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TASMANIAN PLANNING COMMISSION

Our ref: DOC/25/36021
Officer: Dan Ford
Phone: 03 6165 6828
Email: tpc@planning.tas.gov.au

9 April 2025

Sean McPhail - Assistant Director
Department of State Growth
GPO Box 536
Hobart TAS 7001

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

Dear Mr McPhail

Revised Development Assessment Panel Framework
Draft DAP Bill 2025

I refer to the State Planning Office's (SPO) consultation on the revised draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025 (draft Bill).

The Commission has reviewed the SPO's DAP Background Report for Consultation dated February 2025 and the associated draft Bill. It is pleasing to see that many of the Commission's previously identified issues have been addressed in the revised draft.

Given the anticipated feedback that will be provided from other stakeholders it is important to note that the Commission supports the following changes and confirm that several of the changes are essential to ensure successful implementation.

	Modification	Comment
1.	Removal of transfer mechanism from Council assessment to DAP	This is supported and will reduce complexity in the assessment process and provide greater certainty to all parties. It is noted that applications lodged with councils could be withdrawn by the applicant if so desired, and subject to eligibility, recommenced under a DAP pathway.
2.	Criteria for when the Minister can refer a new application to a DAP for determination by removing certain statements, such as where	Subjectivity should be reduced wherever possible and is supported. The ability to for the Commission to prepare Guidelines to assist Ministerial deliberations will aid consistency and

	an application is likely to be 'controversial'.	provide industry and 3rd party confidence.
3.	Increased trigger thresholds to $10M in the City and $5M in other areas.	It is noted these thresholds revert back to those exhibited in the previous 2024 draft version. These trigger points more adequately reflect the scale of development likely to require complex assessments that could benefit from a DAP process. These thresholds are more appropriate and supported. Regardless of the quantum, specifying a financial trigger point for DAP eligibly introduces validation/jurisdictional issues. A DAP does not have the jurisdiction to determine an application that does meet this test. A DAP must be able to require independent verification of the project value as part of the process. This is particularly important given a DAP decision cannot be appealed and could only be challenged through the courts. Additionally, consideration should be given to indexing them against CPI to ensure the respective values remain relevant and do not diminish over time.
4.	Clarification that the Commission can facilitate dispute resolution.	This is conceptually supported. However, it is noted that the scope of modification must remain consistent with the s.60AL requirements and specifically (3) which specifies... "An Assessment Panel must not make a decision ….. had the application been made to a planning authority …(that it)… would have been unable to make ..."
5.	DAP's can modify hearing dates and venues.	This provision is necessary to ensure that the DAP process can accommodate inevitable unforeseen circumstances in venue availably and suitability. It is essential that this mechanism be retained in any revised drafting.
6.	Ability to revise DAP composition	This provision is necessary to ensure that the DAP process can

		accommodate inevitable unforeseen circumstances arising from panel member availability and protracted timeframes (an applicant is not bound by any timeframe to submit further information). Delegate's may become unavailable due to: • competing commitments • health • retirement • previously unidentified conflict • death It is essential that this mechanism be retained in any revised drafting.
7.	Heritage considerations and post permit enforcement.	These changes are supported.

Despite the improvements reflected in the modified Bill, the following issues have been identified in the draft DAP 2025 Bill:

Section	Relating to	Work/comment
s.40BA(3)(b)	Minister may review certain decisions (failure to certify a draft amendment)	The 7-day time frame for the Commission to provide comments to the Minister is unreasonably tight where the applications are complex and/or controversial. This is compounded during periods with heavy work loads, office closure, holiday periods and staff unavailability. Preference is to increase this timeframe to 14 days. If this is not supported, as an alternative, it could be amended to….. *"7 days, excluding any days on which the office is closed within normal business hours, or as otherwise agreed by the Minister".*
s.60AC(4)	Application – further information to ascertain if s.25 of EMPCA applies	The Commission's assessment time should be paused during this referral to the EPA board (this is not specified). Failure to do this would impact the Commission's capacity to request

		further information and establish a DAP within 7 days as required by s.60AC(5). It is not appropriate to establish a DAP prior to knowing whether it is a matter that a DAP has the jurisdiction to determine.
s.60AD(7)(b)	Commission to establish a DAP within 7 days	The 7-day time frame for the Commission to establish a DAP is limited particularly over holiday periods and office closure. S.60AD (7) provides the Commission "may" establish a DAP. The meaning of this provision is unclear (does it mean the Commission may or may not do it with 7 days but cannot after the 7th day?). Notwithstanding, "(7)(b)" is considered unnecessary and sufficiently covered by 60AE. Suggest: 1. Delete "(7)(a)" and renumber "(7)(a)(i)" and "(7)(a)(ii)" to "(7)(a)" and "(7)(b)" respectively. 2. Delete "(7)(b)"
s.60AF(2)	Planning authority comments	The 28 days in which a planning authority has to provide comments is very tight given the regular Council meeting cycles. Many technical comments could likely be provided but matters normally considered under the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMPA) such as public open space provision, quantum, location or any requirement for cash in lieu would routinely be considered at a Council meeting. There should be flexibility built in to apply to either the DAP or the Minister for an extension of time. The planning authority's position on LGBMPA matters (and others) must be clear to enable the DAP process to function as intended and for the planning authority's position to be

		considered/reflected in the final decision.
s.60AG(6)	DAP review of further information	The 7-day time frame for the Commission to review further information is unreasonably tight where the applications are complex. This is compounded during periods with heavy work loads, office closure, holiday periods and staff unavailability. It is preferred this timeframe be increased to 14 days. If this is not supported, as an alternative, the provision could be amended to….. *"7 days, excluding any days on which the office is closed within normal business hours, or as otherwise agreed by the Minister".*
s.60AH	Exhibition Notification	The notification of exhibition section would not adequately ensure the principles of natural justice are maintained. There is no requirement to notify adjoining land occupiers (that are not owners) and there is no requirement for site notification. As a minimum the notification requirements ought to reflect those currently undertaken by local government. s.60AH(1)(c) prescribes that a copy of the notice must be provided to all adjoining property owners. This provision ought to be extended to include "owners and occupiers". While the quality of public engagement would benefit from the installation of site notices, logistically it would be a difficult task for the Commission to undertake at a statewide level. A cost effective and workable solution would be that the applicant be required to install site notification and provide suitable evidence to the DAP that notices have been erected. The requirements and details to be contained on the site notice should prescribed in the Regulations.

		For example: • Size of notice • Number and location of notices • Site address and description of proposal • Suitable methods of securely installing the notice • Where to find additional information and view a copy of the application • Date of exhibition • How to make and send a representation • How to provide evidence of notification • A requirement to remove the notification post exhibition • The methods to be followed by the applicant in giving notice and demonstrating compliance after the event
s.60AM(2)	Ministerial extension – once only and a maximum of 21days	An absolute threshold should not be specified here. Despite whether the applicant agrees [s.60AM(3)] to an extension of time, there are likely to be unique circumstances when the Minister ought to entertain (and potentially grant) multiple extensions or extensions beyond 21 days. This should be amended to introduce some flexibility. There is little risk this amendment would result in poor outcomes as ultimately any request for an extension/s would be up to the Minister.
s.60AN	An application may be withdrawn	The ability for an applicant to withdraw an application is supported. However, it is essential that the fee structure provides that the costs incurred to process the application up until the time of withdrawal are covered. They should be either required to have been paid in advance or alternatively must be able to be recouped.

s.60AO(1)	Effect of issuing a permit	The provision needs to be extended to clarify which authority is responsible for correcting an error in the permit and what process should be followed i.e. Invoking s.55 of the Act (Correction of mistakes). Section 55 will not work in isolation. The planning authority must issue the DAP permit as directed but in all likelihood any errors in the permit will be a reflection of the DAP direction rather than introduced by the planning authority. This may be rectified by amending s.60AO(1)(e) to include a reference to correction of mistakes.
s.60AQ	Review of DAP provisions	This is supported, and while a range of stakeholders ought to feed into the review, it is appropriate that the Commission either prepare the report or feed into the review by providing feedback on, but not limited to: • Number of applications; • Administrative load and resourcing requirements; • Processing costs and cost recovery from fees; • Need for further information requests; • Need for and costs to provide peer review; • Availability of suitable panel members and panel composition; and • Timeframes.
Missing	s.59 & s.40S(4) equivalents	In a normal application submitted to the planning authority, in the circumstance where a planning authority fails to determine an application, s.59 provides that the applicant may appeal to TASCAT to have the matter determined. A DAP decision cannot be appealed. There is some uncertainty as to what happens when a DAP does not determine an application before it, or it

		purports to do so after the expiration of a specified time frame. It is recommended that the draft Bill be modified to incorporate a provision to enable the DAP to lawfully determine an application despite a failure to comply with a timeframe or administrative process. A similar provision to s.40S(4) relating to amendments would enable it to do so.

To implement the DAP's, the Commission will need to establish new systems that essentially duplicate the processes currently undertaken by planning authorities (councils). Assuming that the position previously advocated by the Commission to utilise existing planning authority expertise to process DAP applications is not to be progressed, the Commission notes the implementation of the DAPs will require a significant budget increase for the Commission. This, in addition to a cost recovery fee structure, will be required to ensure the Commission is sufficiently resourced to deliver the outcomes prescribed.

Thank you for the opportunity to provide feedback. If you require further information relating to this submission, please contact the Commission on 03 6165 6828.

Yours sincerely

John Ramsay
Executive Commissioner

From: Mike McCausland
Sent: Wednesday, 9 April 2025 12:25 PM
To: State Planning Office Your Say
Subject: The Development Assessment Panel Bill

To: State Planning Minister

Can I state my strong opposition to the proposed changes to the State Planning legislation in the DAP Bill.

It seems to me we have an adequate and serviceable method of allowing sensible and timely decisions about planning proposals at the moment, and these changes to the way they could be conducted in future will make matters worse. The evidence I've seen suggests the new process will be cumbersome rather than streamlined.

What I particularly object to is the partial removal of local responsibility for decisions through Councils to a State authority which is not answerable to the community, nor as closely in touch with the people affected by planning decisions.

The proposed change is anti-democratic, and for this alone is to be avoided. I think all Councils and State Parliament representatives should be concerned at the impact this Bill will have on planning decision-making.

