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**From:** Peter Cusick <>  
**Sent:** Thursday, 7 November 2024 12:51 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Development Assessment Panels

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

In creating an alternate planning approval pathway it will allow 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.

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- This process will allow 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.
- 

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

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

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 councilors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.

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

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

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

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

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

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

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

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



councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keep the cost of development applications down.

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

Sincerely

Peter Cusick

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**From:** Ash V <>  
**Sent:** Thursday, 7 November 2024 12:32 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 and to all addressed in this email submission,

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

1. **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.
2. **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.

3. **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.
4. **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.
5. **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'.
6. **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
7. **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.**
8. **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.
9. **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.
10. **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.*

11. **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.
12. **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,  
Ashleigh Vaszocz

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**From:** Fenella Edwards <>  
**Sent:** Thursday, 7 November 2024 12:14 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP ASAP!!

To whom it may concern,

The proposed DAP is OUTRAGEOUS!

I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning, 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,**

Fenella Edwards

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**From:** Carol Bristow <>  
**Sent:** Thursday, 7 November 2024 12:03 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Democracy must be Protected

To Whom it may Concern,

After watching the election results from the USA, I am even more determined to protect the robust, democratic rights we have in Australia and I believe you should be too.  
I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system because it challenges our democratic rights in the following ways:

Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications **not your elected local council representatives.**

**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.

**Makes it easier to approve large scale contentious developments** such as the kunanyi/Mount Wellington cable car, without proper community consultation.

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



**Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability.

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

**Flawed planning panel criteria.** The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

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.

**Say no to planning panels.**

We cannot afford to lose our rights as individuals or members of the wider community.  
Every right we lose will erode our precious democracy.

Thanking You,  
Carol Bristow

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**From:** John Paterson <>  
**Sent:** Thursday, 7 November 2024 12:01 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** Please, please #ScrapTheDAP – say NO to planning panels and say YES to a  
**Subject:** healthy democracy

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.**
- **The Tasmanian Planning Commission is not independent** – 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).
- **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.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.**
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.**
- **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.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

**Yours sincerely,**

John

**JOHN PATERSON**

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**From:** Thompson Crowley <>  
**Sent:** Thursday, 7 November 2024 11:53 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Scrap the DAP please

Dear sir or madam,

I am writing to you to oppose the DAP. Things are moving in the wrong direction. Putting decisions in the hands of a panel rather than local authorities would be disastrous. We live in a democracy. We need to strictly protect our natural spaces. Look at the state of the world. We all know what needs to be done, but money-making is getting in the way. Please do the right thing.

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,**

**Thompson Crowley**

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**From:** John Biggs AM  
**Sent:** Thursday, 7 November 2024 11:20 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 because:

- **By creating an alternate planning approval pathway property developers can bypass local councils and communities.**  
Local concerns will be ignored in favour of developers who may not even be Tasmanian. If it suits them, developers can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could mean councils will give in to developers' demands.
- **The Tasmanian Planning Commission is not independent**  
DAPs are hand-picked, without detailed selection criteria and objective processes. That is inconsistent with the principles of open justice because DAPs do not hold public hearings. Further how do they 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 with the developer behind closed doors,
- **DAPs are pro-development and pro-government.**

They rarely deeply engage with local communities, and they take longer than local councils to make decisions. Thus, they can approve 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. This is highly undemocratic.

- **The proposal removes merit-based planning appeal rights, leaving community cares unaddressed.**

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*'.

**Developments will only be appealable to the Supreme Court based on a point of law or process. This limits what can be appealed and is prohibitively expensive for ordinary citizens, leaving the process wide open to corruption, affecting good planning outcomes, favouring developers and undermine democracy.**

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 only 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. The Minister obviously has political bias and his/her subjective judgement can easily – and likely -- favour of developers.

#### **Really, is there is a 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. Does the Government want to falsely blame the planning system for stopping housing developments so that it hides its lack of performance in addressing the affordable housing shortage?

#### **To ensure a healthy democracy:**

- **Please 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.
- **And do please prohibit property developers from making donations to political parties. It destroys trust and efficiency.**
- **Create a strong anti-corruption watchdog.**

Yours sincerely,



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**From:** Dorothy Steane <>  
**Sent:** Thursday, 7 November 2024 10:55 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
  
**Subject:** Development Assessment Panels - comments on proposed legislation

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**Submission on the Draft Legislation to Empower the Planning Minister to remove assessment and approval of developments from the normal local council process and have it done by Development Assessment Panels (DAPs)**

I strongly oppose the introduction of Development Assessment Panels (DAPs) and the increased powers proposed for the Planning Minister, for the following reasons:

**1. Bypassing Local Democracy**

The proposed legislation creates an alternate development approval pathway that bypasses elected local councils and community involvement. Under this system, decisions on controversial developments could be made by handpicked state-appointed panels, rather than local representatives who understand the community's concerns. Developers can even switch to a DAP mid-assessment if they are dissatisfied with a council's decision, potentially pressuring councils into conceding to developers' demands.

**2. Lack of Independence and Transparency**

The Tasmanian Planning Commission (TPC) and DAPs are not truly independent. The panels are selected without clear, transparent criteria, and their decisions are often made behind

closed doors, with limited opportunity for public input or engagement. Furthermore, DAPs are not required to provide written reasons for their decisions, making it difficult to challenge them in court. The lack of public hearings and transparency undermines the principles of open justice and accountability.

### **3. Undermining Community Participation**

Community input will be rendered less effective under this system. Public consultation will occur only after DAPs have already engaged with the developer and relevant government agencies, leaving little opportunity for genuine public participation in the decision-making process. This could further erode trust in the planning system.

### **4. Pro-Development Bias and Lack of Local Engagement**

Evidence from other jurisdictions shows that DAPs tend to favour developers and government interests, with little regard for local communities. Research indicates that DAPs spend more time on minor applications and take longer to make decisions than local councils. They are also more likely to approve large-scale, contentious developments, such as the kunanyi/Mt Wellington cable car, high-rise buildings in Hobart, and large subdivisions like Skylands at Droughty Point, which have been opposed by local communities.

### **5. Removal of Merits-Based Appeals**

The removal of merits-based planning appeals eliminates the community's ability to challenge developments on important issues such as environmental impact, building design, traffic, and amenity. The only remaining grounds for appeal would be technical issues of law or process, which are narrow in scope, expensive, and inaccessible for most citizens. This undermines democratic checks and balances and reduces the opportunity for mediation and resolution of planning disputes.

### **6. Increased Risk of Corruption and Undermining Democracy**

Granting the Planning Minister greater power over the planning process increases the potential for political interference and corrupt decision-making. The Minister could use subjective criteria, such as the "perceived" conflict of interest or "significance" of a development, to intervene in local planning decisions. This could allow developers with political connections to bypass normal processes, compromising the integrity of the planning system.

### **7. Flawed and Unjustified Criteria for Intervention**

The proposed criteria for triggering DAP involvement, such as development valuations over \$10 million in cities or \$5 million in regional areas, are overly broad and subjective. These criteria could be used by the Minister to push through developments that benefit developers, with minimal regard for local concerns. Additionally, there is no guarantee that developments claiming to include affordable housing will genuinely address the need for affordable homes.

### **8. No Problem to Fix – Our Planning System is Already Efficient**

The current planning system in Tasmania is already one of the fastest in Australia. Only around 1% of planning decisions are appealed, and there is no evidence to suggest that the existing system is broken. The government's focus on "streamlining" planning is a red herring that distracts from the real issue – a lack of affordable housing solutions.

### **9. Increased Complexity in an Already Overcomplicated System**

The proposed changes will add unnecessary complexity to an already complex planning system. Rather than creating new bureaucratic layers, the government should focus on

strengthening existing systems, supporting local councils with more resources, and improving community engagement in planning decisions.

## **Conclusion**

I urge you to reject the proposal to introduce DAPs and expand ministerial powers. These changes will undermine transparency, accountability, and community participation in the planning system. Instead, I call for a greater investment in strengthening local councils, enhancing public consultation processes, and improving the overall planning system to better serve local communities and the environment. I also urge you to take steps to improve the transparency of political donations and enhance anti-corruption measures to ensure a more democratic, fair, and accountable planning system.

