

Revised LUPAA Development Assessment Panels Bill 2025

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

Subject: Protect our rights & our voice - #SCRAPTHEDAP
Date: Thursday, 17 April 2025 1:54:26 PM

Dear Members Tasmanian Parliament,

We wish to lodge this submission with regard to the proposed 2025 revised Development Assessment Panels legislation.

We feel really concerned for the kind of Tasmania that will emerge from the process proposed in the legislation which may lack transparency and bypass or override the democratic rights of Tasmanians and our elected local Councils, for the benefit of developers - even when it is clear that the majority of citizens rightly fear or object to a proposal and, sadly, lose their trust that the Parliament's main objective is to do the best thing by the community as a whole.

Below, we are adding our voice to that of many people who have expressed their reasons for objecting to the DAP legislation using greater skills and knowledge than we personally have:

The [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version and fails the community entirely—granting the Planning Minister excessive power to override local councils, silence community voices, and fast-track controversial developments—even in our World Heritage Areas & National Parks. There will be no right for the community to appeal the final decision to the planning tribunal. All the community will be able to do is comment on a development application and maybe attend a hearing— there will be no real power to stop inappropriate developments.

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

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

expensive.

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

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

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

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Yours sincerely,
Kay and Chris Harman

Ref: 13/026/013

17 April 2025



State Planning Office
Department of Premier and Cabinet
GPO Box 536
HOBART TAS 7001

By email only: haveyoursay@stateplanning.tas.gov.au

To Whom it May Concern,

Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2025

Thank you for the opportunity to provide a submission on the draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2025 (the draft DAP Bill).

The Northern Midlands Council considered this matter at its meeting of 14 April 2025 and resolved to make the following submission.

Consistent with its responses of 28th November 2023 to the Position Paper and 11th November 2024 to the draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024, the Northern Midlands Council remains concerned that the Development Assessment Panel framework is an unnecessary process that is not guaranteed to achieve the intended outcomes but rather disrupt the current assessment processes that are largely working well.

Consistent with objective 1 (c) of the Resource Management and Planning System of Tasmania **to encourage public involvement in resource management and planning**, the following is recommended regarding section 60AH¹.

Section 60AH (1) (b) (ii) needs to state that the documents and information are or will be available at the premises of the council of the municipal area in which the application is proposed specified in the notice.

Section 60AH (1) (c) needs to also legislate that a copy of a notice under paragraph (b) is to be provided to all occupiers of properties adjoining the land to which the application relates.

Section 60AH needs to also legislate that the Development Assessment Panel is to ensure that a notice under paragraph (b) is advertised in a daily newspaper circulating generally in the area relevant to the application.

Section 60AH needs to also legislate that the Development Assessment Panel is to ensure that a notice under paragraph (b) is displayed on the land that is the subject of the application –

P.O. Box 156
Longford Tas 7301

Telephone (03) 6397 7303
Facsimile (03) 6397 7331

www.northernmidlands.tas.gov.au

- (i) In a size not less than A4; and
- (ii) As near as possible to each public boundary of the land that adjoins land to which the public has access.

Should you have any questions, please do not hesitate to contact me, by email planning@nmc.tas.gov.au or by phone

Yours sincerely,

Paul Godier

SENIOR PLANNER

ⁱ 60AH. Exhibition of applications

(1) Within 14 days after the expiry of the

period specified in section 60AF(2) in respect of an application, the Assessment Panel is to –

(a) prepare a draft assessment report in relation to the application; and

(b) ensure that an exhibition notice is published that specifies, in relation to the documents and information specified in paragraph (d) –

(i) the day on which the exhibition of the documents and information is to commence; and

(ii) that the documents and information are or will be available for viewing by the public during the exhibition period at the premises specified in the notice; and

(iii) that the documents and information may be downloaded by the public from the website specified in the notice; and

(c) provide a copy of a notice under paragraph (b) to all property owners who own land adjoining the land to which the application relates; and

(d) ...

Submission Re Development Assessment Panels proposal for Tasmania
15th April 2025

This proposal is not advantageous to the environmental sustainability of Tasmania and its indigenous plants and animals. It will allow vested interests, those unaware of the value of biodiversity and ecosystems, to continue the rampant destruction of Tasmania's natural assets. Those who stand to gain from hasty and thoughtless development do not have or want the mindset to preserve corridors and remnant vegetation so vital to preserving native species. Nature must be given a value in the economy. It provides free services to human society – clean air, clean water, carbon sinks, pollution absorption, new soil, climate change mitigation and essential vegetation among thousands of benefits. Decisions must be made with care and with the big picture and the wider implications of development considered. All stakeholders – the whole community - have a right to have their say in a democracy.

I do not support the proposal on the basis of the poor consultation, weak business argument and divisive nature of the proposed bill.

I quote Mayor Tucker: "This new process does little to support proponents, all it does is add further layers to an already complex planning system and require the duplication of administrative and technical functions to a planning workforce in local and State Government already under significant pressure," .

Further, the legislation will not deliver the claimed efficiencies and will take the voice of local communities to an all-time low in determining the future importance of careful development which fosters Tasmania as a liveable and beautiful state into the future.

Yours sincerely,
Annabel Richards BA Dip Ed (Geography)

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

Subject: Protect our rights & our voice from this undemocratic process – #SCRAPTHEDAP
Date: Thursday, 17 April 2025 4:47:09 PM

Democratic process matters and the 2025 revised DAPS legislation is still as undemocratic as the previous unsuccessful 2024 version DAPS legislation.

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

Yours sincerely,

S. Lafferty

File No: << File Number>>
MO

Your Ref: DAPBILL_2025_V1

16 April 2025

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

CC: haveyoursay@stateplanning.tas.gov.au

Dear Sir/Madam,

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

The City of Launceston again welcomes the opportunity to provide feedback on the revised draft *Land Use Planning and Approvals (Development Assessment Panels) Bill 2025*. We acknowledge that the draft 2024 bill previously commented on in its various iterations was tabled in Parliament in November 2024 but was not passed by the Legislative Council. Since, the State Planning Office have prepared a revised 2025 version of the DAP bill with some modifications and clarifications from previous iterations.

It is acknowledged and appreciated that the concerns raised in Council's previous written feedback on the Position Paper and draft DAP Bill 2024 have been somewhat incorporated in the revised 2025 version, however non-support for the proposed DAP framework remains. Below are comments that reinforce our existing concerns raised by Council, as well as some additional concerns identified with changes that have been made following the preparation of the revised draft DAP Bill.

Role of Council as a planning authority

As consistently noted in all previous feedback and to emphasise again, City of Launceston's elected councillors are fully aware of their responsibilities as a planning authority and have performed effectively in this role for many years.

It is acknowledged that there may be some situations where the democratic pretension or the local preference of a Council may take precedence over their role as a planning authority, however existing appeal pathways are available, in the form of TasCAT or the Tasmanian Planning Commission, to review and amend certain planning decisions if determined necessary.

Applicable development applications criteria

It is acknowledged that the eligibility criterion for a discretionary permit application to be determined by an Assessment Panel has been slightly amended in the revised DAP Bill, with increased financial thresholds identified as the main change.

It is also further acknowledged and appreciated that the opportunity for an applicant to directly request the Minister to direct the Commission assess a 'controversial' application through DAP has been removed in the revised DAP Bill.

However, concerns remain with the opportunity for an applicant to request the Minister in relation to an application of local or state 'significance'. As previously noted, this is subjective term that are not clearly defined in the draft DAP Bill, leaving the potential for conflicted interpretations between an applicant, local council or State government.

Further concerns are raised with the opportunity for an applicant to request the Minister if they do not believe the relevant planning authority has the 'technical expertise' to assess the application. This again leaves another provision open to interpretation from all stakeholders, further complicating the assessment.

It is recommended that clear guidelines are provided up front as part of the revised DAP Bill for Councils to consider and allow for constructed feedback on how 'significance' and 'technical expertise' can be appropriately defined.