Sincerely,

Mike McCausland

From: Anne Boxhall
Sent: Wednesday, 9 April 2025 5:49 PM
To: State Planning Office Your Say
Cc:

Subject: Protect community rights

I oppose the introduction of DAPs and the increased planning powers given to the Minister.
The DAP model fails the community entirely. I urge you to reject it for these eight reasons:

1. **Superficial Amendments**: The few changes from the 2024 bill—like dropping the 'controversial' criterion or increasing value thresholds—don't fix the underlying problems. DAPs can still take over most developments, and the new option for mediation is weak and lacks clear rules for objectors.
2. **No Justification for Reform**: Only around 1% of Tasmania's 12,000 planning decisions are appealed, and our planning system is already the fastest in the country. DAPs only add complexity to an already efficient system.
3. **Bypasses Local Democracy**: DAPs allow developers to sidestep local councils and communities. Decisions on major developments will be made by unelected, state-appointed panels, not by elected councillors. This removes community voices from the planning process.
4. **Lack of Transparency and Independence**: The Tasmanian Planning Commission appoints DAP members without clear criteria. DAPs do not hold open hearings, aren't required to explain their decisions, and are poorly equipped to manage conflicts of interest. Community input is sidelined until after deals are made with developers behind closed doors.
5. **Undermines Public Appeal Rights**: DAP decisions can't be appealed on their merits—only on narrow legal grounds in the costly Supreme Court. This removes the ability for communities to mediate or challenge developments that impact local environment, streetscapes, or amenity.

6. **Increased Risk of Corruption**: Without merit-based appeals, accountability is weakened. Experience from the mainland shows that planning panels often favour developers and diminish democratic oversight. Even NSW's anti-corruption body recommended expanding—not limiting—appeal rights to prevent corruption.
7. **Unfettered Ministerial Power**: The planning minister can declare a development eligible for DAP assessment based on vague terms like "perceived bias" or "significance," creating opportunities for political interference. This centralises power and threatens transparent decision-making.
8. **Weak Eligibility Standards**: Thresholds of $10M in metro areas and $5M elsewhere are misleading. DAPs can still assess smaller developments under the law's broad and undefined criteria. There's also no requirement for genuine affordable housing in developments claimed to include it.

.....
Anne Boxhall

From: Jean Symes
Sent: Thursday, 10 April 2025 12:55 AM
To: State Planning Office Your Say
Subject: Objection to DAPs legislation revised version

Dear Sir/Madam,

I am deeply troubled by the revised DAPs legislation. It is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws.

I firmly oppose the creation of DAPs, oppose increasing ministerial power over the planning system, and oppose providing an alternate planning approval pathway which allows property developers to bypass local councils and communities.

I'm also concerned about the lack of transparency surrounding the framework.
* DAPs are hand-picked, without detailed selection criteria and objective processes.
* DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack the 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 clearly shows DAPs are pro-development and pro-government. They rarely deeply engage with local communities.

The community will no longer have planning appeal rights via the planning tribunal on important issues such as:
* impacts on biodiversity,
* height, bulk, scale or appearance of buildings,
* impacts to streetscapes, and adjoining properties including privacy and overlooking,
* traffic, noise, smell, light, and so much more.

The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on ‘checks and balances’.

Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal. Developments will only be appealable to the Supreme Court based on a point of law or process, which has a narrow focus and is prohibitively expensive.

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

I urge you to protect our communities and our democratic rights.

Thank you,

Jean (Symes)

From: jack ingram
Sent: Thursday, 10 April 2025 8:16 AM
To: State Planning Office Your Say
Subject: Re: Submission - Draft Development Assessment Panel - Draft Bill 2025

Helen, Thank you for your reply. I was submitting a proposal outlining my objections to the gazetting of DAP's. Without reiterating details , would you officially note for me, my objections to them based on their ability to detract from the autonomy of local councils to decide appropriate land use strategies. Thank you, Jack Ingram

From: Nik Lorne
Sent: Thursday, 10 April 2025 10:10 AM
To: State Planning Office Your Say
Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP

Greetings,
My opinion on the proposed DAP bill follows;

Checks and balances on ministerial powers and the upholding of the rights and interests of the community are immeasurably more important than the convenience of commercial interests in all circumstances. Our lives are subjected to the dictates of corporate and business interests to an increasing degree and rarely for anything other than perceived benefits that are highly contentious in the long term or to improve the profitability of private interests.

In this regard the proposed bill has the following deficiencies;

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

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

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

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

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

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a

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

I recommend the rejection of this legislation in principle, on the above grounds and a multitude of others of which I am sure you have been made aware.

Yours Sincerely
N. Langoulant

From: simon cavendish
Sent: Thursday, 10 April 2025 11:28 AM
To: State Planning Office Your Say
Cc:

Subject: DAP 2025 submission - simon cavendish

Attn State Planning minister and team,

I say scrap the DAP.

I noted the DAP Bill in 2024 and now the redrafted DAP Bill in 2025. I do not support this revised Bill for many reasons:

- Rejection of the 2024 Bill by the Legislative Council, all local Councils and 92% community submissions is surely conclusive
- Presentation so soon of a revised Bill 2025 is arrogant and dismissive of that rejection;
- The revision has changed little of substance
- Community (appeal) rights are fundamental to democracy and that includes in land use planning. Furthermore, community participation and/or consultation create better planning outcomes (see my example below)
- The existing planning system seems to work well enough (see my experience below)

In 1990 I was a community advocate with the New Farm Tenerife Residents Association in Brisbane, Queensland. We initiated and then participated (not consulted) with Federal/State/City on Brisbane's *NE Inner Suburbs Urban Renewal*. It led to the vibrant suburbs Brisbane now enjoys. A great example of 3 levels of government, the community and private sector working together to create and deliver an award-winning plan.

Since then, I have worked in a professional capacity with government, the development industry and industry associations to improve development. Tools such transparent Impact Assessment (I have led many), rating systems (I set up the *Infrastructure Sustainability Council*), leading-edge design and professional project management (I was one, an internationally accredited auditor and applied competency and behavioural management construction). The result was fit-for-purpose development that benefitted everyone. By contrast, we found expedient pandering to loud voices offering incentives did the opposite.

Tasmania seems to have an arrogant State Government determined to force undemocratic less competent planning on the community. The State will benefit most by scrappingthedap and continue to professionalise and make more effective what it has already got. For a better Tasmania that benefits all.

Yours Sincerely

Simon Cavendish

From: Tanzi Lewis Thursday, 10 April 2025
Sent: 6:59 PM State Planning Office Your Say
To: Development Assessment Panels
Subject:

Dear State Planning

I am very concerned about the proposal to introduce Development Assessment Panels as I believe the community needs a voice about planning matters and issues impacting them.

Our Tasmanian community has many intelligent members who should be able to have input into planning and development decisions. We can benefit from their insights and expertise.

Tanzi Lewis (Ms)

From: John Maynard <
Sent: Thursday, 10 April 2025 5:46 PM
To: State Planning Office Your Say
Subject: Submission - Draft Development Assessment Panel - Draft Bill 2025

I do not support the proposed LUPAA (DAP) Bill 2025 Version 2 as it is not needed, is undemocratic, is fundamentally flawed and should be completely withdrawn.

1. The case against DAPs
    - DAPs are inconsistent with the Review of the Local Government Final Report's Recommendation #1 - that states "We believe the **future role of local government is to support and improve the wellbeing of Tasmanian communities** by • harnessing and building on the unique strengths and capabilities of local communities • providing infrastructure and services that, to be effective, require local approaches • representing and advocating for the specific needs and interests of local communities in regional, state-wide, and national decision-making • promoting the social, economic, and environmental sustainability of local communities, including by planning for and mitigating climate change impacts". It goes on to say "The local government sector needs to be able to effectively partner with the Australian and Tasmanian Governments on wellbeing. A key part of this is ensuring councils are clear on their role and have the capability and resources to deliver on it". To achieve this role, it is my view that Councils must have the prime responsibility of municipal planning in their local area.
    - The evidence is that **only 1% of development applications in Tasmania go to appeal.** Over the past six years, the Tasmanian Planning Commission refused an average of 10% of planning scheme amendments and 18 per cent of combined permit and amendment applications. All of these were approved by the relevant council. Based on this record, councils are more likely to approve a development than the Tasmanian Planning Commission. In 2022-23 there were 21 full appeals and TASCAT agreed with the council's original decision 71% of the time. So what is the government trying to fix? **There is no evidence that there is a problem**!
    - Because of the extra power given to developers, there is also potential for **corruption of the planning process t**hat could ultimately lead to the promotion of the government's pet projects.
    - The government's track record shows it is not genuine on hearing or acting on feedback - Only seven days separated the close of consultation on the LUPAA (DAP) Bill 2024 Version 1 to the time it was tabled in parliament. This clearly signals no intention to consider, let alone respond, to any feedback provided. This is not bone-fide consultation and totally disrespectful to those who made the effort to send in submissions.
    - The proposed bill is contrary to the enshrined objectives of the Resource Management and Planning System of Tasmania, which are (a) to promote sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and (b) to provide for the fair, orderly and sustainable use and

development of air, land and water; and (c) **to encourage public involvement in resource management and planning;** and (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, **the community** and industry in the State.

- **DAPs are undemocratic** as they eliminate merit-based planning appeal rights - The fact that a DAP conducts a hearing before finalising its decision is not a substitute for an independent merits-based review of that decision. DAPs are not designed to be as transparent, procedurally fair, comprehensive or as independent as TASCAT panels.
- T**he proposed legislation is not about housing.** It is a disingenuous attempt to insert those with politically vested interests into the system in an unfair manner against the community's legitimate interests.
- **It puts an unacceptable degree of control in the hands of developers**, potentially leading to poor planning outcomes, non-mitigated impacts on the environment and biodiversity, and inadequate consideration of amenity, wellbeing, traffic, infrastructure and human services.

