in relation to historic heritage is "to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value" (Schedule 1, part 2 (g)).

- *The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter)* (Australia ICOMOS 2013), widely regarded as the standard for heritage practice in Australia.

We have also reviewed the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*, the Tasmanian Government *Development Assessment Panels (DAP) Fact Sheet* and the October 2024 *Report on Consultation Development Assessment Panel (DAP) Framework Position Paper*.

### **Comment**

CHPT does not support the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*. This is primarily because we question the necessity of the Bill.

We also have concerns about :

- how the *Historical Cultural Heritage Act 1995* and the *Aboriginal Heritage Act 1975* will work in relation to the Development Assessment Panel process,
- the likely application of the Bill to protected area developments (something CHPT does not support),
- how Development Assessment Panels are constituted,
- when applications for a Development Assessment Panel process can be made,
- the provision for planning schemes to be amended outside the standard statutory process when the Development Assessment Panel process is being used, and
- the lack of third party appeal rights under this Amendment Bill.

Our concerns are expanded upon below.

As many of our concerns are similar to those that CHPT has had in relation to the *Draft Land Use and Planning Approvals Amendment (Major Project) Bill 2020*, we have appended a copy of CHPT's submission on that Bill as background.

### **1. Necessity of the Bill**

CHPT questions why – when there is already a *Land Use Planning and Approvals Amendment (Major Projects) Act 2020*, which is ostensibly to help major projects with complex assessment requirements, projects of importance to the State, and projects which may be controversial – another similar, but separate, process and piece of legislation is needed.

We do not believe that yet more amendments to LUPAA are needed given there is already a pathway for development projects that have special needs. We also argue that new legislation for development projects that have special needs is not required given that the new Statewide Planning Scheme, which is only now coming fully into operation statewide, was in fact introduced to improve the Tasmanian resource management system, including in relation to planning and approvals. Time is needed to see how the new Statewide Planning Scheme works once it is fully operational, before considering new amending legislation.

Further, the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024* adds yet more complexity to an already complex planning system. It is our view that the present system (including the Major Projects Act) is overly complex and new legislative changes that will make the system more complex are not

desirable. Further, the proposed process itself is resource consumptive above and beyond the current processes.

## 2. Scope of Bill

Both the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024* and the *Development Assessment Panels (DAP) Fact Sheet* are very short on detail, including in relation to the scope of the Bill. It is unclear to CHPT as to what land is subject to this Bill, and this is not made explicit in the Bill.

Our key concern in this respect is that the Bill may apply to developments in Tasmania's protected areas (which house and protect a considerable amount of the State's cultural heritage). This concern is reinforced given a number of similar elements in both the proposed approvals reforms for Tasmanian protected areas and the 2024 Development Assessment Panels Bill.

As indicated in our submission to the *RAA Reform Consultation Paper* in early 2024 (see appended), CHPT is strongly opposed to the use of a Development Assessment Panels process in Tasmania's protected areas and also to the amendment of management plans outside the existing statutory process.

## 3. Role of Existing Cultural Heritage Legislation

CHPT has previously expressed concerns about the potential loss of protections for cultural heritage as provided currently under the *Aboriginal Heritage Act 1975* and the *Historic Cultural Heritage Act 1995* through new assessment and approvals processes. The lack of detail in the Development Assessment Panels Bill 2024 about how such legislation will be treated also fails to provide a clear guarantee that existing protections for Tasmanian cultural heritage will be maintained.

This is particularly the case in relation to the application of the *Historic Cultural Heritage Act 1995*. Our reading of Section 60AD(2) of the Bill and Part 3 (which amends Section 33 of the *Historic Cultural Heritage Act 1995*) suggests the combined effect of these sections is to remove the application of the *Historic Cultural Heritage Act 1995* from the Development Assessment Panel process. This would remove the only protections for historic cultural heritage that is of, or potentially of, state level significance. This is not acceptable.

We are also not reassured by the conflicting information in the October 2024 *Report on Consultation*. This states (page 66) that "The revised framework excludes applications that are subject to Environmental Protection Authority referral under the *Environmental Management and Pollution Control Act 1994* or subject to the [Historic] Cultural Heritage Act 1995." Although it is explicit in the Bill that applications that are subject to the *Environmental Management and Pollution Control Act 1994* are excluded from a Development Assessment Panel process, this is not the case for applications that are subject to the *Historic Cultural Heritage Act 1995*. The same document also states (page 22) that "Applications that are subject to the *Historic Cultural Heritage Act 1995* are eligible for determination by a DAP" (CHPT emphasis).

CHPT is further concerned about what protections would still be offered to heritage of local significance (i.e., offered protection under the *Land Use and Planning Approvals Act 1993* through the planning schemes) under a Development Assessment Panel process given that local planning authority knowledge will be bypassed and given the limited

expertise of the Development Assessment Panels (we note here that cultural heritage is not mentioned as a required area of expertise – see item below). Planning schemes are important as they have particular protections that are not contained in the State heritage legislation, in particular they protect a broader suite of places (specifically they protect landscape, precincts, and archaeology, as well as places) and have a more open and transparent (although not perfect) process of assessment and review.

#### **4. Nature of Development Assessment Panels**

The Development Assessment Panels Bill 2024 is also extremely lacking (i.e., there is no information in the Bill) in relation to the make up of Development Assessment Panels. This, in CHPT's view is a critical omission, leading to a further loss of confidence in the Bill.