Appeal rights

It is acknowledged that further clarification has been provided as part of the revised DAP Bill 2025 that the DAP can "use alternative dispute resolution techniques when making a determination and trying to resolve issues between parties". These alternatives resolution techniques have been outlined as explicit provisions within the revised DAP Bill to give greater certainty to aggrieved parties.

Although it is appreciated that this is implicit in the Commission's proceedings and would be carried over into the DAP framework, we are of the view that determinations made by DAP should be subject to a TasCAT (or a higher independent body) appeal rights regardless of intended outcomes, allowing a recourse for errors or oversights made through the process.

Referral process and timeframes for DAP

It is acknowledged and appreciated that the revised DAP Bill has removed the opportunity for an application to be referred to a DAP partway through the assessment process. As noted in our previous feedback, this amendment would assist with resources being effectively used and to provide transparency to all stakeholders.

However, concern remains with the assessment times retained within this revised version of the DAP Bill as they are still too long and are counter-intuitive to 'speeding up' development approvals.

Ministerial direction to initiate a planning scheme amendment

As previously noted, it is acknowledged that Section 40C of the *Land Use and Planning Act 1993* (the Act) currently permits the Minister to direct a planning authority to initiate a draft planning scheme amendment relating to specific criteria.

However, the revised draft DAP Bill and its supporting documentation still fails to address the connection between amending Section 40C of the Act relating to planning scheme amendments and operation of a DAP that considers discretionary planning applications. It is again recommended that a further and separate consultation process on amendments to Section 40C of the Act for planning scheme amendments should be undertaken with stronger justification than what is currently provided.

Fee recovery for Council

The draft DAP framework has the potential to be resource intensive for local councils acting in their role as a planning authority from both a financial and staffing perspective. It is acknowledged that Section 60AP of the draft DAP Bill 2025 prescribes that fees payable will be outlined in the regulations, however it does not clearly articulate how full cost recovery for Councils can be actioned to assist in reducing the burden. It is recommended that the provisions of the proposed regulations for fees and the like to be provided for comment and feedback.

In summary, opposition to a proposed DAP framework, even in this newly modified form remains. However, we welcome the opportunity to provide further feedback if the DAP bill is further modified, during any consultation on the proposed regulations and/or any additional feedback relating to planning matters as required. Any comments in relation to this letter can be directed to Chelsea van Riet, Executive Leader Community Assets and Design.

 **Sam Johnson OAM GAICD**
Chief Executive Officer

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Thursday, 17 April 2025 4:54:25 PM

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

Yours sincerely,

Vija Hughes

From: [Jill Cassidy](#)
To: [State Planning Office Your Say](#)
Subject: CM: Scrap the Dap - retain our democratic rights
Date: Thursday, 17 April 2025 5:23:58 PM

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I write to voice my strong opposition to the 2025 revised DAP legislation. The Development Assessment Panels (DAPS) would take decisions out of the hands of elected councillors and give them to state-appointed planning panels, with the minister having ultimate control. This means local developments will not be assessed by local people with local understanding of the issues. A hallmark of our democracy will thus be undermined.

The loss of hearings open to all members of the public and the reduction in the rights to appeal are of particular concern. Surely all citizens should have the right to voice their opinions in a public forum, and later to appeal government decisions on whatever grounds concern them. And if DAPs don't have to provide written reasons for their decision-making their deliberations will be much less transparent than is currently the case.

The whole reason for bringing in the DAPs is clearly to make sure the government - and developers - get what they want without pesky citizens having a say. Too often they would lead to a loss of democratic accountability and poor planning. The fact that it is ultimately the minister who decides whether to have a development assessed by a DAP gives them extraordinary power with little or no public oversight. The Tasmanian Planning Commission *may* issue guidelines to assist with applying the eligibility criteria, but there is no requirement for the Minister to follow them but only to 'consider' them.

Transparency and democratic rights must be maintained and this proposed legislation abandoned.

Your sincerely,

Jill Cassidy

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Thursday, 17 April 2025 6:51:11 PM

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

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

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

NOTE: The scope of the DAPs includes a range of other subjective factors that

are not guided by any clear criteria:

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

Yours sincerely,

Mark Cloutier



17 April 2025

Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001
Via email: yoursay.planning@dpac.tas.gov.au

To Whom it May Concern

Re: Draft Development Assessment Panel – Draft Bill 2025

The East Coast Alliance Inc. appreciates the opportunity to comment on the Land Use Planning and Approvals (LUPAA) (Development Assessment Panels) Bill 2025, out for public comment until COB 24 April 2025.

The East Coast Alliance Inc. (ECA) is a community organisation that supports sustainable planning and development initiatives that protect and enhance the irreplaceable social, cultural, environmental and economic characteristics of the East Coast and communities across Tasmania.

The ECA strongly opposes the Tasmanian government's proposed introduction of Development Assessment Panels (DAPs). The ECA is deeply concerned about the impact this alternate development assessment and approval process would have on large-scale developments such as Cambria Green through removing merit-based planning appeal rights and the community's right to have a say, and through the bypassing of local government as the Planning Authority.

LUPAA (DAP) Bill 2025 Version 2

The ECA notes, while there have been some amendments, the LUPAA (DAP) Bill 2025 Version 2 is not materially different to the previous LUPAA (DAP) Bill 2024 Version 1.

We also note the government allowed only seven days from the close of consultation on the LUPAA (DAP) Bill 2024 Version 1 to the time it was tabled in parliament. This demonstrates a lack of respect for the significant number of councils and individuals who made the effort to send in submissions. We question whether the government had any intention at all to consider, let alone respond, to the feedback provided.

Removal of merit-based planning appeal rights

This second iteration of the Bill maintains the undemocratic removal of the opportunity for the community to appeal a final DAP decision to the Tasmanian Civil and Administrative Tribunal (TASCAT). Elected councillors will not have a say over the approval of a development.

The Tasmanian people have the right to care deeply about their home. The community should be encouraged to be involved in decisions that impact where they live, work and play and that affect their amenity and wellbeing. This includes the ability to appeal DAP decisions on planning merit grounds.

Ministerial power

Particularly relevant and concerning to the ECA is the broad, overreaching power the proposed DAP process delivers to the Minister for Planning, and the (mis)use of that power to support a broad range of development proposals. There are no strict guidelines or comprehensive decision-making criteria to guide or limit the Minister's powers. The Minister's decision to take control is subjective, personal and cannot be challenged – there is no obligation to obtain independent, expert technical or other advice.

This includes future iterations of the Cambria Green proposed East Coast development. Should the Planning Authority refuse a planning scheme amendment, the Minister has the power to instruct that Planning Authority to initiate a planning scheme amendment. This was challenged in Version 1 of the Bill, but the power has been retained unchanged in Version 2.

The alleged problem with Local Council Planning Authorities lacks proof

The ECA disputes the government's assertion the Local Government sector is inefficient with regard to planning approvals and assessments, and constrains development. The evidence shows:

- Tasmanian planning approvals are the fastest in the nation.
- Only 1% of development applications in Tasmania go to appeal.
- Over the past six years, the Tasmanian Planning Commission (TPC) refused an average of 10% of planning scheme amendments that had been approved by the relevant council ie councils are more likely to approve a development than the TPC.
- In 2022-23 there were 21 full appeals and TASCAT agreed with the council's original decision 71% of the time.

As per Version 1 of the DAP Bill, the 11 April 2025 [media release](#) from LGAT states all Tasmanian councils have rejected the Development Assessment Panel Bill (now Version 2).

The media release emphasised the fact – as above – that the existing development assessment process is the 'fastest in the country'. The release stated: 'This new process does little to support proponents, all it does is add further layers to an already complex planning system and require the duplication of administrative and technical functions to a planning workforce in local and State Government already under significant pressure.'

The ECA notes this means DAPs impose a financial burden on local councils. While DAPs bypass the Planning Authority, councils are still required to be part of the process and undertake significant administrative tasks with no recourse to cost recovery as per current planning applications.

Challenging the government line that DAPs 'take the politics out of planning'

Local politics are a key, longstanding component of our democratic processes. They provide local communities with opportunities to become involved in issues that matter to them and to have the democratic right to question and challenge local planning decisions. Most importantly there are currently effective avenues for appeal. DAPs will remove those critically important merits-based planning appeal processes.

