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From: Danielle Bendall <>
Sent: Friday, 8 November 2024 8:33 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:

DAP – say no to planning panels/say yes to a healthy democracy

Subject:

To the decision makers

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Danielle Bendall

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From: James Ayliffe
Sent: Friday, 8 November 2024 7:48 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: DAPs - This concept needs to go back to the drawing board

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

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

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- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?
- **If in doubt, stay out.** This is my position.

Thank you for the opportunity of contributing to this process.

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From: Anne Boxhall
Sent: Saturday, 9 November 2024 6:10 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Proposed planning panels (DAPs)

Good evening,

I urge Members of the House of Assembly and Legislative Council to reject the proposal to create Development Assessment Panels for the following reasons:

1. **Lack of Justification**

The government's justification for this legislation is weak, as less than 1% of local planning decisions go to appeal, and Tasmania already has one of the fastest planning systems in Australia.

2. **Risk of Corruption and Reduced Accountability**

Removing merit-based appeals and concentrating power within DAPs heightens the risk of biased decisions and corruption, with examples from other states indicating that this model may unduly favour developers.

3. **Bypassing Communities**

The legislation creates an alternative approval pathway, enabling developers to sidestep local councils and gain approval through state-appointed panels. This undermines community voices, as these panels are not made up of elected local representatives but state-appointed members, who may prioritize developer interests. This pathway enables developers to abandon the local process mid-way if it appears unfavourable, putting pressure on councils to meet developer demands.

4. Lack of Transparency in DAPs

The Tasmanian Planning Commission, responsible for the DAPs, lacks transparent selection criteria for panel members, leading to potential conflicts of interest. DAPs operate without public hearings, and decisions lack detailed written justification, making it difficult for the community to seek a judicial review.

5. Bias

Studies show that DAPs generally favour development interests and rarely engage with community concerns.

6. Facilitating Large-Scale Developments

DAPs may expedite the approval of high-impact projects previously rejected, such as the Mount Wellington cable car and large subdivisions, despite community opposition and environmental concerns.

7. Loss of Merit-Based Planning Appeal Rights

The proposed DAP model removes merit-based appeals, which allow communities to challenge decisions based on factors like environmental impact, building scale, privacy, and traffic. This review process is fundamental for community rights and the rule of law.

8. No Mediation Opportunities

By eliminating merit-based appeals, the legislation removes options for mediation through the planning tribunal, limiting avenues for constructive dialogue on contentious developments.

9. Narrow and Costly Supreme Court Appeals

The only remaining appeal pathway would be to the Supreme Court on narrow points of law, a costly option that limits community access to justice.

10. Increased Ministerial Control

The proposed framework expands the Minister's power over development approvals, creating risks of political influence and bias in decision-making, further diminishing local governance.

11. Subjective Criteria for Panel Intervention

The criteria for a project to bypass local councils are vague and subjective, allowing the Planning Minister to justify panel intervention based on broad perceptions, such as "significance" or "controversy."

12. Increased Complexity

This legislation adds unnecessary complexity to an already intricate planning system without demonstrated need or benefit.

13. Undermines community participation and local accountability

This legislation risks undermining democratic principles. I urge the government to abandon the DAP proposal and instead invest in strengthening local council capacities, ensuring a transparent, independent, and community-inclusive planning system that respects local governance, protects local jobs, and upholds the integrity of Tasmania's planning processes.

Yours sincerely,

Anne Boxhall

From: Chloe Lucas >
Sent: Saturday, 9 November 2024 5:29 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Submission on Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024

To Whom It May Concern

Re. Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024

I am writing to oppose the creation of Development Assessment Panels (DAPs) appointed by the Tasmanian Planning Commission. I am concerned that the proposal to increase ministerial power over the planning system will have a number of detrimental outcomes.

In particular, it will reduce the ability of local residents to influence the planning and development of their own neighbourhoods. Handpicked DAPs are not independent and are neither transparent nor objective. This is a pathway to corruption and loss of trust and good faith in the Tasmanian community.

Issues that matter to local communities—such as the impact on local wildlife, building height, design, privacy, traffic, and noise—would no longer be open to appeal. Instead, the only option for challenging a decision would be to go to the Supreme Court on narrow legal or procedural grounds, which is expensive and often not accessible for most people. Removing the option for merit-based appeals would lead to poorer planning outcomes both socially and environmentally, and decisions that favor developers over local communities.

The justification for these changes is weak. There is no real evidence that the planning system is broken or needs an overhaul. Only about 1% of council planning decisions are appealed, and Tasmania's planning system is already one of the fastest in Australia for processing development applications. The government's claim that the planning system is blocking housing development seems like an excuse to cover up its own failure to address the shortage of affordable housing.

Fundamentally, this draft amendment reduces democratic participation in planning at a time when research overwhelmingly points to the need for increasing opportunities for communities to participate in public decision-making.

Best wishes

Dr Chloe Lucas

From: Paul Steane
Sent: Saturday, 9 November 2024 5:17 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I read with concern of plans for local council planning processes to be fast tracked by Development Assessment Panels. It appears to sound like a good idea but the devil is in the detail, and really - is there a problem that needs this level of fix. There is already the project of state significance process that can ride over the top of councils.

1. **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Who will be on the panel, how are they selected and to whom do they answer. Are their deliberations open to the public. Property Development is an area ripe for corruption as demonstrated too frequently around the country and public accountability is paramount. How will developers access the DAP. Maybe if a council does not approve a project it is because it does not fit with the local community and the planning guidelines.
2. **I believe that 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. The government is unlikely to appoint people to a DAP who are going to replicate the council processes of consultation and quite possibly arrive at the same decision as the Council. They will want a DAP that facilitates developments and business at the expenses of local consultation.
3. **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car and others. We already have the project of state significance pathway as is being used for the proposed stadium. If a project is important enough for it to be taken out of a councils hands surely this is the process to use. Or maybe the community just does not need or want that particular idea.
4. **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** Projects that are subject to the DAP will, by their very nature be controversial. All the more important for the process to be open, accountable and open to real appeal to get the very best outcome for the community and the state.
5. **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** Think Eddie Obeid. Why would parliament go anywhere near getting involved in property development? It is not worth the risk.
6. The fact that presently councils/communities decide what development happen in their area and that sometimes developments do not go ahead does not sound like a problem that needs fixing. If it must go ahead for the sake of other bigger factors make it a project of state significance.
7. **And most important of all:**
 - 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.

8. Conclusion

I am sure you will get a lot of correspondence about the DAP process. Please think critically about the proposal and do not get side tracked on the particular development issue of the day. Councils have a good track record of planning and approving developments. Yes, the process may at times be frustrating but that is no reason to create a potential fast track process so that we are stuck with the results of poor unaccountable planning decisions into the future.