If Development Assessment Panels are to work effectively, the Panels need to be comprised of experts in relevant fields. This should include expertise in all natural and cultural values that are known or likely to occur in the area that is the subject of an application. Without this expertise, the Development Assessment Panels are not able to properly assess impacts to values, leading potentially to reduced protections via the Development Assessment Panel process compared to a planning authority assessment.

If Development Assessment Panels are to be used, then it is our view that the nature of Development Assessment Panels must be established in the amending legislation to ensure there is relevant expertise for each application under a Development Assessment Panel process. We also suggest, to improve confidence, that the panel membership be publicly reviewed, and revised where necessary, to ensure it contains the appropriate expertise.

#### **5. Planning Scheme Amendment Provisions**

CHPT is strongly opposed to any amending of planning schemes (and reserve management plans) other than through the present statutory review and amendment process. This process has been put in place to ensure all changes are carefully thought through, appropriate, and mesh with existing requirements and provisions of planning schemes, and to guard against changes to accommodate vested interests. We note in this context that even adding new heritage places to a planning scheme Heritage Code requires this same process, even though assessed, but unlisted, places may be at risk until listed.

We can see therefore no justification for allowing amendments to planning schemes at the Minister's discretion via an alternate process that is less stringent than at present.

#### **6. When a Development Assessment Panel Process Can be Requested**

Although not directly a cultural heritage protection matter, CHPT is highly concerned about the proposed timings for when a Development Assessment Panel process can be requested. CHPT does not support applications part way through an assessment. In our view this provides a recipe for 'approval shopping' – if you don't like one answer, then you can try another; and is wasteful of Tasmania's planning resources.

The criteria for when the Development Assessment Panel process might be requested are all able to be known or assessed prior to an application being made. There is simply no



justification we can see, therefore, for starting with a planning authority assessment and then deciding to change to a Development Assessment Panel process.

## **7. Third Party Appeal Rights**

CHPT is extremely concerned that the Development Assessment Panel process excludes third party appeal rights, and we argue that the proposed Development Assessment Panel public hearings, while useful, do not replicate third party appeal rights. Third party appeal rights are part of the democratic process, and recognise, by allowing broader public participation, that developments and changed land use can fundamentally affect neighbours and the public generally, including through loss of local character and sense of place (often contributed by cultural heritage), and consequently may lead to a loss of community wellbeing. It is also the case in Tasmania that planning appeals have assisted on occasion in providing significantly better protections for cultural heritage than achieved through the original planning assessment. Planning scheme appeals are also a highly prescribed process, while the proposed Development Assessment Panel public hearings are not, leading to less confidence in the proposed Development Assessment Panel public hearings process.

CHPT can see no valid justification for removing third party appeal rights, therefore does not support their omission in the Development Assessment Panels Bill 2024.

## **Recommendation**

In conclusion CHPT does not believe that the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024* is needed given the existing suite of state planning legislation, much of which is new and was designed to improve the planning assessment and approvals process; and we believe that a number of provisions remove existing, important processes, rights and/or protections. The Bill also, in our view, fails to meet the general requirements of openness, transparency and equity.

We therefore recommend that the *Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024* be rescinded. Any important development matters could, instead, be addressed by amending the Major Projects Act to include such project types.

Please do not hesitate to contact CHPT if you have any queries in relation to our submission.

Yours sincerely,

Anne McConnell

**Coordinator**  
**Cultural Heritage Practitioners Tasmania (CHPT)**

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

**Subject:** DAP AMENDMENT BILL 2025 - SUBMISSION  
**Date:** Thursday, 24 April 2025 12:50:41 PM

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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.
- **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.

Respectfully,

Kathleen McGinty

Tasmania

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

**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 12:52:19 PM

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You don't often get email from [\[redacted\]](#) [Learn why this is important](#)

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent – DAPs are hand-picked,** without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government, they**

rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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transparency and strategic planning.

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

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

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

a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

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

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

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

Yours sincerely,  
Lylla McDermott



**From:** [Janet Cooper](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:** [p](#)

**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 12:03:16 PM

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I am writing to you as I am concerned that the revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system and hope you will vote against it passing. My reasons are as followings:

- **The DAPs represent an alternate planning approval path which allows property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent – DAPs are hand-picked,** without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.

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

appeals has the potential to reduce good planning outcomes – including both environmental and social.

- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved through mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

**The 2025 legislation proposed has not significantly changed**

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws

remain. The changes made do not have any significant practical impact.

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

**Say yes to a healthy democracy**

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

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

Yours sincerely

- Janet Cooper,

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

**Subject:** Submission - Draft Development Assessment Panel - Draft Bill 2025 - Protect our rights & our voice – #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 12:03:52 PM

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In addition to the below form email which outlines many of the issues with this proposal, I just want to add that personally I am disgusted by this blatantly anti-democratic piece of garbage legislation and the government which is attempting to introduce it.

Also disgusted by the main "opposition" party but that is a separate issue.

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

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

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

Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller

applications and take longer than local councils to make decisions.

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

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

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

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

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

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

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

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

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

Poor justification – there is no problem to fix. Only about 1% of the approximately

12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

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

2025 legislation not significantly changed

The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.

One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

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

The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.

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

Say yes to a healthy democracy

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

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

Yours sincerely

Ben.



**From:** [Susan from Thalia Haven](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:**

**Subject:** #ScraptheDap  
**Date:** Thursday, 24 April 2025 12:59:08 PM

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.