2. LUPAA (DAP) Bill 2025 Version 2 is not materially different to the previous LUPAA (DAP) Bill 2024 Version 1 - Of the key changes from Version 1 outlined in the Background Report for Consultation Feb 2025, the clause "**allowing** the Commission to issue guidelines to assist the Minister in determining whether to refer an application to a DAP ....." **does not go far enough**. This should be **mandatory**.
3. Key issues with LUPAA (DAP) Bill 2025 Version 2

- Section 7(3)(ii) - "the Commission may provide the Minister..... should be replaced with "the Commission **must** provide the Minister...."
- Section 9, 60AA Interpretation - " party" should included **the general public and interested community groups.**
- Subdivision 2, 60AC (1)(ii) - there is no definition of social and affordable housing. This **needs to be defined**, and what **guarantee** is there that social and affordable homes will actually be constructed?
- Subdivision 2, 60AC (2)(i) - "the applicant for the discretionary permit" **should be removed**.
- Subdivision 2, 60AD - this section should be **removed completely** as it has the potential to create an unhealthy, conflicted or a possibly corrupted relationship between the developer and the Minister.
- Subdivision 3, 60AH (1)(a) - It is premature and disrespectful for the panel to prepare a draft report before hearings are held and the panel has had time to fully consider these proceedings.
- Subdivision 3, 60AH (3) - Notwithstanding my previous point, 14 days is an insufficient time to adequately prepare for hearings. This time should be at least doubled to 28 days.
- Subdivision 3, 60AM (1) - It is unnecessary and inappropriate for the Minister to be involved in approving any request for an extension of time. Surely this is more the prerogative of the Commission and/or panel.
- Subdivision 4, 60AO (1)(d) - **This clause should be scrapped. It is totally undemocratic.** The Tasmanian people have a right to be passionate about where they live. People should be encouraged to be involved in decisions that impact where they live, work and play and that affect their amenity and wellbeing. This includes the ability to appeal the panel's decision on planning merit grounds.

In summary, the proposed bill puts too much power in the hands of developers and the Minister. Hearings (if required) should be held before the panel makes its final determination. Disallowing merits-based appeals to TASCAT is firstly undemocratic and secondly disrespectful to those taking the time to put in submissions. Appeals must be allowed and available to anyone who has made a submission, whether they are directly impacted by the development application or not.

In final summary, the case for DAPs has not been made, the proposed bill is fundamentally flawed and it should be completely withdrawn.

Best regards

John

John Maynard

From: Alice Hardinge <alice.hardinge@wilderness.org.au>
Sent: Thursday, 10 April 2025 2:30 PM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights & our voice – Scrap the Development Assessment Panels

To whom it may concern,

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

The Wilderness Society Tasmania opposes the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

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

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the

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

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

Thankyou,
Alice

From: Haydn Perndt <
Sent: Friday, 11 April 2025 10:27 AM
To: State Planning Office Your Say
Cc:
Subject: Submission - Draft Development Assessment Panel - Draft Bill 2025

Dear Members of the House of Assembly and Legislative Council,

- The 2025 DAPs legislation is largely unchanged from the rejected 2024 version and still contains major flaws.
- DAPs allow developers to bypass local councils and reduce community input on controversial developments.
- DAPs are run by the Tasmanian Planning Commission, which lacks independence and transparency.
- Decision-making by DAPs is closed to the public, with no obligation to provide written reasons or manage conflicts of interest.
- Research shows DAPs favour developers, engage little with communities, and are often slower than councils.
- DAPs will make it easier to approve large, controversial developments (e.g. cable car, high-rises, UTAS redevelopment).
- Community rights to appeal on development decisions will be severely reduced or removed.
- Merits-based planning appeals and opportunities for mediation will be lost, replaced with costly Supreme Court options.
- This could lead to corruption, poor planning outcomes, and reduced democratic accountability.
- Ministers will gain more power, including control over rezoning and eligibility for DAP assessment, based on vague criteria.
- Eligibility rules are so broad that almost any development can be sent to a DAP.
- Social housing criteria are weak – projects can qualify with just one affordable home in a large development.

- There is no real problem in the current system – Tasmania already has the fastest planning system in Australia.
- The new DAPs system adds unnecessary complexity to an already fast and functioning system.
- Changes in the 2025 legislation (e.g. removing “controversial” criterion, increasing value thresholds) are minor and ineffective.
- Mediation powers added to DAPs are weak, with no proper process or rights for objectors.
- More transparency, accountability, and local decision-making instead of DAPs.
- More resources for councils, banning developer donations, strengthening anti-corruption measures, and improving public access to information are needed not fast tracking quangos.

Please reject this flawed Bill.

Kind regards,

Dr Haydn Perndt AM

From: Haydn Perndt
Sent: Friday, 11 April 2025 10:12 AM
To: State Planning Office Your Say
Cc:
Subject: Submission - Draft Development Assessment Panel - Draft Bill 2025

Dear Esteemed, Elected Representatives,

The Development Assessment Panel bill 2025 should be rejected.

The planned DAPs are undemocratic. They remove the right to approve projects from councils and the right to appeal from the public.

The DAPs will be an unaccountable and unelected body.

Replacing transparent process with an opaque quango is simply wrong.

Vesting DAP referral powers into the hands of the Planning Minister is irresponsible autocracy. Ministers from all sides of politics make mistakes, errors of judgement and poorly informed decisions. Recent examples unfortunately abound!

Fast tracking publicly unpopular projects is neither good politics or "progress".

National Parks, Reserves and World Heritage areas should be preserved untouched not developed possibly using the DAP process. Any proposals for developments in these areas should face the most intense public scrutiny, not be conducted via a few Ministerial handshakes, nods and winks.

What planning and development problem does the DAP Bill address? Tasmania's planning system is already one of the most efficient in Australia with only a few cases going to appeal and the mediation system operating as it should to bring about compromise solutions.

Please think carefully about your vote. Increasing disillusionment with politicians reflects the public concern that faillible political process is replacing democratic policy making.

Reject the DAP Bill.

Kind regards,

Dr Haydn Perndt AM

From: Diana Taylor
Sent: Friday, 11 April 2025 8:18 AM
To: State Planning Office Your Say
Cc:
Subject: Disgraceful DAP! Protect our rights & our voice – #SCRAPTHEDAP

To State Planning

I wish to protest in the strongest manner against the Revised DAP Legislation! There is pathetically little difference to the previous defeated legislation:
IT IS FUNDAMENTALLY FLAWED, and does not respect Tasmanian communities, or their rights and democratic processes.

ANY LEGISLATORS SUPPORTING THIS FLAWED AND UNDEMOCRATIC LEGISLATION WILL NOT RECEIVE MY VOTE AT ANY ELECTION!

I strongly support the SCRAPTHEDAP arguments detailed below…….

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

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

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

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

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

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

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

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

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

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

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

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– Valuations of $10 million in cities and $5 million in other areas.
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- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
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Say yes to a healthy democracy

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

Yours sincerely,

Diana Taylor

From: Iris Iwanicki Friday, 11 April 2025 7:29
Sent: AM
To: State Planning Office Your Say
Cc: Iris Iwanicki
Subject: haveyoursay@stateplanning.tas.gov.au

As a person who has visited and worked as a planner in the past in Tasmania I submit that if local government is removed from involvement in planning, as it has done so comprehensively in South Australia where I live, then Tasmania and your citizens will suffer.

Developers will have a field day of non guidance, vague and confusing planning guidelines in what should be clear standards for appropriate management of your state developments. Natural and built Heritage will not be respected or protected by politicians at the state level, and the whole system will end up with a very complicated, expensive and confusing state based planning system with little regard for the protection of trees, necessitating constant regulatory amendments to correct many mistakes in the State Planning Code applicable to the entire state by state government.

Be warned- getting rid of local government, and third party appeal rights to challenge performance based assessment of development are a serious blow to citizen participation in a democracy. Please reconsider what you are doing at the expense of all that is valued by residents, workers, youth and visitors to your beautiful natural assets and heritage. It is hoped local government can continue to influence and control new development with a clear set of standards, and limited flexibility of basic maximum heights and similar standards. Public land including park reserves and places of historic and natural significance should be protected. Know that performance assessed development introduced in South Australia has not produced better design outcomes as anticipated.

Planning has huge challenges to address in terms of climate change, dwindling wilderness, species loss as well as public health if the process depends on continued growth and development adverse to tackling increasing salinity, sea level rises predicted including tidal inundations and species loss. Please balance the varying interests of all participants in our planning and state systems, and maintain standards that are clear and defensible.

South Australia is self congratulatory on its planning system and promotes it as ground breaking innovation. However most Australian state planning is similar in the centralisation of planning control at a state level. The dominance of development, influential developers and loss of public parks and spaces are being favoured by the systems set in place. I'd recommend that objectives for sustainable, safe and accessible housing at rental and affordable levels and protection of natural and built heritage be clearly articulated and protected. The access to legal rights of appeal be maintained, particularly third party rights to challenge failure to address objectives and principles of development control.

Thank you for the opportunity to comment.

Yours sincerely

Dr Iris Iwanicki, PhD, M.Env.Law; GDTP, BA (Retired)
Life Fellow of the Planning Institute of Australia,

From: Brooke D'Alberto
Sent: Friday, 11 April 2025 7:26 AM
To: State Planning Office Your Say
Cc:
Subject: Protect our rights & our voice – #SCRAPTHEDAP

Dear

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

- The 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws.
- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities**. **This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.

- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Research demonstrates DAPs are pro-development and pro-government,** they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

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

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,

Brooke D'Alberto

Concerned Tasmanian resident.

From:	Peter Jackson
Sent:	Friday, 11 April 2025 10:38 AM
To:	State Planning Office Your Say
Subject:	CM: Please stop the Liberal Government's dictatorship and listen to the Majority

I oppose the proposed Development Assessment Panels (DAPs) for national parks and other public reserves, for the following reasons:

Merits appeal rights removed: The community will have no right to merits-based appeals over the DAP's approval of major developments in national parks and other reserves. The community's right to merits-based appeals, particularly with developments in national parks and other public reserves, is paramount and must not be taken away. Merit based planning appeals are appeals based on the impacts of a development on natural and cultural values, visual qualities, tranquillity or recreational enjoyment.

Destruction of reserved land: The fast-track DAP process will result in more developments and more destruction in the world heritage area, national parks and other public reserves.

Resurrection of failed developments: Tourism developments that have been refused (Cataract Gorge gondolas in Launceston) or have had trouble getting approval and have been delayed (Lake Malbena and Rosny Hill tourism developments) could be resurrected under the proposed new DAP system and have guaranteed approval.