Sincerely,  
Dorothy Steane.

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**From:** Paul Brooks <>  
**Sent:** Thursday, 7 November 2024 10:21 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**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 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,**

**Paul Brooks**

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**From:** Charlotte Blake <>  
**Sent:** Thursday, 7 November 2024 9:40 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To whom it may concern,

Iutruwita/Tasmania is unique, largely due to our minimally developed coastlines, wilderness areas and even the local parks that soar above nipaluna/Hobart city and remind us of our place in the world. Public land should be beyond political leanings or one-generation thinking. Once a development is in place, its scar is there forever and our children must live with the consequences.

There is a time and place for development. Careful, democratic processes that do not indulge nepotism are essential to make sure that those times and places are chosen well.

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,**

**Charlotte Blake**

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**From:** Di Elliffe <>  
**Sent:** Thursday, 7 November 2024 9:41 AM  
**To:** Yoursay Planning  
**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.

I am concerned that DAPs would 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. 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.

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

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

Please consider these important concerns for the impact that DAPs would have on our planning processes and the future shape of our towns and cities.

Regards  
Di Elliffe

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**From:** Mike Willson <>  
**Sent:** Thursday, 7 November 2024 9:24 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** appointed Development Assessment Panels (DAPs)

***We see Government restrictions on democratic protest rights growing, which is unjustly 'clipping the wings' of ordinary people to have their say, like this DAP process - its undemocratic.***

***This DAP is a classic example of powerful people in politics - especially Government , developers, power-brokers, investors - all wanting to avoid scrutiny from voter input by creating a Government appointed 'favourable' group as a Development Assessment Panel which does not have to follow due process of the existing planning system.***

***I do not support DAPs, as they simply increase a single person's Ministerial power while removing planning appeals to the detriment of our democratic process and the views of ordinary voting Tasmanians in existing vibrant communities. Its therefore unacceptable by eroding our democracy.***

I therefore strongly oppose this idea of creating Development Assessment Panels (DAPs) which increases ministerial and developer power and control over the planning system by avoiding due process, for the following reasons:

- **DAPs will create an alternate planning approval pathway for a group of non-elected 'chosen members' by Government, which allows property developers to bypass local councils plus community concerns and expectations for specific areas they care about including our wilderness and coastlines.** Handpicked compliant state appointed planning panels, under the Tasmanian Planning Commission, would decide on future development applications - NOT our elected local council representatives, which is undemocratic. Local concerns will thereby be ignored in favour of greedy developers who may not be from Tasmania, but may be promising jobs and short-term growth to a potentially short-sighted Government who maybe unable to see potential longer term drawbacks and failings. Also, if an assessment isn't going the way a developer or the Government desires, either could abandon the standard local council process at anytime and declare a development to be assessed by a special DAP planning panel of compliant 'specialists'. This could intimidate councils into conceding to developers demands or simply take the process away from communities and force a decision upon them which is neither wanted nor brings benefits to the local community, and could be destructive of likely sensitive environments involved. That is totally unacceptable here.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, without a balance of views amongst participants and 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 are not required to provide written reasons for their decision (making it difficult to seek judicial review and avoids the transparency currently provided by the existing system which is fair for all). Community input will be largely sidelined because it will be delayed until after the DAP has consulted (behind closed doors), will be costly as legal representation is likely to be needed to contest the developer's views and the panels 'decisions' plus any relevant government agencies, to avoid or contest adoption of its preferred 'draft' decision.
- **Research has demonstrated that DAPs are** generally pro-development and pro-government. Rarely do they deeply engage with local communities or seek compromise, and often spend most of their time behind closed doors speaking only to those supportive of the decision and take longer than local councils to make decisions.
- **DAPs make it easier for Governments and developers to gain 'approval' for large scale contentious developments without community backing** or a 'social licence' from the community, which is undemocratic and not in the interests of locals - eg. projects like cable car on Kunanyi/Mount Wellington, unsuitable high-rise hotels/apartments in Hobart, high-density subdivisions like 'Skylands' at Droughty Point, Cambria Green 'Little China' enclave nr. Swansea, Lake Malbena development and South Coast walking track, both man-made structures destroying our wilderness, which is defined by vast unspoilt, often inhospitable areas without any signs of humanity or human activity - no human habitation, no cultivation, no desecration (eg. logging), no buildings, no roads/tracks, no traces of human use whatsoever. We need to keep it that way to preserve our wilderness in perpetuity ...as it becomes a rarer and rarer phenomena on our sad, over-crowded, over-heated, over-exploited planet. Tasmania is a last bastion of beauty and moderation - we need to keep it that way and resist all attempts to make it 'over-blown' and over-indulgent - like everywhere else! We relish being different and need to protect that to the hilt. Please help us do that.

- **Community's merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about are being removed by DAPs. This includes impacts on biodiversity, local environment, height, bulk, scale or appearance of buildings; impacts to streetscapes, peacefulness, adjoining properties including privacy, congestion and overlooking; more traffic, more noise, more smell, more light pollution, more over-exploitation and so much more of more's that aren't appropriate and aren't wanted or needed that can ruin the 'sense of place' very quickly.. TASCAT review of government decisions is an essential part of the rule of law, the separation of legal powers from government to give fair oversight in any truly democratic system of government based on the '*checks and balances*' we hold dear in our society.
- **Removing these merits-based planning appeals removes the opportunity for sensible and workable mediation on what are often over-zealous development applications in the existing planning tribunal process.** It isn't broken, and works well, so don't try and 'fix it' by rigging the stack in favour of developers!
- **It is unacceptable and undemocratic for developments to only be appealable to the Supreme Court based on a point of law, or process which has a narrow focus and will be prohibitively expensive.** This is the path to authoritarianism where individuals have no say, and not something we ever want to see in Tasmania - or Australia more widely.
- **Removing merits-based planning appeals also has the potential to increase corruption, reduce good planning outcomes, favour unscrupulous developers, favour more profitable but inappropriate developments, favour government imposing its will on the public and thereby seriously undermining our precious democracy.** In contrast to what is being proposed for Tasmania, the NSW Independent Corruption Commission recommended expanding their merit-based planning appeals system, specifically as an important deterrent against corruption. Such mainland experiences demonstrate that these planning panels usually favour developers and undermine democratic accountability in existing communities, which is unacceptable. 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 it favours developers and undermines democratic accountability. Mainland research has demonstrated that removing a merits-based planning appeals system has the potential to permanently reduce good planning outcomes, destroy the charm, sense of place, environment, belonging and social cohesion which brings communities together. We cannot risk losing that priceless quality of Tasmanian life, anywhere in the State. We should be taking lessons from other places that have suffered such abominations and ensure we avoid following that same fundamentally flawed pathway. So NO DAPs HERE!
- **Increased ministerial power over our planning system inevitably increases politicisation of our planning process and risks increasing corrupt and inappropriate decisions, based more on short-term greed and profit than good long-term planning decisions. This can and will rapidly ruin our neighbourhoods, our parks, our coasts and our precious wilderness areas.** There is no place for it here. **It is wrong for a single person, the Planning Minister** to be able to decide whether a development application meets the DAP criteria, or

not. Especially when the Government they represent may have a vested interest in boosting 'economic growth and jobs' near election times - and to hell with the consequences - as long as it returns them to power! The Minister would also wrongly be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency, community engagement and strategic planning adversely affecting our long-term future and potentially effectively destroying the livelihoods of many neighbourhoods.