Thanks for your time & patience.

Paul Steane

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

09 November 2024

**Re: Land Use Planning and Approvals (Development Assessment Panels) Bill 2024
(the draft DAP Bill).**

I am a Meander Valley Councillor, this submission, however, is my own, and not the Council's.

The opportunity to comment on this Draft Bill is appreciated. I stand by my initial submission on the Position Paper: The proposed legislation to create Development Assessment Panels (DAPs) will not remove politics from planning, rather it will place politics firmly in the centre, with community outed. Tasmania doesn't need an alternative approval process for planning decisions; planning should remain in the hands of locally elected representatives.

The idea that this legislation is primarily to enable the fast track of social housing comes across as a ruse. It looks like smoke and mirrors that attempts to make the legislation palatable and 'feel good'. It's not just about social housing, it's about larger developments that could be controversial and/or lack support from the people who will have to live with them. It's a bit like if a child doesn't like the outcome of a decision from Mum, they go ask Dad to see if they can get a better result. The proposed bypassing of locally elected representatives removes the community's ability to have a real say. It favours developers over the community. How can that be right?

Tasmanians elect our MPs to represent us, not to laud it over us. We want to be consulted and have the right to object to developments that don't sit within our values and way of life. DAPs remove community say. They make the ability to appeal nigh on impossible. Creating more power for a State Government Minister isn't democracy in action.

Planning issues are daunting for most of us. This Government would be better off simplifying the planning process for the community instead of making it easier for developers.

The thought that a DAP and an elected MP can make decisions that will affect Tasmania for future generations, without community comment and scrutiny, is terrifying. Tasmanians are diverse in our thinking, we come from different backgrounds and experiences, this is what collectively makes us who we are. It's when all viewpoints are listened to and assessed locally that the most appropriate planning decisions can be made. And who am I kidding? Councils as Planning Authorities MUST make their decisions in line with the Land Use Planning and Approvals Act – there is little room for circumstances to dictate outcomes unless they can be hung on and backed up by this Act.

The DAPs are not democracy in action, it's not about more social housing, this is about smoothing the way for developments that don't sit comfortably with the community who will live with them. Please throw this legislation out. Scrap the DAP.

Yours sincerely

Mrs Anne-Marie Loader
BA, M App Sc

From: Diane Moncrieff>
Sent: Saturday, 9 November 2024 3:40 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Fwd: Scrap The DAP – say no to planning panels/say yes to a healthy democracy

To Members of the Tasmanian Parliament as addressed

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

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

adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely engage deeply with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **It will be significantly more easy to obtain approval for large scale contentious developments** such as the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivisions like Skylands at Droughty Point.
- **There will be no merit-based planning appeal rights** via the planning tribunal, on all the issues the community cares about, 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. 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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affordable housing shortage.

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

Say yes to a healthy democracy

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

Diane Moncrieff

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From: Rick Mecklenburgh
Sent: >
To: Saturday, 9 November 2024 3:32 PM
Cc: yoursay.planning@dpac.tas.gov.au
Subject: Scrap The DAP – say no to planning panels/say yes to a healthy democracy

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- **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 points 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 that removing merits-based planning appeals has the potential to reduce good planning outcomes - including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of *'perceived conflict of interest'*, *'a real or perceived bias'*, *'the application relates to a development that may be considered significant'* and the *'development is likely to be controversial'* is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.
 - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification - there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government blames, without any justification, the planning system for stopping housing developments to cover its lack of performance in addressing the

affordable housing shortage.

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

Say yes to a healthy democracy

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

Rick Mecklenburgh

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From: Kathleen McLaren <
Sent: > Saturday, 9 November 2024 3:01 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: No to DAP, yes to healthy democracy

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Kathleen McLaren

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From: Paula Griffiths <
Sent: Saturday, 9 November 2024 2:10 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I am most concerned by the change to planning approvals. I strongly oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

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

and a democratic system of government based on 'checks and balances'.

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

housing shortage.

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

Say yes to a healthy democracy

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

Yours sincerely,

Paula Gordo -Smith

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From: Elizabeth Chisholm <>
Sent: Saturday, 9 November 2024 1:56 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Scrap the D.A.P

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

The thought that local concerns could be ignored in favour of developers who may not be from Tasmania worries me. Also, if an assessment isn't going their way a developer could abandon the standard local council process at ANYTIME and have a development assessed by a planning panel.

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

- **Research demonstrates DAPs** 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.
- **This D.A.P would 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 UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Increased ministerial power over the planning system increases the politicisation of planning .** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
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- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
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- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and

existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and 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,

Elizabeth Chisholm

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

This submission to the State Planning Office is by Gerry Willis of .

I object to the proposal to create Development Assessment Panels under the authority of the Land Use Planning and Approvals Amendment (Development Assessment Panel) Bill 2024.

Loss of input from local councillors.

Under the current regime planning approvals are decided by local councillors. These are people who understand their community and they know what is best for the community. I have serious reservations that members of a Development Assessment Panel based elsewhere will know very much specific detail about the local environment of planning applications they are dealing with.

The Flinders Council vision for the Furneaux Islands communities is:-

A vibrant, welcoming and sustainable community, full of opportunity, celebrating and preserving our unique way of life and natural environment.

Preserving our unique way of life and natural environment is so important to this community that it has been enshrined in a formal vision. Flinders is just one of many locations where residents value their own inherent characteristics.

Local councillors are aware of this vision; they know that it drives their decision-making, withing reason, and it applies to their community. That is unlikely to happen with a centralised Development Assessment Panel.

Concern with makeup of Development Assessment Panels.

I have a concern that members of the Development Assessment Panel will lack independence when dealing with planning applications. I believe there is a shortage of suitable candidates for Panel type entities within Tasmania and that, of itself, will create problems.

In the event the Bill passes into law, and it is hoped that it does not, there should be a maximum term of appointment placed on members of the Panel. Membership of the Panel should not be regarded as a sinecure which is a view prevalent within government bodies.

Limited scope for appeals to the courts.

It looks as if appeals via the Planning Tribunal will be removed for many of the issues which are important to communities. Enabling appeals, while sometimes tedious and costly, is a vital component of planning decisions. To remove the right to appeal to the Supreme Court based on a point of law or process is really taking away rights which have been embedded in the planning system for years.

Making it easier for inappropriate developments.

Around 18 months ago a prospective developer lodged a Development Application with Flinders Council to construct tourist accommodation on one of the outer islands of the Furneaux Group. It was an inappropriate development. So much so that approximately 175 individually drafted representations were made to the local council objecting to the proposal. That is 175 in an estimated total of 800 adults in the community. The Development Application was withdrawn. My point is that the community, by a huge majority, voiced their opposition to the proposed development. It is hard to see how the creation of a Development Assessment Panel, housed far away from this community, would have made it difficult for the development to go ahead.