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

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

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

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

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

- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
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### **Say yes to a healthy democracy**

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

Yours sincerely,

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

**Subject:** RE: No Development Assessment Panels for Tasmania...  
**Date:** Thursday, 24 April 2025 12:08:09 PM

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Dear StatePlanning,

I am writing to your department to object to the proposed introduction of Development Assessment Panels (DAPs) in Tasmania.

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

- The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- DAPs will make it easier to approve large scale contentious developments like the

kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.

- Removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on ‘checks and balances’.
- Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.
- Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.
- Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a ‘perceived conflict of interest’, ‘a real or perceived bias’, ‘the application relates to a development that may be considered significant’. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

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

### **2025 legislation not significantly changed**

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

Mary Steed  
Sent from my iPhone

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

**Subject:** Protect our rights & our voice – #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 1:25:25 PM

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To State Planning and all parliamentarians I've cc'd into this email (who, may I remind you, we rely on to protect our rights and our voices),

Please understand and be clear on the fact that the 2025 revised DAPs legislation is not significantly changed from the 2024 version, that was refused by the parliament, and retains all the key flaws.

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
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- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
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- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has

political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

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

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

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

**Yours sincerely,**

**Elsbeth Callender**

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

**Subject:** Protect our rights & our voice – #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 1:02:48 PM

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Hello,

I'm writing to you to *once again* oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system. The 2025 revised DAPs legislation is not significantly different from what was proposed in 2024, so my reasons for opposing it now are essentially the same.

As before, it is very important to me that development decisions remain in the hands of elected officials, operating at local scales where the effects of developments are felt. The proposed DAPs are undemocratic because they provide a pathway for developers to side-step engaging local communities in their planning processes.

Contrary to what one representative replied to my previous letter on this matter, local council approval processes are not "unnecessary barriers" to development. More often than not, when a development is rejected it is a reflection of non-acceptance by the local community, certainly not "overwhelming community support." Developers should be encouraged to do the work to engage with communities and find solutions, rather than given the means to bypass local planning processes entirely.

Effective engagement requires transparency and compromise, which are crucial for sustainable development and a functioning democracy. We should be focusing efforts on improving engagement and collaboration between developers and communities, not creating avenues to avoid this process (even if it is sometimes difficult).

The proposed legislation is in-line with the disturbing global trend of transferring power away from the people and into the hands of a privileged few that are largely immune to the effects of their actions. This is shameful in a country that claims to value democracy.

My more specific reasons to oppose the DAPs are as follows:

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

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

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

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

- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?
- **2025 legislation not significantly changed:**
  - The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
  - One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
  - Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
  - The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
  - The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
  - There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation, just minor disputes in the process.
- **Please say yes to a healthy democracy!**

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

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

Sincerely,

Haley Viehman  
Hobart resident

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

**Subject:** SCRAP THE DAP - Protect Rights, Democracy, and Due Process  
**Date:** Thursday, 24 April 2025 12:40:48 PM

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government,** they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.



- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on *'checks and balances'*.
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- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a *'perceived conflict of interest'*, *'a real or perceived bias'*, *'the application relates to a development that may be considered significant'*. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

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



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

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

## **2025 legislation not significantly changed**

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
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- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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

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

**Yours sincerely,**

Noah Sargent



ABN 68 300 116 092

Date 24/04/2025

Enquiries: Planning Department  
Phone: (03) 6382 8800

State Planning Office  
Department of State Growth  
Level 6  
144 Macquarie St  
Hobart TAS 7000

Dear Sir/Madam,

**RE: Draft LUPA Amendment (Development Assessment Panels) Bill 2025**

Thankyou for the opportunity to make a submission to the Position Paper regarding the use of Development Assessment Panels (DEPs) to determine certain development applications.

While Council welcomes the opportunity to make a submission and has provided technical responses to the questions raised in the Position Paper, Council has not been consulted on the general merits and suitability of DAPs, or alternatives, as a mechanism to resolve the perceived issues with decision making identified by the State Government. Council has not had sufficient time to form a position on this matter and would welcome further, broader consultation on the issue.

While Council can certainly see the merits of DAPs in certain circumstances, Council's previous concerns communicated with relation to the 2024 Bill remain. It is clear that there is potential for bias and inappropriate influences in the planning decision making process. However, it is unclear that this is happening across the sector at such a scale that it is significantly impacting development and investment.

- Data has not been provided that indicates the number of Council decisions that are being challenged.
- There are no statistics that show the number of Council decisions overturned at TasCAT.
- Independent processes have been put in place for Major Projects, Major Infrastructure Projects and Projects of State Significance, however, very few proponents have opted to use these processes, due to the process being more expensive, timely and rigorous than the normal DA process.
- Statistical information provided demonstrates that the planning system in Tasmania is one of the fastest (if not the fastest) in the Country.

There are also a number issues that appear to be able to resolved by other means, without creating additional processes, assessment bodies and significant additional resource requirements.

There is a general consensus that the role of Council as the Planning Authority is better understood by Councillors than it has been in the past and this can only improve with minor tweaks to education and training.

**The above notwithstanding,**

Council acknowledges that there is need for a DAP process to determine applications where Council is the Applicant and Planning Authority. \$1million is considered to be an appropriate threshold for a non-mandatory referral. The general public often has difficulty understanding the narrow confines of the planning assessment process and it is often treated as a litigious tool to debate local government decision making in general and the economic merits of Council decisions, resulting in delays to the implementation of Council decisions. An opportunity to provide clear separation for larger and higher value projects is generally supported.