Resurrection of the cable car: The Government has not specially flagged the kunanyi Mt Wellington cable car but nor has it ruled it out being resurrected under this new fast-track DAP process. If assessed under the new process the Hobart City Council would be forced to hand planning authority to the DAP. The DAP's approval of the cable car could not be appealed based on the environmental, cultural and other impacts.

Management plan rules changed to suit developers: Under the new DAP system, the rules in reserve management plans, that we have relied on to stop inappropriate developments, will mean nothing. Developers will be able to submit combined development proposals and management plan amendments, giving them a special process designed to change the rules to suit their preferred development. The changes to management plans, once approved by the DAP, cannot be challenged through an appeal.

We cannot rely on the Federal Government: These changes could lead to the state government approving all developments, threatening world heritage values and other nationally protected natural and cultural values. The state government would leave it to the Federal government to decide whether developments can go ahead, which is taking too big a risk with world heritage and other nationally important areas.

Ministerial power grab: The Minister for Parks will have greater power, being able to take any large development proposed for reserved land out of the normal assessment process and have it dealt with by the DAPs. Virtually any large development can fit the criteria and could be taken down this developer friendly pathway, giving the Minister enormous power
Please stop this bill and listen to the Majority of Tasmaniand

Peter Jackson

From: tim pargiter
Sent: Friday, 11 April 2025 11:57 AM
To: State Planning Office Your Say
Cc:

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

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

This legislation removes the processes already in place to ensure that development proposals are responsibly scrutinised by people who are suitably qualified to do so. It also removes the option of locally elected representatives, and professionals employed as local planning experts to have a say in the approval of development applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

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

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

Yours sincerely,
Tim Pargiter

From: Mary Jolly
Sent: Friday, 11 April 2025 12:54 PM
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP

Dear Member
I wish to lodge my objection to the proposed changes to planning procedures for the following reasons:

1. **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'. The planned changes would remove the rights of the community to have input into planning matters and favours developers. This would be particularly detrimental in view of the fact that developers' donations to political parties do not have to be declared.

2. **There is no problem to fix** - Advice from Premier and Cabinet prepared by Minister Ferguson in September 2024 stated that planning appeals are not a problem. Already Tasmania's development assessment system is the fastest in the country (Source: Local Government Association of Tasmania).

3. **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.**

4. **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development. This will deny the community the right to have a say in decisions which impact the quality of the environment in which they live.

5. When this bill was first introduced in 2024 there was huge opposition to DAPS. 482 submissions were received, 444 submissions opposed the creation of DAPS - 92% against. The proposed new Bill is very little different from the first and is equally disturbing.

For these reasons 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 in keeping the cost of development applications down.

Mary Jolly

From: Roland Browne
Sent: Friday, 11 April 2025 10:07 PM
To: State Planning Office Your Say
Cc:

Subject: LUPAA Development Assessment Panel (DAP) Bill

To: the State Planning Office

I write to oppose this legislation.

More than ever there is a need for planning to have an increased level of public participation. Yet, the DAP Bill seeks to reduce/remove the public from the process.

The trajectory for planning law in this state is wrong; there is a demonstrable need for the public to provide input and for planning processes to include – and even encourage – public participation.

There have been many examples of failures of planning in this State: Empress Towers, the Marine Board Building and the new University building on Melville Street. And, the proposed stadium at Macquarie Point is an example of a project hatched in secret with no planning basis at all. The consequences of this fast tracked development decision – without any planning before the decision was made - will be far reaching.

The planning process in Tasmania needs to be independent of political manipulation, itself a product of the power of the building and development lobby. Planning must prevail over greed. Building and

development are essential, but must be moderated to put people and society before corporate profit and economics.

The DAP Bill is an attempt, again, to put politics ahead of good policy. It should be rejected.

Roland Browne

From: S Y
Sent: Friday, 11 April 2025 5:10 PM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights & our voice - #SCRAPTHEDAP

I am horrified that the DAP (Development Assessment Panel) bill is back and I write to you because the community's rights and voices are worth standing up for.

This anti-democratic and dangerous legislation (which has not significantly changed from the 2024 version and maintains all the key flaws) fails the community entirely. It grants the Planning Minister excessive power to override local councils, silence community voices and fast-track controversial developments including those in our World Heritage Areas and National Parks! There will be no right for the community to appeal the final decision. All the community will be able to do is comment on a DA and perhaps turn up at a hearing.

I vehemently oppose the creation of DAPs and increasing ministerial power over the planning system for the following reasons:
- DAPs represent an alternate and unfair planning approval pathway that bypasses local councils and communities.
- The Tasmanian Planning Commission is not actually independent.
- Research shows DAPs are pro-development and pro-government.
- DAPs will make it easier to approve large scale controversial developments.
- Removes merit-based planning appeal rights and opportunity for mediation on DAs in the planning tribunal.

- Appeals will have to be made to the Supreme Court based only on a point of law or process which have a narrow focus and are ridiculously expensive and out of reach for most people and communities.
- Has the potential to increase corruption, reduce good planning outcomes, favour developers over communities and undermine democracy.
- Increased politicisation of critical planning decisions e.g. rezoning
- Such broad and undefined eligibility criteria grant the Minister extraordinary power and influence that is arbitrary and unchecked.
- Poor justification and lack of evidence that there is a planning problem to fix
- Increased complexity in an already complex planning system.

I call on you to protect democracy by ensuring transparency, independence, accountability and public participation in decision making within the planning system. Please keep decision making local. Don't bypass it. Abandon DAPs and invest in expertise to improve the local government system and existing planning processes.

I also call on you to prohibit property developers from making donations to political parties. Please enhance transparency and efficiency in the administration of the Right to Information Act 209 and create a strong anti-corruption watchdog.

I call on you to #SCRAPTHEDAP and protect our rights and our voice about where we live, work and play.

Yours sincerely,
Sachie Yasuda

Draft LUPA Amendment (Development Assessment Panels) Bill 2025

Submission from David and Gladys Seymour

We are seriously concerned about the proposal to move development assessments from the current democratic procedure to the implementation of the DAP process for the following reasons:

- State appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications - not the elected local council representatives.
- The Planning Minister can take a development assessment away from Local Councils mid-way through the development assessment process if the developer is concerned that their proposal is likely to be rejected, regardless of the grounds for refusal.
- The Bill currently out for public comment will provide a new fast-tracked DAP process to allow for developments on both private and public land, including World Heritage Areas, National Parks, and Reserves.
- The Planning Minister would have new powers to instruct councils to make planning scheme changes, when a local council has rejected an application in its municipality. If an assessment is not heading in a favourable way for the developer, they can abandon the standard local council process at any time and have a development assessed by the government appointed planning panel. The Minister will be able to direct any development application to be decided by a TPC panel, with the only requirement being that the Minister holds the relevant subjective belief, regardless of the objective evidence base.
- DAPs are hand-picked, lack 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. Furthermore, DAPs do not have to provide written reasons for their decisions.
- The proposed Bill removes merit-based planning appeal rights via the planning tribunal. The 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. One of the important roles for merits review is to create a second opportunity to ensure that primary decision-makers have appropriately balanced common values.
- Increased ministerial power over the planning system increases both the politicisation of planning and the risk of corrupt decisions.

- 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.
- Transparency, independence and public participation in decision-making are critical for a healthy democracy, and the proposed changes to the assessment of development applications place the process into the political arena, not into the hands of those best representing their local community.

David and Gladys Seymour

11/04/2025

From: jane
Sent: Saturday, 12 April 2025 9:47 PM
To: State Planning Office Your Say
Cc:

Subject: We live in a democracy!!!! #SCRAPTHEDAP

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

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

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

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

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

- **DAPs will make it easier to approve large scale contentious developments**

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

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

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

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

- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions. This is far from acceptable.**

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

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

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.

We live in a democracy, this proposal is undemocratic

Yours sincerely,

Jane Wing

From: Stephen Williams
Sent: Saturday, 12 April 2025 1:44 PM
To: State Planning Office Your Say
Cc:

Subject: Proposed Development Assessment Panels

The proposed Tasmanian Development Assessment Panels would be a good idea if they advanced sustainable development in Tasmania compared to not having the DAPs.

However, I do not see evidence that this is the case - rather the opposite.

The Rockliff government should go back to the drawing board by determining what sustainable development is. It will need independent experts to help it achieve this.

In short, sustainable development is advancing sustainable qualitative improvement, not necessarily quantitative.

More precisely, a state is achieving sustainable development if it undergoes a coevolutionary process that improves the total quality of life of every citizen, both now and into the future, while ensuring its rate of resource use does not exceed the regenerative and waste-assimilating capacities of the natural environment. It is also a state that ensures the survival of the biosphere and all its evolving processes while recognising, to some extent, the intrinsic value of sentient non-human beings. (Adapted from Lawn & Williams, 'Glossary of General Economic Terms' in *Sustainability and the New Economics*, Springer, 2022, p341.)

The government needs independent scientific experts to determine such things as the state's biocapacity - its regenerative and waste-assimilating capacities - to ensure resource use and waste production does not exceed such capacities. I concede it is not much helped much by other states and the Commonwealth.

The current mindset of simply increasing Gross State Product and population exponentially into the indefinite future is not a formula for sustainability and general wellbeing but for eventual collapse. Australia, and the world, is currently experiencing an existential polycrisis due to the ignorant pursuit of quantitative values, such as GSP, divorced from biophysical reality.

Regards
--
Stephen J. Williams

BA (Hons)
Bachelor of Laws
Diploma of Legal Practice

From: Dominic Grose
Sent: Saturday, 12 April 2025 12:13 PM
To: State Planning Office Your Say
Cc:

Subject: SCRAPTHEDAP

I'm sure youve been sent the same email many times. Suffice to say that this legislation is intended to allow the fast-tracking of developments that the community do not want. If this legislation passes, and projects are fast-tracked, you can be certain of direct, large scale community pushback.

Cheers,
Dominic Grose
He/Him

From: Kerry Shegog
Sent: Saturday, 12 April 2025 1:53 AM
To: State Planning Office Your Say
Cc:

Subject: Opposition to the 2025 Revised DAPs Legislation

The 2025 revised Development Assessment Panels (DAPs) legislation is largely unchanged from the rejected 2024 version and retains key flaws. My primary concerns are:

1. Bypassing Local Councils:
DAPs allow developers to bypass elected local councils, undermining community input and democratic accountability. Panels are appointed by the state, not elected.

