

Draft LUPAA Development Assessment Panel Bill
2024 Submission index
1 - 50

No	Name
1	Evan Hadkins
2	Philip Jewell
3	Nancy Preston
4	Carol-Ann Fletcher
5	Circular Head Council
6	Rocky Mountains
7	Glenorchy City Council
8	Huon Valley Council
9	Phil Stigant
10	Shelter Tas
11	Catherine Nicholson
12	Jennifer Godfrey
13	Michael Lynch
14	Siobhan M Reid
15	Ingrid Colman
16	Theresa Hatton
17	Peter French
18	Susan Hunt
19	Cindy Aulby
20	Chris Hood
21	Tim Pargiter
22	Peter Burnett
23	Lachlan Rule & Susan Wallace
24	Carlos Whiley
25	S. Lafferty
26	Madoc Sheehan
27	Helen Bethune Moore
28	Alastair Richardson
29	Rob Bohmer
30	Graeme Beech
31	Suzanne Bell
32	Kip nunn
33	Samantha Farr
34	Tim Williams
35	Jo Stephen
36	Rachel Tenni
37	David Counsell
38	Damian Devlin
39	Steve and Sue Barrett

Draft LUPAA Development Assessment Panel Bill
2024 Submission index
1 - 50

No	Name
40	Amanda Wojtowicz
41	Vija Hughes
42	Holly Purcell
43	Ward and Cathy Doe
44	Dr Kathryn Evans
45	Karen Miller
46	Christine Tilley
47	Sam Poynter
48	Maria Grist
49	Dr Heidi J Auman
50	John Moore

From: Evan <
Sent: Monday, 7 October 2024 3:51 PM
To: State Planning Office Your Say
Subject: Submission - Development Assessment Panel - Draft Bill

Taking the politics out by allowing a politician to intervene? This simply makes no sense.

Developers do not need more pathways. I'm happy with councils having the power to look after local amenity – and don't see the minister as more likely to have amenity as a major concern.

Evan Hadkins

From: Philip Jewell <>
Sent: Tuesday, 8 October 2024 8:23 AM
To: State Planning Office Your Say
Subject: Submission - Development Assessment Panel - Draft Bill

Hi

I wish to express my non consent for the proposed Development Assessment Panel Draft Bill and changes to LUPA. These changes leave open enhanced opportunity for corruption and back room deals at the expense of we the people. Local government enables an extra layer of accountability and more checks and balances to ensure the rights and needs of people are upheld.

Do not make these changes. My will is against the proposals.

Philip

Philip Jewell
Blackwood Ridge
Traditional Skills Training, Eco-Tourism and Farm Stay

Mobile -
Email -

From: Nancy Preston <>
Sent: Saturday, 12 October 2024
To: State Planning Office Your Say
Subject: State Planning Proposal

I wish to say no to your proposed Planning panel and keep the process within the Local Council. Some people complain about the length of time it takes to have council pass their building permits, and in a time when housing was required yesterday, an argument for a planning panel may be tempting. However, I have lived in a situation where a neighbour went to a planning panel and had his gigantic 2 story shed passed. It was put up within a couple of days and completely ruined the neighbourhood. It became a living accommodation for his 2 teenagers and looked directly into the backyards and in one case living room of 3 neighbours. It was ugly within a quiet residential cul de sac, and with its industrial appearance became an eyesore in the street, causing all of the surrounding properties' resale value to crash. When neighbours went to complain we were told we should have spoken up in the period when it was posted for approval. It had never been posted, no one had received supposedly required notification and now that it was built, they would not be reversing the decision. I implore you to ensure transparency, independence, accountability and public participation in decision making within the planning system, and make consequences for bypassing steps 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.

From:

Sent:

Thursday, 17 October 2024 7:36 PM

To:

State Planning Office Your Say;

Subject:

Say NO to the Liberals new planning panels

Dear Department of Planning Tasmania, Senators and Independent members,

I **oppose** and **do NOT consent** to 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 constituent 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 unfairly intimidate councils into conceding to developers demands.

Makes it easier to approve large scale contentious developments like Robbins Island and Jim's Plain Wind, Marinus Link, REZ/RecFit's wind turbines, and the dangerously high voltage transmission lines that are planned to be connected to Marinus Link and the wind turbines that are at high risk of starting bushfires
https://www.powerlink.com.au/sites/default/files/2020-10/Fire%20and%20transmission%20line%20safety_1.pdf, which I feel would mean anyone associated with connecting the high voltage transmission lines to Marinus Link and the wind turbines would be at high risk for being deemed culpable at a coronial inquest, should bushfires start as a result of those high voltage transmission lines. Further, the NW community has clearly and soundly said **NO** to these developments:
<https://drive.proton.me/urls/3K82SFWQRW#heugmWSRC2pX>.

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 and 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 councilors from across the political spectrum say they favour developers and undermine democratic accountability.**

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

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

Say YES to a healthy democracy

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

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

Thank you, Senators and Independent members for helping to hold Planning Panels Tasmania accountable to all Tasmanian constituents.

Kind regards,

Carol-Ann Fletcher



CIRCULAR HEAD COUNCIL

17 October 2024

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

Dear Sir

RESPONSE TO CONSULTATION ON THE LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2024

Thank you for the opportunity to respond to the provisions of the draft Bill. Council wishes to make the following comments and observations:

Role of a DAP

We understand that a Development Assessment Panel (DAP) is intended to be set up at need, and may hold local hearings. To minimise the risk that this process becomes Hobart-centric we suggest that there should be a dedicated DAP for each region.

We also ask that consideration be given to refining the criteria for referral to a Development Application (DA) to identify that if a DA brings significant local economic benefit – i.e. it is likely to provide local jobs and use local resources, then it should be considered by Council.

We agree that DAs that use regional resource or have State significance (e.g. renewable energy) should be considered by a DAP.

We observe a risk in the proposal for DAs over \$5m in a non-metropolitan municipality to be eligible for consideration by a DAP. Given inflation, we believe this will result in a rapid expansion of the number of DAs that go to a DAP. We are concerned that this creates a risk that non-metropolitan councils will find they consider less and less DAs over time, eroding their role as a planning authority. We ask that consideration be given to either increasing the value limits or that there is a commitment to review those limits in a defined time frame, for example, every five years.

Membership of DAPs

While Council acknowledges the expressed intent to modify the framework to ensure that DAPs are independent and objective, we would like there to be a commitment in the Bill

CIRCULAR HEAD COUNCIL

ABN: 43 826 151 424
33 Goldie St (PO Box 348)
SMITHTON TAS 7330

03 6452 4800
council@circularhead.tas.gov.au
www.circularhead.tas.gov.au



that a percentage of the pool of experts from which DAP members will be selected will be appointed from the regions.

Requests for Information as part of the Assessment Process

The proposed assessment process allows for reference to the planning authority for advice and for a council to retain post approval functions including issuing and enforcing the permit.

However it is not clear how the applicable fees will be managed and this needs clarification. Council uses DA fees to support the assessment process, including funding the provision of expert and legal advice. If the DAP were to reserve the fees to itself there is a strong probability that many councils will end up out of pocket.

We would like to see consideration given to an appropriate mechanism for the DAP and councils to manage this issue.

Yours sincerely

Gerard Blizzard
MAYOR

From: rockymountains3 <>
Sent: Friday, 18 October 2024 10:28 AM
To: State Planning Office Your Say
Subject: Draft Lupa Ammendment (Development - Assessment Panels Bill-2024)

Hello,
I wish to submit my objection the the above referenced Bill.
The public expects one set of rules for ALL and for those rules to simple, efficient, fair and effective.
Either amend the rules for ALL to take advantage of or do nothing.

Regards

Our ref: Land Use Planning and Approvals Act 1993
Enquiries Tony McMullen
Direct phone:
Email:

28 October 2024

The Acting Director
State Planning Office
Department of Premier and Cabinet
yoursay.planning@dpac.tas.gov.au

Dear Sir

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

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

Council considered this matter at its meeting on 28 October 2024 and resolved to make the following submission.

In principle, Council is on the record that it does not object to the concept of development assessment panels.

However, no evidentiary base has been established to justify the model proposed.

Failure to respond to concerns from earlier engagement

Council provided a submission on the DAP Discussion Paper on the 28 November 2023, indicating that while it is not opposed to the concept of a Development Assessment Panel, (particularly for assistance in technical skills), there were a number of concerns with the proposed scope and operation of such a Panel.

It is disappointing, given the extensive number of submissions highlighting similar concerns, that the draft Bill has been prepared seemingly with little or no regard to them.

Of the 5 major concerns Council raised in that submission, the Bill:

- fails to respond to 3 concerns,
- has changed what is proposed to make one concern worse, and
- provides a limited and insubstantial response to the other concern.

Adverse impact on planning authorities under the model

In short, the model proposed in the draft Bill is philosophically bankrupt.

The model argues that there are situations where councils are conflicted and therefore unlikely to make sound planning decisions. Yet the model relies on councils effectively making a decision at first instance which is then subject to review by a panel. So, the very foundation of the model – i.e. of purportedly relieving councils of their planning authority role is defeated. And by not advertising applications until a “recommendation” has been made by the council, the Bill is really just leaving councils hanging out to dry.

Not only that, this design is then utilized to enable a sham review process as a device to remove people’s appeal rights.

These measures would significantly undermine public confidence in the system and exacerbate controversy.