- **This leads to flawed planning and flawed planning panel criteria.** Changing a working 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 with lacking transparency and opportune for corruption. Any Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of thier own agenda, buying favours with other Ministers, developers, investors and other power-brokers behind.we scenes, which makes it deliberately undemocratically 'opaque' and murky. We should also note that the scope of these 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. But there is no defined requirement for a specific proportion of the development to be reserved for social or affordable housing. For example, it could be one house out of 200 that is affordable, making a mockery of this 'trigger'.
- **Poor justification for DAPs as there is no problem that needs 'fixing'.** Only about 1% of council planning decisions currently go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications, so the existing system is working very well. 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, when it is squarely the Government's fault as they have not allocated funds nor suitable areas for such developments to have happened.
- **Increased complexity in an already complex planning system will bring no benefit - except to developers and pwer brokers wanting to force decisions their way ...which is undemocratic!.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia? Surely it will only invite more rebellion and objections at forced planning decisions by communities not allowed to have their say and for which they do no give a 'social licence'. It will bring division and hatred where there needs to be none - if the planning process remains fair and transparent as it is now.

**So we must all say yes to retaining our healthy democracy because it benefits everyone** - not just rich developers, investors, power-brokers and Ministers with often hidden or greed-driven agendas, without caring for Tasmania's beauty, sense of scale and place, fragile environments and coastlines, wilderness areas, nor our thriving Tasmanian communities.

- I therefore strongly urge you to ensure transparency, independence, accountability and public participation in decision-making within the Tasmanian planning system, as they are

critical to ensure our on-going healthy democracy. We must keep decision making local, rather than bypassing it, with few costly opportunities for appeal. Let's abandon DAPs and instead invest in planning expertise to improve the local government system and existing planning processes by providing more resources to councils while also enhancing community participation to deliver even better planning outcomes. This will also help protect local jobs, local communities and keep the cost of sensible and wanted development applications down.

- I also call on you to prohibit or at least restrict property developers from making large donations to political parties, require all donations to be declared in real time, enhance transparency and efficiency in the planning process and administration of the *Right to Information Act 2009*, while also creating a strong and independent anti-corruption watchdog. This will all benefit our democratic process and help restore trust in you politicians and our political process. Time to make it happen - *please!*

**Yours sincerely,**

**Mike Willson,**

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**From:** Frances Butler <>  
**Sent:** Thursday, 7 November 2024 8:32 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** I do not support the creation of DAPs

To Whom It May Concern,

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

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



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

Therefore:

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

Yours sincerely,

Frances Butler

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**From:** Bridget Murray  
**Sent:** Thursday, 7 November 2024 8:31 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP - say no to planning panels/say yes to a healthy democracy

Dear Members of the House of Assembly and Legislative Council,

As a resident of Tasmania, property owner and former resident of Coles Bay and frequent visitor to world heritage areas, national parks and reserves - such as the Moulting Lagoon and Wine Glass Bay National Park and many others around 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 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,**

**Bridget Murray**

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**From:** Felicity Nicolson <>  
**Sent:** Thursday, 7 November 2024 8:27 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Draft Land Use Planning Approvals Amendment Bill 2024

Dear DPAC

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,**

**Felicity Nicolson**

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**From:** Emily Borcuk  
**Sent:** Thursday, 7 November 2024 8:28 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To whom may concern,

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

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

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

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

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

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

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

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

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

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

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

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

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

Increases complexity in an already complex planning system. 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,

Emily Borcuk

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

## **Tasman Council Position Paper of the Land Use Planning and Approvals (Development Assessment Panels) Bill 2024 (the draft DAP Bill)**

The Tasmanian Government's proposal to establish independent Development Assessment Panels (DAPs) to make determinations on complex or contentious planning applications poses a significant shift in how local development is regulated. The Tasman Council presents the case against DAPs and advocates for preserving decision-making authority within local councils. While DAPs are positioned as a means to remove politics from planning, this shift undermines local governance, democratic representation, and the principles of community-centred planning.

### **1. Protecting Local Democracy and Community Representation**

**Local Decision-Making and Accountability:** Councils are directly accountable to the communities they serve. Shifting decision-making to DAPs removes an essential layer of community oversight and responsiveness. Councillors, as community representatives, are best placed to understand local contexts, community values, and long-term visions for the region.

**Undermining Democratic Principles:** The transfer of planning decisions to unelected DAPs reduces transparency and public trust. Councils are empowered to serve their communities, and limiting their influence in decision-making processes threatens to centralise power, thereby weakening the democratic process that underpins local government.

### **2. DAPs Do Not Address the True Issues in Development Approvals**

**Planning System Efficiency:** Tasmanian councils already demonstrate efficiency in managing applications, with median determination times among the best in Australia. Shifting authority to DAPs is a solution searching for a problem, as councils' timelines and processes are generally effective.

**Addressing Conflict of Interest Concerns through Existing Mechanisms:** The argument that DAPs are needed to resolve potential conflicts of interest overlooks current safeguards within the planning system. Councils have policies and legislative frameworks in place to ensure that decisions are based on planning considerations rather than political motivations. Appeals processes already offer pathways to address any potential biases.

### 3. Risk of Disconnection from Local Context and Nuances

**Importance of Local Knowledge in Decision-Making:** Councillors bring a depth of understanding about their community that is crucial for informed decision-making. DAPs, composed of external experts, may lack the insights required to make decisions that align with community expectations and local planning strategies.

**Contextualised Responses to Complex Applications:** Local councils are well-positioned to address contentious or complex applications, as they operate with firsthand knowledge of their constituencies. DAPs could fail to appreciate or appropriately weigh unique local dynamics, leading to decisions that conflict with local needs and priorities.

### 4. Potential Negative Impact on Community Engagement

**Reduced Community Involvement:** By removing decision-making authority from councils, the DAP framework risks alienating the community from the planning process. Local councils facilitate community engagement, empowering residents to voice their concerns and participate meaningfully in shaping their environment. In contrast, a DAP-driven process, perceived as external and detached, may limit residents' sense of ownership and input.

**Erosion of Trust in Planning Processes:** When residents perceive that planning decisions are made by external bodies, trust in the planning process diminishes. Councils, by being closer to their communities, are better positioned to engage meaningfully with constituents and respond to their feedback. A shift to DAPs may be seen as favouring development interests over community well-being.

### 5. Potential for Increased Complexity and Cost

**Additional Bureaucratic Layers:** Introducing DAPs risks creating a more complex, layered planning system that could lead to administrative inefficiencies. Applications referred to DAPs would require coordination between councils, applicants, and the DAP itself, potentially resulting in longer processing times and added bureaucratic burden.

**Financial Burden on Applicants and Councils:** The proposed DAP structure introduces additional fees for applicants, adding to the cost of development projects. This cost burden could deter smaller developers, impacting local economies and potentially leading to an uneven playing field where only large-scale developers can absorb these fees. Additionally, councils would still bear indirect costs associated with preparing reports and liaising with DAPs.

## 6. The Loss of Appeal Rights Weakens the System's Integrity

**Elimination of Appeal Rights for DAP Decisions:** Under the DAP framework, rights of merit appeal are proposed to be removed, weakening a fundamental accountability mechanism. The appeal process currently provides an essential check on council decisions, allowing developers and community members alike to seek a fair review of the decision. Without this, the DAP framework places excessive power in the hands of panellists without sufficient recourse.

**Risk of Judicial Review as a Costlier Alternative:** With no right to appeal DAP decisions on merit, parties would be limited to seeking judicial review, an option typically reserved for procedural errors. Judicial reviews are often more complex, costly, and time-consuming, posing a significant barrier to meaningful participation and discouraging appeals on substantive grounds.

## Conclusion

The proposal to shift decision-making authority from councils to DAPs in Tasmania has raised serious concerns regarding local democracy, accountability, and community engagement. Councils are the bedrock of local governance, and their role in assessing development applications must be preserved to ensure that decisions are made in a way that aligns with community needs, values, and aspirations.

Ultimately, the best path forward is one that reinforces local councils as decision-makers, respects the role of community representation, and enhances current planning frameworks to better support Tasmania's development goals.

Kind regards,

Cr Rod Macdonald  
Mayor



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**From:** SammiRose Williams  
**Sent:** Thursday, 7 November 2024 8:14 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** Scrap the DAP

Our family is totally opposed to removing the councils say on developments. It's undemocratic and unfair leaving us totally vulnerable to developers who have only profit in mind. The councils AND locals need to have a say . That's why we ELECT councils and PAY for them. We don't trust the DAP to preserve our unique values - we don't want to be a mini Melbourne or Sydney. That's why tourists come here. We have enough bloody golf courses and vineyards. Locals have a stake in their areas and they pay for it.