2. Lack of Independence and Transparency:
The Tasmanian Planning Commission, which oversees DAPs, lacks independence. DAPs do not hold public hearings, lack clear selection criteria, and are not required to provide written decisions.

3. Pro-Development Bias:
Research shows DAPs favor developers and government interests, engage poorly with communities, and are slower than councils in making decisions.

4. Approval of Controversial Projects:
DAPs would make it easier to approve large and contentious developments like the Mount Wellington cable car and Sandy Bay campus redevelopment.

5. Elimination of Appeal Rights:
Merits-based appeals through TASCAT would be removed, eliminating community input on key planning concerns. Only expensive and narrow Supreme Court appeals would remain.

6. Corruption Risk and Reduced Planning Quality:
Removing appeals may increase corruption and reduce the quality of planning decisions. Experience in NSW and research back this concern.

7. Excessive Ministerial Power:
The Planning Minister gains broad powers to direct applications to DAPs based on vague and subjective criteria, increasing political influence in planning decisions.

8. Minimal Legislative Changes in 2025 Version:

Changes like removing “controversial” as a criterion and raising project value thresholds have little real impact. Most flaws remain, and broad criteria still apply.

9. No Clear Need for Reform:
Tasmania already has the fastest planning system in Australia with very few appeals. The government is misplacing blame on the system instead of addressing housing issues.

10. Increased Complexity:
The changes would unnecessarily complicate the planning system without proven benefits.

I adamantly oppose the DAP
Yours sincerely
Kerry Shegog

From: Jennifer Connor
Sent: Sunday, 13 April 2025 6:35 AM
To: State Planning Office Your Say
Cc: planningmatterstas@gmail.com; craig.farrell@parliament.tas.gov.au
Subject: #SCRAPTHEDAP

To whom it may concern

I was shocked to learn that this legislation is being considered. This could pave the way for projects such as the Stadium and Mt Wellington Cable Car to proceed despite significant community opposition. Really, this is poor judgement on the part of our so called leaders in providing good stewardship for the State. Please do not send us down the path of the USA! Please be transparent and allow people to raise their concerns.

Kind regards

Dr Jennifer Connor

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

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

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

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

- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands

at Droughty Point and the proposed UTAS Sandy Bay campus re-development.

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Dr Jennifer Connor

From: Carolyn Hall-Jones
Sent: Sunday, 13 April 2025 6:13 PM
To: State Planning Office Your Say
Subject: N0 to DAP

I strongly oppose the revised 2025 DAP legislation.

We are living in an age where our democratic ideals are being challenged by powerful vested interests and politicians susceptible to corruption. This threatens both the welfare of people in our communities and our natural ecosystems.

DAP legislation was designed to bypass our local Council planning laws and the legislation regarding parks and reserves along with the transparent processes by which development applications are expertly and carefully considered on their merit.

So, for the reasons given in detail below I oppose it.

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

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

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

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

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

- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings;

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Carolyn Hall-Jones

From: Rejane Belanger
Sent: Monday, 14 April 2025 6:50 AM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights & our voice – #SCRAPTHEDAP

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Réjane Bélanger

From: Isabelle Gurney
Sent: Monday, 14 April 2025 1:03 PM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights & our voice – #SCRAPTHEDAP

To whom it may concern,

I am a resident of Hobart and I write to express my concern over the 2025 revised DAPs legislation . It is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

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

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Isabelle Gurney

From: Georgina Gurney
Sent: Monday, 14 April 2025 12:13 PM
To: State Planning Office Your Say
Cc:

Subject: Protect Local Democracy from the 2025 DAPs Legislation

Dear all,

The 2025 revision of the Development Assessment Panels (DAPs) legislation continues to carry all the fundamental flaws that led to the rejection of the 2024 version by Parliament. I remain firmly opposed to the introduction of DAPs and the expansion of ministerial power over Tasmania's planning system for several key reasons:

DAPs create an alternative approval pathway that allows developers to sidestep local councils and communities. This fast-track approach removes democratically elected councillors from decision-making on major and often contentious developments. Instead, decisions will be made by unelected panels appointed by the Tasmanian Planning Commission—bodies not rooted in the affected communities, and potentially unaccountable to them.

The Tasmanian Planning Commission is not an independent authority. DAPs are appointed without transparent criteria or processes and fail to meet standards of open justice. Public hearings are not held, conflicts of interest may be poorly managed, and written reasons for decisions are not required—significantly limiting public oversight or legal review.

Research shows that DAPs typically favour development interests and do not meaningfully engage with communities. Decisions often take longer than those made by councils and are dominated by minor applications, despite being justified as mechanisms for large projects. DAPs risk fast-tracking highly controversial proposals such as the Mount Wellington cable car, Cambria Green, and the UTAS Sandy Bay redevelopment—without proper community input.

The elimination of merit-based appeals through the planning tribunal strips the public of the ability to challenge decisions on crucial issues like biodiversity, building design, and neighbourhood amenity. Appeals will be limited to narrow points of law through the Supreme Court—a prohibitively expensive route for most people, undermining democratic accountability and increasing the risk of poor outcomes and corruption.

The legislation grants sweeping powers to the Planning Minister, who can determine whether projects meet DAP criteria and direct planning scheme changes. These powers are loosely defined, unchecked, and increase the risk of political or corrupt interference in planning.

There is no compelling problem to address. Only about 1% of Tasmania's ~12,000 annual council planning decisions are appealed. Tasmania already has the fastest planning system in Australia. These reforms add complexity, not clarity, and falsely blame planning rules for housing shortages rather than addressing government inaction.

The few amendments made to the previously rejected legislation are minimal and do not address the core concerns. Removing the "controversial" criterion is symbolic—most projects still qualify under vague thresholds. Increasing value limits and allowing optional mediation by inexperienced bodies offers little reassurance.

I urge you to protect local democratic decision-making, ensure transparency, uphold public participation, and restore accountability to Tasmania's planning system. Instead of creating DAPs, invest in building capacity within local councils, support better community engagement, and improve planning quality. These steps will strengthen outcomes, protect local jobs, and keep development costs in check.

Additionally, I call for:

- A ban on political donations from property developers,
- Stronger transparency through improvements to the Right to Information Act 2009, and
- The establishment of an independent, effective anti-corruption watchdog.

These are the foundations of a fair, trustworthy, and democratic planning system—essential for the future of Tasmania's communities and environment.

Best wishes,

Georgina Gurney, PhD

Hobart Resident

Submission regarding Development Assessment Panels

Protect the Right of the Community to have a say in planning decisions and the Right of Local Councils to have a say on matters that concern them.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Anne Costin

From:
Sent: Monday, 14 April 2025 8:21 PM
To: State Planning Office Your Say
Cc:

Subject: Scrap the DAP

I urge you to vote against the Development Assessment Panel Bill proposed by the Tasmanian Government.

This change to current planning processes is unnecessary, undemocratic and is not supported by the Tasmanian community or local government.

Contrary to government claims, they do not have a mandate from the electorate for this change and there has been no proper consultation with the community. Current planning processes do not cause significant delays to planning approvals. Advice provided to the Minister last year stated that only 1% of Development Applications went to an appeal and of those 80% were resolved through mediation – a process which allows interested parties to have their say and for compromise to be made. The DAP proposal will remove this fundamental right for people to express their concerns about how a development may impact on quality of life, environmental concerns etc. We all want to have a say in the kinds of places where we live, work and play. The DAP will remove this right as appeals will be heard only by the Supreme Court on points of law. Unlike the present system where Council planners are required to prepare reports and explanation for decisions and Councillors are held to account on their decisions when they have to stand for re-election, the members of DAPs will be unaccountable, their decisions will lack transparency and add further complexity to the planning system.

Please exercise your vote to ensure that this unnecessary and unwanted change to our planning system is defeated.

Yours sincerely

Jenny Fuller

Meander Valley Council
Working Together

8 April 2025

State Planning Office
Department of State Growth
GPO Box 536
Hobart TAS 7001

Dear Director,

I write to provide the Meander Valley Council (the Council) submission in response to the Draft *Land Use Planning and Approvals Amendment (Development Assessment Panel) Bill 2025* (the Draft DAP Bill 2025), as determined at its 8 April 2025 Council Meeting.

Council has previously submited that it opposes the proposed legislative reform in its entirety, with particular reference to: (i) the establishment of any form of Development Assessment Panel that would remove both Council's current responsibility to act as Planning Authority and the right of third-parties to merits based appeal; and (ii) conferring powers to the Minister to compel a council to initiate amendments to its respective Local Provisions Schedule.

Upon review of the revised draft DAP Bill 2025, and when comparing with the previously proposed – and rejected – draft DAP Bill 2024, it is abundantly clear that little tangible change has been made to the application eligibilty criteria.

Whilst the primary change – the removal of applications considered 'contentious' – is a step in the right direction, the application eleigibility criteria remains vague, open to subjective interpretation and leaves the door open for amendments or introduction of additional thresholds through implementation of regulations.

While some improvements have also been made to the process – notably the removal of the ability to refer applications to a DAP midway through a standard planning application process – they do not negate the underlying unwieldy, resource intenstive, and likely time-consuming process that is being proposed.

Accordingly, Council's position continues to be that there is no demonstrated need nor sufficient evidence base to support establishing the DAP process as proposed and the

additional resource burden that such a regulatory process would require of the State and local governments.

Table 1 below summarises the Council's previously raised concerns and includes consideration of whether or not these concerns have been adequate addressed by the revised draft DAP Bill 2025.

Council reiterates again its opposition to the draft DAP Bill 2025. The Resource Management and Planning System does not need an additional process to address a few rare – albeit noteworthy – circumstances. It needs, and deserves, its core strategic and statutory documents to be operational and in good working order. The time, effort and resources of the Minister and the State Planning Office would be better served by finalising the draft Tasmanian Planning Policies (subject to making significant improvements to them), facilitating the review of the Regional Land Use Strategies and completing the review of the Tasmanian Planning Scheme.

Council looks forward to seeing the elements of the Resource Management and Planning system that require immediate improvement, such as the elements mentioned above, to be prioritised in the near future.