The government repeatedly infers that government-appointed (ie *not* independent) Panel members 'take the politics out of planning' by taking planning decisions away from local councils. As eminent UTAS Professor David Adams stated in an opinion piece in The Examiner on 16 October 2024, in response to this assertion: 'I was confused by the proposition that local politics were apparently about local politics ...'. In his experience, backed by research, DAPs in other jurisdictions 'take the local out of local', are overwhelmingly skewed towards development, and rarely engage with the community when assessing development applications.

DAPs in Tasmania are proposed for *both* public and private land

Of great concern to the ECA is the proposal by the state government to expand DAPs to public land, not just to development applications on private land. That means, if legislated, Development Assessment Panels (and the Minister for Planning) will have decision-making power over proposed developments in Tasmania's precious World Heritage Areas, National Parks and public reserves. The community would again be removed from the process, and have no opportunity for merit-based planning appeals.

Conclusion

The ECA believes Councils must retain their role as a Planning Authority to ensure local representation and appeal rights remain with their community. Local communities must be heard and have the right to comment on planning issues and developments proposed for their local government area. We acknowledge local council decisions are not always universally welcome in their community – this is democracy in action.

For the aforementioned reasons, the ECA strongly disagrees with replacing Planning Authorities by DAPs. Significant negative experiences in other states involving such panels are now well-documented: currently in NSW, for example, Councillors of all political affiliations have united to criticise the NSW planning system, expressing their own frustrations at being effectively excluded from planning decisions that affect their local areas.

Further criticism of DAPs has been levelled by the NSW Independent Commission Against Corruption (ICAC) – ICAC recommends the expansion of merit-based planning appeals as a deterrent to corruption.

The ECA urges the government and all elected members of Parliament to refuse the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025. We believe DAPs are not designed to be transparent, procedurally fair, comprehensive nor independent.

Kind regards



Alcuin Hacker
President
M:

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

Subject: CM: Urgent Concerns Regarding the Revised 2025 Development Assessment Panels (DAPs) Legislation
Date: Friday, 18 April 2025 12:17:34 AM

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Subject: Urgent Concerns Regarding the Revised 2025 Development Assessment Panels (DAPs) Legislation

To the Honourable Members of the Tasmanian Parliament,

I am writing to express my strong opposition to the revised 2025 Development Assessment Panels (DAPs) legislation, which I understand is currently under consideration. While I appreciate the efforts to address concerns raised regarding the previous iteration, it is my firm belief that the proposed changes are insufficient and the legislation retains fundamental flaws that will undermine our local democratic processes and potentially lead to poor planning outcomes for Tasmania.

The creation of Development Assessment Panels (DAPs) represents a significant departure from established planning principles and poses a direct threat to the ability of local communities to shape their own futures. My key concerns are outlined below:

*** Erosion of Local Democracy and Community Input:**

The proposed DAPs establish an alternative approval pathway that allows property developers to bypass the scrutiny and input of our elected local councils and the communities they represent. This "fast-track" system effectively removes the voice of local residents from decisions concerning significant and often contentious developments. Instead, handpicked, state-appointed panels, operating under the Tasmanian Planning Commission, will hold the authority to approve developments, potentially disregarding local knowledge and concerns in favour of developers who may have limited connection to our state.

*** Lack of Independence and Transparency:**

The independence of the Tasmanian Planning Commission in appointing DAP members is questionable. The selection process lacks detailed

criteria and objective processes, raising concerns about potential bias. Furthermore, the operation of DAPs is inconsistent with the principles of open justice. They do not conduct public hearings, limiting community access and scrutiny. The lack of a requirement for DAPs to provide written reasons for their decisions further hinders transparency and makes it difficult to seek judicial review. The proposed consultation process, occurring behind closed doors with developers and government agencies before community input is sought, diminishes the effectiveness of public participation.

*** Evidence of Pro-Development Bias and Inefficiency:**

Research from other jurisdictions suggests that DAPs tend to be pro-development and pro-government. Their engagement with local communities is often superficial, and evidence indicates they can take longer than local councils to process applications, contradicting the stated aim of efficiency. The implementation of DAPs in Tasmania risks facilitating the approval of large-scale, controversial projects, potentially against the wishes of local communities.

*** Removal of Merit-Based Planning Appeal Rights:**

A particularly concerning aspect of this legislation is the removal of merit-based planning appeal rights through the Tasmanian Civil and Administrative Tribunal (TASCAT) on crucial issues such as biodiversity impacts, building design (height, bulk, scale, appearance), streetscape impacts, effects on neighbouring properties (privacy, overlooking), traffic, noise, smell, and light. The TASCAT review process is a vital component of the rule of law and provides essential checks and balances within our democratic system. Removing this avenue for appeal eliminates the opportunity for mediation and limits challenges to the Supreme Court based solely on points of law or process, which are often narrow and prohibitively expensive for individuals and community groups. This significantly disadvantages the community and potentially increases the risk of corruption and poor planning outcomes, as highlighted by the NSW Independent Commission Against Corruption.

*** Increased Ministerial Power and Potential for Politicisation:**

The proposed legislation grants the Planning Minister significant and unchecked power over the planning system. The Minister will determine if a development application meets the broad and undefined DAP criteria and can even force the initiation of planning scheme changes when a local council has rejected an application. This politicisation of critical planning decisions, such as rezoning, creates a heightened risk of biased and potentially corrupt decisions. The vague eligibility criteria for DAP assessment, including (i) perceived conflict of interest, or (ii) if the application may be considered significant, provide the Minister with extraordinary and arbitrary power to intervene in virtually any development.

*** Lack of Justification and Increased Complexity:**

The claim that DAPs are necessary to address inefficiencies in the planning system is not supported by evidence. Tasmania's planning system is already one of the fastest in Australia, with a very low percentage of council decisions going to appeal, many of which are successfully resolved through mediation. Introducing DAPs will only add unnecessary complexity to an already intricate system.

*** Insufficient Changes in the 2025 Legislation:**

While some minor amendments have been made to the previous legislation, these changes do not address the fundamental flaws. The retention of broad and undefined eligibility criteria, despite the

removal of "controversial" projects, still grants the Minister excessive power. The increased dollar value thresholds will not significantly limit DAP applications, as projects below these values can still be eligible under other subjective criteria. The introduction of mediation within the DAP process lacks clear guidelines and does not provide the same level of protection and rights as the established TASCAT system.

In conclusion, the revised 2025 DAPs legislation fails to adequately address the serious concerns raised regarding the previous version. It continues to undermine local democracy, reduce transparency and accountability, and risks leading to poorer planning outcomes for Tasmania.

I urge you to prioritise a healthy democracy by ensuring transparency, independence, accountability, and genuine public participation within our planning system. I call on you to reject this flawed legislation, retain decision-making at the local level with robust appeal mechanisms, and instead invest in strengthening our existing local government planning system through increased resources, enhanced community engagement, and improved planning expertise. Furthermore, I believe it is crucial to strengthen our democratic processes by prohibiting property developer donations to political parties, enhancing transparency in Right to Information processes, and establishing a strong and independent anti-corruption watchdog.

Yours sincerely,
Dr Petra Heil

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

Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Friday, 18 April 2025 3:22:12 AM

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I strongly oppose the proposed DAP , which would represent another blow to democracy

Bénédicte Graham

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Friday, 18 April 2025 6:01:00 AM

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

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

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

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

- 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,

Veronica Andrews

From: [Sebastian Burgess](#)
To: [State Planning Office Your Say](#)
Subject: CM: Objection to creation of DAPs
Date: Friday, 18 April 2025 6:42:19 AM

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Dear Sir/ Madam,

Thank you for the opportunity to voice my informed opinion on the proposed creation of Development Assessment Panels (DAPs). Whilst Tasmania's planning system isn't perfect, existing processes are not 'broken' and in need of fixing by adopting DAPs - particularly since they will reduce expert and community input and rights of appeal. Giving the Minister of the day greater powers with few guiding criteria will further reduce democratic decision making and politicise Tasmania's planning processes, especially for contentious proposals which should have greater scrutiny, not less.