Unnecessarily complex and unclear process

The DAP process should align with the process for assessment of a discretionary application, not the process for a combined amendment and planning application.

Essentially mirroring this process is not appropriate and is an unnecessarily complex response.

Clarity regarding the operation of the process resulting from different trigger points is required.

The proposed timeframes for assessments have been slightly increased. However, they remain extremely tight (and perhaps unrealistically achievable). DAPs will need to be sufficiently resourced to deal with such assessments noting Council’s ability to respond to the proposed timeframes will significantly impact resources.

Resourcing impacts on councils

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

Council also remains concerned with the impacts of resourcing assessments and, while yet unclear, it seems unlikely planning authorities will receive fees for such applications, yet would still be required to:

- Potentially assess an application to determine any impacts on assets and infrastructure.
- Assist with providing details on owners and occupiers to be notified and undertake display of exhibited applications.

- Prepare resultant planning permits.
- Undertake enforcement of conditions (including conditions a planning authority may not have supported).
- While the proposed timeframes for assessments have been slightly increased, they remain extremely tight (and perhaps unrealistically achievable). Council hopes the DAPs will be sufficiently resourced to deal with such assessments noting Council's ability to respond to such timeframes will significantly impact resources.

Ministerial interference and politicisation of the planning system

The proposed model will absolutely create Ministerial interference in development assessment process and compromise the integrity of this aspect of the Resource Management and Planning System of Tasmania.

An ad-hoc process determined by the Minister on a case-by-case basis does not represent procedural fairness and is not supported.

In particular, depoliticisation of the planning process will clearly not occur where the Minister for Planning has to power to direct a council to prepare a planning scheme amendment that it has, on behalf of its community, determined is not appropriate to prepare (proposed Section 40BA).

The ability for the Minister for Planning to refer a discretionary permit application to the Tasmanian Planning Commission and require the establishment of a DAP is also difficult to view as a depoliticisation of the system (proposed Section 60AC). This section enables an applicant to claim an application is likely to be controversial [S60AC (1) (c)] or that the planning authority has a real or perceived bias [S60AC (1) (1) (d)]. There is an existing pathway for these matters: TasCAT – which is an independent decision maker.

It is also noted that proposed Section 60AC (1) (e), where an applicant applies to the Minister to request the Commission establishes a DAP, provides for future prescribed applications – a range of yet unknown applications.

Non-mandatory referrals should be at the discretion of the planning authority, not the applicant with applicants having a right of appeal of this action.

Role of Heritage Council requires clarification

It is understood that the Heritage Council will become a reviewing entity under the draft DAP Bill. Noting that the Historic Cultural Heritage Act 1995 does not assess 'use', some further clarity on how section 10 of the proposed Draft DAP Bill (ie modifications to Section 33 of the Historic Cultural Heritage Act 1995 Amended) will operate may be required.

Conclusion

Council looks forward to beneficial dialogue and significant reengineering of what is proposed to ensure that a DAP model for Tasmania is philosophically-sound, efficient, well-resourced and builds confidence in our planning system, rather than serving to undermine it.

Yours sincerely

Tony McMullen
Chief Executive Officer



HUON VALLEY COUNCIL

HUON VALLEY COUNCIL COMMENTS DEVELOPMENT ASSESSMENT PANEL (DAP) FRAMEWORK DRAFT LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2024

Thank you for the opportunity to make a submission on the proposed *Land Use Planning and Approvals Amendment (Development Assessment Panels) Act 2024*.

At the outset the Huon Valley Council has not supported the establishment of DAPs, and whilst the proposed changes to the format and additional detail provided in the current iteration has addressed some of Council's concerns, there remain the underlying and fundamental issues.

The need for DAP as an alternative from the normal approval process through the Council acting as a Planning Authority has, still in Council's view, in no way been demonstrated and it is still unclear what the DAP is trying to achieve.

Council reiterates that Tasmania's Development Application assessment process is already more efficient than that in other states, therefore why change a system that is not broken?

Huon Valley Council also continues to support the view that a better approach would be to provide more technical resources to work within the existing structures and systems. This approach is also supported by LGAT.

Proposal Timing and Impact on Limited resources

The timing for such a proposal remains poor. Resources are being / would be taken away from the State Planning Office (SPO) and the Tasmanian Planning Commission (TPC) at a time when they are working on crucial reforms including developing the Tasmanian Planning Policies (TPPs), reviewing the State Planning Provisions (SPPs), updating the Regional Land Use Strategies, and developing various guidelines outside of the statutory structure, and the Commission is undertaking hearings into various Local Planning Schedules. These should all take priority.

Benefits of current system (Time frames and Appeal rights)

The current system of Council making decisions and the opportunity to appeal, which may seem frustrating to a developer, works. The DAP is no better a process but could be used (or perceived to be used) to bypass community consultation and the traditional path of decision making and **avoid** the need for review, which in itself has political bias implications.

The DAP has now formally proposed to replace appeal rights, with only judicial review possible of DAP decisions. If a DAP exhibition includes conditions of approval, then the public perception of this process would be that the applicant has chosen a bias pathway where approval is almost guaranteed (as it is included as conditions and part of the advertising process).

Additionally, the DAP process is longer than the current DA process, so it will in fact add to the time and cost for the approvals process.

The total length of time for the process increases from a 42 statutory day DA process to a 98-day process for Social and Affordable Housing applications and 119-day process for all other applications. This more than doubles or triples the time the overall decision-making process takes (when no appeal is lodged).

If there are fundamental issues with appeal rights, then the Government needs to look at this as a separate matter. It does not justify development of an alternative planning approval process.

Impacted by Politics

Council remains of the view that the stated purpose to “take the politics out of planning” completely confuses the roles and functions of Councillors whilst acting as a Planning Authority. Providing powers to the Minister to be able to act in certain circumstances is also far from removing politics from planning, it is in fact adding in politics.

There is a major concern as to the manner in which the proposals seek to deal with matters of perception. With respect, unless there can be something which is validated, the endorsement of perception will lead to abuse of the system with unreasonable perception being created by those who wish to undermine Council’s Planning Authority Role and to use a DAP as a convenient alternative.

Should the proposal proceed it needs to be based on clearly defined evidence / data, and not on perception or “anecdotal evidence”. For example, under 60AC one could ask the following questions when requesting the Minister to establish a DAP:

- Whose evidence is provided to demonstrate that an application is ‘likely to be controversial’?
- Whose position is provided to demonstrate that there is a ‘perception of bias’?
- How much controversy is sufficient to require a DAP? (How is this measured?)
- How much bias is enough to warrant a DAP? (How is this quantified?)
- A real or perceived bias? (how does one measure a bias that is not real but only perceived?)
- And who / how many need to perceive this bias that is not ‘real’?

Council Conflicts of Interest

Regarding the issue of conflict of interest for councillors, that is already being addressed through the Local Government training framework and individual Council’s induction processes. It could be made mandatory for training packages to be completed within the first few months of a councillor’s tenure or pre-election. It could also be dealt with by ensuring there was a legal representative / probity officer present at council meeting advising on what can be considered / not considered. Standardised delegation rules for Council Officers, could be developed by LGAT for adoption by all Tasmanian councils.

Additionally, when a Councillor has an actual ‘conflict of interest’ this is ‘declared’ publicly in the decision-making process and that Councillor does not take part in the decision-making process to remove that risk. This declaration already results in an open and transparent decision-making process and removes that risk of both conflict of interest and potential bias.

Membership of a DAP

Council again asks the question, where are the experts to be members of the panel? Is this DAP process going to result in planners leaving councils to work with the TPC? There is already a limited pool of statutory planners. Additionally, a conflict of interest could be created by the proposal if members of the panels come from private industry, which is where they work for the proponents. This could create a conflict of interest within the DAPs themselves.

Option for use of a DAP as an alternative to existing system

If a DAP can be justified, then the DAP could be another option in the toolbox for councils. For example, where a proposal is too complex for council staff / resources to deal with, or where it is a

large-scale project initiated by council. If there is a role, then the processes and linkages need to be right. This would have limited application and may not be sufficient to require the need to establish an entirely new process.

While the criteria for a DA referral to a DAP, have been made more 'specific' in this interaction and the definition, "critical infrastructure" removed and replaced with Affordable and Social Housing Projects, there remains a concern that a qualitative assessment of the term 'significant' or 'important' would be required and a values-based assessment of 'controversy' or 'perceived bias' or 'conflict of interest'.

Pre-Approval process

Council's position is that advertising/exhibiting the application with a list of conditions (following the combined planning scheme amendment / development application model) is not appropriate. By making the decision prior to advertising, it implies the representors concerns will have little impact on the decision (which has already been made and conditioned).

It is still Council's position, that a better to model for the process would be the s.57 process, where advertising happens first and then the report finalised, and decision made after the advertising process has been completed and the representations can be incorporated into the decision.

Cost

There is a general issue regarding cost arising from the DAP process.

Currently Council can charge for applications made to it as a Planning Authority to cover the costs of the application so that it is borne by the applicant and not generally borne by all ratepayers.

There is nothing within the proposed DAP process that demonstrates the Council's ability to recover costs associated with a DAP.

Council is firstly required to consider the application and any further information that is required to undertake its role and functions as a reviewing authority.

A full list of conditions is also expected to be prepared prior to advertising, by day 35 of the process.