Scrap the DAP and value democracy.

Nicola Williams

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**From:** Felicity HappiSurfi <>  
**Sent:** Thursday, 7 November 2024 7:39 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Dear honorable democratically elected members of parliament,

Please commit to upholding democracy and therefore reject the DAP and its rejection of Tasmanian people's voice and their council vote on what happens in our communities and to the conservation of nature. DAPs are shown to promote corruption and poor planning. As the past liberal government has shown they are already poor planners (ie can't get the Spirit of Tasmania ferry's port made in time, they can't build a bus terminal in Glenorchy that can take more than one bus at a time! They can't put a walking track and fence on a 1km stretch of beach at Lewisham without destroying natural and cultural heritage and send a tonne of sediment and refuse that was embedded in the sand dune out to the Red Handfish habitat. They can't build an ice breaker that can make it under the Tasman bridge to get refueled!) The best planning system listens to the people who are impacted and therefore get better insight to all aspects of the development and not just their own vision.

- 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 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.**

- **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,**

**Felicity Hargraves**

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**My Submission to the draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024***

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

**7 November 2024**

Maria IE Riedl     B.S.Ed., M.Env.L., M.Env.Gov



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## Introduction

This is draft legislation that empowers the Planning Minister to REMOVE assessment and approval of developments from the normal LOCAL COUNCIL process and have it done by Development Assessment Panels (DAPs). **this FAST-TRACK process will remove ELECTED councillors** from having a say on the most controversial and destructive developments affecting local communities. **There will be NO right for my community to appeal the final decision to the planning tribunal.** The criteria being considered would enable virtually ANY development, except for industrial and mining developments regulated by the supposed independent EPA, to be taken out of normal local council assessment process and instead assessed by DAPs, including developments already refused such as the kunanyi /Mt Wellington cable car, high-rise buildings in Hobart and new developments such as large-scale subdivisions like Skylands development at Droughty Point.

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

This DAP process to provide a permit for developments on BOTH **private and public land INCLUDING World Heritage Areas, National Parks and Reserves.** The government also intends to introduce new legislation that will provide **fast tracked approvals under the National Parks and Reserves Management Act** for developments in reserved lands.

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

## **My position**

**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. The aim is to favour developers who may not even be from Tasmania and if an assessment isn't going their way

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**the developer can abandon standard local council process anytime and have it assessed by a planning panel.**

**-The Tasmanian Planning Commission is not independent-DAPs are hand-picked, without detailed selection criteria and objects processes, are inconsistent with the principles of OPEN JUSTICE as they do not hold public hearing, and lack capacity to manage conflicts.**

**-Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities.**

**-Makes it easier to approve large scale contentious development like the kununyi/Mt Wellington cable car, high rise in Hobart, Cambria Green and high-density subdivisions.**

**-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 appearances 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 for my community.**

**-Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. Merit-based planning appeals are a deterrent to corruption. 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 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 criteria. Changing the 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**



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subjective criteria to intervene in favour of developers. There is NO requirement for a proportion of the development to be for social or affordable housing.

-Poor justification-there is no problem to fix. It is false to blame the planning system for stopping housing developments.

-increases complexity in an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia.

## Conclusion

-I ask that you ENSURE transparency, independence, accountability and public participation in decision-making within the planning system, as they are CRITICAL for a healthy democracy. 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 helps protect local jobs and keeps the the cost of development applications down.

**-I also ask that you 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.**

Your sincerely

**Maria I E Riedl** *B.S.Ed., M.Env.L., M.Env.Gov*

**Please assure me you have received my submission and please actually consider my submission as I do have a great interest in planning and have had it for over 48 years.**

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**From:** Catharine Errey <>  
**Sent:** Thursday, 7 November 2024 8:22 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Keep planning decisions with Councils - we elect them and they are answerable to us

Dear elected Member

I am very opposed to the plan for the planning Minister to have the power to 1. Appoint members of Development Assessment Panels 2. To take certain planning decisions away from local Councils, which of course, have been elected by their residents. Sounds like Communist China or the Soviet Union - I thought we believed in democracy in this country.

The reasons given for taking decisions away from Councils do not stack up and/or are deliberately vague - like "taking the politics" out of planning. If taking the politics out of planning is code for giving the public a voice in planning decisions then we are certainly heading down the road towards authoritarianism.

In other States of Australia where planning decisions have been taken away from local Councils and given to similar unelected bodies the promised 'fast-tracking' has not occurred.

Councils know their area and what is appropriate/not appropriate there, and, more importantly, they are in touch with their local residents, who can directly meet with them. This is of great importance.

Who would benefit from this radical change?

- **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,

Catharine Errey

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**From:** Jane Lane <>  
**Sent:** Thursday, 7 November 2024 7:59 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**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.

J. Lane

Sent from my iPad

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**From:** Ana Lara <>  
**Sent:** Thursday, 7 November 2024 7:55 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,

Why is the government so intent on pushing the community aside concerning developments that will affect the community? We are the boss, the community they are setting aside pay their salaries, not the developers. We want a say on what happens in Tasmania.

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,**

**Ana**

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**From:** Sam Timmins <>  
**Sent:** Thursday, 7 November 2024 7:23 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Scrap the DAP: My Opposition

I oppose the introduction of DAPs and greater ministerial control in the planning system due to the following concerns:

**Bypassing Local Input**

DAPs would enable developers to bypass local councils, allowing state-appointed panels to make development decisions with limited accountability to local communities. This undermines local voices in favor of developers, potentially pressuring councils to comply with developers' demands.

**Lack of Transparency and Independence**

DAPs are neither independent nor transparent. Selected without clear criteria, they don't hold public hearings, don't provide reasons for decisions, and have limited mechanisms to manage conflicts of interest. Community feedback would be delayed and less impactful as decisions are made behind closed doors.

**Pro-Development Bias**

Research shows DAPs favor development interests and have limited engagement with communities, often taking longer than councils to reach decisions.

**Reduced Appeal Rights**

Removing merit-based planning appeals limits community power to challenge important development factors like

biodiversity, height, and privacy. Appeals would be restricted to the costly Supreme Court, which only considers narrow legal or procedural issues.

### **Increased Risks of Corruption**

Greater ministerial power politicizes planning, enabling subjective intervention on developments, often favoring developers. DAPs would undermine transparency and democracy by prioritizing developers over public interests.

### **Conclusion**

To maintain a healthy democracy, I urge you to oppose DAPs, keep decisions local, and invest in strengthening council resources and community participation. Additionally, I call for prohibiting developer donations to political parties, enhancing transparency under the Right to Information Act, and establishing a strong anti-corruption watchdog.

Yours sincerely,

Samuel

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**From:** Priscilla Best <>  
**Sent:** Thursday, 7 November 2024 5:58 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To those in a position of power reading this submission. I know you will read this and think that this is a generic submission by anti development organisation but what is written in the text below clearly and fairly represent my thoughts and feelings about how Government undermines democracy and supports the profiteering and privatization of public assets, usually for those who contribute to campaign funds. There have been many cases of profiteering if public assets occurring in Tasmania for those with connections to people with power and influence. A recent example of this is the lease of Hall's Island in our world heritage area allocated to private high end tourism venture with connections to Tourism Tasmania locking out the Tasmania public to public land so this company could profit. We don't need laws changed so these ventures become harder to oppose, we need to ensure accountability and transparency which is a hall mark of a free and functioning democracy.

- 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,**

**Priscilla Best -**

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**From:** Clare Smith <> Thursday, 7 November 2024  
**Sent:** 5:30 PM yoursay.planning@dpac.tas.gov.au  
**To:** The DAP - a proposal without merit.  
**Subject:**

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I am against the creation of Development Assessment Panels (DAPs), the associated removal of democratic checks and balances and the increased ministerial power over the planning system.