It follows that creating Development Assessment Panels will make it easier for inappropriate developments to be approved.

Conclusion

It would be wrong for a reader to conclude that I do not want development projects to take place within Tasmania. That is not so. It is simply that I believe we should be harmonising our developments to work with the community so that we do not destroy our native environment. I have a fear that the changes proposed by the Land Use Planning and Approvals Amendment (Development Assessment Panel) Bill 2024 will encourage inappropriate developments.

Gerry Willis,

From: Isabel Minanya <>
Sent: Saturday, 9 November 2024 1:39 PM
To: yoursay.planning@dpac.tas.gov.au
Cc: #ScrapTheDAP – say NO to planning panels- YES to a healthy democracy
Subject:

I am only just learning about this proposal and find it absolutely despicable. People have a right to a say- that is one of the things that separates us from other countries; our privilege and right to stand up for what we want in our community, not what some rich bastards want, in order to get a bit more cash in their (already overflowing) pockets. This proposal is a disgrace and as a community member, I am frankly shocked that this is even being considered.

I will be sharing this information with my friends and family and we will know, when the next election comes around, which government supports this atrocious proposal.

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Isabel Minanya

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From: terry sullivan <>
Sent: Saturday, 9 November 2024 1:24 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To All Tasmanian Parliamentarians.

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system.

I call on you to ensure transparency, independence, accountability and to enable public participation in decision-making. Daps has been shown not to follow these principles.

Particular issues that concern me are:

- It has been illustrated in other states that DAPs are pro-development and pro-government, they rarely deeply engage with local communities. It will be no different here.
- Daps remove merit-based planning appeal rights. This minimalises addressing the issues that communities care about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- In removing the merits-based planning appeal, that would be the result of Daps, the opportunity for mediation on development applications in the planning tribunal will no longer be possible.

I call on you to answer the call of the people of Tasmania and NOT endorse Daps.

Yours sincerely

Terri Sullivan

From: clare sullivan <>
Sent: Saturday, 9 November 2024 1:10 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system.

I call on you to ensure transparency, independence, accountability and enable public participation in decision-making. Daps has been shown not to follow these principles.

Particular issues that concern me are:

- It has been illustrated in other states that DAPs are pro-development and pro-government, they rarely deeply engage with local communities. It will be no different here.
- Daps remove merit-based planning appeal rights. This minimalises addressing the issues that communities care about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- In removing the merits-based planning appeal, that would be the result of Daps, the opportunity for mediation on development applications in the planning tribunal will no longer be possible.

I call on you to answer the call of the people of Tasmania and NOT endorse Daps.

Yours sincerely

Clare Sullivan

Holistic Dietitian and Yoga Therapist

"A therapeutic, whole body approach to achieving your goals for well-being."

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From: Tony Mckenny
Sent: Saturday, 9 November 2024 1:01 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Scrap the DAP

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

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

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

Say yes to a healthy democracy

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

**Yours sincerely,
Tony McKenny**

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From: Rick Caskey <>
Sent: Saturday, 9 November 2024 12:56 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To whom it may concern:

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

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

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

Say yes to a healthy democracy

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

Regards

Rick Caskey

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From: Anne Layton-Bennett <>
Sent: Saturday, 9 November 2024 12:09 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say an emphatic NO to planning panels - and say YES to the healthy democracy Tasmanians expect

To whom this concerns:

Thank you for the opportunity to make a submission about the proposed changes to planning legislation, but I strongly oppose the creation of Development Assessment Panels (DAPs), and increasing ministerial power over the planning system. Reasons include:

- ***It will create an alternate planning approval pathway that will allow property developers to bypass local councils and communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local council***

representatives. This risks local concerns being ignored in favour of developers - who may not be from Tasmania. In addition, if an assessment isn't going their way the developer can abandon the standard local council process at **any time** and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. They are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest, (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision, (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted, (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision. That is a far cry from a democratic process.
- **Research demonstrates DAPs are pro-development and pro-government.** They rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green, controversial proposals for Launceston's Cataract Gorge, and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so

much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on ‘checks and balances’.

- ***Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.***
- ***Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.***
- ***Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.*** *The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social. **These are excellent reasons why DAPs should not be considered for Tasmania.***
- ***Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.*** *The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only*

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Anne Layton-Bennett

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From: Carol Barber
Sent: Saturday, 9 November 2024 12:09 PM
To: yoursay.planning@dpac.tas.gov.au

To Whom it May Concern, I personally believe that to scrap any 'right of appeal' is going against any democratic principle. This potential process will leave the community unable to have any say in what happens to both public lands, private properties which will be controlled by government and not the legal owners. This process impedes any democratic system to do anything with your own property . Yes there has to be standards and appropriate rules to govern future builds but not at the expense of your personal democratic right to appeal which is so important.

Regards

Carol Barber

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From: Jennie Wilson
Sent: Saturday, 9 November 2024 11:45 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Jennie Wilson

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From: Laurie Miller <>
Sent: Saturday, 9 November 2024 11:29 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP

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

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

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

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.

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

Say yes to a healthy democracy

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

Yours sincerely,

Laurence Miller

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From:
Sent: Saturday, 9 November 2024 11:18 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.**
- **The Tasmanian Planning Commission is not independent**
- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
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- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**

- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.**
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.**
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Poor justification – there is no problem to fix.**
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- I call on you as a parliamentarian 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,

Georgina Haywood

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From: Susannah Hardy <>
Sent: Saturday, 9 November 2024 10:47 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.
 - A determination by Homes Tasmania that an application includes social or affordable

housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

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

Say yes to a healthy democracy

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

Yours sincerely,

Susannah Hardy

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From: Leon Joubert
Sent: Saturday, 9 November 2024 10:40 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP

The appalling incapability of the Tasmanian government to manage infrastructure planning as, for example, overwhelmingly illustrated by the recent Spirit of Tasmania debacle, completely unnecessary and wasteful football stadium on a completely impractical site, expensive suburban "high performance" centres of doubtful value to the wider community, wasteful cost and time overruns and patchwork solutions to the RHH and LGH etc. are ample proof that Tasmania's government entities and their ministers seldom have the intellectual and management capability at high political level to now be entrusted with dictatorial levels of planning management.

Moreover those offices are subject to regular changes in appointees and with differing political viewpoints, and sourced from a tiny pool of candidates with limited competencies.

Democratic controls, checks and balances are absolutely essential to guard against the typically poor management and decision making in respect of infrastructure development seen from Tasmania's politicians.

Educated and knowledgeable input from the wider community are vital to ensure efficient and sustainable long term outcomes on major expenditures that have broad community impact.