A Council Planning Officer and a representative from Council Infrastructure (DEO) would be expected to attend the hearing post exhibition. Normally a planner would attend a TasCAT hearing with the DEO as the expert witness (when required) It is unclear if both would be required for the entire duration of the hearing. However, given the expected size of these projects (\$5 million threshold in non-metro areas) these hearings may run for at least a day).

In summary, more assessment work within less time up front as well as more time commitment at the end of the process from Council to attend hearings, will therefore be required under the DAP from the Permit Authority for less income (as the application fee will be paid to the DAP).

Following this, the DAP process would also place a greater assessment / condition / review burden on Council's infrastructure departments, but again less revenue generated for these major projects. Council would still have the statutory responsibility to create the conditions, attend the hearing, advocate for any infrastructure matters or planning related matters that have not been addressed to Council's satisfaction in the decision-making process as well as issue the final permit and enforce the conditions of approval at the end of the process.

It must be made clear that the Applicant or the Minister is responsible for all costs of the Council as the Planning Authority in relation to any application referred to a DAP.

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
Part 1 - PRELIMINARY	
1. Short Title 2. Commencement 3. Repeal of Act	No comment
Part 2 – LAND USE PLANNING AND APPROVALS ACT 1993 AMENDED	
4. Principal Act	No comment
5. Section 3 amended (Interpretation)	No comment
6. Section 40BA inserted 40BA Minister may review certain decisions	<p>This is not supported or in any way justified.</p> <p>Section 40B provides for the clear direction regarding review of a refusal of a request to amend the LPS. This is undertaken appropriately by the Tasmanian Planning Commission (TPC).</p> <p>If there is any justification for the TPC to direct a planning scheme amendment, then perhaps section 40B should be able to clarify the powers of the TPC.</p> <p>The existing section 40C is justified as it is a power for the Minister to ensure compliance with the Act and the resource management and planning system.</p> <p>The proposed section 40BA simply allows for political interference in the planning system in respect of a decision that an applicant does not like or accept.</p> <p>Where the Minister has the power to direct the Planning Authority to prepare a draft amendment as proposed in subsection (4) the question</p>

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
	<p>of cost is immediately activated. Any work from the Council should then be at the Minister's cost. In addition, any of a Councils cost at the TPC must also be covered.</p> <p>The proposed section could indeed become a nonsense as Council may be required to prepare the draft amendment as directed but there is absolutely no guarantee that the amendment will then be accepted by the TPC. This may well be a waste of time and extremely embarrassing to the Minister.</p> <p>The Minister should NOT have this power. If this section remains, then all costs should be borne by the Minister.</p>
7. Section 40C amended (Direction to prepare draft amendments of LPS)	This section is not supported for the reasons stated regarding the proposed section 40BA
8. PART 4, DIVISION 2AA INSERTED	
DIVISION 2AA – DEVELOPMENT ASSESSMENT PANELS	
Subdivision 1 - General	
60AA Interpretation of Division	No comment
Subdivision 2 – Certain new applications may be determined by Assessment Panel	
60AB Certain new permit applications may be made to the Commission	<p>There are few development applications that are problematic from any objective assessment.</p> <p>There is no evidence in the Huon Valley of social and affordable housing attracting anything like considerable opposition. There have been concerns raised in relation to the number of houses and also in relation to the design with removal of trees to facilitate the development. These are dealt with purely as planning matters. In addition, the Council's experience is more so difficulty in obtaining applications for social and affordable housing that address the planning scheme requirements, particularly the need to provide sufficient supporting infrastructure. There is no basis for these applications to be simply</p>

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
	<p>eligible to be put before a DAP circumventing the current system that supports them.</p> <p>Requests for further information are not dealt with or in any way influenced by Councillors or have political motivations. It is Planning Officers who request further information based solely upon planning scheme requirements. Officers do not seek to delay or frustrate assessment of a proposal. This is due to the applicant NOT the Planning Officers.</p> <p>The reason why requests for further information are issued is because the application is poor in the first instance and fails to address the requirements of the planning scheme, particularly in relation to supporting infrastructure. If applicants were prepared to address the Scheme requirements in the first instance, then any delays would be minimised.</p> <p>With respect to applications over a certain value the question is why some arbitrary amount has any relevance? Just because it costs more does that mean it needs a different approval process. The planning considerations will still be the same.</p> <p>Applications where the Council and the applicant is the decision maker could benefit from a DAP. Often Council developments are attacked because some from the community do not like the concept of the development in the first instance or think it should be in some completely different form. The argument therefore becomes about whether or not Council should undertake the development, not whether it meets the Scheme. There may be some circumstances where “larger” (note undefined) projects would benefit from a DAP.</p> <p>With respect to complex applications there may be some benefit from a DAP however under the proposed framework the Council will still be undertaking the assessment and making recommendations to the DAP. There is no real difference in what the Council needs and what the DAP</p>

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
	<p>needs. A focus on more technical support for Planning Authorities will address this issue.</p> <p>With respect to the proposed subsection (1)(d), the application falls within a <u>class of applications prescribed for the purpose of this section</u>.</p> <p>The ability to add prescribed classes of application is not supported. If the Government considers that there is an issue with the current planning system then it should do a full review and reform of the system, not cherry pick certain classes of development to go through another process.</p> <p>In any event if the ability to prescribe remains then this should only be after significant engagement with local government and the community.</p>
60AC Minister may refer certain new permit applications to Commission	<p>The Minister should not have the authority to nominate referral. This is contrary to a reason to have DAPs in the first instance to “take the politics out of planning”.</p> <p>This section is opposed.</p> <p>With respect to the proposed subsection (1)(a) there is no objective test to demonstrate how a development may be considered “significant or important”. It appears that this can simply be at the judgement of the Minister. If this is the case, the recent example of declaring the Clarence Hotel as a Major Project (based on an AI assessment) is a glaring example as to why the Minister should not have this power. In any event, this provision is not demonstratively different to a major project that at least needs a to address specific criteria. There should be no provision for this.</p> <p>With respect to the proposed subsection (1)(b), the test simply rests on the “belief” of a party that the planning authority does not have the technical expertise. This can be appropriate if put forward by the planning authority and provides a reason for the use of a DAP. A belief</p>

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
	<p>of an applicant however must some way be justified on an objective basis, not a subjective test. This is not supported.</p> <p>With respect to the proposed subsection (1)(c), some developments may be seen to be controversial in that there are some members of the community that are philosophically strongly for or opposed to the proposed development. This does not mean it is problematic on any planning grounds. Just because a proposal has media attention or is being publicly opposed by a Councillor, it still may only receive a small number of representations.</p> <p>With respect to the proposed subsection (1)(d), there is no reasonableness test proposed in relation to demonstrating either real or perceived bias. Indeed, the proposed subsection opens the Minister up to allegations of political bias.</p> <p>Any allegation of bias can be created to circumvent the Council acting as a Planning Authority if an applicant considered that a DAP was more appropriate.</p> <p>There would be no issues with this as an option except to define the number of Councillors who are truly conflicted (not just perception). If there is an absolute majority available to hold a quorum to make a decision, then there is no basis for referral of an application to a DAP. As an alternative these decisions could be delegated to ensure that decisions are made within the requirements of LUPAA.</p>
60AD Commission to establish Assessment Panel	No comment.
Subdivision 3 – Assessment of new application by Assessment Panel	
60AE Applications for permits to be provided for reviewing entities	Any costs of the Planning Authority must be met by the Applicant or the Minister and not borne by ratepayers.

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
60AF Additional information may be required	<p>Despite the process taking longer than the existing DA process the time the permit authority has to consider the application is less for both the initial assessment phase and the review of further information phase. Given these are likely to be large scale major projects this time limitation / reduction seems counter intuitive.</p> <p>Despite the total assessment time increasing the amount of time available for Council to consider the application actually decreases, from 21 days to 14 days (to request further information) and from 8 business days to 7 days (equivalent to 5 business days) for review of further information responses.</p> <p>Also, under the proposed subsection (7) the DAP only has 7 days (potentially 5 business days) to notify the applicant that the further information has been provided or not provided. Which means that there is limited time for all reviewing entities to assess the further information (less time than is currently available under the DA process which is 8 business days)</p> <p>These limited time frames place a significant burden on Councils.</p> <p>The DAP has authority under 60AF(3)(a) to override the Council request for further information if they disagree with the request – ie the DAP do not need to include the Council FI request in the formal FI request to the applicant.</p> <p>Council opposes this right to override Council as a referral authority – would this power be given to a further information request made by TasWater or another referral entity with important public assets?</p> <p>Any costs of the Planning Authority must be met by the Applicant or the Minister and not borne by ratepayers.</p>
60AG Exhibition of applications	No comment.