This proposal appears to be deliberately removing the checks and balances that were put in place for good reasons as part of a democratic approach to governance. As far as I can see, the beneficiaries will be project developers far more concerned with profit than the legitimate concerns of Tasmanian residents. We can see the results of non-independent decision makers in many other jurisdictions in Australia and around the world, where undue influence trumps adverse community and environmental consequences.

Our environment is under threat as never before and needs extra protections, not fewer. We are not separate from nature, and the natural world is not a free resource to squander without concern. Human health cannot exist separate from planetary health, and we are already paying the price of global warming, biodiversity loss and ecological collapse, pollution including plastic, deforestation, erosion and sea level rise, and the spread of disease. These are the results of uncontained exploitation. Planning should be about containment and safety. Over-riding these provisions will come at a cost, and we are handing enough problems onto our young ones as it is. No short term gain can justify watering down environmental protections and DAPs have a record of doing exactly that.

I am particularly concerned about the lack of transparency around panel member appointment, and inadequate conflict of interest provisions that will not even be visible because of the lack of the requirement to justify decision making, or the criteria used. No provision of merit based planning appeals is a proposal without merit itself. I can only conclude that this process is being driven by undue influence to get approvals granted despite high levels of community concern over issues that are concerning. This is in a context where there is no actual problem that needs fixing, with an existing fast decision making process with few challenges.

Planning system failures are not to blame for the housing shortage, and this change will not fix it - it may even make it worse, with no set proportion of a development required to be set aside for affordable housing. Token gestures are not good enough but this alternative pathway looks like it will allow them.

We should not give more power to ministers, who have a great deal to manage, often without a background in their portfolios, who are therefore vulnerable to persuasion. Corruption is not simply a theoretical risk in Tasmania. You only have to look at the power of vested interests in gambling in this state. Lobbying is a major factor in Australia, so it must be perceived as worthwhile, and concentrating decision making so narrowly creates a vulnerability we simply do not need to have.

If big projects are meeting a high level of community concern, it would be better to really engage with the community, including making sure that the benefits genuinely return to that community once it is clear the project genuinely has merit, as well as to investors, most of whom may have never even stepped foot in Tasmania. We look at developing nations that have been the victims of wholesale exploitation by businesses based abroad yet we are not immune. We are already giving away our fossil fuel resources with little return except environmental degradation and a harvest of climate harm - and this is because our governance structures have not been able to withstand the combination of inducements and threats from vested interests. Gambling is the same - obvious societal harms benefitting only remote vested interests. The last thing we need is to undermine any protections we still have in place.

Democracy is under threat. I believe the DAP to be anti-democratic. Our greatest need is for a safer future, as environmental threats are escalating. Unfortunately we know we are facing tougher times ahead. Communities cope with adversity better if they are themselves cohesive and healthy, and undermining them, as DAPs have in other jurisdictions with their track record of favouring developers, is not what we need now.

My request is that you prioritise better, safer outcomes for Tasmanian citizens by refusing to impose DAPs on us, and by ensuring increased transparency on donations combined with a blanket ban on political donations by developers so we can all follow the money.

Yours sincerely,

Clare

*Dr Clare Smith*

Member of Doctors for the Environment, the AMA and the Tasmanian Climate Collective, with a special interest in mental health.

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**From:** Isabelle Gurney <>  
**Sent:** Thursday, 7 November 2024 5:27 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,

I am writing to register my opposition to the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system.

**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.

**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.

### **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,**

**Isabelle Gurney**

---

**From:** Malcolm Waterston  
**Sent:** Thursday, 7 November 2024 5:04 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** The draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024

Hi

I am not in favour of a new fast track process to approve developments in National Parks. The people that might be making these decisions are not the ones that value these places and may not understand the consequences of their decisions. It is extremely important to have an appeal process to prevent community conflict.

Cheers Malcolm

Malcolm Waterston

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**From:** Fiona Rice <>  
**Sent:** Friday, 8 November 2024 8:57 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** : #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To The Planning Commission and all parliamentarians

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

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

**Fiona Rice**

**CO-PRESIDENT, TAROONA COMMUNITY ASSOCIATION**

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**From:** Joy Nicholson  
**Sent:** Friday, 8 November 2024 8:35 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP - say no to planning panels/say yes to a healthy democracy

Hi

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,  
Joy Nicholson**

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**From:** Matt Luck <>  
**Sent:** Friday, 8 November 2024 7:59 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:

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

#### CHOOSE LIFE OVER MONEY

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

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

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

## Say yes to a healthy democracy

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

**Yours sincerely,**

Regards  
Matthew Luck

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**From:** Jo Errey <>  
**Sent:** Friday, 8 November 2024 5:30 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Scrap the DAP

---

The proposed bill to expand the powers to a Tasmanian Planning Commission panel for some development applications raises some concerns. We should be very cautious handing over such powers to unelected bodies to fast track decision making which may not necessarily be in the public interest. We have our existing elected local government councillors who scrutinise DAs and make decisions on our behalf. We, the community, will bear the impacts of any decisions made by a TPC panel, most likely developer-driven, and we deserve better in any so called democracy.

Jo Errey

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**From:** Clive Stott  
**Sent:** Friday, 8 November 2024 2:56 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** SAY NO TO PLANING PANELS

---

**Submission: draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024**

Why would you want to introduce something into Tasmania that has failed in other states?

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 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,

Clive Stott

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**From:** Barbara Elliot <>  
**Sent:** Friday, 8 November 2024 12:34 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** I am opposed to The DAP

---

When I elect my local council members, I expect them to have a say in developments in our municipality. It would be undemocratic to take that function and power away from them and, consequently, away from me.

---

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 my 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,**

Barbara Elliot

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**From:** Sue Todd <>  
**Sent:** Friday, 8 November 2024 10:29 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Dear Parliamentarians

I urge you to reject the move to take development assessment away from councils to give it to Daps (Development Assessment Panels). This action strongly favours developers. Developers rarely (if ever) live in the community they seek to "develop". The changes they seek favour their financial interest first and the local community a long way down the list.(if at all).

The community have elected members of council already. We do not need another body to make decisions about development in our area. Under the proposed changes, if the developers do not like the way things are going in a local council they can refer it to the DAP. This is massively one sided and leaves out the people who live in the area. The Daps will not be independent of government and their reasoning for any change will not be made public. This is an astounding step away from transparency and open, democratic government.

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.

Yours sincerely

Sue Todd

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**From:** Venus Palmer Bock <>  
**Sent:** Friday, 8 November 2024 10:17 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Dear leaders,

I would like to submit a statement on the future of our beloved kunanyi. As a born and raised local Hobart resident, kunanyi is a sacred place for residents and a special place to experience for visitors to Hobart. We love the mountain the way it is, in particular for its natural state, its walking and cycling paths, waterfalls and streams, and because it is a close nature refuge from the city. We do not want further developments on the mountain that would distract from its natural beauty. I recently had a French visitor who was amazed at the striking beauty of the mountain so close to Hobart.

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

**Yours sincerely,**

**Venus Palmer Bock**

**Masters of Marine Antarctic Science student (UTAS)**

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**From:** Susan Lacey-Laweczko <>  
**Sent:** Friday, 8 November 2024 10:01 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I wish to voice my strong opposition to the creation of Development Assessment Panels (Daps) which, on reading, is set to increase ministerial power over the planning system.

The government says the panel will improve the process, be quicker and be independent, however, the proposed DAP would seem to favour developers and bypass local council processes and local community considerations. It almost ensures that appeals will be much harder as appeals can only be made on a point of law rather than the current system.

There seems little transparency in DAPs and the conflict of interest issues are huge with this proposed approach.

**It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked appointed planning panels will decide on development applications not elected local council representatives. Local concerns will likely 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 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 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.