Leon Joubert

From: Geoff Fenton <
Sent: Saturday, 9 November 2024 9:53 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP

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

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

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

Say yes to a healthy democracy

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

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

I hope you are still reading, here is a story ...A man is doubled over at the front of Parliament House throwing up. A stranger comes up and puts an arm around the vomiting man. And the stranger says "I know how you feel."

We don't have to like or agree with a government but we still accept it has the right to make decisions in our name. Until, that is, we don't.

Yours sincerely

geoff fenton

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From: Christine |
Sent: Saturday, 9 November 2024 8:09 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

State-appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications instead of your elected local council representatives.

Local concerns will be ignored in favour of developers who may not be from Tasmania. If the assessment process is not favourable to them, developers can abandon the standard local council process at any time and have their development assessed by a planning panel. This may pressure councils to meet developers' demands.

The Tasmanian Planning Commission is not independent. DAPs are selected without detailed criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack the capacity to manage conflicts of interest (as per the 2020 Independent Review).

DAPs do not have to provide written reasons for their decisions, 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 favour development and government interests. They rarely deeply engage with local communities, spend most of their time on smaller applications, and take longer than local councils to make decisions.

The proposed changes remove merit-based planning appeal rights via the planning tribunal on all the issues the community cares about, 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 more.

TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on checks and balances. Removing merit-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 merit-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.

I urge you to consider these points.

Christine Bayley

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From: Jean Symes
Sent: Friday, 8 November 2024 6:31 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

I have engaged with my local Councillors on planning matters on several occasions over the last 20 years. Sometimes I was happy with the outcome, sometimes not, but each time I felt I at least had been given a chance to argue my case.

If the proposed changes go through, and my Councillors have any planning decisions taken off them, I will not feel like I've had a fair hearing by people who know the local situation and who I can speak to. I will be angry and resentful, demotivated and less likely to engage in local community activities - except the negative ones. My letters to the paper, and communications with government representatives will be cynical and irritable. I will feel like my local safety net is disintegrating, and my ability to influence important changes in my community is being undermined. I will become suspicious of rules and restrictions and will fight against them. The proposed gagging of the community will have very far reaching social impacts. Please oppose the DAPS and keep planning decisions local.

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Jean

Jean M Symes

From: Peter and Fran Hoyle <>
Sent: Sunday, 10 November 2024 11:40 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To all Tasmanian Politicians and their Advisors.

My husband and I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reason.

Democracy is precious.

The voice of the people should always be paramount

The planned changes that will allow property developers to bypass Local Councils and communities affected by unwanted developments is a threat to democracy. The proposed changes would allow people who do not live in a community and would not be personally impacted by a development to make decisions without consultation with the people who will be impacted by the decision.

Is this really the way we want to proceed? How can we encourage our children to be active in their community if we know their opinions will not be considered?

Transparency, independence, accountability and public participation in decision-making within the planning system are critical for a healthy democracy.

In the case of the proposed Truck Fuel Stop in Longford the community have consistently expressed their opposition to the proposal.

We have all ready submitted our reasons for objecting to the proposed Truck Fuel Stop to many Politicians so will not re-iterate them here, there is a greater issue at stake.

This email is a plea to all who have influence to prevent the creation of Daps and increased ministerial power to instead apply democratic principles and consider the opinions of communities and their local representatives impacted by the desires of Property Developers.

Yours sincerely,
Fran & Peter Hoyle.

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From: Isabella Bradley <>
Sent: Sunday, 10 November 2024 11:31 PM
To: yoursay.planning@dpac.tas.gov.au;
Subject: #ScrapTheDAP – don't kill democracy!!

My name is Isabella Bradley and I am writing to oppose the creation of Development Assessment Panels (Daps).

I believe a crucial part of a healthy democracy is ensuring government bodies are accountable to the people. This proposal would hamstring the communities ability to have a say in proposed developments in areas that are very important to us. I personally moved to Tasmania due to its incredible nature and wilderness. This proposal would take away my right to have a say in proposed commercial developments in the incredibly unique and beautiful natural spaces we have in Tasmania. This proposal takes away the normal checks and balances that are needed for a transparent and fair government. It gives too much power to a select group of people that are not the elected councillors chosen by the Tasmanian residents.

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.

This proposal also removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity, damage to natural spaces and access for non-commercial users to natural spaces, and scale of developments.

Furthermore developments can only be appealed in the supreme court which makes it economically prohibitive and extremely difficult for the community to appeal any decisions. This is completely destroying the ability of both elected councillors and community to have a say in how our island is developed. This seems wrong and undemocratic in my mind.

I urge you to oppose this proposed amendment and ensure proper checks and balances are kept in place to protect our beautiful island.

Yours sincerely,
Isabella

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From: Louise Brooker <>
Sent: Sunday, 10 November 2024 10:31 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #SCRAP THE DAP.

are likely to vote **against** the introduction of the Development Assessment Panels, because you realise that a panel such as is being proposed is going to be way far removed from COMMUNITY, the community who has to live with the development.

Although the decisions about development applications made by local councils are far from satisfactory at times, a panel with no local knowledge, no understanding of community values and no knowledge of cultural and natural heritage, is likely to make much worse decisions. In fact, it is likely to make decisions about development that are inconsistent with community values. Good examples would be Hall's Island, Lake Malbena and the Cable Car proposal. It seems like the government is still intent on allowing these projects to go ahead.

There is already too much influence on the government by rich people who flaunt their presumed power in order to get their own way. This undue influence reduces the integrity of government and will ultimately cause Tasmania to lose its image as a place of natural beauty.

I am not in favour of the introduction of DAP's and urge you to vote against it.

Also.....keep tourist development out of our National Parks and allow visitors to experience the power of nature.

Louise Brooker,

From: Christopher Woods <>
Sent: Sunday, 10 November 2024 9:19 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Scrap the DAP and Keep our Democratic Rights

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

- **Only about 1% of Development Applications (DAs) are rejected by Councils.** They are based on local issues so there is absolutely NO REASON for DAP panels to fix a non-existent problem. If the other 99% of DAs are passed without State Government interference, then one has to conclude this over-reach is to facilitate corruption and back-scratching with developers to the detriment of the general public. How can it be otherwise?
- **DAPs will foster corruption.** If there's a way to facilitate corruption in the State Government and to over-ride democratically elected Local Councils then a specific DAP is an obvious way to do it.
- **It will allow property developers to bypass local councils and communities.** For the Planning Minister (of whatever party) to have the politically biased power to cherry-pick which developments will be taken from Council oversight and the public's right of appeal will inevitably lead to favouritism and the high potential for corruption and mismanagement. If an assessment is not going the way the developer wants they can abandon the standard local council process at any time, even before the assessment process has ended, and have a development assessed by a planning panel.
- **The Tasmanian Planning Commission is secretive and not independent.** DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings and they fail to manage conflicts of interest (as per the 2020 Independent Review). DAPs are not transparent and do not have to provide written reasons for their decision, this provides potential for corruption to flourish. Community input will be stymied because it will be delayed until after the DAP has secretly consulted with the developer and any relevant government agencies, and adopted its draft decision out of the public eye. Why bother with a draft decision when the public has no right of appeal?
- **Non-Council involvement facilitates approval of large scale contentious and inappropriate developments.** The Mount Wellington cable car, high-rise in Hobart, and Cambria Green habitat destruction.