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
60AH Hearings in respect of applications	<p>The proposed subsection (3)(b)(ii) is to direct the relevant planning authority to issue a permit as specified by the Assessment Panel in the direction</p> <p>Any costs of the Planning Authority must be met by the Applicant or the Minister and not borne by ratepayers.</p>
60AI Hearing may be cancelled in certain circumstances	<p>The proposed subsection (1)(b)(ii) specifies that the DAP can cancel a hearing if the representor does not wish to be heard at a hearing (only submits in writing) – so if a person (representor) cannot attend a hearing, there may not be a hearing.</p> <p><i>Under proposed subsection (2) If a hearing in respect of an application is cancelled under subsection (1), the Assessment Panel may direct the relevant planning authority to <u>issue a permit in accordance with the draft assessment report</u> prepared under this Division in respect of the application.</i></p> <p>The (draft) assessment report was exhibited so it could therefore be assumed that any representor concerns (if there is no hearing) may not be included in this assessment report based on how 60AI(1)(b)(ii) reads. The likelihood of this occurring is low – but it is possible.</p> <p>There is no reference made to a ‘decision’ but rather it is assumed that the decision has already been made prior to exhibition.</p> <p>A representation has been made as part of the exhibition process. Notwithstanding that the representor does not wish to be heard at a hearing, the matters they put forward should nonetheless be addressed by the DAP in making its final decision.</p> <p>The DAP should be required to address the representation and issue a final assessment report including that consideration.</p> <p>If this is not the case, then, why call for representations in the first instance if they are simply to be disregarded because a person does</p>

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
60AJ Frivolous or vexatious representations	<p>not want to or cannot attend at a hearing? To do so makes the process of calling for representations disingenuous.</p> <p>Whilst this is not opposed in principle, it seems to be very much an outlier in the planning system and should not be included simply for DAPs.</p> <p>There is no equivalent provision regarding frivolous or vexatious representations in normal development applications or major projects under LUPAA.</p> <p>There should be consistency throughout LUPAA, and this provision should not be limited to a DAP.</p> <p>It may also be very difficult to prove legally that a representation is 'frivolous' or 'vexatious' and the assessment of a representation as being such may be one matter or question of law that could / would likely be taken further in the judicial process (which may further delay the decision-making process and outcomes in this already significantly longer DAP process).</p>
Subdivision 4 – Certain existing applications may be referred to Assessment Panel	
60AK Interpretation of subdivision	No comment.
60AL Certain Permit applications may be transferred to Assessment Panel	<p>Applications to be made to the TPC can be justified in that it is an independent body.</p> <p>The same comments apply as to the significance of the value of the development in the proposed subsection (1)(a) as set out under section 60AC.</p>
60AM Minister may refer certain existing permit applications to Commission	<p>This is not supported for the same reasons as discussed in the proposed section 60AC.</p> <p>If this section does remain, the proposed subsection (6) is particularly supported as a check on political interference by the Minister.</p>

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
60AN Effect of application under this Subdivision	No comment
60AO Commission may determine status of certain existing applications	No comment
60AP Commission to establish Assessment Panel	No comment
Subdivision 5 – Miscellaneous	
60AQ Application may be withdrawn by applicant	No comment
60AR Effect of issuing permit in respect of certain applications	<p>Under the proposed subsection (1)(a) the planning authority must issue the permit within 7 days after receiving the direction of the Assessment Panel.</p> <p>Any costs of the Planning Authority must be met by the Applicant or the Minister and not borne by ratepayers.</p> <p>Under the proposed subsection (1)(d) there is no right of appeal under this Act, in respect of the permit, on merit grounds.</p> <p>While the DAP is technically a decision made by the TPC a right of appeal of any decision is seen as a fundamental right within the planning system decision making context and removing that right could be seen as a risk to democratic process and a political factor.</p>
60AS Fees under this Division	The application of fees must cover the costs of the planning authority in undertaking roles and functions under this Part and be clearly borne by the applicant or the Minister, not the ratepayers.
Part 3 – HISTORIC CULTURAL HERITAGE ACT 1995 AMENDED	
9. Principal Act	No comment

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
10. Section 33 substituted 33 Application of Planning Act to heritage works is subject to this Part	No comment

Submission on Land Use Planning and Approvals Act bill 2024 (Draft Development Assessment Panel Bill)

The consultation report makes it clear that the overwhelming response to the position paper was a rejection of the proposed legislation for the very sound reasons documented. As noted, many of the submissions were or were substantially based on proformas. Nonetheless there were many individually authored responses, both from individuals and organisations which cogently argued much the same reasons for rejection. The consultation report fails to respond to these arguments, merely restating the opinions expressed in the original Position Paper.

I would refer you back to my own submission (numbered 50 in the consultation report). There is nothing in the report that refutes the arguments I have laid out.

I note the concession that the inclusion of critical infrastructure is inappropriate as it is so hard to define satisfactorily.

I concede that I am a lay person with respect to legal and planning issues, but contend that my opinion is worthy of consideration as being amongst the few who have followed and read all of the documents (including supporting documents) and submissions of the Future of Local Government Review as well as the Development Assessment Panel (DAP) Framework Position Paper and resulting submissions. Likewise, I have also read all of the so far published material with respect to the proposed Statutory Reserve Activity Assessment framework.

These consultations follow an identifiable pattern:

1. Seek to give the development lobby what they want.
2. State that lobby's claims as fact, for instance that Councillors are conflicted when sitting as a Planning Authority.
3. Propose changes requested by that lobby such as removing the responsibility of Local Government from any projects of significance to the community.
4. Publish position papers inviting response.
5. Collate the response.
6. Do what the development lobby requested in the first place, modified only by tweaks to make it workable for them, but otherwise ignoring public submissions.

Whilst I am a lay person there were also a number of submissions from people who are legal or planning professionals. For the most part their views correspond to mine.

In particular I would draw your attention to a submission by Ms Anja Hilkemeijer, Ms Cleo Hansen-Lohrey, Professor Jan McDonald, Professor Ben Richardson, Dr Phillipa McCormack and Dr Emille Boulot. The authors are legal academics and their submission is well reasoned and referenced. (It is numbered 198 in the consultation review)

The first reason they give for not supporting the proposals in the position paper is:

"The Tasmanian Government has not provided evidence of problems with council's decision making that would justify the proposed changes"

The best the position paper could do was to repeat an unsubstantiated slur from a report of the Future of Local Government Review that councillors "are conflicted in their role". There was no evidence advanced for this. The recently published consultation report claims that

social and affordable housing projects have been held up by the current system. This includes the statement:

“Since the release of the position paper there is evidence of important social housing projects being refused by elected members against the advice of their planning experts”.

If this is to be used to inform a decision on an amendment of LUPPA it needs to be out in the open. We need to see the evidence and interrogate whether this really indicates a failure of the system. After all, if we believed that the Planning Authority must always follow the advice of their planning experts then the simpler solution would be to just let those experts make all the decisions. Council making a different decision to that recommended by council officers is only a problem if it can be shown that the decision was wrong. If this is to be used to justify a change to the way Development Applications are assessed then it needs to be shown that the current system makes wrong decisions significantly more frequently than would the proposed system. We need to see evidence.

Even so, if this is to be the justification for the changes to LUPPA, it need only apply to social and affordable housing.

The exposure draft includes numerous other circumstances that could cause a project to be assessed by a DAP including:

DA applies to value >\$10m in city or >\$5m otherwise

Council is applicant

Project is significant to area or state

Either party believes council does not have technical expertise

Real or perceived conflict of interest or bias

“Application falls within a class of applications prescribed for the purpose of this section”

If the justification is to be the provision of social or affordable housing then all of these should be struck out. The last two are of particular concern.

If an applicant claims a perception of conflict of interest or bias how can that be denied even if it is clearly only a ploy to get their project assessed by a DAP? This provision would allow any project to be assessed by a DAP if so desired by the proponent.

The exposure draft does not reveal what “a class of applications prescribed for the purpose of this section” is. It is redundant unless there is a list of prescribed classes of application. Is it proposed that this be listed in regulations under the Act? If so that should be clearly stated prior to bringing this legislation to Parliament.

In the event that DAPs are adopted for Development Applications relating to social and affordable housing, there is no justification for dispensing with a merits review. You should refer to A Hilkemeijer et Al (submission 198) for a detailed discussion of why we need a merits review.

It is worth noting that if DAPs really produced a correct and objective decision reliably then any such merits reviews by TASCAT could be expected to produce the same result. In this case there would be little incentive to appeal, hence no reason to rule out an appeal on merits.

Yours faithfully
Phil Stigant



LUPA Amendment (Development Assessment Panels) Bill 2024

Shelter Tas Submission

November 2024

Contact us



Suite 33, Level 3, 110-114 Collins Street,
Hobart TAS 7000



GPO Box 848, Hobart TAS 7001



03 6224 5488



0419 536 100



info@sheltertass.org.au

ABN 99 007 503 300

www.sheltertass.org.au

SUPPORTED BY
**Homes
Tasmania**



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



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



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

© Shelter Tasmania Inc. 2024



This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License, see

<https://creativecommons.org/licenses/by-nc/4.0/>.



Contents

About Shelter Tas.....	4
Our submission.....	4
The definitions of social and affordable housing	5
Which social and affordable housing developments are eligible for DAP determination	6
How the proposed assessment process for determining applications will work	8
Statutory timeframes.....	9
Potential duplication with existing processes	10
Conclusion	10



About Shelter Tas

Shelter Tas is an independent, not-for-profit housing and homelessness peak organisation that represents the interests of low to moderate income housing consumers, not-for-profit Community Housing Providers and Specialist Homelessness Services across Tasmania. We are a trusted conduit between the housing and homelessness sector and government, providing expert and independent advice that can influence government policy and grow public awareness to effect positive change for the benefit of low to moderate income housing consumers.

Our submission

Shelter Tas welcomes the opportunity to provide feedback on the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*. Our submission has been prepared following consultation with our members, who include community housing providers responsible for constructing many new social and affordable homes across the state.

We note that Shelter Tas previously provided a [submission](#) in response to the Position Paper on how a Development Assessment Panel (DAP) might operate. As with our previous submission, our comments are limited to how the Bill relates to social and affordable housing. Shelter Tas does not have a position in favour or against the wider use of DAPs as proposed in the Bill.