Regards

Wayne Johnston
Mayor

Summary of Previously Raised Concerns

A summary of previously raised concerns previously raised at the Council's 12 November 2024 Meeting, and comments upon how the draft DAP Bill 2025 has or has not resolved this concerns, are provided below:

Table 1: Summary of Previously Raised Concerns and Responding Comments

Previously Raised Concerns	Comments
The draft Bill is a gross overreaction to isolated incidents and would unduly curtail local decision-making that is already subject to a merits-based appeal.	Not adequately resolved. The resources needed 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 to deliver the government's affordable housing supply agenda, rather than introduce an additional assessment process.
Decisions will not be representative of local ratepayers and will lack a fine grain understanding of the values held by the local community.	Not adequately resolved. As evidenced by the Stony Rise decision in late 2024, whereby the State Government introduced a bill to overturn the refusal of a combined permit and amendment by the Tasmanian Planning Commission following significant local outcry, decisions made outside a municipality do not guarantee that local values are suitably considered.
Absence of merit-based appeal process for third parties.	Not adequately resolved. No merit-based appeal process is proposed for inclusion. This is of fundamental concern and is considered to

Previously Raised Concerns	Comments
	be an unjust approach that will undermine any social license for a DAPs model.
Decisionmakers will not be held accountable for their decision to the community and Councils will be left to bear the regulatory burden and costs of these decisions regardless of Council itself opposed the proposal.	Not adequately resolved. Without a merit-based appeal process, there will be an implicit unaccountability for, and inability to rectify, incorrect decisions that may be made.
The role of Councillors, to act as both representatives of their community and as Planning Authority, is a type of conflict that is already actively managed by Councillors.	The Dorset Board of Inquiry recommended to the Minister that '*amendments to the* Land Use Planning and Approvals Act 1993 *be considered to establish development assessment panels to determine development applications where a council is the applicant and/or developer, so as to remove the actual conflict of interest currently existing in the decision-making process.*' The Board further states that *'there would need to be provision for an appeal process, to correlate with standard process for determination of development applications.'* Whilst alternate options to minimise conflicts of interest are already available, such as using third-party consultants or another council to undertake assessment and provide a recommendation, the establishment of a DAP, if endowed with merit-based appeal rights, would provide an additional avenue for Councils to remove, instead of minimising, such incidents of conflict of interest. However, as the proposed DAP model does not propose to include a merit-

Previously Raised Concerns	Comments
	based appeal right, it is not considered an adequate avenue to ensure that decisions are both free of conflicts of interest and also accountable to the people.
Referral triggers are too broad and ambiguous.	Partially resolved. Whilst controversial applications are no longer eligible, criteria such as the following remain unnecessarily subjective or broad (emphasis added): 1) *social or affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market* *2) development that may be considered significant, or important, to –* *a. the area in which the development is to be located; or* b. *the State* 3) *either party to the application believes that the planning authority does not have the technical expertise to assess the application* The proposed criteria also provides for additional criteria to be inserted at a later date through regulations, which are likely to receive significantly less public scrutiny.
Can Council make representation to the applications or recommend refusal?	The draft Bill 2025, through section 60AF(2), continues to require the planning authority to provide advice on suggested terms and conditions that should be imposed on a permit if it is granted and

Previously Raised Concerns	Comments
	the reasons for those terms and conditions. The DAP model purports to enable councils (the planning authority) to advocate, and make representations, on behalf of its community. However, the DAP model simultaneously requires that councils must provide suggested terms and conditions under section 60AF(2). This is a clear conflict in purpose and intent, that would undermine the legitimacy of both the representation and the suggested terms and conditions. To resolve this, a council must be allowed to suggest that the proposal should not be approved with reasons provided.
That the process should align with current discretionary planning assessment processes, rather than combined permit and amendment processes.	Not adequately resolved. The process continues to be based on combined permit and amendment processes, which requires a draft assessment report and, if that report recommends that a permit be granted, a draft permit for said application to be included in the advertised documentation. This approach is often seen as pre-empting a decision before the concerns of the community are heard, which is unlikely to be appropriate for types of applications anticipated to be considered by the DAPs.
Minister intervention only serves to increase the politicisation of planning approval processes.	Not adequately resolved. The Minister continues to be involved in the process, by being the conduit through which applications are requested, referred and directed to the Tasmanian Planning

Previously Raised Concerns	Comments
	Commission for assessment under section 60AD. If the DAPs were to proceed, it is unclear why the legislation could not be drafted to instead have the request to determine whether or not an application is eligible for assessment be made directly to Tasmanian Planning Commission. Likewise, the draft Bill continues to propose the ability for the Minister to direct a Planning Authority to initiate an amendment to its Local Provisions Schedule, regardless of Council's position on the proposed amendment. Again, a recent example is the Stony Rise decision where planning approval processes were politicised and overridden.
Timeframes remain extremely tight and unlikely to be met without additional resourcing with local government and the Tasmanian Planning Commission.	Partially resolved. Modifications have been made to enable an extension of the assessment time period to be agreed or granted by the Minister. While an improvement, the base timeframes have not been meaningfully extended and continue to be unlikely to be met.
Financial costs to Council, and their ability to recoup costs, are unclear.	Not adequately resolved. The draft DAP Bill 2025 provides for the regulations to prescribe: a) the fees payable in respect of an application, matter or assessment; b) the maximum fees that may be payable; and c) the method of calculating the fee.

Previously Raised Concerns	Comments
	Whilst this is an improvement, the financial implications to Council and the Tasmanian Planning Commission remain unclear when the method of calculating the fee, and it's maximum threshold, is unknown. It also remains unclear when in the assessment/reviewing process that the planning authority would be empowered to charge such a fee as may be allowed by the currently unknown regulations.

Please quote our ref:
Your ref:

Enquiries to: 6452 4800|council@circularhead.tas.gov.au

10 April 2025

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

Dear Sir,

RESPONSE TO CONSULTATION ON THE REVISED LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2025

Thank you for the opportunity to respond to the Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025. Council have considered the Bill and I am writing to provide the following advice.

Council rejects the Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025, in its current form, and provide the following points for consideration.

Council further considered the 2025 Draft DAP Bill during a recent workshop. At that time, it expressed a clear preference to support the broader local government sector in rejecting the Bill, while still taking the opportunity to provide feedback as part of the consultation process.

Council maintains that a portion of the expert pool from which DAP members are selected should be drawn from regional areas. Furthermore, it believes that there should be a dedicated DAP for each region, rather than a single state-wide panel.

Council also considers that the proposed value thresholds do not adequately reflect the State, Regional, or Local significance of development applications. It believes that Councils should retain discretionary power to determine which applications are referred to a DAP.

In summary, by adopting the recommendation, Council will be aligning itself with the local government sector's opposition to the Bill. While reiterating the same feedback provided last year may have limited value, it is timely for Council to highlight its key concerns—specifically the need for regional representation on DAPs and a more meaningful assessment of significance beyond monetary value.

Council looks forward to further interaction on this matter and I invite you to contact Council if you require further information or require any clarification.

Yours sincerely

Gerard Blizzard
MAYOR

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

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

From: Jessie Stanley
Sent: Monday, 14 April 2025 4:40 PM
To: State Planning Office Your Say
Subject: Protect our rights & our voices in the planning process

Subject: Opposition to the 2025 Revised Development Assessment Panels Legislation

I am writing to express my strong opposition to the proposed 2025 revisions to the Development Assessment Panels (DAPs) legislation. This fast-track process removes elected councillors from decision-making on controversial developments, placing state-appointed panels from the Tasmanian Planning Commission in charge. Local concerns will likely be ignored in favour of developers, who may not even be Tasmanians.

The Tasmanian Planning Commission lacks independence, as DAP members are appointed without clear criteria. Furthermore, DAPs conduct hearings in secret, delaying community input and making judicial review nearly impossible due to a lack of written reasons for decisions.

These changes will create a pro-development bias and silence crucial community voices on issues like biodiversity, sustainability, and traffic management. Additionally, the broad powers granted to the Planning Minister could lead to arbitrary interventions and increased risks of corruption.

The government's justification for these changes is flawed. Tasmania's planning system is already among the fastest in Australia. Instead of blaming the system for housing shortages, resources should focus on improving local governance and community participation.

I urge you to reject this legislation and prioritise reforms that enhance transparency, accountability, and public engagement in Tasmania’s planning system. Decision-making must remain local, with meaningful appeal opportunities.

Thank you for considering my concerns.

Regards,
Jessie Stanley

14 April 2025

Mr Anthony Reid
State Planning Office
Level 6, 144 Macquarie Street
HOBART TAS 7000

Dear Mr Reid

RE: REVISED LUPA (DEVELOPMENT ASSESSMENT PANELS) BILL 2025

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

Council is pleased to see that there have been positive changes to the Bill and generally supports many of the revisions. However, Council still feels that there are a number of key fundamental issues with the Bill which have not been addressed, and as such our position remains to oppose the Bill. The key reasons for our opposition are as follows:

1. Ministerial Interference on Planning Scheme Amendments
Despite previous concerns, the proposal for the Minister for Planning to direct preparation of planning scheme amendments remains unrevised at section 7 of the 2025 Bill. Council's concern with this section, is that there is a risk that planning decisions could be driven by political agendas rather than by long-term planning goals or community needs, which has been completed through the development of state, regional and local policies. This could create a situation where certain planning scheme amendments are progressed for reasons unrelated to their merits.

2. Reducing public involvement
Delaying exhibition until a recommended decision has been made and removing appeal rights appears to be contrary to the objectives of the Resource Management and Planning System of Tasmania which encourages public involvement in resource management and planning.

3. The unknowns
Key issues such as Guidelines and Regulations have yet to be provided. A proper assessment cannot be provided until this is available. Further to this there will be a significant impact on resources of Council, yet no detail has been provided on how this will be funded. Finally, as per our previous submission, given the shortage of planning and development engineering professionals nationwide, how will the DAP be undertaken by candidates with greater experience than those currently undertaking the assessments?

Thank you again for your enquiry. Please contact Council's Director Development Services, Mr Alex Woodward on or via if you have any further queries.