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

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

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

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

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

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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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- Increases complexity in an already complex planning system. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

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

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

Subject: CM: Voicing my opposition to 2025 DAPs Bill
Date: Friday, 18 April 2025 6:51:55 AM

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Dear Sir/Madam,

I am writing to express my deep concerns with and opposition to the 2025 revised DAPs legislation.

I oppose the creation of Development Assessment Panels (DAPs) and an increase of ministerial power over the planning system.

The proposed changes to the planning approval pathway will sideline local governments and silence local communities in favour of commercial interests of developers. Bestowing extraordinary ministerial power over the planning system will politicise planning and risks corrupting the process.

I find the concept of DAPs an outrageous attempt at undermining the democratic right of the people of Tasmania to have a say about whether and how our precious natural, scenic and social assets can be exploited for private gain.

The current planning process may not be perfect, but it works effectively and delivers a good balance of economic development and asset preservation. The current planning process has shaped 'Brand Tasmania'—we want to keep it that way, not ruin it.

In the interest of a planning system that is fit for Tasmania I call on you to:

1. abandon DAPs
2. ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy
3. keep planning decision-making local

4. retain opportunities for appeal of planning decisions
5. provide more resources to councils and enhance their planning capacity and community participation
6. reduce opportunities for corruption of the planning process by prohibiting private developers from making donations to political parties
7. create a strong anti-corruption watchdog

Yours sincerely,

Romy Greiner

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Friday, 18 April 2025 10:00:49 AM

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Good morning

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

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

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

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

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

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

quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

Yours sincerely,

Natalie Hedington

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From: [Joshua Lindsay](#)
To: [State Planning Office Your Say](#)
Subject: CM: Please vote against this proposed legislation
Date: Friday, 18 April 2025 11:13:10 AM

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Please protect our planning system, and our state, from these proposed changes.
Thank you.
Joshua Lindsay

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

Subject: CM: Opposition to new DAP
Date: Friday, 18 April 2025 11:22:56 AM

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I'm opposed to proposed Development Assessment Panels (DAPs) for the reasons below:

- Communities and local councils should have a say on developments. Having DAPs without council or local community representation is untenable.
- DAPs do not hold open hearings, or provide reasons for decisions.
- There will be a tendency for DAPs to favour Government thinking. Governments have shown their inability to manage laws, bio-security and land management satisfactorily throughout the state for the last 4 decades (e.g. Invasive weeds, rubbish disposal, habitat decline).
- Greater ministerial bias and political involvement in planning decisions when the Minister gets the "wrong" answer from a local council. It would be very easy for the Minister to argue a project is eligible for the DAPs.
- Local planning decisions are mostly approved. It would be better for the Government to work with councils to find ways to help speed up decisions rather than make the decisions.
- DAPs are likely to be challenged in courts due to their contentious nature and will lead to community dissatisfaction and drawn out processes.
- The previous DAPs legislation has already been rejected by parliament - this new one is little different.

Finally let the people have a say via their close representatives at council.

For a better Tasmania

Russell Horton

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

Subject: CM: Opposition to proposed DAP legislation
Date: Friday, 18 April 2025 12:12:48 PM

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I oppose the creation of Development Assessment Panels and increasing ministerial power over the planning system. There has been no significant change to the 2025 revised DAP legislation from the 2024 version. The 2025 version retains all the flaws of the 2024 version which was refused by the parliament.

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

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

Should legislation be passed, developments would only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive. This again would effectively exclude constituents/residents from the decision making process.

Local councils and their constituents must retain the democratic right to have a say in what happens in their community. 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.

Yours faithfully,

PL Vertigan

From: [Estelle Marjorie Ross](#)
To: [State Planning Office Your Say](#)
Subject: CM: Submission re Development Assessment Panels
Date: Friday, 18 April 2025 12:43:16 PM

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SUBMISSION TO STATE PLANNING RE DAPS APRIL 2025

Thank you for the opportunity to comment on the proposed Development Assessment Panels (DAPS)

I am horrified that you wish to take planning approvals away from local councils. They are highly qualified and know which developments would be suitable and those that would not for their own areas. At present there is the opportunity for community consultation and rights of appeal. However, all this democratic process would be removed should DAPS be introduced.

Highly contentious developments could be rammed through both on public and private land with no rights of appeal.

Furthermore, the Planning Minister will have the ability to decide if a project meets DAP criteria, regardless. Just imagine how this power could be abused?

The Legislative Council has already voted against this proposal and I respectfully request that it should not proceed.

Estelle Ross

Estelle Ross

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

Subject: CM: Definitely Oppose Development Assessment Panels
Date: Friday, 18 April 2025 12:52:17 PM

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

Dear Members of Parliament

We write to express our disappointment that Parliament intends to introduce Development Assessment Panels. We strongly oppose these panels as they are just another step in taking away the rights of every day Tasmanians. Bypassing local councils and favouring developers can only lead to more lack of clarity around governmental decisions, and consequently the potential for corruption of the political process is greatly increased, and once again, trust in the system will be decreased.

Yours sincerely

Margaret ad Neville Wilson

From: [Chris King](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com; u;

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Friday, 18 April 2025 12:57:41 PM

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Dear Members

I fully support the following statement from the Planning Matters Alliance Tasmania.

My personal viewpoint is that this legislation is just a further step down the road towards the secretive, police state style of government which is in favour with our major political parties. I used to believe that I lived in a democracy but that illusion has been shattered in recent years. Please do not support this draconian legislation.

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

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

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

- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

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

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

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Say yes to a healthy democracy

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

Yours sincerely,

Chris King

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Friday, 18 April 2025 1:02:51 PM

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

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

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

- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
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Say yes to a healthy democracy

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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 Eade

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

Subject: CM: Objection to Proposed Development Assessment Panels
Date: Friday, 18 April 2025 1:24:07 PM

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Friends of the Great Western Tiers kooparoona niara Inc. is opposed to the proposed Development Assessment Panels (DAPs). We are concerned that they would facilitate inappropriate developments in the Great Western Tiers and adjoining Central Plateau. Property developers often manage to influence politicians to support their proposals. The approval of proposals for developments affecting our precious natural environment should be subject to detailed scrutiny by communities including local councils and environmental NGOs. Appeals against inappropriate developments on reserved public land are already very time and resource consuming as demonstrated by the recent appeals against the proposed Lake Malbena fishing development. The DAP process would make it even harder for conservation NGOs to defend the natural environment.

We agree with the well considered critique of the DAPs compiled by Planning Matters Tasmania, as set out below.

Sincerely

Laurie Goldsworthy

President

Friends of te Great Western Tiers kooparoona niara Inc.

www.greatwesterntiers.org

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

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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 the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the

Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.

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

Say yes to a healthy democracy

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

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Friday, 18 April 2025 1:42:16 PM

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Dear Sir/Madam,

We are deeply troubled by the revised DAPs legislation. It is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws from that previous version. Moreover there is little wrong with existing system, even though it fails to satisfy all parties all the time. The fact however is that it is fair, open to scrutiny and decisions are able to be appealed. This new proposal removes many rights from all citizens, whilst appearing to favour certain others - and organisations.

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

The lack of transparency surrounding the framework is concerning :

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

Research clearly shows DAPs are pro-development and pro-government. They rarely engage with local communities in any meaningful manner.

The community will no longer have planning appeal rights via the planning tribunal on important issues such as:

- * impacts on biodiversity,

- * height, bulk, scale or appearance of buildings,
- * impacts to streetscapes, and adjoining properties including privacy and overlooking,
- * traffic, noise, smell, light, and so much more.

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

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

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

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

Thank you.

Diane Moncrieff and Richard Mecklenburgh

From: donaldsnodgrass87@gmail.com
To: [State Planning Office Your Say](#)
Subject: CM: Proposed Development Assessment Panel legislation; objection
Date: Friday, 18 April 2025 2:01:40 PM

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Dear Sir or Madam

I object to the proposed Development Assessment Panel (DAP) legislation.