- **Removes merit-based planning appeal rights.** The planning tribunal is able to manage 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. It also manages traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on checks and balances. DAPs over-ride this.
- **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.** Almost all residents and community groups are not able to afford such appeals, thereby stifling valid debate and trampling our right to challenge undemocratic processes.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The proposed new DAPs are an abuse of the Land Use Planning and Appeals Act 1993 Act. We already have a process that works well and it's called Local Government. The difference is that Local Government is democratically elected with transparent decisions and rights of appeal on both sides, while the proposed DAPs are Government appointed, secretive, and appeals are only available to developers. This is dictatorship not democracy!
- **Flawed planning panel criteria.** The Planning Minister (of whatever party is in power) has political bias and can use this subjective criteria to intervene on any development in favour of developers who appear to have had a hand in this proposed legislation. This is simply not right.

Say yes to a healthy democracy

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local with appeal rights. 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. This whole DAP proposal shows just what such donations can buy. Enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

Thank you,

Christopher Woods

From: Carolyn Coates
Sent: Sunday, 10 November 2024 8:56 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – NO to planning panels and dictatorship - YES yes to a healthy democracy

I am devastated that I am even needed to support this campaign. What is going on ?? Why do we (members of the community) have to defend such basic rights as to have a transparent, unbiased, independent process to oversee planning in our beautiful state?

Who are these politicians of this time in history, that have forgotten that they work to serve the community? Whose obsession for power and control resembles more that of a dictator than a leader of a democratic civilised society?

Why are we the community, to whom politicians are supposed to serve; shut out and shut down while those with purely financial interest (developers) and egotistical, self righteous, control obsessed politicians seen to be in the best position to make such important decisions that shape the future of our beautiful island state and all those that live and visit.

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

It will create an alternate planning approval pathway allowing property developers to bypass local councils and **communities. Handpicked state appointed** planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in

favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regards, Carolyn

Carolyn Coates

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From: Eric Aalbregt
Sent: Sunday, 10 November 2024 8:05 PM
To: yoursay.planning@dpac.tas.gov.au
Cc: RE: The draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024
Subject:

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

I believe that planning should be dealt with on a local basis by our local councils.

Locals are best placed to understand the impacts any developments have on a community and there is an avenue for ratepayers to lodge objections and have input to planning amendments.

There is also an avenue for appeal.

Under the proposed amendments, these vital community considerations will be lost.

I will take notice of any party or political individual who supports this ridiculous bill and make it my mission to ensure they do not get my vote at the next election.

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

demands.

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on *'checks and balances'*.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of *'perceived conflict of interest'*, *'a real or perceived bias'*, *'the application relates to a development that may be considered significant'* and the *'development is likely to be controversial'* is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.
 - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

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

Say yes to a healthy democracy

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

Regards

Eric Aalbregt

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From: Mike Porteus
Sent: Sunday, 10 November 2024 7:53 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Scrap the DAP

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

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

and a democratic system of government based on '*checks and balances*'.

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

housing shortage.

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

Say yes to a healthy democracy

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

Yours sincerely,

Mike Porteus

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From: Chris Wallace <>
Sent: Sunday, 10 November 2024 7:43 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP

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

Please preserve our wild spaces for recreation not profit! Climbers, highliners, paragliders and bushwalkers deserve access

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

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

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
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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, Chris Wallace

From: Lee Smith <>
Sent: Saturday, 9 November 2024 1:37 PM
To: yoursay.planning@dpac.tas.gov.au

No no no

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From: Janika Humphries > Sunday, 10
Sent: November 2024 6:29 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: #ScrapTheDAP It's not a good idea!

I am a member of the Tasmanian rock climbing community and this DAP is likely to impact us in a big way. We have put in countless hours of effort (amongst all of us) to improve and support the areas in which we rock climb, and losing access to a community voice for those places will be a tragic shame.

The DAP idea is anti-democratic. We are all part of this community and so we all deserve a say in how our places are managed and accessed. I can't see a reason to implement this idea other than personal gain for those on the panel.

Hobart is a vocal community with hot topics like the cable car, stadium and uni relocation all debated publicly. This is a healthy way to go about things, forcing decisions through with a secret council hand picked with no form of appeal or community vote is a bad idea.

--

Janika Humphries

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From: Janice Romaszko
Sent: Sunday, 10 November 2024 5:46 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Say yes to a healthy democracy

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

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Janice Romaszko

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From: Linda Collier >
Sent: Sunday, 10 November 2024 5:35 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Development Assessment Panels (Daps)

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

I was deeply involved in the appeal to the 'Resource Management and Planning Appeal Tribunal in regard to the original proposed High Rise Gorge Hotel here in Launceston in 2019 by local restaurateur Susie Cai assisted by the community group 'Launceston Heritage Not Highrise'.

That Appeal was successful as the Tribunal agreed that *'the building height is not compatible with the streetscape and the character of the surrounding area'* and approval for the building was overturned.

Subsequent to this the then Launceston City Council changed, in collusion with the Developer, the then Interim Planning Law to facilitate submission of another Development Application for the Gorge Hotel which was ultimately successful.

This led to a complete loss of faith in the system by many in the community who felt the system itself was fallible and indeed corrupt with many believing that then Launceston City Council appeared to be in the pocket of the Developer.

However the basic point remains that with the current system the Community (the 'people') have the right to appeal against something that they sincerely believe is wrong and inappropriate but now it appears that the state government want to even take this right from them, ...**THIS IS MORALLY WRONG!**

I also oppose the proposed Dap's for the additional reasons:

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

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

Say yes to a healthy democracy

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

THANK YOU for reading this submission; ...I urge you to seriously consider its contents.

Linda Collier

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From: Robyn Harman <>
Sent: Sunday, 10 November 2024 5:16 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP

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

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

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

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.

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

Say yes to a healthy democracy

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

Robyn Harman

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From: janet beswick
Sent: Sunday, 10 November 2024 5:17 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Here we go again. This Governments attempt to blind side us all again really pisses me off. If it is not Commercial in confidence, Major Projects, Planning Schemes detrimental to home owners and purchasers etc introduced to remove the rights of Tasmanians to have their say over the areas in which they live here we have another underhand way to bullshit the Tasmanian public.