Yours sincerely

James Dryburgh
CHIEF EXECUTIVE OFFICER

From: James Duff
Sent: Tuesday, 15 April 2025 7:26 AM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights & our voice – #SCRAPTHEDAP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Dr James M Duff

From: G Z
Sent: Tuesday, 15 April 2025 8:22 AM
To: State Planning Office Your Say
Subject: Protect our rights & our voice – REJECT THE DAP BILL

I do not support the revised Development Assessment Panel (DAP) Bill as it is substantially the same as the original Bill.

The revised Bill still has the biggest problem that there will be no right for the community to appeal the final decision to the planning tribunal. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on 'checks and balances'.

Thank you,
George

CENTRAL COAST COUNCIL

15 April 2025

Our ref.: Government Relations/State Liaison; cf/dk

Doc. ID:

State Planning Office
Department of State Growth
GPO Box 536
HOBART TAS 7001

Sent via email: yoursay.planning@dpac.tas.gov.au

To whom it may concern,

Re: Revised LUPA Amendment (Development Assessment Panel) Bill 2025.

Thank you for the opportunity to provide input into this Draft Bill, which if made into law, will significantly worsen Tasmania's land use planning system while drawing focus and resources away from the real issues. The revised proposal still does not align with our Council's objectives of reducing red tape and facilitating development, and would increase the complexity, elapsed time and costs experienced by some applicants.

Councils are far better placed than others to work collaboratively with applicants and the existing process for assessing development applications generally works well in Tasmania, which has the shortest statutory assessment timeframes in the country. Importantly, the appeal processes and penalties enshrined in the *Land Use Planning and Approvals Act 1993* (LUPAA), already provide adequate protection against inappropriate decision making by councils.

Given the revised Draft Bill fails to substantially address the concerns raised in our previous submission, and given our request for evidence to support the case for change has not been provided, our position remains unchanged.

We do not support the Draft Bill or any other method of introducing Development Assessment Panels (DAPs), other than for the purpose of councils being able to voluntarily refer a matter to a DAP (e.g. when the council believes it is conflicted or that it does not have the capacity or capability to undertake the assessment itself).

As discussed between the Premier and senior staff recently, Council believes that we have much in common when it comes to wanting to improve the planning system and reduce red tape. While the Draft Bill and the way the Government went about formulating it is not in the spirit of working together constructively, we welcome any opportunity to do so.

PO Box 220
19 King Edward Street
Ulverstone Tasmania 7315
Tel 03 6429 8900

admin@centralcoast.tas.gov.au
www.centralcoast.tas.gov.au

Yours sincerely

Cheryl Fuller
MAYOR

CC: The Hon Jeremy Rockliff MP, Premier of Tasmania via email:

The Hon Dean Winter MP, Leader of the Opposition via email

From: Chai Womble
Sent: Tuesday, 15 April 2025 2:01 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our rights & our voice – #SCRAPTHEDAP

The DAP legislation is strongly pro development at the cost of community interests and the long term health and wellbeing of Tasmanians. It represents out of date values and thinking, lacks innovation, triple bottom line considerations ignoring unique Tasmania in a bid to look and be like everywhere else. Tasmania will be vulnerable to greed, self interest and nepotism if this legislation is supported.

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

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

not be from Tasmania.

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

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

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

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

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

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

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

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

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Say yes to a healthy democracy

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

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

Yours sincerely,

Lucinda Wilson

Launceston Cataract Gorge Protection Association Inc.
19 Gorge Rd
TREVALLYN TAS 7250
0498 800 611
handsoffourgorge@gmail.com
https://handsoffourgorge.org.au

State Planning Office
Department of State Growth
Hobart, Tasmania
Email: haveyoursay@stateplanning.tas.gov.au

15th April 2025

NO to the revised Draft Land Use Planning and Approvals Amendment (Development Assessment Panel) Bill 2025 ("DAP Bill")

Dear State Planning Office

Hands Off Our Gorge is a group of ordinary people who have day jobs or have retired. We are not what the Planning Minister (media release 7/2/2025) calls a "well-funded activist group' or an "anti-everything organisation". The committee and our 180 supporters (and 4500 petitioners) went outside our comfort zones in 2019-2020 to protect our beloved Gorge from a completely inappropriate Skyways gondola. We did this for the place and community that we love and we did this in our own time and with no money apart from what was raised by good people running concerts and so on.

This contrasts with the backdrop to this draft DAP Bill of well-resourced property developers still being able to donate to political parties in Tasmania.

Hands Off Our Gorge opposes this draft DAP Bill 2025 for a number of reasons, outlined below.

This DAP Bill is about increasing planning system bias towards developers

The Planning Minister (media release 17/11/2024) has been very clear that his DAP legislation is about facilitating development against what he calls the "anti-everything brigade". He said,
"Our pro-jobs DAPs Bill backs in the builders, not the blockers who for too long have dragged them down and held us back."
This kind of culture wars comment shows that the Minister does not intend his DAPs to be independent or unbiased. He intends them to facilitate developments.

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

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

We oppose the bypassing of local democracy inherent in this Bill. Councils represent the community to provide for development while also ensuring the liveability of the municipality (through providing for community facilities, infrastructure, services, businesses, farmland, amenity and green space) and protecting heritage, natural assets and ecosystem services.

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

Our experience with the gondola showed that:

- Development proposals can be complicated and the developers' papers (and their paid consultants) will present only a rosy angle.
- The community can stimulate better understanding of a development – through questions and comments at council meetings, letters, conversations, artworks, videos and site visits as well as standard written representations. Only written representations at a late stage would be possible with DAPs.
- Councillors are deeply engaged with the community and know the area. Many are prepared to go the extra mile to inform themselves on important community issues.
- The councillors were careful to keep their planning authority hats on, and to keep an open mind on the proposed development. But they were able to inform themselves about what the real implications of the proposal were.

Local council assessment is the best way to ensure that a development application meets the planning rules while also retaining important local values, especially when a development application is using planning scheme Performance Criteria that are ill-defined and open to consultant spin.

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

Although the revised draft DAP Bill appears to have addressed one of our previous concerns, the criteria of "likely to be controversial" as a reason to refer to a DAP, it has retained the other broad and subjective criteria. Any development that threatens matters of value to the community (like Cataract Gorge) could still find means to use this pathway to bypass local assessment.

There are still too many subjective criteria that can be used by the Minister to intervene on virtually any development in favour of developers, such as 'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant'. Even with the proposed ability of the Commission to issue guidelines, the Minister only need take these "into account", so the potential for Ministerial bias and interference (even corruption) is still there.

Community input is severely restricted by the DAP Bill

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

With the Skyways gondola, Hands Off Our Gorge played a major role in revealing unwanted aspects of the proposal, including the fact that towers would be visible from Kings Bridge and West Launceston, and a scale visual of the gondolas travelling past the pool and over Alexandra Bridge.

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

There should be merits-based planning appeals

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

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

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

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

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

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

……

Say yes to a healthy democracy

We 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.

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

Thank you for the opportunity to make this submission.

Yours sincerely,

Anna Povey
President
Launceston Cataract Gorge Protection Association Inc.
(aka Hands Off Our Gorge)

From: Kim Philips-Haines
Sent: Tuesday, 15 April 2025 10:41 PM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights & our voice - #SCRAPTHEDAP

Subject: Preservation of Community Autonomy and Tourist Appeal in Planning Decisions

Dear Members of the House of Assembly and Legislative Council,

I am writing to express strong opposition to the proposed Development Assessment Panels (DAP) Bill. This legislation poses significant risks to democratic processes and the economic vitality of our tourism industry.

Tourism relies heavily on preserving the unique character and community-driven charm of our localities, features that attract visitors from around the world. The proposed DAP structure would shift planning decisions from locally elected councils to unelected panels, undermining local input and potentially endangering the distinctiveness that makes our areas attractive to tourists.

In essence, the DAP Bill threatens the following:

1. Loss of Community Voice: Local councils, familiar with the specific needs and desires of their communities, would be sidelined. Decisions affecting our towns and cities would be made by panels that lack direct accountability to residents.

2. Impact on Tourism Appeal: Tourism thrives on authentic experiences. Decisions driven by bureaucratic panels may lead to developments that could compromise local aesthetics, cultural heritage, and environmental landscapes crucial to tourism.

3. Erosion of Democratic Principles: It is vital to maintain transparent, participatory planning processes. Residents must retain the right to appeal decisions and engage actively in shaping their communities' futures.

A similar bill was rightly defeated last year, reflecting broad recognition of its potential harms. I urge a revaluation of this resurrected proposal, emphasising a planning process that values the expertise and voice of local communities.

In conclusion, I strongly encourage the decision-makers to reject the DAP Bill and instead seek solutions that enhance, rather than diminish, community involvement and democratic integrity, key to sustaining both vibrant communities and their alluring tourist offerings.

Thank you for considering this important perspective.

Sincerely,

Kim Phillips-Haines
Owner Director
Coastline Tours Tasmania
And
Leven River Cruises,

From: Kip Nunn
Sent: Wednesday, 16 April 2025 10:19 AM
To: State Planning Office Your Say
Cc:

Subject: Scapthedap

- What a bunch of wankers ,these standover tactics wont work anymore ,forget it. The more people involved with all decisions the better the outcome for all.
- ,aimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
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outcomes. This will also help protect local jobs and keeping the cost of development applications down.

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

Yours sincerely,

From: Cindy Aulby
Sent: Wednesday, 16 April 2025 3:41 PM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights and protect our voice – #SCRAPTHEDAP

The 2024 version of The Development Assessment Panel (DAP) Bill was rejected by the parliament.

The 2025 revised DAP draft bill has not significantly changed from the 2024 version and it retains all of the key problems.

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

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

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

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

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

- The proposed 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. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- The proposed DAPs remove merits-based planning appeals, which 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 has a narrow focus and is prohibitively expensive.

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

- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and the risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to

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

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

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

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

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

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

2025 legislation not significantly changed

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

Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

Say yes to a healthy democracy,

I ask you to 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 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,

Cindy Aulby *(she/her)*

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

From:
To: State Planning Office Your Say; planningmatterstas@gmail.com
Subject: Protect our rights and our voice - #SCRAPTHEDAP
Date: Wednesday, 16 April 2025 11:26:44 AM

It is deeply concerning that once again the government is attempting to bypass democratically elected councillors and clear processes to push their pro development agenda at all costs.

We fully support the submission below and emphatically request that this legislation is voted against with a strong and clear NO.