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

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

I call on the government to 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,**

Sue Lacey-Laweczko

*"To be an optimist you don't have to ignore the many problems we create; you just have to imagine improving our capacity to solve problems."*

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**From:** Lindi Wall  
**Sent:** Friday, 8 November 2024 4:26 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:** Strong opposition to Development Assessment Panels  
**Subject:**  
**Importance:** High

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**To all concerned MP's and the Departmental Advisors**

As a concerned citizen and a lawyer, I strongly oppose this move to fast track proper process for planning approvals. It is just another example of 'de-democratising' decision making which affects all of us and the environment in which we live. I am really concerned that the appointment of unelected, and often unqualified, planning panels will lead us away from arm's length decision making to poor, potentially conflicted decision making. The proposal shifts the balance of power from the community to (maybe interstate) developers who do not like the way local sentiment is heading.

My concerns are realistic where DAPs:

- \*are contrary to normal judicial or administrative rules in that DAPs are not subject to proper selection criteria; consult with developers before final decision; fail to manage conflicts of interest, and do not have to give written reasons for decisions to assist community challenges via judicial review.

- \* will make it so very advantageous for developers to get approval for contentious developments by sidestepping independent scrutiny

- \* will remove the right to appeal to TASCAT on the merits on vital environmental and aesthetic criteria which we all do or should care about. There would thus be no prospect of conciliation between proponents and interested community

members. Removing the right to appeal on the merits, ultimately to the Supreme Court is a dangerous - and unnecessary - step. Whilst very few matters ever go to appeal ( in part because of the expense and costs risk which was never intended in what was to be a community friendly, none legalistic planning system ) this current draconian response can only be seen for what it is: an intention to bypass a proper democratic decision making process in favour of one that will sideline the public. And this may well involve the use of public land!

\*will inevitably lead to land use and planning decisions becoming more politicised than they already are, rather than demonstrating best practice at arm's length from government. This is particularly worrying where there is inadequate control of political donations.

All I can say to you is - please do not do this.

Yours sincerely

Lindi Wall

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

**(Include your name)**

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

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



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8 November 2024

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



Cleaner.  
Smarter.  
Diverse.

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Burnie Tas 7320  
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Email: [ceo@tmec.com.au](mailto:ceo@tmec.com.au)  
Website: [www.tmec.com.au](http://www.tmec.com.au)

Email: [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)

Dear Sir or Madam,

**RE: Land Use Planning and Approvals Amendment (Development Assessment Panels)  
Amendment Bill 2024 - November 2024**

Thank you for extending an invitation to the Tasmanian Minerals, Manufacturing and Energy Council (TMEC) to contribute to consultation on the *Land Use Planning and Approvals (Development Assessment Panels) Amendment Bill 2024*.

TMEC has focused this submission on the two key points.

1. Establishing a credible and reliable timeframe for all parties to comply with.
2. A trusted and balanced process which demonstrates all relevant perspectives have the opportunity to inform the Panel of their views.

### **About TMEC**

TMEC's membership base represents an important wealth creating sector within the Tasmanian economy. The combined minerals and manufacturing sector employs 18,484 people and contributed \$2.795B in exports in the 22/23 FY. Most of our members are based in regional areas of Tasmania and therefore provide critical employment opportunities away from public funded employers.

### **Comments on Bill**

Ensuring Ministerial oversight as noted in 40BA is welcomed and TMEC would not support this being removed and or have the Ministers ability to seek a review diminished.

TMEC notes Clauses 60AB (3) and 60AB (4) excludes applications to which section 25 of the Environmental Management and Pollution Control Act 1994 applies. Therefore, this amendment is potentially applicable to only manufacturers who do not exceed the metal melting limits listed in Schedule 2 of EMPCA 1994.

While noting the exclusion of Level 2 Activities as commented above, TMEC continues to be concerned with the current state of the Planning Approvals process and its interplay with other legislation (LUPAA)

which is adding both time and costs and ultimately prolonging the approvals process. TMEC remains committed to promoting changes to address this barrier.

As a principle TMEC supports the confirmation of approvals time frames. This provide certainty and predictability which is essential for Tasmania to establish a reputation as an attractive location to invest in.

The inclusion of 60AJ – Frivolous or vexatious representations is a vital defence against parties who seek to frustrate legal processes with unsubstantiated claims.

For the community to have confidence in the integrity of the DAP, a mechanism for dissenting views to be heard still needs to happen. Balancing the views of opponents being heard but frivolous or vexatious representations being dismissed needs to be well considered.

TMEC appreciates the opportunity to provide comment in relation to the Land Use Planning and Approvals (Development Assessment Panels) Amendment Bill 2024.

Please do not hesitate to contact me should you require further clarification.

Yours sincerely,

**Ray Mostogl**  
**Chief Executive Officer**

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**From:** Andrew Webber  
**Sent:** Friday, 8 November 2024 2:22 PM  
**To:**  
**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 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 developers can abandon the standard local council processes at anytime and have a development assessed by a planning panel. This will almost certainly 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; such a process is peculiarly open to corruption.

- **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. They also lack the intimate knowledge that councils have of the local areas.
- **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. In a nutshell, DAPS are likely to be pro - business and anti-community interest.
- **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. That is, the very things that apply to people actually living in a particular area. These are the sorts of things which mean nothing to wealthy businessmen living overseas who want to invest in large profit generating projects in Tasmania. 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. So often, compromise between contending parties leads to productive alternative forms of thinking - why reduce these opportunities?**
- **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. In other words, the common man is denied his say - this should never be the case in a democracy.**
- **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. This is simply a potentially dangerous abuse of power. 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. The irony of this is sobering.

- **Flawed planning panel criteria.** Changing an approval process where the criteria are 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 these 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 by-passing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keep the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

**Yours sincerely,**

**Andrew Webber**

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**From:** Dennis O'Donnell  
**Sent:** Friday, 8 November 2024 2:17 PM  
**To:** State Planning Office Your Say  
**Subject:** Fwd: SCRAP THE DAP

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SCRAP THE DAP, SAY YES TO DEMOCRATIC PLANNING PROCESSES

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,**

**Dennis O'Donnell**

---

**From:** Anne  
**Sent:** Friday, 8 November 2024 2:02 PM  
**To:** yoursay.planning@dpac.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?

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

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

Yours sincerely,

Anne Wennagel

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**From:** Sandra K  
**Sent:** Friday, 8 November 2024 1:40 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** #ScrapTheDAP – say no to planning panels

Good afternoon

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

- DAPs will create an alternate planning approval pathway allowing property developers to bypass local councils and communities. Local concerns will be ignored in favour of developers.
- The Tasmanian Planning Commission is not independent. DAP members are hand-picked, without detailed selection criteria and objective processes. DAPs do not hold public hearings and lack capacity to manage conflicts of interest. In addition, DAPs do not have to provide written reasons for their decisions, making it difficult to seek judicial review.
- DAPs are pro-development and rarely deeply engage with local communities who may be opposed to their proposals.

- DAPs make it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car.
- DAPs remove merit-based planning appeal rights via the planning tribunal on all the issues local communities care about such as impacts on biodiversity; building appearance; and impacts to streetscapes and adjoining properties. 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 reduce good planning outcomes, favour developers and undermine democracy. [Research](#) on mainland DAPs demonstrates removing merits-based planning appeals has the potential to reduce good environmental and social planning outcomes.
- Increased ministerial power over the planning system increases the politicisation of planning decisions. The Planning Minister will decide if a development application meets the DAP criteria. In addition, the Minister will be able to force the initiation of planning scheme changes 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 can use this subjective criteria to intervene on any development in favour of developers ignoring the wishes of local communities.
- Unjustified. 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 falsely blames the planning system for stopping housing developments as a means to introduce DAPs, favouring developers.
- Increases complexity in an already complex planning system.



I urge you to maintain transparency, independence, accountability and public participation in decision-making within the planning system: keep decision-making local with opportunities for appeal.

Abandon DAPs.

In addition, I urge 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

Sandra Kellett

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**From:** Russell Horton  
**Sent:** Friday, 8 November 2024 12:36 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Submission against Development Assessment Panels

I am against the creation of Development Assessment Panels. My reasons are:

The Tas Planning Commission isn't independent and DAPs will not be either. DAP reps will be appointed rather than elected. This will lead to unintended bias and possibly some nepotism. They will have the power to make planning decisions that can already be made by elected council representatives. DAP appointees will have little or no insight into local matters as they may not be from/connected to a local area.