Perhaps we would need less developer money if this incompetent Government stopped wasting tax payer money and leaving a debt burden for future generations.

I don't believe Councils or Governments should be the sole decision makers in planning of any kind. There should be an independent body that people living in the area in question can consult with and their concerns taken into account. It would also help to have a body that oversees building regulations, plans are correctly signed off and innocent buyers aren't left in the dark over illegal builds because councils choose not to release or don't have the correct information. It would also be a place for buyers to go when left with shonky builds. Why does this Government refuse to protect home buyers, I spend much of my time dissuading people to move to this state by sharing my own horrendous experiences. This Government seems incapable of listening to the voices of any Tasmanians on any matter and this is reflected in the vote.

I might add, other parties are no better. They are intent on pursuing their agenda for their rich developer mates and nothing more.

I have now twice experienced what detrimental effects these authoritarian thoughtless regulations can have on both one's finances and mental health. There are many many others being hurt and financially damaged. But the government refuses to make changes to help people. The Ombudsman can offer some assistance but CBOS seems to be incapable of doing anything. Most people do not have spare cash for \$400 plus per hour lawyers. I could add another disgusting story here about Legal Aid but I wont.

Scenario 1. Purchase a property in Dolphin Sands. Find out two years later (though known by the council at the time) that the Cambria Green Chinese Development is on the cards. Nobody locally made aware of this huge development likely to affect their homes. Council gives no information when asked and hides behind commercial in confidence etc etc. I don't trust that this Government won't bend to their Chinese friends and declare this a Major Project in the future with people being left in the dark and with even less voice. It is bad enough that they now encourage helicopters flying all over the place which completely defeats the point of coming to Tasmania and going to a National Park to enjoy a peaceful walk in nature.

Scenario 2. Put Dolphin Sands on market. Able to purchase a property due to death of family and friends during the COVID years.

Check with council prior to signing contract. One building to check or remove. No big problem. Expect it to show up on paperwork to conveyancer. Delay in council sending paperwork to conveyancer and no checks or requests made by them . No mention of problems with other buildings on property. Get issued with enforcement notice for four buildings once sale finalised. Enforcement notice issued to vendors after sale finalised. Council employee lies to Ombudsman about what I had been told by them about property. I've never had conversation with this employee . Spent the last two years between bouts of ill health removing the four buildings. Property now up for sale. Was told by council employee that it was my word against theirs so I wouldn't be believed, All calls for help falling on deaf ears.

This is a very shortened version of players and events though some members of parliament will already be aware of aspects of this story in more detail.

Isn't it time the people of Tasmanian were given some respect and rights? The DAP will deny us even more. The Tasmanian Government needs to stop treating us like shit.

I have had more than enough of this crap. I love Tasmania as a place which why I have stayed for nearly 40 years but have reached the point of no return with its governments on all levels and once I have sold up will be out of here for ever.

Janet Beswick

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From: Sally Wayte
Sent: Sunday, 10 November 2024 4:50 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Opposition to Development Assessment Panels

Dear all hard-working Parliamentarians,

Please don't remove elected councillors (and thus local communities) from having a say on developments affecting local communities.

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

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

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

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.
 - A determination by Homes Tasmania that an application includes social or affordable

housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

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

Say yes to a healthy democracy

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

Yours sincerely,

Sally Wayte

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From: Jayne Waight <>
Sent: Sunday, 10 November 2024 4:25 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP

I am concerned that we Tasmanians are being disenfranchised by our Government hiding behind Panels, Departments, Committees so they can absolve themselves from responsibility, accountability and transparency to their electorates.

For these reasons, I oppose:

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

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

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

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

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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.

Jayne Waight

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From: Robert & Sue Pearce
Sent: Sunday, 10 November 2024 4:11 PM
To: State Planning Office Your Say
Cc:
Subject: Comments on draft Land Use Planning and Approvals Amend (Development Assessment Panels) Bill 2024

To whom it may concern,

I am disturbed by the Government's proposal to remove the existing approvals process.

Where is the accountability in the proposed decision-making process?

Why has the transparency been removed?

What is wrong with the existing decision-making process?

I believe the draft legislation is flawed due to the potential risk it poses to the robustness, impartiality and integrity of the existing planning process.

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

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

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

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

Say yes to a healthy democracy

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

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

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

Yours sincerely,

Susan Pearce

From: Sunday, 10 November 2024 3:23
Sent: PM State Planning Office Your Say
To: FW: Scrap the DAP!
Subject:

Dear Sir/Madam

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

- the effective removal of Local Government and affected communities from important development decisions
- the removal of merits-based appeal rights to the Planning Tribunal
- the poorly defined process by which DAP members will be selected and the lack of transparency about their deliberations and decisions
- the potential/likelihood that important development decisions will be heavily influenced by developers and politicians
- the lack of evidence that the current system is not delivering efficient and sound decisions

As such, 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.

Sincerely,
Christine Coughanowr

From: Dr Andrew Davidson & Dr Karin Beaumont
Sent: Sunday, 10 November 2024 3:18 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: DAPs: an affront to democracy

To Whom it May Concern,

We wish to express our opposition to the proposed use of Development Assessment Panels (DAPs) to replace the approval of developments by elected municipal councils.

Tasmania has a poor record of transparency, independence and the supporting the democratic rights of its communities. Research has shown that the Tasmania Government is the most secretive in Australia¹, has one of the weakest anti-corruption watchdogs in the nation², has failed to ban political donations from property developers to political parties³, and lacks political donation disclosure laws⁴.

These are not the attributes of political governance that inspire confidence in a process that takes development approvals out of the hands of elected Council representatives and gives them to State-appointed DAPs. DAPs enable, local concerns can be ignored in favour of developers.

It is particularly worrying that, under the proposed legislation, the community will be unable to appeal the decision of DAPs except on a point of law in the Supreme Court. This renders it a very expensive process that is restricted to extremely limited legal grounds.

The expectation that planning decisions will be made by representatives elected by the community, and that the wisdom of those decisions can be contested by the community, are fundamental democratic rights.

The progressive erosion of planning independence by the State Government has led to friction in recent years between residents/Councils and State Government. Political intervention has led to fast-tracking or promotion of projects that the local community widely deemed unwise and/or inappropriate (e.g. promotion of Mt Wellington cable car; the Chambroad development in Kangaroo Bay; tourism developments in World Heritage areas; tiny plot sizes in the Huntingfield subdivision; expanding salmon leases in Tasmania's coastal waters the list is long). Introduction of DAPs would see the community lose the opportunity to contest a development on the grounds that it is inappropriate or destructive (visual impact, height, bulk, plot density etc); impacts cultural heritage, environmental values or amenity (including within world heritage areas, national Parks or Reserves); or even that it is unsafe (e.g. to traffic or pedestrians). This is antidemocratic.