Council generally supports the increase in the value thresholds to \$10million in metropolitan areas and \$5million in non-metro areas. This will significantly reduce the number of applications eligible for the DAP process. The value threshold is also indicative, to some extent, of the complexity of the development. The resources available to the DAPs and more rigorous assessment will potentially contribute to better planning outcomes for these complex developments. It is desirable that any guidelines issued by the Commission to assist the Minister emphasise that the complexity of the assessment should be paid more weight than the dollar value when determining if the DAP is the appropriate pathway.

The removal of ambiguous language is positive. There remains some concern regarding the demonstration of bias on the part of the Planning Authority. It would be desirable that the Commission also issue guidelines to assist the Minister to determine if there is an actual Bias within the Council or Planning Authority. Individual Councillors have the ability to recuse themselves and the perceived Bias of an individual should not be taken as representative of the whole Council. With each application being considered on its merits, care should be taken to ensure that individual past planning decisions of Council are not accepted as evidence of bias.

The inclusion of a dispute resolution process is positive, noting that sitting as the Planning Authority the final decision of the DAPs must still conform with the planning scheme. Dispute resolution should not be seen as an opportunity for two parties to agree to an outcome that is not in accordance with the applicable standards of the scheme.

The inclusion of provisions for replacing panel members and extending the timeframes for decision making are positive. Care must be taken that extensions do not become the default as a result of poor resourcing. There is a significant risk that under resourcing government departments will result in slow responses and slow decision making.

The incorporating of Heritage assessments is positive for efficiency of process.

There remain concerns with the proposed ability of the Minister to direct the Planning Authority to prepare an amendment to the LPS. The scope of matters the Minister can take into account in making their decision is ambiguous and seemingly very broad. There is substantial risk that priorities for the Minister or the government of the day will significantly undermine long term strategies and investments made by Councils and local communities, with long term impacts. The scope of reasons a Minister has to direct the Planning Authority to prepare an amendment that is contrary to local, regional and State Strategies should be restricted, potentially through guidance issued by the Commission. As the assessment will still need to be undertaken by the Commission, this process has the potential to provide a false sense of confidence to parties that may be trying to circumvent established strategic documents.

It is unclear what power the Commission has to issue a permit where it may be in disagreement with Council on matters contained within *Local Government (Building and Miscellaneous Provisions) Act 1993*, or relating to infrastructure, or relating to Council's financial capacity to service the infrastructure, take on open space or other such matters. It is unclear if the DAP has the power to, or is compelled to refuse an application because Council is of the opinion it does not comply with the *Local Government (building and Miscellaneous Provisions) Act 1993*. Is a consequential amendment required to this Act to grant the DAPs such a power or does the power to refuse under this Act remain vested in the Council? The powers under this act relate to Councils capacity and inclination to take on additional public assets and should not be compelled to do so if it does not have capacity or has not planned capacity to do so. The lack of merits based appeals raises concerns that Council will be forced to accept infrastructure that it has no desire or capacity to manage.

Section 60AK - In the normal appeal process, representors are provided an opportunity to revise their grounds, effectively changing their representation if its contents do not deal with relevant matters. The ability to dismiss irrelevant representations is a potential risk to procedural fairness and potentially undermines the accessibility of the planning process to people that are not planning experts. All representors should have a right to be heard; or an opportunity be provided for them to seek advice and submit a relevant representation before being dismissed.

60AH. Exhibition of applications should include a provision requiring the DAP to provide the Council with a copy of the exhibition documents, such that Council can display them in the usual locations that the community would normally expect, such as the website and Council Offices. Many Council's advertise on certain days of the week to provide a degree of consistency for the community and, as a matter of practice, it would be beneficial if the DAP could liaise with the Council to advertise on a day the community would reasonably seek out such advertisements.

60AL (2) (d) (ii) – this clause should be made consistent with Clause 6.10 of the State Planning Provisions. Representations made to the DAP should only be considered in so far as they are relevant to the particular discretion being advertised. The broader wording in the Draft implies broader scope for the DAP to consider representations than is available to the usual Planning Authority. The whole of this section should be consistent with the powers of the Planning Authority in making normal 57 decisions.

Generally the amendments are an improvement on the previous Bill, however, it remains unclear that this piece of legislation is warranted in its entirety or that it is in the interest of local communities, as per Council's previous submission.

Kind regards,

A small, handwritten signature in dark ink, appearing to be 'J. Simons'.

Justin Simons  
Town Planner

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

**Subject:** RE: Development Assessment Panels  
**Date:** Thursday, 24 April 2025 1:10:25 PM  
**Attachments:** [LUPAA 1993 Schedules 1 & 2.pdf](#)

---

**From:** Janice Miller  
**Sent:** Thursday, 24 April 2025 1:09 PM  
**To:** 'haveyoursay@stateplanning.tas.gov.au' <haveyoursay@stateplanning.tas.gov.au>  
**Cc:**

**Subject:** Development Assessment Panels

To State Planning Office, Tasmanian Government

The Liberal minority government's proposal to undermine Tasmania's planning laws by amending the *Land Use Planning and Approvals Act* (LUPAA) 1993 to favour corporations and developers over the Tasmanian community is alarming and further erodes democratic rights and values which unfortunately seems to be the thrust of the current Liberal minority government.