Our submission focuses on the following key areas:

- The definitions of social and affordable housing
- Which social and affordable housing developments are eligible for DAP determination
- How the proposed assessment process for determining social and affordable housing applications will work
- Statutory timeframes for consideration of a development application by a DAP
- Potential duplication with existing processes

Our submission recommends:

1. Definitions of social and affordable housing should be included in the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*. The definitions should be consistent with those contained in the Tasmanian Housing Strategy 2023-43.
2. In addition to social and affordable housing developments endorsed by Homes Tasmania, social and affordable housing developments submitted by Community Housing Providers who are registered under the Australian Charities and Not-for-profits Commission and the

National Regulatory Scheme for Community Housing should also be eligible for DAP determination.

3. Homes Tasmania should consult on the proposed assessment process and eligibility criteria for social and affordable housing applications open to the DAP pathway. In addition to confirming eligibility around those to be housed within social and affordable housing, this consultation should consider whether the Homes Tasmania *Housing Design Policy* could be used to inform project eligibility in relation to quality. The consultation should also focus on removing additional barriers/processes that might impede project timeframes.

The definitions of social and affordable housing

In our previous submission we recommended that the definitions of social and affordable housing used to determine DAP eligibility should be consistent with those used in the [Tasmanian Housing Strategy 2023-43](#):

Social housing: is affordable housing provided by either the government or community sector organisations to assist eligible¹ people who are unable to afford or access suitable accommodation in the private rental market. It includes public housing, state owned and managed Indigenous housing and community housing. Rents are set as a proportion of household income. In Tasmania this is generally 25% of income plus 100% of Commonwealth Rent Assistance (CRA) if applicable, and capped at 74.9% of the market rent.

Affordable housing: is housing for purchase and rental, including social housing, that is appropriate for the needs of low- and moderate-income households and essential workers. This is generally understood to mean housing that costs no more than 30 per cent of a household's gross income.

Attachment 1A to the [Report on Consultation – DAP Framework Position Paper](#) contains definitions of social and affordable housing in the footnotes that are consistent with the above definitions. However, it is unclear from the information provided how these definitions will be enforced because they do not appear in the draft Bill.

Recommendation 1: Definitions of social and affordable housing should be included in the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*. The definitions should be consistent with those contained in the *Tasmanian Housing Strategy 2023-43*.

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



Which social and affordable housing developments are eligible for DAP determination

Shelter Tas is broadly supportive of social and affordable housing developments being eligible for DAP determination, however, we have some reservations about the proposed eligibility criteria.

Under the proposed Bill, only social and affordable housing developments endorsed by Homes Tasmania will be eligible for DAP determination. We note that “Applications for social and affordable housing must be accompanied by notification from Homes Tasmania determining they are eligible for DAP determination”.

In our previous submission, we recommended that Community Housing Providers who are registered under ACNC and the National Regulatory Scheme for Community Housing (NRSCH) should also be eligible. We recommended the following wording suggested by the national Community Housing Industry Association (CHIA):

***registered community housing provider** means an organisation established as a constitutional corporation that is:*

- a) Registered as a charity under the Charities Act 2013 (Cth) by the Australian Charities and Not for Profit Commission (ACNC); and*
- b) Registered as a community housing provider under the Community Housing Providers National Law, set out in the Appendix to the Community Housing Providers (Adoption of National Law) Act 2012 of New South Wales and adopted in Tasmania under the Community Housing Providers National Law (Tasmania) Act 2013.*

We believe it would be appropriate for community housing providers who are registered under ACNC and the NRSCH to also be eligible for DAP determination without having to have their proposal endorsed by Homes Tasmania for a number of reasons:

1. In addition to the delivery of its own development pipeline, Homes Tasmania is the regulator, contract manager and sometimes funder for community housing providers. As such, there is potentially a conflict of interest if the community housing provider is acting in competition with Homes Tasmania.
2. Community Housing Providers may be in the position to develop social and affordable housing options outside of the requirement to seek funding from Homes Tasmania. This is increasingly likely with the implementation of new federal funding models, such as the Housing Australia Future Fund.



3. There are many examples in other Australian jurisdictions where community housing providers are eligible to have their development proposals assessed by Development Assessment Panels or an alternate development assessment pathway.
 - In Western Australia, registered community housing providers can choose to opt into the DAP process for development proposals that include community housing. Under the DAP process in Western Australia, development applications are lodged with local government, who confirm that the DAP pathway is appropriate for the application. The Responsible Authority (mainly local government) assesses the application and prepares a report to the relevant DAP. The DAP makes the decision about whether the application is approved, refused or deferred.
 - In Queensland, housing developments which include an affordable housing component that equates to at least 15% of all dwellings resulting from the development can be declared a State Facilitated Development (SFD) by the Planning Minister. A SFD application is processed by the government's SFD team and determined by the Chief Executive.
 - In New South Wales, residential developments with an estimated development cost of over \$75 million in Greater Sydney and \$30 million outside of Greater Sydney that include at least 10% affordable housing can be declared by the Planning Minister or Independent Planning Commission as being State Significant Developments (SSD), and subject to an alternate approval pathway. The assessment of an SSD is coordinated by the Department of Planning, Housing and Infrastructure. *NB. Cost thresholds would need to consider Tasmanian relativities.*
 - In Victoria, social and affordable housing projects that form part of Victoria's Big Housing Build or housing by or on behalf of Homes Victoria are subject to an alternate development approval process where the Planning Minister determines the application. The Department of Transport and Planning is responsible for the management, assessment and recommendation to the Minister for these applications.

Recommendation 2: In addition to social and affordable housing developments endorsed by Homes Tasmania, social and affordable housing developments submitted by Community Housing Providers who are registered under the Australian Charities and Not-for-profits Commission and the National Regulatory Scheme for Community Housing should also be eligible for DAP determination.

How the proposed assessment process for determining applications will work

The information accompanying the Draft *LUPA Amendment (Development Assessment Panels) Bill 2024* contains little detail about how the proposed assessment process for determining social and affordable housing applications will work and what the eligibility criteria will be.

The proposed assessment process for determining social and affordable housing applications is an informal one, meaning no legislation is required. Under the proposed process, Homes Tasmania is responsible for determining which applications for social and affordable housing are subject to DAP determination. Social and affordable housing providers may request Homes Tasmania to consider whether their applications are suitable for DAP determination.

Shelter Tas would question whether the eligibility conditions should require Homes Tasmania to endorse all projects, given that funding for these projects may be coming from sources other than Homes Tasmania. They could be self-funded, via commercial banking facilities or from federal sources such as Housing Australia, that are completely independent from Homes Tasmania. It is noteworthy that of the 479 new homes to be built in Tasmania as part of round one of the Housing Australia Future Fund, only 59 of these are to be delivered in partnership with Homes Tasmania. The conditions could alternatively be that housing is managed by Community Housing Providers who are registered under ACNC and the National Regulatory Scheme for Community Housing, and the housing meets the definitions of social/affordable housing.

Whilst we have reservations around the need for all projects to be Homes Tasmanian endorsed, Shelter Tas and its members are concerned about the potential for a loss of quality should there be a “free-for-all” approach. For this reason, Shelter Tas believes it is important there is a framework within any assessment process that ensures the quality of building outcomes is maintained. We would not want to see the alternative pathway resulting in poor quality social and affordable housing.

Shelter Tas would like to see a consultation process with community housing providers on the assessment process and eligibility criteria. We note that Homes Tasmania recently held consultations on its proposed *Housing Design Policy*. This Policy establishes design principles and standards for the construction of new housing stock developed by Homes Tasmania or supported by the Tasmanian Government. We believe it would be appropriate for this Policy, once finalised, to form the basis of the eligibility criteria in relation to quality for social and affordable housing applications deemed appropriate for the DAP pathway. These requirements could screen out any substandard proposals and ensure transparency on the criteria Homes Tasmania is applying for determining which social



and affordable housing projects will be eligible for the DAP pathway. Projects would also need to meet the definitions of social and affordable housing defined above (see Recommendation 1).

Recommendation 3: Homes Tasmania should consult on the proposed assessment process and eligibility criteria for social and affordable housing applications open to the DAP pathway. In addition to confirming eligibility around those to be housed within social and affordable housing, this consultation should consider whether the Homes Tasmania Housing Design Policy could be used to inform project eligibility in relation to quality. The consultation should also focus on removing additional barriers/processes that might impede project timeframes.

Statutory timeframes

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

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

Beyond the impact on developers, there is also the impact that development application delays have on people in need of housing. Delays can mean people spending more time in rental stress choosing between paying for housing, food or heating; in precarious accommodation where they are couch-surfing or doubled up with families in overcrowded dwellings; or they are living in crisis shelters with no permanent home.

The proposed process would see an application involving the provision of social and affordable housing determined by the DAP within 91 days, compared to 112 days for other eligible applications. DAPs would have 4 weeks from close of exhibition to consider and determine Homes Tasmania applications whereas they would have 7 weeks for other eligible applications.

² Productivity Commission, (2022), In need of repair: The National Housing and Homelessness Agreement, Study Report, Canberra. <https://www.pc.gov.au/inquiries/completed/housing-homelessness/report/housing-homelessness.pdf>



Potential duplication with existing processes


In our previous submission, we raised concerns about the potential for duplication with existing processes at both the Local Government and Tasmanian Planning Commission levels. In response to this concern, the framework has been revised to allow social and affordable housing proposals endorsed by Homes Tasmania to be lodged directly with the Tasmanian Planning Commission, who will coordinate the assessment process. In this way, the revised framework has limited the duplication of assessment as much as possible.