Legal advice reportedly suggests that the lack of structural independence of the DAPs is sufficient reason to scrap their introduction⁵. Together with Tasmania's poor governance structure (see paragraph 2), it is entirely plausible that their introduction will lead to changes in management plans that enable politically expedient and/or preferred developments on private property and in national parks and reserves that were established and protected under the Nature Conservation Act 1992.

We ask that you not introduce DAPs. The introduction of similar planning arrangements on mainland Australia has reportedly led to a decline in good planning outcomes, decreased transparency, increased opportunity for corruption, and less capacity to hold developers accountable via merits-based appeal of their proposals.

Yours sincerely,

Dr Andrew Davidson (Senior Research Scientist – retired) &
Dr Karin Beaumont (Marine Biologist, Tour Guide and Jeweller)

References

1. [Transparent failure — Tasmanian Government is the most secretive in Australia - Environmental Defenders Office \(edo.org.au\)](#)
2. [Tassie Corruption Body a Toothless Tiger: Research - The Australia Institute](#)
3. [Analysis: What happens next with Tasmania's political donations disclosure law? | Tasmanian Inquirer](#)
4. [Explainer: Will Tasmania finally get a political donations disclosure law? | Tasmanian Inquirer](#)
5. <https://www.pressreader.com/australia/mercury-hobart/20240327/281921663047634>

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From: John Madison >
Sent: Sunday, 10 November 2024 2:28 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Submission%20-%20Development%20Assessment%20Panel%20-%20Draft%20Bill

Dear State Planning Office,

Unlike Tas Greens and Tas Labor folk, I strongly support the proposed Development Assessment Panel Draft Bill.

I hope that the DAP reduces the level of corruption and toxic behaviour in Tas local government. It seems to me that the big money connected to planning power currently exclusively held by our local councils, is attracting not-so-altruistic folk to become councillors in local government.

I would suggest that the \$5M threshold for regional development projects to become eligible for assessment by the DAP, should be reduced to \$2.5M .

My experience with my local council very much bears out why there is such strong need for the proposed DAP. Just this year, with then Federal Housing Minister Julie Collins calling on all Australians to put their shoulder to the wheel so we can fix the housing crisis, my local council's response to this call by the Minister, was completely obstructionist. In response to my planning enquiry, my local council said maybe re-enquire in three years time regarding my housing project planning proposal.

I have also seen how Tas Greens are focused on obtaining political power as their number one priority, relegating the environment and ethics as lesser priorities. No doubt they relish the current system for obtaining planning approvals. They have little other political power in Tasmania apparent from through the local government councillors they help elect. Many of their supporters seem unconcerned with the plight of homeless instead detached from reality and instead living in a fantasy world with no financial accountability.

In view of the likely lashback from local councils towards development projects that are approved via the new DAP, it would be desirable for the State Government to monitor how local councils are dealing with such DAP-approved projects during construction and at sign-off on completion.

Sincerely,
John Madison

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

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

Submission on Development Assessment Panels (DAPs) Draft Legislation

Thank you for the opportunity to comment on the proposed Development Assessment Panels (DAPs) legislation. I oppose the DAPs framework. I think the idea is irredeemable and should be abandoned for the reasons outlined below. Please note, the views expressed herein are my own as an individual and I am not speaking on behalf of any organisation.

I am concerned that DAPs undermine democratic governance, and increase the risk of undue political influence and interference. The DAP process will increase procedural complexity, and the fact that the DAP process lacks appeal rights is a cause of enormous concern.

Ultimately, these are the main reasons why the proposed framework may actually undermine the stated objectives of the draft legislation. It is my belief that the DAP legislation will make planning matters more costly and timeconsuming, more complicated and fraught with political interference. DAPs will come at the cost of community input into planning matters.

I believe establishing DAPs would significantly change local planning processes to such an extent that local decision-making and democratic good governance will be undermined.

Preservation of Local Decision-Making and Democratic Integrity

I strongly oppose the idea that a Minister can override a Local Provisions Schedule (LPS) by directing local councils to draft amendments to their LPSs.

Local councilors are elected by their local communities. When sitting as a planning authority, Councillors have a responsibility assessing local development applications. This involvement ensures that local needs, values, and context-based nuances are at the forefront of the decision-making process.

If a DAP was allowed to hijack this process, there is a significant risk of disconnecting decisions from the local context, as DAP members will probably lack the local knowledge and accountability that councillors possess. It is that local knowledge that got Councillors elected in the first place.

Local councils are an essential component of our democratic structure. DAPs would dilute this democratic decision-making, thereby diminishing community representation in local planning matters.

An unelected panel, appointed by a highly-political Minister, does not possess the same democratic accountability that local elected officials enjoy. Therefore, DAPs will erode public trust in the planning process and make people feel like their voice doesn't matter.

As a Councillor for more than five years, I have first-hand knowledge of this issue. Many community members have told me that they don't want the power to approve or refuse planning matters to be taken away from their local elected officials.

Unelected individuals, who may not be local, may not share the same commitment to, or understanding of, a local community's values and vision for their neighbourhood.

When planning decisions are taken from councils and moved to DAPs, the democratic accountability that ensures decisions are in the best interests of local residents is undermined. From doorknocking thousands of doors over the years, I know first-hand that Tasmanians value transparent governance, particularly in decisions that shape the future of their communities.

I question how this draft Bill will protect or prioritise local input or act with the same depth of understanding that local councils offer. The cost of DAPs undermining democratic good governance is too high to justify their implementation, especially when the evidence from other jurisdictions to justify their supposed benefit has not been forthcoming.

Risk of Political Interference

The draft legislation also allows for ministerial intervention, giving the Minister power to direct local planning authorities to amend Local Provisions Schedules (LPS). This aspect of the framework raises serious concerns regarding political neutrality, as it introduces the possibility of politically motivated amendments that may not reflect the community's needs or desires. The role of the Minister in planning decisions could be

influenced by political affiliations or relationships with stakeholders, potentially compromising the integrity of the planning process.

It is a fact that politicians and political parties in Tasmania take donations. Some of these political donations come from people who own investment properties, or people who have desires to be property developers. Therefore, there is a risk that these individuals, where they have influence over politicians and political parties, could sway decisions, potentially leading to zoning changes or development approvals in sensitive areas that do not align with community wishes.

Tasmania's planning process should prioritise the interests and well-being of local communities above external pressures. In any planning process, there is always a risk of conflicts of interest skewing the impartiality of a decision, and this risk should be identified and mitigated. However, I am concerned that the DAP process would simply shift the risk of conflict from elected councillors to a Minister who may not be from anywhere near that community and therefore may not have any qualms when ignoring that community's wishes because the members of that community may not be in that Minister's constituency and so cannot vote the Minister out.