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

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

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

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

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

- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height,

bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '***checks and balances***'.

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

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

- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of

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

Yours sincerely,

Jayne Cowley and Terry Woodhouse

From: Cindy Aulby
Sent: Wednesday, 16 April 2025 3:41 PM
To: State Planning Office Your Say
Cc:

Subject: Protect our rights and protect our voice – #SCRAPTHEDAP

The 2024 version of The Development Assessment Panel (DAP Bill was rejected by the parliament.

The 2025 revised DAP draft bill has not significantly changed from the 2024 version and it retains all of the key problems.

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

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

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

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

- The proposed 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. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and the 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.

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

Yours sincerely,

Cindy Aulby *(she/her)*
Phone: 0429 167 480
www.cindyaulby.com.au

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

Department of Health

GPO Box 125, HOBART TAS 7001, Australia
Web: www.health.tas.gov.au

Tasmanian Government

Contact: Andrew Hargrave
Phone: (03) 6166 1584
E-mail: dsi@health.tas.gov.au
File: SEC25/391

State Planning Office
Department of State Growth
haveyoursay@stateplanning.tas.gov.au

Subject: Submission - Revised Land Use Planning and Approvals (Development Assessment Panels) Bill 2025

The Department of Health (the Department) welcomes the opportunity to provide comment on the revised draft Land Use Planning and Approvals (Development Assessment Panels) Bill 2025 (the draft DAP Bill 2025), which is intended to assume some of council's decision-making functions in relation to certain discretionary development applications.

The Department owns and manages significant health infrastructure assets across Tasmania which enables the delivery of high-quality, safe and sustainable health services for all Tasmanians. It is actively engaged in positive reforms to provide care and services for patients and clients in the best possible way through an integrated system that is people-focused and supports individuals and communities to be active in their own health and wellbeing management.

The Department currently has an ambitious infrastructure delivery program that relies on timely and efficient development assessment and approval processes. In the majority of cases, the Department's projects are straight forward and uncontentious. As previously noted in the Department's response to the DAP Framework Position Paper in January 2024, the current assessment processes provided by a planning authority offer predictable and timely outcomes, which are important components in any infrastructure delivery program. However, the Department is aware that on occasion, more complex and larger developments may benefit from the oversight of a DAP.

Where the Department is of the view that a development would benefit from the DAP process, the criteria in the revised draft DAP Bill 2025 relating to the value of a city development of $10 000 000 and $5 000 000 in any other case are considered reasonable to enable an application to be made to the Commission (60AC.(b)(i) and (ii)). The Department would base any determination to apply to the Commission to enter the DAP process on the knowledge and experience it has accrued over many years of delivering health infrastructure. As part of this determination the longer DAP process and the potential impact on project timelines would be considered.

The Department understands that a request can also be made to the Minister to direct the Commission to establish an Assessment Panel to assess an application that it considers significant but may not meet the development value thresholds as outlined in 60AC.(b)(i) and (ii) or where the planning authority may not have relevant technical expertise.

As previously noted, the Department appreciates the flexibility provided to proponents to engage in the DAP process reflected in the revised draft DAP Bill 2025.

If you have further questions, please contact me at dsi@health.tas.gov.au .

Yours sincerely

Andrew Hargrave
Deputy Secretary Infrastructure

11 April 2025

Derwent Valley COUNCIL

Derwent Valley Council
Circle Street
New Norfolk
TAS 7140

P.O. Box 595
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TAS 7140

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16 April 2025

State Planning Office
Department of State Growth
GPO Box 536
Hobart TAS 7001

RE: DRAFT LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2025

Thank you for the opportunity to provide feedback on the Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025, released for consultation on 26 February 2025.

Council has determined that is does not oppose the establishment of a Development Assessment Panels (DAP) process and sees merit in the process as a mechanism to assess applications where Council is the landowner or where Council may not have access to the required technical expertise to assess an application, where relevant. Council also sees the DAP process as having potential to facilitate the approval of much needed community housing projects in the municipality.

Although it does not oppose the establishment of a DAP, Council does not support the use of this Bill to enable the Minister to direct a Planning Authority to amend its Local Provisions Schedule.

40BA - Minister may review certain decisions

While it is reasonable to consider that a decision to refuse to initiate a planning scheme amendment should be reviewable, that opportunity is already afforded under Section 40B of LUPAA by way of a request to the Commission. Section 40C of LUPAA additionally already provides powers to the Minister to direct a planning authority to prepare a draft amendment to the LPS.

The inclusion of Section 40BA is an unnecessary duplication of powers under the Act which muddies the water and creates confusion as to their operation. This amendment does not require the Minister to make such a decision based on expert planning advice.

It is the opinion of Council that the Local Provisions Schedule should remain primarily in the domain of the local Planning Authority.

Fees and resourcing of Council

While Council does not oppose the establishment of a DAP process, it does wish to raise general concerns about the DAP Bill and the ability for Council to impose fees for its participation in the process. Although it is contemplated under Section 60AP that a planning authority or other reviewing entity may charge a fee, a similar mechanism has been included to allow regulators to charge a fee for assessment as part of the Major Projects process, however this fee was never prescribed under the Regulations, meaning no fee can actually be charged.

Planning authorities contributing to Major Project or Project of State Significance are not able to charge any fees for this, although this work is undertaken at great cost to Council.

Given the significant time and expertise required to allow for assessment of developments under the DAP process, by both the Commission and planning authorities, this in turn raises concerns about the unknowns of Council being able to continue to provide the necessary expertise to effectively contribute to this process while continuing to undertake other work required by the planning authority under LUPAA. Council believes this should be taken into consideration before the finalisation of the Bill and in the development of any Regulations associated with this process, for example establishment of fair and reasonable fees to allow Council to make a positive contribution to the process.

By their own admission, the Tasmanian Planning Commission do not currently have the required expertise within their staff to undertake assessments under the DAP process. To allow the Commission to undertake these assessments additional recruitment would be necessary, potentially needing to poach qualified and experienced staff from Councils, given the small pool of planners and other experts in Tasmania.

This is of concern to Derwent Valley Council, as a smaller Council, where it can be difficult to attract and retain suitable staff, particularly if Council is not able to charge fees for participation in processes such as the DAP process.

If you need to discuss this matter further, please do not hesitate to contact Council's Executive Manager Development, Laura Ashelford on .

Yours sincerely,

Ron Sanderson
General Manager

From: Rosemary Costin
To: State Planning Office Your Say
Cc:

Subject: No Dodgy Awful Panels (DAPS)
Date: Thursday, 17 April 2025 10:01:38 AM

Dear Sir/Madam

Thank you for the work you do for the Tasmanian community.

However I am alarmed that the State Government is proposing to re-introduce legislation again to foist the Dodgy Awful Panels, officially known as Development Assessment Panels or DAPS onto the Tasmanian people.

You will recall that the last time legislation was proposed for DAPs, the legislation was rejected by the Legislative Council and that many Tasmanians and planning groups put forward sound objections.

The proposed legislation still rings many alarm bells for me.

Why are the proposed "DAP"s Dodgy Awful Panels?

- property developers will increase their influence at the expense of democratic rights.
- Government will be more susceptible to corruption as property developers can still donate to political parties.
- There is a current lack of transparency regarding lobbying of Government ministers by property developers as the current ministerial code of conduct does not require timely transparency.
- The proposed legislation increases the power and influence of developers in Tasmania at great cost to Tasmanians who will be reduced to being spectators in their own state .
- Tasmanians' appeal rights regarding planning issues will be restricted and eroded for both private and public land.
- Mediation, proven to be fast and cost effective, will be removed as a mechanism to resolve planning appeals.
- Many planning decisions will lack the input from expert local government planners.
- Tasmanians existing appeal rights via local government will be severely restricted.
- Merit based appeal rights will be removed.

- options for Tasmanians to appeal via accessible TASCAT Tribunal will be replaced by a more expensive and narrow Supreme Court process.
- Not only are DAPs dodgy, they are destructive of our democratic processes.

Thankyou for the opportunity to express my views. However Tasmanian's expression of their opinions about planning developments needs to be protected by a democratic planning process.

Yours sincerely

Rosemary Costin.

From: Margaret Lange
To: State Planning Office Your Say
Cc:

Subject: Fwd: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Thursday, 17 April 2025 9:42:51 AM

To the Honourable Elected members,

We don't need a DAP to further complicate and obscure true planning in Tasmania.

Our current processes work well enough and the more we are all involved, the stronger and more vital our communities are.

We don't want to encourage more "they oughta". We oughta, we do and we will.

Participation is a key ingredient in community health.

With the current state of the world, we have no confidence that legalistic processes give any equity or justice and we really need more of both, not less that a DAP implies to me.

Please keep doing your job to stand up for people in our community.

Give us all a say on what's important to us, not hand it to more state bureaucrats, more delays, more layers of remoteness and legalism.

Please keep our community alive. Scrap the DAP thanks.
Yours sincerely,
Margaret Lange

Department for Education, Children and Young People
OFFICE OF THE SECRETARY

GPO Box 169, HOBART TAS 7001 Australia
OfficeoftheSecretary@decyp.tas.gov.au
Ph (03) 6165 5757

Tasmanian Government

File no: DOC/25/56733/1

16 April 2025

Mr Anthony Reid
Director, State Planning Office
Department of State Growth
By email: anthony.reid@stategrowth.tas.gov.au

Dear Mr Reid

Thank you for the opportunity to review and provide comment in relation to the draft *Land Use Planning and Approvals (Development Assessment Panels) Bill 2025*. The Department for Education, Children and Young People (DECYP) acknowledge the purpose of the draft bill and wishes to provide the following feedback.

As it relates to school intake areas, if a development is approved via a Development Assessment Panel (DAP) that includes a significant volume of new housing (e.g. community housing), it would be helpful if:

- DECYP was notified (at intake.areas@decyp.tas.gov.au) as it is useful information to have when reviewing intake areas.
- There was a webpage where we could access information on new housing that has been approved via a DAP (including number and type of dwellings and expected completion date, if possible).

Thank you again for the opportunity to provide feedback on this important Bill. If you have any questions please don't hesitate to contact Jess Brewer, Program Manager Legislative Review, at legislation@decyp.tas.gov.au

Yours sincerely

Ginna Webster
SECRETARY