The Minister's reasoning in promoting the legislation is fallacious. He has stated the legislation will:

- Create construction industry employment opportunities for Tasmanians. The reality is that the construction industry is not short of employment opportunities for Tasmanian residents.

Many current construction works both housing and large scale are stalled by slow material delivery and a lack of qualified labour. Both the current Bridgewater Bridge replacement and the Royal Hobart Hospital K Block works were forced by a lack of suitable Tasmanian resident labour to employ labour resident interstate or overseas. K Block construction employed labour resident in China to fix plasterboard and the Bridgewater Bridge replacement employs New Zealand resident labour. The employment of interstate and international labour on those works is consistent with my professional construction experience in Tasmania. A lack of qualified Tasmanian resident labour required works on which I played a role to employ labour resident in New Zealand, NSW, Victoria and South Australia. There is no shortage of opportunity in the construction industry for Tasmanians.

- Speed project approval and certainty. The reality is that over 90% of complying development applications submitted to the Hobart City Council are approved within the required time frame.

In addition:

- The DAP legislation does not include oversight. The Minister is the ultimate approving authority leaving Tasmanians vulnerable to the most egregious developments imaginable to suit the Minister's political agenda.
- The proposed financial threshold development applications would be required to meet before qualifying for DAP treatment is so low that even medium density home unit proposals would be removed from local government oversight.
- The DAP legislation shuts local residents out of the approval process of proposals that have the greatest impact on their lives.

I reiterate my objection to the proposed Development Assessment Panel (DAP) legislation.

Thank you

Don Snodgrass

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

Subject: CM: Submission Opposing Development Assessment Panels (DAPs) Legislation
Date: Friday, 18 April 2025 4:15:51 PM

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In 2019 I was closely involved, through the Community Group Launceston Heritage Not Highrise, in an appeal against a proposed high rise hotel in Launceston to be known as the 'Gorge Hotel'.

The initial Development Application for the proposed hotel was successful and approved by Launceston City Council.

The approved Development Application was subsequently appealed against to then 'Resource Management And Planning Appeal Tribunal' (RMAPT) by a nearby resident, at their own **considerable** expense.

Much to the angst of Launceston City Council and the developer the resident's appeal was **successful** and Launceston City Council's approval for the Development Application was subsequently overturned by the Tribunal. Launceston City Council then, in close conjunction with the developer, subsequently amended the appropriate Planning Scheme to facilitate construction of the planned hotel and encouraged the developer to submit a new Development Application which the developer did.

The new Development Application was, under the revised Planning Scheme, approved by Launceston City Council.

Although in this particular situation the residents Appeal was ultimately unsuccessful the most important fact to remember is that an ordinary citizen had the '**Right of Appeal**' including the right to make written submissions, attend hearings as well as make verbal submissions.

...what was brought in to question was the depth of collusion between the developer and the Launceston City Council raising the question of the credibility and integrity of both however the '**Right of Appeal**' existed and it is absolutely essential it so remains!

Further to the above I have many other areas of concern with the proposed change commencing with fact that the [2025 revised DAPs legislation](#) is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I oppose the creation of Development Assessment

Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

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

mediation on development applications in the planning tribunal.

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

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

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

THANK YOU for taking the time to read this submission which is sincerely appreciated; ...I look forward to learning of the outcome of the proposed changes.
Kind regards,

Jim Collier

From: shirleyhaas5@bigpond.com
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Friday, 18 April 2025 4:31:28 PM

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This Bill is an assault on democracy and will further tarnish the government's record. It will also tarnish Tasmania's reputation. It represents a descent into autocracy.

We don't want a stadium which will be a blot on a potentially magnificent strategic site and will a billion dollars away from essential services. We don't want the AFL dictating what we can and can't do.

The future of national parks should not be jeopardized with inappropriate private developments.

If we are to remain a democracy, please hear our voices.

Christopher Haas

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

Subject: CM: No to Development Assessment Panels
Date: Friday, 18 April 2025 6:05:17 PM

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Dear Ministers and Legislators,

I would like to take this opportunity to tell you I strongly oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system. The supposedly revised legislation is in fact not much revised at all, therefore my opposition towards it is still the same. It is extremely disappointing and quite frankly arrogant to try to push this legislation through again after it was heavily criticised and rejected last year.

I am very worried the DAPs will erode democracy even further and create an alternate planning approval pathway, whereby property developers, people/businesses with a lot of money can bypass local councils and communities. Research shows DAPs are pro-development and pro-government and they rarely thoroughly engage with local communities. Plans will be approved without the approval of the local community and having sustainable practices at heart.

Giving state-picked appointed planning panels the power to decide on development applications and not our elected local council representatives in collaboration with the community is a terrible route to propose. Planning decisions need to be made with local independent expert knowledge: hydrologist, economist, engineer, ecologist. The DAPs have the opportunity to completely ignore local sentiment in favour of developers who may not even be from Tasmania and mostly only look for profit at the cost of the community and natural environment. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability.

DAPs will likely encourage developers who know their planning assessment might create roadblocks from the community, to abandon the local council process and have the development assessed in turn by the DAPs, hereby overriding local council's authority.

Much more beneficial would be to put more funding towards local council's expertise and create transparency in the planning process, so councils can make collaborative decisions with the community in the best interest of our current and future world. Keep decision making local, rather than bypassing it.

Please stop the DAPs and instead invest in local government expertise 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.

Hand-picked panels, without detailed selection criteria and objective processes, are not consistent with the principles of open justice. Open justice would mean holding public hearings and the capacity to manage conflicts of interest. As it stands DAPs do not have to provide written reasons for their decision, which makes it difficult to seek judicial review. Appallingly, community input will be an afterthought as the community won't be consulted till the DAP has consulted with the developer and any relevant government agencies behind closed doors and adopted its draft decision.

DAPs go against an honest, collaborative, local approach. A local approach of liveable, sustainable communities need to be encouraged by local councils, not top-down big projects by big business, which removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'. The planning system as it stands now is not stopping housing developments. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.

Increasing Ministerial power over the planning system increases bias and risks corrupt decisions based on the party in power. Planning decisions are extremely important and influence all of the communities lives, this should not be put in the hands of a few in power.

Changing an approval process on the basis of '*perceived conflict of interest or bias*', '*a development that may be considered significant*' is fraught. This clearly involves biased opinions. On top of this, 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, but there is no requirement to mention the amount of social or affordable housing. This could very well end up still having this kind of housing ignored.

Finally, to create a sustainable future for Tasmania I would like to 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, create a strong anti-corruption watchdog and for the protection of our life-giving environment, tighten environmental regulation.

Yours sincerely,

Petra Wilden

From: Anne Hildyard
To: State Planning Office Your Say
Cc:

Subject: OM: Submission - Protect our rights & our voice - #SC24/THEMAP
Date: Friday, 18 April 2025 10:30:44 PM

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I am a 69 yr old resident who has lived all my life in Tasmania and I'm angry that the Liberal Government is making plans to take away my right to voice concerns over developments in my community and to diminish our councils' power to make decisions over developments on public and private land, particularly on reserved land. Our national parks and state reserves are key to the character and culture of Tasmania and I wish to maintain my democratic right to have a say in protecting our "Gem State".

I am opposed to having in place a small board of people who were not democratically voted in by the public, making the decisions about planning developments. The proposed DAPs would be just that. Why is this a necessary change? As far as I am concerned we have a perfectly good system in place. Our community's voice should never be undermined by governments: more voices heard means less chance of corruption. Erosion of democratic rights is what angers me most of all.

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

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

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

- Valuations of \$10 million in cities and \$5 million in other areas.
- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- Poor justification – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- Increases complexity in an already complex planning system. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Friday, 18 April 2025 10:50:58 PM

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

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

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

- via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.
- Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.
- Rather than removing merits-based planning appeals the NSW ICAC [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.
- 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. It also increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.
- Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

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

2025 legislation not significantly changed

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

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

Say yes to a healthy democracy

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

Yours sincerely,
Kate Shield

From: [Kim Philips-Haines](#)
To: [State Planning Office Your Say](#)
Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Saturday, 19 April 2025 7:06:53 AM

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Subject: Submission to Scrap the DAP - Protecting Tasmania's Unique Environment and Community

To whom it may concern,

I am writing to express my concerns regarding the proposed Development Assessment Panel (DAP) as a business owner in the Tasmanian tourism sector. Our region is renowned for its pristine environment, rich cultural heritage, and vibrant local communities, which are pivotal not only to our identity but also to the success of businesses like mine.