Despite being rejected by the Legislative Council in 2024, the minority government is attempting to push through the Bill again with minor changes but still with major outcomes which will erode the democratic rights of the people of Tasmania.

The system as it stands now is NOT broken. It may in certain areas need improving, but in essence the process is robust and importantly democratic.

Only one percent of development applications which are contested end up at the Tasmanian Civil and Administrative Tribunal (TasCAT); of those around 80% are resolved through mediation. This is NOT a system which is in need of replacement.

The removal of the role of democratically elected local members in Tasmania's councils and vesting all power for major developments to the Minister of the day completely erodes the democratic system of local government. It also leaves the minister exposed to undue influence and potential conflicts in a sometimes untenable position.

The Premier released advice on the proposal in February 2025 including:

"The Bill will allow certain developments to be assessed by independent expert Development Assessment Panels (DAPS) established by the Tasmanian Planning Commission, improving the certainty, transparency, and the effectiveness of planning across Tasmania."

The DAPs will not be "independent" as members on a DAP will be selected by the Government of the day through the Tasmanian Planning Commission (TPC); they will not be democratically elected by the people of Tasmania and the proposed process has the ability to completely ignore community input concentrating power usually seen in an authoritarian state. The radical change will not provide transparency in fact quite the opposite. The process through TasCAT is fully transparent and participatory through opportunity to legitimately challenge and investigate potentially poor development decisions.

I draw your attention to Schedule 1 Parts 1 and 2 in LUPAA 1993 and attach it herewith for ease of reference. The Schedule very specifically relates to the inclusivity of the planning process in

Tasmania; that under the Resource Management and Planning System of Tasmania consideration will be given to, what is commonly referred to as 'the triple-bottom-line' ie environmental, social and economic outcomes of development applications and appeals. The proposed changes to the LUPAA 1993 focus solely on the 'economic' while ignoring, and potentially degrading, environmental and social outcomes. This would thus erode democracy in this state.

The proposed undemocratic amendment to LUPAA 1993 will:

- Change Tasmania's democratic planning approvals process to an exclusively politically authoritarian process.
- Completely erode the Democratic rights of the people of Tasmania.
- Remove the ability for legitimate concerns and appeals to proposed developments being mediated in the Planning Appeals Tribunal.
- Remove scrutiny of developers' 'expert assessments' into site suitability and impact on Aboriginal, cultural and environmental values.
- Disallow for specialists within the community to comment and make recommendations for change to a development proposal.
- Favour developers over the Tasmanian Community.
- Favour external corporations over the Tasmanian Community.
- Further threaten the integrity of Tasmania's National Parks and other nature conservation areas.
- Further threaten the World Heritage Area.
- Infringe on individuals' rights and 'sense of place'.
- Potentially and almost certainly allow developments to negatively impact on neighbours and local communities.
- Allow for further degradation or otherwise harm to the environment.
- Open up the potential for rampant conflict of interest between developers, corporations and politicians (as seen in most authoritarian states).

I urge you not to proceed with this undemocratic undermining of Tasmania's planning laws. Do not be party to authoritarianism and undemocratic processes.

Yours sincerely

Janice Miller



(7) A provision referred to in [subsection \(6\)](#) may, if the regulations so provide, take effect from the commencement of this Act or a later date.

### **87A. Savings and transitional**

The savings and transitional provisions specified in [Schedule 4](#) have effect.

### **88. Administration of Act**

Until provision is made in relation to this Act by order under [section 4 of the \*Administrative Arrangements Act 1990\*](#) –

- (a) the administration of this Act is assigned to the Minister for Environment and Land Management; and
- (b) the Department responsible to the Minister for Environment and Land Management in relation to the administration of this Act is the Department of Environment and Land Management.

## **SCHEDULE 1 - Objectives**

[Sections 5, 8, 20, 32, 44, 51, and 72](#)

### **PART 1 - Objectives of the Resource Management and Planning System of Tasmania**

1. The objectives of the resource management and planning system of Tasmania are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in [paragraphs \(a\), \(b\) and \(c\)](#); and
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In [clause 1\(a\)](#), "**sustainable development**" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

## **PART 2 - Objectives of the Planning Process Established by this Act**

The objectives of the planning process established by this Act are, in support of the objectives set out in [Part 1](#) of this Schedule –

(a) to require sound strategic planning and co-ordinated action by State and local government; and

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and

(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and

(i) to provide a planning framework which fully considers land capability.

## **SCHEDULE 2**

## **SCHEDULE 3**

24 April 2025

**Submission Re: *Draft LUPA Amendment*  
(*Development Assessment Panels*) *Bill 2025*.**



**UTAS Student Environment  
and Animal Law Society**

**About the Student Environment and Animal Law Society**

The *Student Environment and Animal Law Society* ('SEALS') is a body of law students from the University of Tasmania. The Society is dedicated to using the law to protect the environment and animals. It uses its voice to engage in issues of public concern. The Society equips its members with the legal skills to make a difference in environmental and animal law, and it achieves this aim through workshops, education, seminars, and practical training.

**Contributors**

Georgie McDermott, Patrick Pickering, Keegan Moore, Anushka Siva Balan, Lucian Beattie

SEALS respectfully acknowledges the traditional owners of the land on which the University of Tasmania is based, the palawa people of lutruwita (Tasmania). SEALS pays respects to the Tasmanian Aboriginal Community who continue to care for country, as well as Tasmania Aboriginal elders, past, present and emerging.