DAPs will not hold open hearings nor provide written reasons for a decision. This makes it unreasonable for any challenge or appeal.

We already have a planning process with local councils. Admittedly, decisions are sometimes slow, but they do invite community input directly and indirectly. DAPs will be used to try and approve unfavourable or large developments. Surely these projects are worth local scrutiny and a few extra months of negotiation or patience.

We have a planning system - why not stick to it. While it may have some issues, no system will ever be perfect. At least with local planning, the community get to live with their decisions.

Cheers,

Russell Horton,

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**From:** Peter Galligan  
**Sent:** Friday, 8 November 2024 12:34 PM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Cc:**  
**Subject:** Opposition to the proposed formation of DAPs

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

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**From:** michelle aorangi  
**Sent:** Friday, 8 November 2024 12:22 PM  
**To:** yoursay.planning@dpac.tas.gov.au michelle  
**Cc:** aorangi  
**Subject:** Mount Kunanyi

Hello

I'd like to add my voice to the thoughts about our use of the mountain. We don't need a cable car, nor do many of us want it.

The skyline is what people come to see, the pureness of the scenery, and yes, the opportunity to get up there can be difficult, but rewarding. You start putting a cable car up there and the ambience starts to lose its attraction.

If something were to happen to threaten the lives of cable car users, such as a malfunction, a huma threatening other passengers, a seriously ill or injured user at the top, the difficulty in getting police paramedics and firefighting resources up the, especially in winter.will be putting the lives of rescuers at risk too. The winds up there would be horrific and the car would be shut down, more than it would be open.

I think bring in more trained tour guides who will keep people on track where they will be supported all the way. Allow self sufficient mobile food and drink vans that go up, then leave overnight when nocturnal creatures are about.

That's about all you need. Keep it simple to stay pristine.

Thankyou

Michelle Aorangi email

Sent from my Galaxy

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32-34 Georges Bay Esplanade

St Helens Tasmania 7216

T: 03 6376 7900

ABN 96 017 131 248



Our Reference: 23/5310

Enquiries: Deb Szekely

8 November 2024

Mr. Sean McPhail  
Acting Director  
State Planning Office  
Department of Premier and Cabinet  
GPO Box 123,  
HOBART TAS 7001  
E: [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)  
E: [michael.edrich@lgat.tas.gov.au](mailto:michael.edrich@lgat.tas.gov.au)

Dear Sean,

**LUPA Amendment (Development Assessment Panels) Bill 2024**

Thank you for the opportunity to provide comments on the draft **LUPA Amendment (Development Assessment Panels) Bill 2024**.

The proposal to introduce an alternative pathway for Development Assessment represents a significant departure from the current framework. The Break O'Day Council remains disappointed in the time afforded to consultation by the State Government, on such as important matter.

In this regard, I would also like to point out that during the 2023 consultation on this matter, the State advised that the next consultation phase would be early 2024 and a Bill would be tabled in Parliament in late 2024. Instead, the State has not released the next important consultative phase until October 2024. This has caused a significant reduction in time available to Council and the public to respond to such an important regulatory reform and has been driven by the States' determination to progress the amendment regardless of inadequate consultation.

Again, having expressed our concerns regarding the inadequacy of the consultation period, Council wishes to remain open-minded to the proposed regulatory reform.

The Break O'Day Council has identified three primary areas that they wish to comment on.

## **REFERRAL TRIGGER**

The first being support for a referral trigger to a Development Assessment Panel in matters of social and affordable housing. Council agrees that the ability for a state to address the current critical housing shortage, especially in the sector of social and affordable housing, is a matter that requires intervention to ensure projects reach completion and provide vital housing for those in need. It is expected that this referral trigger will attract widespread support within local government but is an issue that has demonstrated origin in only a few councils. The Break O'Day Council remains proud of its track record in being able to differentiate its role as a planning authority.

Similarly, there is support for Council, as a planning authority, being able to refer applications for which it is the applicant and the planning authority to a Development Assessment Panel. Whilst historically Council has been able to successfully navigate this path to ensure all decisions are transparent and in accordance with planning instruments, an option to refer the same to a DAP is welcomed in the interests of being accountable to its constituents.

## **LOSS OF LOCAL CONTEXT AND CONSIDERATION**

The second major issue which Council wishes to express its concern relates to a loss of local context, local consideration and how this is intricately tied into a sense of decision-making being made by a locally elected representation. Whilst Council is supportive of considering DAPs having a role, it would like to ensure that how it responds to local context and a sense of democratic principles, isn't lost in the process and setup. Council's role as a planning authority is often a difficult one with a significant shift from its role as a community representative. However, the importance of local content, local context and an attachment to the municipality it serves raises questions and concerns as to how a Development Assessment Panel will effectively serve the members of the municipal public.

## **LOSS OF APPEAL RIGHTS**

Thirdly, there is still overwhelming concern regarding the loss of appeal rights through the DAP process. Council understands the reasoning provided, however the role of the TPC at the Hearing could be compared to the efforts council enlists in the mediation process between representors and the applicant, prior to decision making. Whilst every effort is put into this by the Break O'Day Council, similar to what the TPC will undertake prior to decision making, the difference is all parties still have their right to appeal the council's decision at the end. This Council absolutely opposes any loss of appeal rights no matter how the state justifies the change in practice.

The remainder of Council's submission is concerned with the mechanisms by which the framework is proposed to operate.



## **REFERRAL TO THE DAP**

The proposed eligible pathways for development applications to be referred to the DAP, in the opinion of Council, should be limited to those applications relating to:

1. Social and affordable housing; and
2. Applications where Council is both the applicant and the planning authority.

By limiting it to these two occasions, it acknowledges that the DAP process has extraordinarily long-time frames, is overly complex, is resource intensive and a deviation from well-functioning, time efficient and professional role of the planning authority and should only be considered in limited circumstances.

In both instances, Council should have autonomy in its decision to refer and not rely on approval by the applicant or the Minister. Council is fully capable and extremely experienced in its role as a planning authority and can easily navigate options to refer applications to a Development Assessment Panel that reflects and preserves the interests of all parties.

There is concern regarding the third pathway for referrals to a DAP, namely satisfying criteria a) to d) that responds to issues of significance, complexity, controversy and conflict of interest. The criteria is qualitative and relies on opinion, it is vague, unsophisticated and lacking in logic and there is real concern as to how this is provided for in legislation and interpreted consistently. The criteria is highly subjective and could possibly lead to an arbitrary use of power. How terminology such as significant, overly complex, controversial, likely and perceived are going to be consistently interpreted is a question of concern.

It is anticipated that in demonstrating how a referral satisfies criteria 3 a) -d), reporting will be necessary to inform and guide the Minister and will place an additional resourcing issue on all parties involved and further adding to cost, complexity and time.

Finally, in relation to the referral mechanisms, the released information does not adequately describe nor allay concerns or provide confidence in how applications that are referred part way through the process will provide a better development assessment process to that which is in place currently or proposed through the DAP in the first instance. Circumstances around referral part way through the process are very vague and potential to be problematic in terms of use of resources, time, confusion and uncertainty for all involved. Clear thresholds that become apparent through the process need to be considered e.g. number of representations.

Council has concerns with each stage of the Development Assessment Panel framework and these concerns largely relate to:

- Released materials do not adequately identify the role of professional staff required during the assessment process leading up to exhibition and hearings. The released information lacks detail and makes quantifying professional resourcing, difficult;

- Time frames being significantly larger than the existing process is of course worrying and does not appear to be a system offering improvement in this area. The Break O'Day Council is always considering how it can make real improvements in time frames without affecting quality and confidence in decision making. The proposed time frames seem a backward step in this regard;
- The lack of information causes council to have concern over how costs will be recovered in this process.
- Notification requirements for the DAP process appear to have less requirements than the existing notification requirements under LUPAA e.g. placing a notice near the boundary of the land. If the DAP process has reduced and refined requirements for notification, this should be consistent for development assessment not referred to the DAP;
- The proposed DAP Hearing process seems similar in process to that encountered in the drafting of the Local Provisions Schedule. It became apparent to the Break O'Day Council, during that process that the TPC allowed representors to introduce new material and information at that point which hadn't been shared with the planning authority. This caused further delays and resource allocation, and the question is asked as to whether this will be acceptable practice at the Hearings for the DAP process.