Conclusion


Thank you for the opportunity to contribute to the consultation on the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*. For any further information on this submission, please contact:

Kim Bomford, Shelter Tas Acting CEO



 Suite 33, Level 3, 110-114 Collins Street, Hobart TAS 7000

 GPO Box 848, Hobart TAS 7001

 03 6224 5488



 info@shelertas.org.au

ABN 99 007 503 300

www.shelertas.org.au

Submission on the Draft Development Assessment Panels (DAPs) Bill

As a retired town planner, ex member of the then Resource Management and Planning Appeals Tribunal (now replaced with TasCAT) and ex Planning Commissioner, I wish to make the following comments on the draft bill:

Loss of Third Party Appeal Rights

- I believe this bill is contrary to one of the key objectives of the Resource Management and Planning (RMPAT) system. Objective (c) of RMPAT is to 'encourage public involvement in resource management and planning.' Third party merit based appeals are the principal way that members of the community engage in planning. They afford the community an opportunity to query the local council's decision to another expert based authority who examine the decision anew based on the planning merits of the proposal and how it meets the requirements of the planning scheme. They are a REALLY important part of participatory democracy in the planning system. Most DAPs do not allow for any merit based appeals. The assumption is that community opportunity for involvement has already occurred at the strategic planning stage when the planning scheme is being developed. Nice idea, but in my whole career of planning experience, the reality is that only a handful of enthusiastic community groups and individuals get involved in this stage of strategic planning and the majority of the community are much more likely to engage when a more tangible development proposal, with real plans, maps and images is being considered.

In my experience as a decision maker both at a local government level and on State bodies, having third party merit based appeals as part of the process means you know that decisions made can be scrutinised and queried and I believe this makes for better decision making and more thorough checking against planning scheme objectives and standards. This is supported by the 2012 NSW ICAC enquiry outcomes.

https://www.icac.nsw.gov.au/ArticleDocuments/625/Anti-corruption_safeguards_and_the_NSW_planning_system_2012_c_.pdf.aspx

Chapter 7 of this report, pg 24 talks of the problem of limited third party appeals under the Environmental Planning and Assessment (EP&A) Act. It states '*The limited availability of third party appeal rights under the EP&A Act means that an important check on executive government is absent. Third party appeal rights have the potential to deter corrupt approaches by minimising the chance that any favouritism sought will succeed. The absence of third party appeals creates an opportunity for corrupt conduct to occur, as an important disincentive for corrupt decision making is absent from the planning system.*'

Whilst the ICAC report dates back to 2012, its comments are just as relevant and pertinent today. Any loss of third party appeal rights is a loss of local community democracy and diminishes transparency in decision making in the planning system. This in turn can limit the community trust and acceptance in the planning system and the integrity of its decision making processes.

In my experience, when individuals and the community at large feel they have a genuine avenue for their voice to be heard and the merits of their arguments genuinely considered, then they accept the decision, even if it is not the decision they wanted. This is a really important element of our existing planning system that should not be diminished. Yes, it can make for some contentious hearings and add to timeframes for decisions on some contentious development proposals but in Tasmania these are the exception rather than the rule for most development proposals.

Timeframes and Efficiency

Statistics compiled on the time it takes to get a decision on a development application across all states over a number of years show that Tasmania is consistently one of the best performing states, so the argument that Tasmania needs a more efficient system with less 'red and green tape' as constantly stated by the development industry does not stack up. In contrast WA which has had DAP's for more than 10 years has found that decision making process are slower.

'Taking the politics out of planning'

Planning is inherently a political process where the appropriate use for land is assessed and decided on and many different views and ideologies are declared and argued, so the statement that somehow DAPs take the politics out of planning is a nonsense. In other states like NSW's where DAPs exist this has shown to be just as prone to political interference, often via the relevant minister. Having really transparent open processes where a decision can be queried and considered anew if necessary, is what takes the politics out of planning.

Local councils are the closest to the community and without doubt listen to their communities more as a result of being close to them. For the vast majority of development applications they make good and appropriate and timely decisions as the planning authority. For some larger and/or more contentious development applications, elected members can certainly feel community pressure to vote a certain way but by and large the existing system which requires them to ensure a decision follows all of the requirements of the planning scheme and also to accept the recommendation of their planning officer or face the cost of funding an appeal to TasCAT, keeps this sort of issue to a minimum. Where the developer or members of the public believes that a

decision has been politically motivated or influenced, both sides currently have the opportunity to appeal to TasCAT and argue the planning merits of the proposal. This third party appeals process is what takes the politics out of planning.

DAP's exist already within the Tasmanian Planning system

The existing Major Projects legislation allows for projects designated as such to be assessed by a DAP's, as does the legislation governing infrastructure projects. That is as far as the use of DAP's should go. I disagree with the need for DAP's to become a more major part of our Tasmanian Planning system.

Thank you for the opportunity to comment.

Catherine Nicholson

From: jennifer godfrey <>
Sent: Tuesday, 5 November 2024 7:44 PM
To: yoursay.planning@dpac.tas.gov.au
Cc: c
Subject: Stop the DAP

To the DPAC

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

- **Developers will be able to bypass my local council and my community.** My property is near St Helens in an area which would be completely changed if developers were able to fill it with houses. The Great Eastern Drive would be ruined. Break O Day council is a small, poor council and is very vulnerable to the depredations of developers. Having a DAP would make this worse.
- **The selection process for DAPs is flawed, its operation is not transparent and there is no way of challenging its decisions.**
- **DAPs are pro development and pro the government which appointed them.** This is not open democracy.

- **It is essential to have a review process when planning decisions are made.** The DAP does not provide this.
- **The whole DAP process is highly politicised, and the criteria for approval are open to negotiation and interpretation in favour of developers.** I have seen what happens when developers take over in coastal areas of NSW. Tasmania is the last place in Australia where the coast is not over-developed.
- **The proposed DAP is not necessary, and not adds complexity to an already complex system.**

Say yes to a healthy democracy

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

Jennifer Godfrey

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Michael Lynch <>
Sent: Tuesday, 5 November 2024 9:35 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Development Assessment Panels - Submission

I oppose the creation of Development Assessment Panels and increased ministerial power over the planning system for the following reasons:

1. It will create an alternative planning approval pathway allowing property developers to bypass local councils and communities.
2. The Tasmanian Planning Commission is not independent and DAPs are hand picked without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings and lack the capacity to manage conflicts of interest.
3. There is evidence that DAPs are pro development and pro government and that they rarely engage with local communities.
4. DAPs make it easier to approve large scale contentious developments such as Cambria Green.
5. DAPs remove merit based planning appeal rights and remove 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 can be prohibitively expensive.

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

8. Increased ministerial power over the planning system increases the politicisation of planning and the risk of corrupt decisions.

9. There is no problem to fix and it will increase complexity in an already complex planning system.

Thank you

Michael Lynch

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Siobhan Reid <>
Sent: Tuesday, 5 November 2024 8:01 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Add DAPs to the list of fails for this government

Community concerns need to be valued not run over by corporates and big money. The DAPs proposal excludes local knowledge, experience and values.

People have lost faith in governments ability to care for local concerns, the environment and is another example of giving a free pass to developers. This is another anti Democratic move to exclude Tasmanian people from civic life of the state.

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

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

development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

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

social.

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

Say yes to a healthy democracy

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

Yours sincerely,

Siobhan M Reid

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Ingrid Colman <>
Sent: Tuesday, 5 November 2024 7:47 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

adopted its draft decision.

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely, Ingrid Colman

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Theresa Hatton
Sent: Wednesday, 6 November 2024 7:34 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP - say no to planning panels/say yes to a healthy democracy

Hello All,

I work in the Building Industry and whilst I understand the need to be able to streamline our industry, unfortunately that is not the case. The more effort that has been put into removing the red tape the more complicated this process is becoming. Shouldn't there a fair system for everyone. Given the current planning scheme has just been developed shouldn't the scheme have been written to allow for all types of developments and to allow robust community conversations and concerns about our state and local areas, without the need to have special treatment for special projects.

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

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

privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on *'checks and balances'*.

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

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

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

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

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

Say yes to a healthy democracy

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

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

Thank you for your time.

Yours faithfully,

Theresa Hatton

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Peter French <>
Sent: Wednesday, 6 November 2024 7:15 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Peter French

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Susan Hunt
Sent: Wednesday, 6 November 2024 6:16 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP

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

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

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

good planning outcomes – including both environmental and social.

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.
 - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

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

Say yes to a healthy democracy

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

Yours sincerely Susan Hunt

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Cindy Aulby <>
Sent: Wednesday, 6 November 2024 6:13 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #Scrap the DAP - I'm saying Yes to healthy democracy, and No to planning panels

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Cindy Aulby (*she/her*)

I am grateful to live and work in nipaluna, lutruwita, the ancient land belonging to the muwinina and palawa people, who nurtured this place for tens of thousands of years. I offer my respect to elders, past, present and emerging, and acknowledge that sovereignty was never ceded.