**Submitted to:**

State Planning Office  
Department of State Growth  
GPO Box 536  
Hobart TAS 7001  
[haveyoursay@stateplanning.tas.gov.au](mailto:haveyoursay@stateplanning.tas.gov.au)

**For further information, please contact:**

Georgie McDermott  
Student Environment and Animal Law Society  
Law Faculty, University of Tasmania

**Submission:**

SEALS appreciates the opportunity to comment on the *Draft LUPA Amendment (Development Assessment Panels) Bill 2025*. The Society **opposes** the Bill in its current form because it will significantly diminish transparency, independence, accountability, and public participation in Tasmania's development assessment process.

The Society has identified four areas of improvement to the proposed assessment process:

1. Upholding principles of administrative and public law, particularly transparency and independence;
2. Ensuring accountability by preserving the merits review process;
3. Strengthening opportunities for public participation and community engagement in decision-making;
4. Implementing integrity measures, including oversight mechanisms, to uphold the legitimacy of panel discussions.

**1. Independence and Transparency**

General public and administrative law principles dictate that independence and transparency must be at the forefront of government decision-making. These principles strengthen the rule of law by ensuring that government decision makers are subject to the law, and strengthen the separation of powers by ensuring that Parliament and the judiciary have oversight of government decision-making.

Panellists are not elected officials and are not accountable to their local communities through the democratic system or oversight mechanisms. SEALS submits that the proposed amendment lacks adequate safeguards to protect independent and transparent decision-making because:

- a) There are no precise criteria for the selection and appointment of members of the Tasmanian Planning Commission and members of DAP Panels;
- b) The decision-making criteria would be inadequate; and
- c) The panels would change with new development, leaving little opportunity to hold prior panellists accountable.

### **1.1. Inadequate criteria for the appointment of Panellists**

The proposed amendment lacks adequate safeguards ensuring independence and transparency because there is no clear criterion for the selection and appointment of panellists. Without objective criteria, the selection of panellists is entirely subject to the discretion of the Tasmanian Planning Commission. In turn, the selection of Commissioners is entirely at the discretion of the Minister and Commissioners themselves may be appointed as panellists. This compromises independence because the Minister may select Commissioners favourable to the Minister's interests, and it compromises transparency because it would be unclear why the Commission has chosen panellists.

SEALS recommends that the Bill includes:

- a) Clear criteria for the appointment of panellists to ensure independent and transparent decision-making; and
- b) Each development assessment panel includes at least two members who are local constituents of the area where the development is to take place, or are local councillors, consistent with other state statutory schemes.

### **1.2. Inadequate Criteria for Informed Decision-Making**

The proposed amendment allows panels to develop their own assessment criteria, which would guide decisions on whether proposals are acceptable. SEALS submits that allowing the panel to develop their own assessment criteria would compromise independence and transparency, as it would lead to:

- a) **Apprehended bias and subjectivity:** the criteria developed may be influenced by personal preferences and other extrinsic factors, leading to the possibility of unfair and inconsistent decisions.
- b) **Inconsistency:** different panels may use varying criteria, leading to confusion, disagreement, and inefficiencies in the decision-making process, which may reduce the validity in the eyes of stakeholders of the decision made.
- c) **Risk of error:** if the panel creates their own criteria on a case-by-case basis, there is a greater risk of error or oversight, as it may fail to consider important factors or apply criteria inconsistently, increasing the likelihood of making incorrect or suboptimal decisions.

As such, SEALS recommends that, to ensure independent and transparent decision making, the proposed amendment should include statutory criteria to inform decision-making, which requires consideration of matters such as:

- (a) Environmental impacts;
- (b) Sustainability;
- (c) Animal welfare;
- (d) Stakeholder and community consultation;
- (e) Scientific evidence and expertise;
- (f) Ethical considerations.

## **2. Accountability**

### **2.1. Merits review**

SEALS submits that the removal of merits review for decisions made by a development assessment panel removes a fundamental safeguard and is at odds with democratic principles. Merits-based review in the *Tasmanian Civil and Administrative Tribunal* ('TASCAT') allows for decisions to be reviewed based on issues that community members are concerned with, including whether biodiversity impacts, pollution, noise, nuisances, heritage values and all other environmental impacts have been adequately considered. In contrast, review of a decision by the Tasmanian Supreme Court, as the sole review mechanism, is prohibitively costly, complex and limited to issues of law.

SEALS recommends that the Bill be amended to include a mechanism to allow members of the public to appeal decisions made by DAP Panels to TASCAT.

### **2.2 Public participation**

SEALS submits that the proposed Bill will hinder public participation in planning for developments under the proposed process, in which there is a limited requirement for the hearing of public grievances or suggestions, which may be removed altogether. Greater public participation and opportunity for engagement leads to increased public license and support for developments, whereas minimising public consultation and opportunity for negotiation may erode public confidence in decision-making and the planning system.

### **3. Conflicts of Interest and Integrity Mechanisms**

SEALS is also concerned that the Bill does not include sufficient safeguards to manage conflicts of interest or uphold decision-making integrity among development assessment panel panellists.

Panellists are appointed without clear transparency obligations or integrity measures, unlike elected local government officials who are subject to established codes of conduct. The lack of a framework to declare, manage and investigate potential conflicts of interest allows the decision-making process to be exposed to undue influence and biases.