The introduction of a DAP threatens to bypass the voices and expertise of our local councils and communities. These are the very bodies that understand the delicate balance required to maintain our unique environment and the needs of our residents. As someone who directly benefits from the natural beauty and community spirit of Tasmania, I am deeply concerned about the potential negative impacts of large-scale developments that may not align with our values.

The charm and appeal of Tasmania lie in its sustainable approach to development and tourism. Rapid and unchecked developments could risk damaging our landscape, thus affecting our tourism appeal and the sustainability of local businesses. It's vital that any development undergoes thorough scrutiny with input from both community members and local governing bodies.

I urge decision-makers to consider the long-term effects of sidelining local voices. We need a model that involves genuine community consultation and respects the democratic processes of our local councils. The preservation of Tasmania's unique environment and the well-being of our communities should be of the utmost importance.

Thank you for considering this submission. I hope that together, we can ensure that Tasmania remains a place where both nature and community flourish in harmony.

Kind regards

Kim Phillips-Haines
Leven River Cruises,
Coastline Tours Tasmania

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Saturday, 19 April 2025 1:11:07 PM

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I 100% agree with the following statements and am enthusiastically forwarding them onto you as my own personal submission against the DAP.

In addition, as a voting resident of Tasmania, I am sick to death of having to constantly fight against the greed and corruption (financial, environmental) of individuals and 'developers', trying to take away our way of life, and everything that brings joy, security and wonder about this rare place on earth we call home.

What right do they - or YOU as representatives of the people - have to do that? None.

--

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

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

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

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

strategic planning.

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

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

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

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

2025 legislation not significantly changed

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
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- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.

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

Say yes to a healthy democracy

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

Yours sincerely,

lucy

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

Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Saturday, 19 April 2025 1:35:07 PM

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Submission - Draft Development Assessment Panel - Draft Bill 2025

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

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

- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
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- **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. We need to protect the ability of people to make appeals, rather than moving the other way.**
- **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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- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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affordable housing. For example, it could be one house out of 200 that is affordable.

- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
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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, to enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

Yours sincerely,

Lois Hoffmann

From: [Katie F](#)
To: [State Planning Office Your Say](#)
Subject: CM: Submission on Draft LUPA Amendment (Development Assessment Panels) Bill 2025
Date: Saturday, 19 April 2025 2:12:43 PM

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Dear Sir/Madam,

I am an educated resident and ratepayer of Tasmania in my mid thirties. I am writing to strongly oppose the Draft LUPA Amendment (Development Assessment Panels) Bill 2025.

This Bill has not changed in a substantive way from that introduced and rejected last year, and which did not have community support (evidenced by the approx 500 submissions on it of which 92% opposed it). The Bill would introduce Development Assessment Panels (DAPs) and erode of community appeal rights in development decisions.

Such legislation would severely curtail the right of community and their elected councils to have a voice in shaping their local spaces, amenities and the ambience that such things bring to a local area. It is communities and their local representatives who know and appreciate the nuances of local geography, community values, interests and land-use priorities. Their voice is not only valuable but vital.

Planning decisions which effect a community without being made by their representatives, without adequate opportunities for their input, and without facilitating affordable access to judicial review are simply undemocratic. A move to a DAP system would undermine the very essence of our Tasmanian society's values. Elected representatives please - be strong, do not be one who moves our society and country in that direction.

The proposed changes do not seek to fix problems with the current system. The statistics show that only 1% of the 12,000 council-made decisions are appealed annually, and of that 1% approximately about 80% are successfully mediated, with only 20-30 going to the Tribunal and only 6-8 of the 12,000 overturned. Further, the statistics show Tasmania has fast timeframes for planning decisions compared with other states. Ask yourself, why is the Tasmanian Government really seeking changes?

They are simply seeking a round-about way to wrest control of a handful of decisions in order to push their own agenda, without concern for the people of our communities or the democratic essence of planning processes.

I implore every elected representative - consider the above and oppose the introduction of Development Assessment Panels and the erosion of community appeal rights.

Further to the above:

DAPs are hand-picked, without detailed selection criteria and objective processes. 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 would make it easier to approve large scale contentious developments and would remove merit-based planning appeal rights via the planning tribunal on the issues our community cares about like impacts on biodiversity; height, appearance of buildings; impacts to streetscapes, traffic, noise, etc. This would remove the opportunity for mediation on development applications in the planning tribunal. Developments would 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 critical planning decisions. Eligibility criteria for DAP assessment are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.

This Bill would be a step in the wrong direction for our Tasmanian community and society.

Please oppose the Draft LUPA Amendment (Development Assessment Panels) Bill 2025.

Yours sincerely,

Katie Fuller.
LLB (Hons)
B. App. Sc.

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

Subject: CM: Submission: DAPs not democratic
Date: Saturday, 19 April 2025 2:33:28 PM

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities so local communities impacted by development have no way of exercising their democratic right.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Local concerns will be ignored in favour of developers who may not even be from Tasmania and could be International Companies.
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision. A DAP process is blatantly designed to fast track developments that the government knows are not welcome to the people of Tasmania and thus has been designed to directly disempower local communities.
- **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, wasting time and money in the process.

- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development. The legislation was refused by the parliament in 2024!! but the government will not give up because they want what they want regardless of due process. The Government should adhere to the parliamentary process and not have so little respect for democracy!
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The **Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on 'checks and balances'**.
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.** The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning, is dictatorial and encourages corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be

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

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.
- **2025 legislation not significantly changed** The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
- Removal of the option for the minister to transfer a development pathway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.
- The dollar value thresholds have been increased to \$10 million and above in metro areas and \$5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

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,
Maureen Corbett

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

Subject: CM: Scrap the DAP
Date: Saturday, 19 April 2025 3:17:27 PM

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To Whom it May Concern,

I have written to you all on this matter last year before the DAPs legislation was revised, and it seems that very little has changed, so I will go through the reasons briefly why I don't support the formation of Development Assessment Panels and the increasing of ministerial power over the planning systems.

My overarching objection is I believe that we must **preserve democracy and democratic processes at all costs**. I have no desire to live in a state where democratic principles are compromised by misuse of power, by one or a few individuals as we are observing in other parts of the world at the moment.

- property developers should not be able to bypass local councils, their elected representatives and communities.
- DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public. This immediately raises alarm bells; what are they trying to hide?
- DAPs will make it easier to approve large scale contentious developments; which is presumably why the architects of this scheme are pushing for this anyway.
- DAPs removes merit-based planning appeal rights; **merit** being the operative word.
- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions. We have all seen this before..eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.

Apparently there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia.

So what is this really about? I suspect it is an attack on democracy, an attempt to push through unpopular and poorly planned developments so that a few individuals can make a quick profit out of our state.

Therefore I urge you not to pass this contentious and unnecessary legislation.

Thanking You,
Carol Bristow

From: [Malcolm Roslyn Saltmarsh](#)
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: 2025 Revised DAPS Legislation - #SCRAPTHEDAP
Date: Saturday, 19 April 2025 5:29:37 PM

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Dear Sir/Madam,

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

We have in existence a decision making pathway with an elected local council and access to the community's right to merits planning reviews of decisions by TASCAT. Neither TPC panels nor courts provide an adequate substitute for TASCAT merits review. This risks diminishing public confidence in the exercise of government power and undermining the rule of law in Tasmania. Only about 1 per cent of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia in determining development applications.

Institutional checks and balances lie at the heart of our system of government. This proposal gives the minister massive and unchecked power to remove developments from the normal planning process when it suits him. There is a distinct danger that developers will be provided with an assured pathway to get big controversial projects approved that cuts out councillors, removes appeal rights and ignores local community concerns. We in the community deserve a pathway to expressing our concern. We are not "nimbies": we are concerned citizens.