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Chris Hood <>
Sent: Wednesday, 6 November 2024 12:09 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Hi There,

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

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

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

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

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

Say yes to a healthy democracy

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

Sincerely

Chris Hood FGAA

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: tim pargiter <>
Sent: Wednesday, 6 November 2024 12:25 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:

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

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

The Panels, potentially appointed by government ministers

1. Do not allow for community input.
2. Do not necessarily allow the community, or it's locally elected representatives, to object to the developments approval as part of the process.
3. Do not necessarily consist of people, who have the relevant knowledge and experience to suitably assess developments and their potential impacts across many areas.

4. Have the potential for corruption, and looking after developers interests to affect the panels decisions.
 5. Do not automatically encompass a thorough investigation of all the impacts of a development.
 6. Do not necessarily require developments to comply with Planning scheme, National Park, State reserve, guidelines and requirements.
 7. The Mount Wellington Cable Car, failed to meet over twenty conditions for approval. This resulted in it not being approved under the current system. Under a Development Assessment Panel system this development could be approved, even though there is strong local community opposition to it and it fails to meet so many of the planning criteria for the management of Mt Wellington.
- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
 - **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
 - **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
 - **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
 - **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.

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

Say yes to a healthy democracy

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

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

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

Yours sincerely,

Tim Pargiter

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Peter Burnett <>
Sent: Wednesday, 6 November 2024 12:35 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

06 October, 2024



To whom it may concern,

Thank you for the opportunity to comment on the draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024*.

YIMBY Hobart was established to advocate for:

1. **Housing abundance:** More housing of all types where people want to live.
2. **A city for people at all ages and stages, of all means and abilities:** Our city and suburbs should reflect the diversity of the community as a whole.
3. **Better access for everyone:** Being an active participant in our city should not rely on owning a car.

YIMBY Hobart's interest in the draft bill primarily relates to the impact of the proposed mechanism on the supply of housing, particularly medium-density and social/affordable developments. Despite the draft bill's potential utility in expediting approval of select housing developments, YIMBY Hobart cannot support the bill as drafted.

The State Planning Office website makes clear the purpose of establishing a Development Activity Panel mechanism is to *"help 'take the politics out of planning' for more complex or contentious development applications."* YIMBY Hobart is concerned that using the urgent need to increase the rate of housing construction as a rationale for much broader, and likely contentious, changes to the planning scheme risks unnecessarily politicising housing developments. This outcome would run counter to the stated goals of the bill, and risks further complicating approvals.

Further, though there are instances in which councils make bad decisions in relation to contentious housing proposals, we do not believe the broad powers the draft bill gives the responsible Minister are appropriate or proportionate to the scale of the issue.

The Tasmanian Government has invested significant time, effort and money into establishing a single statewide Tasmanian Planning Scheme. Though we believe the Planning Scheme's current settings are too end-use agnostic, particularly in our city and town-centres, we do not believe establishing broad carve-outs via Development Activity Panels is the solution to this problem.

To build on the Government's work establishing the Tasmanian Planning Scheme, and increase the rate of housing approvals, we would instead like to see the Tasmanian Government:

- Expand and accelerate the work set out in the *Improving residential standards in Tasmania* draft report, including the adoption of more permissive residential and mixed-use zoning in city centres.
- Work with councils to ensure an updated Southern Regional Land-Use Strategy clearly articulates and responds to the need for increased medium-density and infill housing construction in activity centres and along transport corridors.

Despite our concerns about the draft bill's broad powers, we are strongly supportive of the powers set out in S60AB(1)(a). Social housing developments face greater barriers to approval than private market proposals, and are much more likely to face concerted local opposition. We would like to see powers to expedite and simplify social housing approvals and developments enacted through a standalone act or as an amendment to existing legislation.

Thank you again for the opportunity to provide feedback on the draft bill.

Regards,

Lachlan Rule & Susan Wallace
YIMBY Hobart

From: Carlos Whiley <>
Sent: Wednesday, 6 November 2024 1:55 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

**Carlos Whiley **

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Sue McNeil
Sent: Wednesday, 6 November 2024 1:45 PM
To: yoursay.planning@dpac.tas.gov.au;
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Tasmania has a unique character combined of beautiful natural scenery, colonial architecture and other special characteristics which sets it aside from the crowded cities of the mainland and the world. The creation of Development Assessment Panels put these features at considerable risk for the reasons below.

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

S. Lafferty

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Madoc Sheehan <>
Sent: Wednesday, 6 November 2024 3:23 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: DAP Proposal – I say no to proposed planning panels and yes to local council decision making

To whom it may concern,

As a small business owner and investor in South East Tasmania's tourism industry I am deeply concerned about the creation of Development Assessment Panels (Daps). I do not agree with increasing ministerial power over the planning system.

I believe the creation of DAP's is unjustified and should be rejected.

- **There is a distinct lack of democratic justice when local councils and communities are bypassed as decision makers.** Elected local council representatives are best placed to represent the views of the local community and their decision making authority should be retained. Simply because a developer does not get a proposal through does not mean that the process is broken. It is inherent on the developer to change their proposal to meet community expectations rather than bypass the existing approval process.
- **The Tasmanian Planning Commission is not independent and there is potential for them to be deliberately chosen to reflect the views of developers.** There should be public hearings, clear processes to avoid conflicts of interest (as per the 2020 Independent Review), publically

accessible written reasons for decisions and mechanisms for real and impactful public input and public consultation.

- **DAPs processes have been found to be less effective.** They rarely deeply engage with local communities, and often take longer than local councils to make decisions.
- **DAP processes may make it easier to approve contentious and unpopular developments.** This will to community disharmony, more protests, more delays, distrust of politicians and their independence from developers, development being subject to Government whim which will introduce uncertainty and risk.
- **Do not remove merit-based planning appeal rights** which are an essential part of the rule of law and a democratic system of government based on '*checks and balances*'. Their absence will lead to protest and delays and poor development. It may also provide an environment where corruption flourishes and undermines democracy and good planning. Best practice is to keep and strengthen the communities appeal rights.
- **The current planning system is working effectively and should not be changed. Even if a decision has not gone the State Governments way....this is democracy.** Democracy and local community rights, through retaining local council's decision making, should be respected. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications.

I call on you to keep decision making local. Abandon DAPs and instead invest 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.

Yours sincerely,

Madoc Sheehan

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Helen Bethune <>
Sent: Wednesday, 6 November 2024 4:23 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP: say no to planning panels — say yes to a healthy democracy

Good morning,

There are many reasons that I object to the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system. I am sure you will be told of many others, but I will focus on just one.

Poor justification – there is no problem to fix.

Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

- The Planning Institute of Australia says that Tasmania's planning system is one of the fastest in the country due to the last 10 years of planning reform.
- The State Planning office's Position Paper also says that Tasmania's planning system is among the fastest in the country for determining development applications.

I implore you to:

- Do what you can 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, and provide 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 ask 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.

With thanks,

Helen Bethune Moore

From: Alastair Richardson <>
Sent: Wednesday, 6 November 2024 4:35 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

The lack of local input, from the very folk who will be affected.

My concerns about large-scale developments eg the cable car.

The present system works well enough.

Please do not support this proposal.

Yours sincerely,

Alastair Richardson

From: Rob Bohmer
Sent: Wednesday, 6 November 2024 7:41 PM
To: yoursay.planning@dpac.tas.gov.au
Cc: cecily.rosol@parliament.tas.gov.au
Subject: Scrap the DAP

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

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

- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.
 - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

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

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

Yours sincerely

Rob Bohmer

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Graeme Beech <> Wednesday, 6
Sent: November 2024 8:15 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: No to the DAP

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

- Many developers will bypass local Councils to avoid local planning systems, considerations and local decision making
- DAPs will not be independently elected and do not follow principles of openness and transparency
- DAP processes will avoid local community scrutiny and expectations
- DAPs are likely to be pro-development with little consideration of the environmental and social needs of the local area
- The loss of merit-based planning appeals and mediation options is a loss of democratic process. Appeals to the Supreme Court will be based on law rather than planning merit and of course prohibitively expensive

Why further increase planning system complexity? Please improve and invest in the existing system to enhance community participation. local decision-making and planning outcomes with appeal rights.

Graeme Beech

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Suzanne Bell <>
Sent: Wednesday, 6 November 2024 8:34 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

The idea that we need more and more development to make our State great is a fallacy. Residents currently enjoy the natural beauty of our state and its comparatively “unspoiled” experiences. Tourists are drawn to visit our State for this very reason. The new legislation will encourage more and contentious development in natural areas and local residents will not have a say. It gives more power to developers who are driven totally by opportunities to make money. Usually, with politicians onside, they want to develop publicly-owned natural areas. When these areas no longer exist because they are all developed, we locals will have reduced satisfaction with our standard of living (due to traffic, noise, congestion, and the absence of unspoiled natural areas nearby). Tourists will no longer come to Tasmania for our unique nature based experiences.

It is the beginning of the end of our democracy when a few people in government can make decisions which have a negative impact on our daily lives. And we have absolutely no say and no avenue for input into these decisions.

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

The Tasmanian Planning Commission is not independent .

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

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

Flawed planning panel criteria. Changing an approval process where the criteria is on the basis of *'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant'* and the *'development is likely to be controversial'* is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

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.

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Kip Nunn <>
Sent: Thursday, 7 November 2024 4:19 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: No to DAPS ,power to the people .

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

The more people involved in these major decisions the better the outcome for all ,. Not just Government and big business behind closed doors which have in the past be to the detriment of the health of enviroment and hence the living standards of the general public sector .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Kip nunn

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Samantha Farr <>
Sent: Thursday, 7 November 2024 3:51 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To Whom It May Concern,

As a resident of Tasmania I am writing to express my disapproval of the proposal to allow fast tracking of development/planning applications.