I shudder to think about a future situation where a Minister may be from a government that has taken donations from individuals who have invested in property. They may have personal friends who have property investments.

Take the example of Snug. The Local Provisions Schedule for Snug has determined zoning for Snug as a village. What if a Minister has friends who think that Snug beach would be a popular place for investors to buy apartments, similar to those apartments we see in Noosa or on the Gold Coast. A Minister could direct Kingborough Council to draft amendments for Snug to rezone it from a village to another zone more befitting that type of development.

Similarly, in Margate, large windfall gains have been made by people lucky enough to live in Margate before and after reticulated water was provided to the town, paving the way for a zoning change from low-density to general residential. I do not want to see a situation emerge where a Minister can get involved in those types of decisions, choosing who gets such windfall gains and who doesn't. The current Minister is from the North of the state, nowhere near Margate. So if the Minister makes a decision that the people in Margate detest, what are they going to do about it? They can't vote that Minister out. Whereas under the set-up, Councillors can get booted out by their local community for making bad decisions.

No planning process can ever be one hundred per cent safeguarded against the risk of perverse outcomes resulting from the influence of vested interests. The risk is currently mitigated by planning authorities declaring their perceived and actual conflicts and recusing themselves from decision-making where appropriate.

The price to pay for reducing the risk of bias should not be so costly that it strips our communities of their democratic rights, or their appeal rights, or their right to have their own local elected officials have the ultimate say in planning matters.

Increased Complexity and Red Tape

The proposed framework risks creating more complexity and delays. The draft legislation establishes new pathways and timelines, and the process of referring applications to a DAP adds procedural steps that do not exist under current council assessments.

My understanding is that the statutory timeframes outlined in the draft legislation are, in many cases, longer than those currently used by local councils, suggesting that the DAP process may actually slow down approvals rather than expedite them.

Requiring local councils to implement these policy changes and manage DAP referrals will inevitably add new layers of redtape. Therefore, the claim that DAPs will streamline planning decisions is spurious.

A simpler solution would be to enhance existing council capabilities, reducing the need for new, parallel processes that could complicate Tasmania's planning system further. The current delays that infuriate developers are mostly caused by a Local Councils have too few planning staff to handle the demand. Giving Councils more resources to expand their planning departments may help speed up processes, but creating a DAP process that bypasses Councils won't. I think the proponents of the DAPs are using the specious claim of speeding up planning processes as a smokescreen to obscure the powergrab of taking away planning decisions from locally elected officials.

Lack of Appeal Rights

The lack of appeal rights for individuals and communities in the proposed legislation is concerning. It is unfair and it will negatively impact the quality of the decisions the DAPs will make. A DAP's decisions should not be made with complete impunity.

Removing appeal rights, particularly given the unelected nature of DAPs, effectively silences communities from making decisions that affect their local amenity.

Denying appeal rights will further erode public confidence in the planning process.

Questionable Benefits for Social Housing and Public Interest Projects

While proponents argue that DAPs could expedite approvals for essential projects, such as public and social housing, there is limited evidence to support this claim.

No clear link has been provided to demonstrate that introducing DAPs would effectively advance social housing projects. In fact, the establishment of DAPs could detract from democratic principles without offering substantial or evidence-based benefits for such projects.

Moreover, prioritising social housing (an absolutely critical practical component of ensuring Tasmanians' access to housing as a human right) should not come at the cost of democratic input.

Creating more social housing in Tasmania and maintaining or enhancing democratic input into planning matters are not mutually exclusive notions.

Local councils, when sufficiently resourced and supported, are capable of facilitating socially beneficial projects without removing oversight from elected representatives.

The assertion that DAPs are necessary to expedite public-interest projects seems more like a justification for concentrating planning authority than a solution to any genuine administrative bottleneck.

Recommendations

I believe that:

1. Local decision-making authority for development applications should be retained by local councils.

2. Ministerial influence should be curtailed by ensuring that amendments to Local Provisions Schedules or planning decisions impacting communities are made only with council endorsement and public input with a fair and reasonable public consultation

period to ensure the opportunity for local community members to have their say.

3. Simplifying, rather than adding complexity should be a goal of any planning reform. If the State Planning Office or Minister has a concern about current processes for managing large or complex development applications, then Local council planning departments should be provided with better resourcing so that they can handle those issues with greater capacity.

4. Appeal rights are integral to any planning process to ensure community members retain the ability to contest a decision and participate in decisions that affect their local neighbourhoods.

5. Alternative pathways for speeding up social housing construction should be considered outside this proposed DAP framework to support social housing without compromising local oversight and democracy.

In conclusion, the proposed DAP framework risks creating a more complicated, less democratic system that weakens local governance. I think the proposal is irredeemable and not worth pursuing.

Any planning reforms should prioritise transparency, democratic accountability, and the involvement of local communities.

I call on the State Government to empower local communities to have their voices heard. The State Government should be seeking to strengthen, rather than bypass, the role of local councils in planning decisions.

Yours sincerely,

Gideon Cordover

From: Pip Jones
Sent: Sunday, 10 November 2024 1:47 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Scrap the DAP, it stinks

To Parliamentarians,

The proposed planning laws are anti-democracy, anti-transparency and will be catastrophic for ordinary Tasmanians. Transparency, independence and public participation in decision-making are critical for a healthy democracy. Tasmania is at risk of being developed to the point where we no longer recognise the values that draw us to this beautiful island. Having grown up on the northwest coast of Tassie, I spent a decade in Melbourne, where I worked to protect critically endangered grasslands from endless urban sprawl, returning to my home state in 2020 for its unparalleled natural values, wild landscapes and slower pace of life. I have lived in a caravan for the four years since moving home due to lack of affordable housing options, and I support considered and sustainable changes to approvals processes that would allow for greater housing affordability and access to infill development. What I fundamentally oppose are changes that disempower and bypass our community and elected councillors, and serve a pro-development agenda.

With these proposed changes, development applications will be approved by a non-independent authority which is not accountable to voters or the ratepayers and will not be subject to the normal checks and balances of appeal rights. It will turbo charge planning decisions made behind closed doors, increasing the risk of corruption and reducing good planning outcomes.

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

- It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.
- Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- Makes it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- Removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on 'checks and balances'.
- Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.
- Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.
- Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- Flawed planning panel criteria. Changing an approval process where the criteria is on the basis of 'perceived conflict of interest', 'a real or perceived bias', 'the application relates to a development that may be considered significant' and the 'development is likely to be controversial' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:
 - Valuations of \$10 million in cities and \$5 million in other areas.
 - A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Pip Jones

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From: Geoff Dodd <
Sent: Sunday, 10 November 2024 1:43 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I am writing to you as a Tasmanian and on behalf of my family here in Hobart covering three generations.

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

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

demands.

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Geoffrey Dodd