Yours truly,

Malcolm & Ros

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

Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Saturday, 19 April 2025 6:26:47 PM

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The changes made to this draft legislation do not have any significant practical impact. **It is as bad as it was before.**

It is absolutely inimical to good planning and is quite unnecessary. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of even that small number of appeals are resolved via mediation. The Government (and, it appears, the opposition) wants to falsely blame the planning system for stopping housing developments in order to cover its lack of performance in addressing the affordable housing shortage, and for unsuccessfully trying to push through unpopular, inaccurately costed and contentious developments such as the Macquarie Point development, the cable car, UTAS and high rise buildings which do not comply with planning schemes. (National Parks are in the government's sights next for development, so clearly the DAPS are just the prelude to this.) How we would regret losing our merits based planning process now we know that independent expert assessments of proposed developments such as the Gruen Report can simply be cast aside in favour of unqualified panels which are beholden to government and which will to carry out the government's wishes behind closed doors. Why else would they be appointed? Where is the transparency? Where is the public input which has been a feature of a proper planning system since the 1980s?

The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws which I have previously expressed concern about remain. It remains the case that there is no problem that requires fixing. Meddling with the current open and transparent arrangements are so obviously 'political' and so very susceptible to corruption - particularly in the absence of a corruption watchdog - when property developers or other interest

groups donate to political parties. And even more so when the 'major' parties form a 'coalition' to force through inappropriate developments which Tasmanians largely oppose and will ultimately pay for and regret.

I am pleading with Members of Parliament to do the right thing and reject this draft legislation completely.

Yours sincerely

Lindi Wall

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

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Saturday, 19 April 2025 6:38:35 PM

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Dear Sir/Madam,

I am writing to oppose the 2025 Revised DAP legislation. This legislation is very similar to the legislation which failed to pass the Upper House in 2024 and I am very surprised that such similar legislation is being tabled so soon.

There are many reasons for my opposition but the main ones are as follows:

The DAPs represent an alternative planning pathway which bypasses local council and while I might not always agree with decisions made by Kingborough Council I can at least lobby them before a decision is made and choose not to re-elect them if necessary. The DAP process would make it much more difficult for local concerns to be heard.

The Liberal Party says DAPs will take the politics out of planning but the Planning minister of the day will have huge power over which developments are assessed by the DAP process which is potentially highly political

The DAPs remove merit based planning appeal rights via the tribunal and this is where community concerns such as scale, height, density etc are addressed. It also removes the right to mediation via the tribunal and from personal experience this can be a very useful way to reach a compromise solution.

My other concern is that there is really no need for this legislation. The justification of needing to speed things up and cut red tape does not hold up when only about 1% of the approximately 12000 council planning decisions go to appeal and Tasmania's process is the fastest in Australia.

Please do not vote for this legislation. All the Local Councils around Tasmania don't want it and neither do I and many of my fellow citizens.

Yours sincerely
Anne Parrott

From: t_jones@netspace.net.au
To: [State Planning Office Your Say](#)
Cc:

Subject: CM: Protect our rights and our voice - #SCRAPTHEDAP
Date: Saturday, 19 April 2025 8:01:03 PM

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Greetings,

In my view the [2025 revised DAPs legislation](#) is as problematic as the 2024 version that was refused by the parliament. The creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, should NOT proceed for the following reasons:

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

DAPs proven bias: 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.

- **Easing Contentious Approvals:** DAPs will make it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- **Removal of Checks and Balances:** Removes merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Increasing legal costs:** 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.
- **Politics over Community:** Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning

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

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

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

- Valuations of \$10 million in cities and \$5 million in other areas.
- A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.
- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

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

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

-

Healthy democratic processes:

- 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.
- **No political donations from property developers:** I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

Yours sincerely,

Tim Jones

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Saturday, 19 April 2025 8:26:16 PM

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

It will stink of **corruption**

The peoples **democracy** is being withered away with such a proposal

The minister is **not qualified** to make such decisions

Lets take a breath and look at the example of the spirit of Tasmania debarkle.

Incompetence and a flop that will cost Tasmanians for decades. Government ministers should be ashamed of themselves.

Further the AFL stadium. No public consultation and smells of corruption.

Shame to those who back such an absurd legislation (DAP) that will divide Tasmanians and breed corruption.

What a shocker of a proposal and 100% should be thrown out with the trash when it pops up its ugly head.

truthfully

Paul Carswell

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

Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025 Protect our rights & our voice
Date: Sunday, 20 April 2025 7:55:07 AM
Attachments: [2.png](#)

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Hello,

I am disappointed to have to write to you all again and have to point out things about this legislation which should be obvious to you all.

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

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

delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision. Why no accountability to the public? The reason we have a process that is accountable is to make sure it represents the community, not the political desires of an individual party. This feels very Trumpian.

- **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **DAPs will make it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the proposed UTAS Sandy Bay campus re-development. If developments are worthwhile they will be approved by the current system. Not everything is of state significance. Local issues matter to the community.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal. But big brother knows best right?**
- **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. This is using the judiciary, which is already overwhelmed for a function it was not intended to arbitrate on.**
- **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. But, we have never found any forms of corruption in Tasmania right?
- **Increased ministerial power over the planning system increases the**

politicisation of critical planning decisions such as rezoning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning. If it smells like Trump and looks like Trump, you know you are just giving it a new haircut and pretending it's not a comb over.

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers. You are meant to be custodians of our future not pushing through developments for short term gains.
- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

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

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

Say yes to a healthy democracy stop the creep towards a Trumpian future.

- 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.

All the best

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

Subject: CM: Scrap the DAP
Date: Sunday, 20 April 2025 9:19:43 AM

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To members of the House of Assembly and the Legislative Council,

I am totally opposed to DAPs Legislation. It has key flaws and it is absolutely inappropriate that the minister will have increased, unchecked and arbitrary power over the planning system.

It is appalling that developers will have an approval pathway that will allow them to bypass local councils and communities. Any controversial and destructive development will have a process which allows them to proceed with local concerns being ignored and worse without an appeal process being available.

The Tasmanian Planning Commission will NOT be independent. The process will NOT be transparent.

This absolutely will undermine democracy, increase corruption at all levels, it will reduce good planning outcomes, and it will favour developers and “mates” of politicians, and as well, it takes away the ability of communities and individuals to object and speak out without a ridiculous legal approach.

I don't understand what the problem is with the existing system. It works well and only a very small number of planning designs go to appeal. If the system is not 'broke' why change. So the question is - who benefits and why - and that leads me to the problem of lack of transparency and the risk of deals done and the potential of corruption. This of course leads to the issue of property developers and donations to political parties which should be prohibited.

Thank you for your attention to my many concerns regarding this legislation and I hope that you will act in accordance with transparency, accountability and good governance.

Yours Sincerely,

Stephanie Kensitt

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

Subject: CM: Please SCRAPTHEDAP
Date: Sunday, 20 April 2025 10:16:33 AM

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

- Local concerns will be ignored in favour of developers who may not be from Tasmania. The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.
- DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review).
 - Research demonstrates DAPs are pro-development and pro-government.
 - DAPs remove merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- DAPs will result in 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.
- 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.
- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

- Poor justification – there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation.
- Increases complexity in an already complex planning system. Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

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

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

Say yes to a healthy democracy

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

Jenna Tomlin

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

Subject: CM: SCRAPTHEDAP
Date: Sunday, 20 April 2025 11:44:15 AM

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

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

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

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Say yes to a healthy democracy

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

Yours sincerely,

Ian Helmond

From: [Trudi Disney](#)
To: [State Planning Office Your Say](#)
Cc: planningmatterstas@gmail.com; craig.farrell@parliament.tas.gov.au; ninomatterstas@gmail.com;

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Sunday, 20 April 2025 12:17:32 PM

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Dear politicians.