This is an undemocratic proposal that disrespects the opinions of citizens and their respective local councils that may be affected by these developments.

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

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

Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

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

Say yes to a healthy democracy

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

Yours sincerely,

Samantha Farr

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Tim Williams <>
Sent: Thursday, 7 November 2024 3:41 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: DAPs

To Whom it may concern,

I am extremely opposed to the proposed new legislation to create new Development Assessment Panels. Here in Swansea we have spent the last few years opposing ridiculous developments such as Cambria Green. All these panels will do is make such proposals easier by increasing the power of the minister and removing planning appeals. It should be we the people and the council that we elect to decide what's good for the local community, not a fast track board with hand picked members by the government in Hobart.

Regards



CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you

From: Jo Stephen <>
Sent: Thursday, 7 November 2024 3:41 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: I urge you to say no to planning panels & say yes to a healthy democracy

Dear Planning People in Tasmania,

I am appalled to learn of the suggested fast-track Development Assessment Panels (DAPs) in Tasmania. It scares me that this could happen in the background of our 'democratic' system for the benefit of developers and not the community who would no longer have a say in projects of significance.

This would increase ministerial power of the planning system - a system that right now doesn't need fixing.

I hope you understand that DAPs in other states have been found to reduce good planning outcomes, favour developers over community and undermine democracy. This has no place in Tasmania where kinship and other bonds already interfere with proper process way too often!

It frightens me that under this regime, developments will only be appealable in the Supreme Court which is far too expensive for average citizens to even contemplate doing. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia? It seems an abominable waste of time and resources (but then, I'm not a developer, I'm sure they are super keen!).

A lack of genuine community involvement in decision-making has serious ongoing impacts and citizens are left to suffer the consequences.

Today, I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system - these 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.

Please do what you can 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,
Jo Stephen

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Rachel Tenni
Sent: Thursday, 7 November 2024 3:15 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Scrap The Dap

As a local government worker with a deep understanding of the Land Use Planning Act and the Tasmanian Planning Scheme, I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **The Local government Planning Authority understands the restraints and the issues related to their local area.** Residents who live work and play in the Municipality have a right to comment on developments within their own backyard. They have a right to deny developments that do not align with the standard of living all people aspire to and they have a right to comment on how to better utilise their area away from big developers from other states and countries. Think Global , act local. There is no requirement to 'invent' another panel. The issue is to ensure the Planner at local government level is well supported with continuous professional development.
- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developer's demands.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance

of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.

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

Say yes to a healthy democracy

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

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

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

Yours sincerely,

Rachel Tenni

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: David Counsell <>
Sent: Thursday, 7 November 2024 2:52 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Greeting fellow Tasmanian's

I find it difficult to believe any of you think that the proposed changes are in the best interest of democracy and the ability of the people who's interests you represent to make these changes.

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local council representatives. If this is the avenue you wish to pursue why not get rid of the councils all together, or are they just there to look after the collection of the garbage? Local concerns will be ignored in favour of developers who may not be from Tasmania and will most certainly be operating with their own financial best interests at heart. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review) This makes it sound more like something that would happen in an episode of Utopia. 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, and surprise! they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'. Seriously what could go wrong if you ignore these things?
- **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. You know The Castle was a movie not real life and standing up in front of of the Supreme Court and saying it's the vibe, it's Mabo does not work in real life.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** It's not like we've never seen corruption play a role in politics in this country. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption, but it could never happen here right? Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has

rejected such an application, threatening transparency and strategic planning.

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

Say yes to a healthy democracy

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

And... while I have your attention, or that of some poor apparatchik any chance you could stop thinking about selling government owned entities to fund projects like the AFL stadium.

Remember you're the government not some local community social club. Stop letting the AFL dictate the terms on getting a football team. Let them be the bad guys not the government. A football team for Tassie sounds great, lets use the existing facilities for a decade while we measure the true benefit to the state and not sell us into penury for the chance to watch a team with Tasmania on their shirt fronts.

Do better.

All the best
David Counsell

From: Damian Devlin <>
Sent: Thursday, 7 November 2024 2:59 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #Scrap Proposed Development Assessment Panels – say no to planning panels/
say yes to a healthy democracy

Members

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

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

The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be

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

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

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

Your Sincerely

Damian

Devlin

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: steve barrett <>
Sent: Thursday, 7 November 2024 2:52 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: DAPs

Dear Chair,

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Steve and Sue Barrett

From: Amanda Wojtowicz <>
Sent: Thursday, 7 November 2024 2:48 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Say no to planning panels

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

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

The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective, because DAPs are pro-development and pro-government, they rarely deeply engage with local communities,

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

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

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

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

With regards,

Amanda Wojtowicz

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Vija Hughes <>
Sent: Thursday, 7 November 2024 2:21 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I believe in, and in heartfelt hope wish for, our democracy to continue and not be swallowed up by those who may have ulterior motives. Our people, our community, our voice - all should be heard and considered when planning any kind of development. Governments must not ride rough-shod over residents.

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

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Vija Hughes

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Holly Purcell <>
Sent: Thursday, 7 November 2024 2:13 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To whom it may concern,

This is an extremely important issue and I strongly oppose the tilt to administrative power contained in this proposal. It is essential to retain the possibility of merits reviews by TASCAT so that vested interests do not push through planning proposals not supported by the community.

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

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

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

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Holly Purcell

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Ward and Cathy <
Sent: Thursday, 7 November 2024 2:06 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: A big NO to DAP

Our system may not be perfect but the proposed DAP is far worse. Increasing ministerial power over the planning system and removing the right of public appeal is a recipe for an abuse of power and rampant development with no regard for public participation and local amenity.

- 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.

Generally when developers come up against reasonable demands from residents and the general public, their response is that there is too much red tape which translated means they will make less profit.

We elect public officials to protect our rights and not to become the instruments of vested interests and big corporations.

Regards
Ward and Cathy Doe

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Kathryn Evans <>
Sent: Thursday, 7 November 2024 2:38 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP - say no to planning panels/say yes to a healthy democracy

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

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

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

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

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

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

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

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

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

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

Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria.

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

Flawed planning panel criteria. Changing an approval process where the criteria is on the basis of 'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant' and the 'development is likely to be controversial'

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

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

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

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

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

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

Say yes to a healthy democracy

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

participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

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

Yours sincerely,

Dr Kathryn Evans

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Karen Miller <>
Sent: Thursday, 7 November 2024 1:36 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I am writing to express my concern about the proposed Development Assessment Panels for the following reasons...

1. Lack of independence. There is no clarity, or guarantee that members of the panels will be independent and that decision-making will be transparent. Unless the appointment of members of panels and the terms of reference are open and transparent, then they will never be trusted. This will ultimately erode faith in current government and systems.
2. They do not appear to enable community input or consultation about proposed developments that will ultimately affect the quality of living for all Tasmanians. This is currently achieved through local council processes, and the proposed DAPs will circumvent the capacity of every Tasmanian to have their say.
3. DAPs will result in the removal of merit-based planning appeals and hence the opportunity for mediation of development applications in the planning tribunal.
4. There is limited evidence from other states that DAPs are effective, other than for proponents. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
5. Tasmania's planning system is working – there is no clear reason to change it given very few (I believe <1%) of planning decisions go to appeal and it is considered to be very efficient compared with processes in other states.

I urge you to reconsider if/how Tasmania implements DAPs – our priority for future development within our unique state must effectively balance social, economic and environmental needs – and to achieve this any process for approvals must be open, transparent and collaborative.

Yours sincerely
Karen Miller

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Christine Tilley <c>
Sent: Thursday, 7 November 2024 1:30 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: No to DAPs

Hello,
I hear there is soon to be a decision made as to whether to implement Development Assessment Panels.
I oppose the implementation of DAPs. I think it they are terrible idea, and have been a disaster when they have been implemented in other places.

DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review).

Please do not implement DAPs here.

Thank you,
Christine Tilley

CONFIDENTIALITY NOTICE AND DISCLAIMER

From: Sam Poynter <>
Sent: Thursday, 7 November 2024 1:27 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Opposition of planning panels

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

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

adopted its draft decision.

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Sam Poynter

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Maria Grist <>
Sent: Thursday, 7 November 2024 1:26 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Please say no to planning panels and say yes to a healthy democracy

Dear Member,

I am copying and pasting the wording below but please know that I am in agreement with the contents of the message. I am extremely concerned at the increasing tendency to fast track expensive and questionable "developments" with minimal consideration. Please consider carefully and vote to keep the current system, which though flawed is vastly better than the proposed DAP.

Maria Grist

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

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

conceding to developers demands.

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Maria Grist

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Heidi Auman <>
Sent: Thursday, 7 November 2024 1:18 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

adopted its draft decision.

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Dr Heidi J Auman

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: john moore <>
Sent: Thursday, 7 November 2024 1:04 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Please say no to planning panels

Hi Planning,

The proposed creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system is of great concern to me.

Daps will create an alternate planning approval pathway allowing property developers to bypass local councils and communities. Experience in other states and research has clearly demonstrated that DAPs are pro-development and pro-government, they rarely deeply engage with local communities.

Members of Parliament allowing developers to bypass the wishes of local communities defeats a fundamental tenet of representative democracy and should be strongly opposed.

Many Thanks
John Moore

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.