This is especially concerning because development assessment panels are tasked with making high-impact planning decisions, which often involve significant financial and environmental interests. Without a transparent integrity framework, the legitimacy of DAP decisions and public confidence in the planning system may be undermined.

SEALS recommends that the Bill be amended to:

- a) Establish an independent oversight mechanism, such as a planning integrity commissioner or ombudsman, to monitor compliance and investigate complaints; and
- b) Publish panel decisions and panellist declarations of interest to the public in a timely and accessible manner.

SEALS thanks the State Planning Office for the opportunity to make a submission with regard to this proposal. We would be more than happy to engage in further discussion around this issue in the future.

Please get in contact with us if you have any questions regarding our submissions.

Kind regards,

Georgie McDermott on behalf of the Student Environmental and Animal Law Society

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

**Subject:** Submission - Draft Development Assessment Panel - Draft Bill 2025 - Rocelyn Ives  
**Date:** Thursday, 24 April 2025 3:55:25 PM  
**Attachments:** [Submission for Government Development Assessment Panel Proposed Legislation 2025.doc](#)

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Please accept the attached submission in response to the invitation to have input.

I am very fearful of this retrograde step that the DAP in its current proposed form presents. Please know I have an extensive background and experiences both professional ( Teacher for 40 years, and Education Consultant ) through out the state ranging from living from King Island to Woodbridge, to Rosebery, GeorgeTown to Hobart, Launceston, Longford and many more locations, I grew up in the foothills of Cradle Mountain. For much of the latter part of my career I was involved with education in areas outside the classroom. in Landcare projects etc Also as a volunteer and community leader for many associations and groups.

Thank you for this opportunity to have a say.

Rocelyn  
Rocelyn ives



This proposed DAP legislation will have **negative** impacts on all positions I currently hold and involvements I have within the Launceston and broader Tasmanian community.  
I currently hold the following positions:

**-Vice President of The Launceston Cataract Gorge Protection**

**Association**, for the past 5 years, aka Hands Off Our Gorge, a grassroots organisation with the purpose of being the “voice of the people” in protection of the natural values of the Cataract Gorge from inappropriate developments such as the 2019 proposed Gondola which when working with COL Council, was recognised with local mapping and specific speciality input, local direct experiences by families, local groups and people of all ages, to impose an overwhelming impact which would have altered the very essence of the Gorge and the reason thousands of visitors come to the Gorge in the first place. The visual imposition of this Gondola contrivance was rejected by COL Council and also by the hundreds of community voices speaking out as presented in a large petition and at public meetings. The public perceived the altering of the face of the Gorge by Council approval to be totally unacceptable. Council refusing the proponents landholder consent to progress the DA, was an example of the community having their voices heard and recognising in accord with local Council officers and Councillors, that this would have destroyed the attractiveness of The Gorge deemed a critical feature of tourism in Tasmania and central to Launceston's unique character and culture. Post retirement I worked for 10 years as a volunteer interpreter, guide, community events organiser for Council and educational leader, based at The Cataract Gorge for Launceston Council. At no time did any visitor not provide a 5 star assessment of the Gorge as a destination offering a unique experience and wishing to come back to. International visitors voiced their sheer astonishment of this natural asset being so close to an urban area being maintained as a nature based visual splendour with links going back thousands of years as many indigenous leaders and interpreters related and geologists celebrated of its uniqueness.

I ask the question would an assessment panel know about the flora and fauna, local culture, European history and geological features of import, for assessing proposals? I think not. It is local knowledge that would be critical to include that would not be voiced or considered as local COL council has.

**- Member of City Of Launceston Heritage Advisory Committee**

– a selected community representative

My involvement with this group of locally qualified architects, council heritage officers, elected councillors, restoration and heritage trust representatives, museum and history experts, and elected community representatives advise and enable decision making about the heritage values and protections within the Launceston municipality.

It is a critical committee. Crucially recommendations occur for protection of particular buildings and sites where proposed developments are able to be careful considered and provisions for restorations, removal, suitability or not of sites prior to the planning authority of council considering the projects or new

developments. Here it is local expert advice and historical and cultural knowledge that guides the hand of the project officers when assessing whether a development application should progress if it impinges on heritage registered buildings. Although not fool proof, it does enable local expertise and knowledge to be considered and guide public support for certain projects which is reflected around the table at council meetings when council is meeting as a planning authority. This system works in identifying important historical links and reasons for investment in some areas. An example is the leasing by COL Council after EOI, of the vacated Frederick Street Kindergarten, which was the first Infant School, and in 1842 where the first meeting of The Mechanics Institute was held to now becoming The Launceston History Centre. Initially COL Council were going to sell the building and site but the conversion of this 19<sup>th</sup> century building into a state of the art archive and meeting centre was enabled through Council allowing and receiving feedback from community organisations and community representatives who councillors had interacted with. One wonders if proposals by a developer for this prime real estate commercial position may have gained traction through the DAP with no significant insight into the needs of the community when it comes to heritage preservation and community values. Launceston has such deep intact built and historic heritage and there is much that would be put at risk if DAP's without the deep knowledge and expertise of local experts was not considered in assessing new projects for particular sites.