#### **MINISTERIAL DIRECTION TO PREPARE DRAFT AMENDMENT TO AN LPS**

The concern here is that there is an existing clause (s40c (1)) to address this occurrence, but the amendment allows the Minister to act without advice from the Tasmanian Planning Commission and rely on his/her own planning expertise. The Minister's direction to initiate amendment to a Local Provisions Schedule, must be only on a sound planning basis and this must be demonstrated in justifying documentation from the Minister.

The Break O'Day Council is proud of how it has fulfilled its role as a planning authority and like any Council understands there are complexities in the decision making. This planning authority, like many others, has managed to minimise political ideology from influencing planning decisions and observe its role as a decision maker under LUPAA. There are aspects of this framework that seem to introduce new avenues of political interference including Ministerial review of referral to the DAP based on qualitative and highly subjective criteria as well as Ministerial direction to prepare a draft amendment to a LPS.

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

- only a very small percentage of applications are decided in the TASCAT;

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

I trust you will consider the response by the Break O'Day Council. The Break O'Day Council maintains an open mind about the proposal despite the State's disregard for meaningful consultation and looks forward to contributing meaningfully.

Yours sincerely,

John Brown

**GENERAL MANAGER**

CC. [michael.edrich@lgat.tas.gov.au](mailto:michael.edrich@lgat.tas.gov.au)

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**From:** Annick Anselin  
**Sent:** Friday, 8 November 2024 11:15 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** CM: scrap the DAP

I strongly oppose the proposal to create Development Assess Panels, and giving ministerial control over the planning system.

Ministers are elected to represent all of the people, not just developers.

Few ministers (if any) are qualified or experienced to make decisions on development applications.

Councils are elected to represent their local population, and are required to consult with the local community over developments.

Establishing DAPs takes that consultation away from the people most affected by a development proposal.

Unfortunately, there have already been too many instances of developers trying to influence the existing planning system, through various questionable means - the Mt Wellington cable car, and the proposal to build a high rise hotel in Hobart come to mind.

The establishment of DAPs will further remove the essential scrutiny of development proposals, bypassing local councils and communities, as well as blocking objections to inappropriate development. It will encourage corruption of appointed panel members (public and, unfortunately, ministerial), and will be open slather for developers, whose main aims are to make as much money as possible with as little scrutiny as possible. Furthermore, it is very likely that one of the consequences of DAPs will result in very little, if any, overseeing of the quality of construction.

DAPs will take away the people's right to object, by forcing anyone objecting to a development to appeal to the Supreme Court, since that is extremely expensive, and in any case, has only a very narrow focus.

We are, after all, a democracy - and entitled to be informed about all development proposals in local communities, and have the right to scrutinise and object to inappropriate developments. The system needs to be transparent, accountable and open to public input. After all, we live with the consequences - not the politicians, nor the developers.

Instead, ensure the existing system is as robust as possible, and that those responsible for examining development proposals are experts in the field, are not subject from being influenced by developers either directly, or via donations to their political party, and open to community input.

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Dr. Annick D. Anselin

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**From:** Jaia Earthschild  
**Sent:** Friday, 8 November 2024 11:00 AM  
**To:** yoursay.planning@dpac.tas.gov.au  
**Subject:** #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

to whom it may concern,

I am deeply opposed to 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,

Jaiia Earthschild

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Our Ref: LP.PLA.9

8 November 2024

State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 700

By email: [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)

Dear Sir /Madam

**Submission – draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024**

Thank you for providing Council with the opportunity to provide feedback in relation to the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 which facilitates the introduction of Development Assessment Panels (DAP).

Council provides the following preliminary feedback which will be considered for endorsement at its meeting of 19 November 2024.

Council raises the following concerns:

**Ministers review of Planning Authority decision not to prepare a draft amendment to a Local Provisions Schedule (proposed sections 40BA & 40C)**

It is Council's role to undertake strategic planning and there is no evidence to suggest Councils are refusing requests for amendments to a Local Provisions Schedule (LPS) without sufficient grounds.

Contrary to the commentary made in the Report on Consultation to the DAP Framework Position Paper, Councils are aware that the Minister can direct amendments to an LPS under section 40C however that power generally relates to matters of State Interest and not directing amendments that are proponent driven.

LPS amendments are resource intensive for the Planning Authority and decisions about whether to support an amendment are carefully considered and not taken lightly. If the amendment is not supported by the Planning Authority, it would appear to be an extremely difficult pathway for an amendment to proceed to a positive decision of the Tasmanian Planning Commission.

The existing process where an applicant can request that the Tasmanian Planning Commission review a request for further information or a decision not to prepare a draft amendment is considered appropriate.

If the amendments are to proceed, the timeframe for Council's to provide a response under section 40BA(3)(b)(i) should be extended from 7 days to a minimum of 14 days.

### **Development Assessment Panels**

The reason for the introduction of DAPs appears to be based on anecdotal evidence that Councils are acting beyond their authority in refusing certain applications. If this is the case, the merit-based appeals process currently in place provides an avenue for a proponent to test that decision.

The resources to establish and operate DAPs, considering the small number of potential instances where they may be justified, would be better spent on appropriately resourcing the State's strategic planning program to ensure that the Tasmanian Planning Policies and other planning instruments deliver the government's planning agenda in relation to affordable housing supply, rather than introducing an additional process which may not deliver the outcomes required.

### ***No merit-based appeal process***

While it is acknowledged that the process includes public hearings, all planning applications should be provided with the opportunity to appeal the merits of the decision of the Planning Authority – whether that be local government or the Tasmanian Planning Commission. Planning decisions are based on interpretation and the ability to present at a hearing should not negate the potential for the merits of a decision to be tested. Both applicant and representor rights to appeal a decision should be available.

### ***Process and timeframes***

Section 60AE provides the Planning Authority only 28 days to provide advice about the application and its assessment, including conditions. The scale of the applications anticipated to be assessed by a DAP means completing a thorough assessment could take considerable time. A process to request an extension of this timeframe should be included in the amendments to provide sufficient time to complete an assessment. Given the relatively short timeframe, most Council's will need to provide for delegations to officers to undertake this action on behalf of the Planning Authority. Complex and controversial applications often attract representations, which for West Tamar Council would require the planning application to be determined at a council meeting. This would be a significant change to delegations which may not be accepted.

### ***Significant or important, controversial, technical expertise - s60AC(1) & 60AM(1)***

Under the proposed amendments, the Minister may direct the TPC to establish a panel if a development is considered significant or important to the area or the State or if an application is likely to be controversial. The interpretation and scope of what constitutes significant, important or controversial should be provided within the legislation to avoid uncertainty and limit inappropriate requests.

Where a party other than the Planning Authority requests the formation of a DAP where the party 'believes that the planning authority does not have the technical expertise to assess the permit application' the Minister should be required to seek the advice of the Planning Authority prior to referring an application to the TPC.



***Scope of Planning Authority advice - s60AF***

Section 60AF limits the scope of the Planning Authority's request for information to the impact of the use or development on infrastructure and the matters relating to the application of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. Planning Authorities have valuable experience and knowledge in the implementation of the State Planning Provisions and Local Provisions Schedules that can ensure all relevant information is provided with an application for proper assessment. The scope of recommended information requests should therefore not be limited as proposed.

If you would like to discuss this matter further, please contact me on 6323 9300 or via email at [wtc@wtc.tas.gov.au](mailto:wtc@wtc.tas.gov.au).

Yours faithfully

**Kristen Desmond**  
**CHIEF EXECUTIVE OFFICER**