I am writing to express my opposition to the creation of Development Assessment Panels and increasing ministerial power over the planning system. In any case, the revised DAP legislation is not significantly changed from the 2024 version that was refused by the parliament.

The DAPs will allow developers to bypass councils and local communities, allowing decisions to be made by non-elected non-independent members.

Experience on the mainland has shown they favour developers and reduce good planning outcomes.

Decisions will not be transparent and there will be limited routes of appeal or mediation..

They will make it easier for contentious developments to proceed despite community opposition.

Extraordinary power will rest with the minister who decides which developments will be assessed by a DAP.

This is all undemocratic.

A better alternative would be to provide more resources to current planning processes. Having been through a planning process myself, for some simple additions, and having experienced lengthy delays and unnecessary costs, having in-house council stormwater assessment and some building surveyor-equivalent services would be a start.

Yours sincerely,

Trudi Disney

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

Subject: CM: DAPs Legislation
Date: Sunday, 20 April 2025 12:40:49 PM

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Scrap the DAP!

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

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

- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.**
- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. Poor justification – there is no problem to fix.**
- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- 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 want a democratic place to live in, one that allows justice and fairness to all.

Yours sincerely

Yabbo Thompson (Ms)

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

Subject: CM: South Hobart Sustainable Community's response - Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025
Date: Sunday, 20 April 2025 1:46:17 PM
Attachments: [2025-04-20 SHSC response to the DAP Bill 2025 \(version 2\).pdf](#)

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Dear Minister for Housing and Planning, the Honourable Felix Ellis, MP,
(cc-ed to all Members of Tasmania's Lower and Upper Houses)

RE: Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025 (version 2)

We write on behalf of our membership and active community to respond to the above proposed legislation, which we strongly oppose.

In this regard, we support the **Local Government Association Tasmania (LGAT)** and its membership of all 29 Tasmanian councils, and their call to "put our communities first".

We support their Media Release statement, "Local government rejects the State Government's updated Development Assessment Panels", as published on the 11th April 2025 (<https://www.lgat.tas.gov.au/news-and-events/latest-news/media-release-local-government-rejects-the-state-governments-updated-development-assessment-panels>). Our community stands alongside LGAT, 'ready to work with the Government on the planning reforms that will support our growing local communities.'

We also support **Planning Matters Alliance Tasmania (PMAT)** as a member organisation and agree with their in-depth appraisal of the currently proposed 'Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025' (i.e. version 2) of this legislation.

We applaud the Members of the Upper and Lower Houses who voted against the predecessor to this legislation late last year and we trust that you will hold on to your positions this time.

We support all Members of the Legislative Council and the House of Assembly who may vote against this undemocratic and unnecessary legislation.

We submit herewith our representation for your consideration (please see the attached .pdf document).

We trust this helps you reconsider your planning priorities for the greater good of the people and the long term benefits for this great state.

We are happy to be contacted by email at [s](#) to clarify anything within this submission.

Yours sincerely,



Ben Clark

Facilitator,
South Hobart Sustainable Community

and

Tim Williams

Convenor,
South Hobart Sustainable Community Planning Group



<http://www.southhobart.org/>
secretary@southhobart.org
ARBN: IA10232
ABN: 217 591 029 81

20th April 2025

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

Sent by email to: haveyoursay@stateplanning.tas.gov.au

Dear Minister for Housing and Planning, the Honourable Felix Ellis, MP,

RE: Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025 (version 2)

We write on behalf of our membership and active community to respond to the above proposed legislation, which we strongly oppose.

We support Planning Matters Alliance Tasmania (PMAT) as a member organisation and agree with their in depth appraisal of the currently proposed "2025 / version 2" of this legislation.

We were pleased that the "2024 / version 1" of this legislation was voted down in the Upper House late last year and believe that the amendments currently proposed do nothing to improve or respond positively to the reasons for this rejection.

Please find below the key reasons for our views on this important matter and we trust that you will understand why we do not agree with this legislation as it stands. May we request that the State Planning Office provide a written response to each of the following concerns?

1. The 2025 revised Development Assessment Panels (DAPs) legislation is not significantly changed from the 2024 version and retains all the key flaws. Thus, we are joining with all progressive communities and all 29 Councils (i.e. all Members of LGAT) across Tasmania to maintain our full opposition to the 2025 DAPs Bill.
2. The draft legislation empowers the Planning Minister to remove assessment and approval of developments from the normal local council process and have it done by DAPs.
3. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.
4. There will be no right for the community to appeal the final decision to the planning tribunal.
5. The criteria being considered would enable virtually any development, except for industrial and mining developments regulated by the EPA, to be taken out of the normal local council assessment process and instead be assessed by DAPs, including developments already refused such as the kunanyi/Mt Wellington cable car, high-rise buildings in Hobart and new developments including large-scale subdivisions such as the 'Skylands' development at Droughty Point and the UTAS proposed re-development.
6. The Planning Minister would also have new powers to instruct councils to commence planning scheme changes, but perversely, only when a local council has rejected such an application.
7. The 2025 DAPs legislation will provide a new, fast-tracked DAP process to provide a permit for developments on both private and public land including World Heritage Areas, National Parks and Reserves. We understand that the government also intends to introduce two other pieces of new legislation. 1) to provide fast-tracked approvals under the National Parks and Reserves Management Act for developments in reserved land, and 2) Another Bill that will remove/limit appeal rights.



<http://www.southhobart.org/>
secretary@southhobart.org
ARBN: IA10232
ABN: 217 591 029 81

We trust that a second rejection of this proposed Bill will be the end of the matter as we see it as untenable, undemocratic and pro-development without due process or protections regarding our unique natural environment and the long-term interests of the people of Tasmania.

We support a healthy democracy, and in this regard we call on the Minister 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 to keeping the cost of development applications down.
- Prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.

We trust our submission is clear, but please feel free to contact us via secretary@southhobart.org if you wish to clarify anything.

Yours sincerely,

Ben Clark
Facilitator,
South Hobart Sustainable Community

&

Tim Williams
Convenor,
South Hobart Sustainable Community
Planning Group

Attachment:

Submission by South Hobart Sustainable Community Incorporated



<http://www.southhobart.org/>
secretary@southhobart.org
ARBN: IA10232
ABN: 217 591 029 81

Submission by
South Hobart Sustainable Community Incorporated,
in collaboration with other members of Planning Matters Alliance Tasmania

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

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

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

- Poor justification – as detailed above, there is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage. This is a key point – consider moving up the list of dot points.
- The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and potentially destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications; not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.



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- The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes. DAPs are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies and adopted its draft decision.
- Research based on experience in other Australian states, demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- DAPs will make it easier to approve large scale, contentious developments like the kunanyi/ Mount Wellington cable car, high-rise in Hobart, 'Cambria Green' and high-density subdivision like 'Skylands' at Droughty Point and the proposed UTAS Sandy Bay campus re-development.
- The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on 'checks and balances'.
- DAPs remove merit-based planning appeal rights via the planning tribunal on issues the community cares about, including impacts on biodiversity; height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more.
- Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.
- Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.
- Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. The NSW Independent Commission Against Corruption recommended¹ 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 say² they favour developers and undermine democratic accountability. Mainland research³ demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.
- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

¹ <https://www.icac.nsw.gov.au/media-centre/media-releases/2012-media-releases/icac-recommends-changes-to-the-nsw-planning-system-to-minimise-corruption-risks>

² <https://www.smh.com.au/national/how-unelected-faceless-men-and-women-keep-approving-nsw-developments-20210804-p58ftv.html>

³ https://d3n8a8pro7vhmx.cloudfront.net/edonsw/pages/2998/attachments/original/1467777537/EDO_NSW_Report_-_Merits_Review_in_Planning_in_NSW.pdf?1467777537



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

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

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

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

Ben Clark
Facilitator,
South Hobart Sustainable Community

&

Tim Williams
Convenor,
South Hobart Sustainable Community
Planning Group

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Sunday, 20 April 2025 2:24:19 PM

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

Michael Brian Roberts

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Sunday, 20 April 2025 2:28:27 PM

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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?

2025 legislation not significantly changed

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

Anna Maria Roberts