#### **-The Management Committee of The Tasmanian Wilderness Society**

As an elected member tasked with the management of the processes and personnel directly responsible for the protection of the only Wilderness World Heritage Area and other significant flora and fauna communities in National parks and reserves throughout Trowunna, decisions are made based on scientific data to inform and redress any attempts to allow developments within the World Heritage Zone, which met all criteria for its site protection. It is the Society that informs the public of any attempts to impinge on the area and the reasons why its values are of "wilderness" not man made tourism or developments that detract from its values. It is indeed essential more than at any other time in history that these places are given full protection and groups like the Wilderness Society provide that informed knowledge of how to retain their wildness. I doubt if anyone looking to propose commercialisation of any sections or pockets of the TWWHA would be aware of the fragility and the connectedness as the qualified staff and exceptional scientific knowledge do. Therefore DAP members cannot have access to those who have lifetime direct experiences managing the full extent of the TWWHA and other significant national parks and reserves. Their natural values are significant and the future is dependent on them remaining unblemished by man-made structures or incursions.

- *It has been circulated that Tasmania does not have a problem with Council Planning Authorities progressing developments. Elected*

*Councillors in the main are successful negotiators so one could ask if it ain't broke why try and fix it?*

- *These are the points I agree to as being why the DAP will only regress not progress our beautiful and unique state in its development and its identity as a caring community which welcomes developments that suit its demographics and lifestyle. Our visitor numbers tell me it is management of our natural resources and heritage that will serve us well into the future not grand developments that despoil.*

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice. They do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision. As mentioned earlier it is at the time prior to coming to decision making about considering whether a certain path to development is appropriate to propose, that community voice is needed.
- **Research demonstrates DAPs are pro-development and pro-government,** they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development. All previously proposed cable car and gondola developments are imposing and recognised by communities near-by that they diminish the magnificence of the mountains or areas they are trying to highlight. Mount Roland, Cataract Gorge are clear

examples. We must always be mindful of Tasmania being a small place and its topography being unique. Difference is our selling point not being the same as elsewhere.

- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on *'checks and balances'*.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.** How many of us who care deeply and have a close connection to place are excluded from appealing because we cannot afford to appeal. How is this democratic?
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on

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

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

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

- **Poor justification** – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

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

these values are still eligible under the other broad and undefined criteria.

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

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

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

Yours sincerely,

Rocelyn Ives

**From:** [theresa.hatton@bigpond.com](mailto:theresa.hatton@bigpond.com)  
**To:** [State Planning Office Your Say](#)  
**Cc:**

**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 3:43:12 PM

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

The stadium has just run through a similar process and the government did not like the result. How is this any different to Joe off the street, trying to get a planning application through the system. The current system is a fair system, the democratic way everyone gets a say. That is a fair way, sometimes out of objections come better results. The processes created are not fairer, simpler, faster. DAPS will just make things more complicated.

If there was a development you did not like I am sure you would not like it in your back yard, and like a way to object if you had 40 people looking into your back yard out of a unit block or the building took out your sun shine. The proposed DAPS is only for those who can afford it, you are not looking after the average Tasmanian who would like to live in house with privacy and be able to express their concerns, within a process.

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the

Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a



deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.

- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

## **2025 legislation not significantly changed**

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The

changes made do not have any significant practical impact.

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

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

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

**Yours kindly,**

**Theresa Hatton**

**Building designer**

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

**Subject:** Protect our rights & our voice – #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 3:41:59 PM

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I am making this submission in the name of democracy, and peoples' rights under the democratic systems that we have in place to have a say about development matters that will impact our heritage both architectural and environmental. We have but one natural environment, and it is important to preserve that for immediate concerns but also for future generations. Our towns and cities must also be protected from overseas developers who only care about money making ventures. People travel to Tasmania because of its wilderness image and "clean green" brand, and this must be protected at all costs. We don't want to become another high rise Gold Coast environment.

I feel very concerned about this particular paragraph which absolutely reeks of the potential for corruption, and developer money being able to have too much sway:-

***"Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania."***

As a citizen and rate payer of Launceston, I am represented by the City of Launceston councillors, and it is important that they make decisions with regards to any development that could impact architecturally and/or environmentally in the place where I live. Surely handing it over to a state government decision making body is totally un-democratic, and we do not -yet- live in a Trump America. So therefore....

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

***local jobs and keeping the cost of development applications down.***

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

Yours Sincerely,

Evelyn Wood Sully

**From:** [Caroline Ball](#)  
**To:** [State Planning Office Your Say](#)  
**Cc:**  
**Subject:** Protect our rights & our voice - #SCRAPTHEDAP  
**Date:** Thursday, 24 April 2025 3:33:11 PM

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Good Afternoon Members of Parliament,

There is little observable change in this bill from the one that was refused last year.

It is extraordinary that hand picked state appointed planning panels can override local councilors whose knowledge of local concerns is paramount in development approvals.

DAPs do not have to justify their decisions in writing where as Community input does - and is then discussed in private with the developer by Dap.

This tips the scale and makes it easier to approve large scale developments which can be contentious favouring the developer and ignoring community concerns regarding the impacts to their homes and communities undermining democratic accountability and transparency.

Not only do we need transparency and accountability brought into the equation, property developers should not be permitted to make donations to political parties for the most obvious of reasons.

To ensure justice in the whole process we need to have a strong anti-corruption watchdog which must be strengthened - for instance by having a properly administered and an efficient Right to Information Act 2009.

At this critical time it is important to demonstrate to your electors that you are actually listening to them.

Sincerely

Caroline Ball