

Draft LUPAA Development Assessment Panel Bill
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From: Robert Pearce <
Sent: Sunday, 10 November 2024 1:24 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Scrap the concept of Development Assessment Panels (DAP)

To whom it may concern,

I am horrified by the Government's proposal to remove the existing approvals process. Currently we have a system where Developers are held to account and are required to explain their proposals directly to the affected community.

This is a system that has served the entire community well and has held those trying to overstep the hurdle of reasonableness to account for their proposed actions.

The existing process comes with minimal cost and is not weighed down with unnecessary bureaucracy.

When inappropriate developments are proposed there are steps that the community can take.

If that is all thrown away there will be cries for individual parties to be held accountable. The current workload of the Integrity Commission is apparently unmanageable so how are the empowered parties under the new regime going to be held to account.

In the proposed system who is going to ensure that all the Planning Panels and Developers act properly.

Where are the rules and governance requirements as without those and the proposed ability to make decisions without documented reasons, all the components of natural justice will simply be thrown out.

It is ill-conceived and lacks the detail to ensure ongoing system integrity and as such it must be rejected.

The proposal to establish a system of Development Assessment Panels is manifestly absurd.

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

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

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

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Robert L Pearce

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From: Stuart Pengelly>
Sent: Sunday, 10 November 2024 1:22 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – no to planning panels.

Dear Parliamentarians,

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.**
- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review).
- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus 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.
- **Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.**
- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.**
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.**
- **Flawed planning panel criteria.** Changing an approval process where the criteria is on the basis of '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*' and the '*development is likely to be controversial*' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications.

- **Increases complexity in an already complex planning system.**

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*'.

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,

Stuart Pengelly

From: Martin Dore
Sent: Sunday, 10 November 2024 12:21 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

. The proposal is un-democratic, taking control out of the hands of local councils. Councils will have no effective say in regards to projects proposed for their areas as a result the voices of those who know the proposed area in question the best and who represent locals is taken away. Two examples in the South arm area are the proposal to allow a private jetty that would have allowed much more traffic on a road [Dorans Rd] that was not fit to carry such traffic without a major upgrade at the expense of the State. Although the proposal was defeated at local council level the danger now lies in the possible use of land in private

hands with no guarantee that public access will be created over private land.

Historically the States failure to ensure public access to beaches in the past has been a significant failure and only the right of local Councils to highlight such ongoing failures is likely to see these failures addressed, further:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
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corruption, but councillors from across the political spectrum [say](#) they favour developers and undermine democratic accountability. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social.

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
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- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania’s planning system is already among the fastest in

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Martin Dore

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From: Calista anderson
Sent: Sunday, 10 November 2024 12:06 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Adding my name to #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Hello,

I'm Calista.

I live in , I've lived in Tasmania my whole life. I've been voting for the last 19 years and I have some opinions!

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

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

- **The Tasmanian Planning Commission is not independent** – DAPs are hand-picked, without detailed selection criteria and objective processes, are inconsistent with the principles of open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision. This is fraught and I can see how this will favour the interests of people with power, who want more power and money, and do not respect sustainability, nature, and conservation.
- **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. As I've mentioned I seriously worry that any DAPS generated are with the vision to create MORE development and lack consideration for the environment. Where will the spokesperson be for the environment?
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
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There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

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

Say yes to a healthy democracy

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

Yours sincerely,

Calista

From: Roy Bradstreet
Sent: Sunday, 10 November 2024 12:03 PM
To: State Planning Office Your Say
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

WHAT HAPPENED TO DEMOCRACY!!!!

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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- 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,

Royston Bradstreet

From: Inga Kaiser
Sent: Sunday, 10 November 2024 11:55 AM
To: State Planning Office Your Say
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

" Tassie is Not up for Grabs "

Councils are authorised and trusted by the people of their Electorates to represent the will of the community.

This representation is a crucial foundation of democracy and is not to be undermined or overthrown or bypassed!

In a true functional democracy no developer or their lobbyists or any Development Assessment Panel should be able to make any Planning Decisions against the consent of the Co Councils are authorised and trusted by the people of their Electorates to represent the will of the community.

This representation is a crucial foundation of democracy and is not to be undermined or overthrown or bypassed!

uncil of the region it will impact on!

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

Say yes to a healthy democracy

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

***Yours sincerely,
Ingeborg Kaiser***

From: Peter Vertigan <>
Sent: Sunday, 10 November 2024 9:49 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: No to Development Assessment Panels

Dear Sir/Madam

I do not support the creation of Development Assessment Panels.

As clunky and frustrating as they can sometimes be, Local Councils are still at the grass roots level and fundamental to a democratic process. Bypassing this with Development Assessment Panels is ant-democratic with the potential to ignore local sentiments and wishes in favour of monied special interest groups. Development Assessment Panels have the potential to increase the risk of corrupt decisions with no recourse for those affected.

Transparency, independence, accountability and public participation in decision-making within the planning system are critical for a healthy democracy. Decision making must be kept local, not bypassing it, albeit with opportunities for appeal. The notion of Development Assessment Panels should be abandoned and rather invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation.

Yours faithfully,

Peter Vertigan

From: Jeff Phillips
Sent: Sunday, 10 November 2024 8:49 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

demands.

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Jeff Phillips

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From: Karen Spinks
Sent: Sunday, 10 November 2024 7:56 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Scrap The DAP – say no to planning panels and yes to a healthy democracy

Dear State Planning Office (DPAC) and members of House of Assembly and Legislative Council cc'd,

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

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

relevant government agencies, and adopted its draft decision.

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

Say yes to a healthy democracy

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

***Yours Sincerely,
Karen Spinks***

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From: bert lawatsch <>
Sent: Sunday, 10 November 2024 7:43 AM
To:
Cc:
Subject: submission on the draft legislation of Development Assessment Panels

Dear State Planning Office (DPAC) and members of House of Assembly and Legislative Council cc'd,

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

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

relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise buildings in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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- **Developments will only be appealable to the Supreme Court based on a point of law or process which has a narrow focus and is prohibitively expensive.**
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 - A determination by Homes Tasmania that an application [includes](#) social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

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

Say yes to a healthy democracy

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

***Yours Sincerely,
Bert Lawatsch***

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From: Bruce Clapham
Sent: Sunday, 10 November 2024 6:49 AM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Good morning,

Thanks for taking the time to read this ;)

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
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open justice as they do not hold public hearings, and lack capacity to manage conflicts of interest (as per the 2020 Independent Review). DAPs do not have to provide written reasons for their decision (making it difficult to seek judicial review). Community input will be less effective because it will be delayed until after the DAP has consulted (behind closed doors) with the developer and any relevant government agencies, and adopted its draft decision.

- **Research demonstrates DAPs are** pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the UTAS Sandy Bay campus re-development.
- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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- **Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive.**
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subjective criteria to intervene on any development in favour of developers. NOTE: The scope of the DAPs includes a range of subjective factors that are not guided by any clear criteria:

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

Say yes to a healthy democracy

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

Yours sincerely,

Bruce Clapham



I personally, and Parachute Digital, acknowledge Aboriginal and Torres Strait Islander people as the First Australians and Traditional Owners of the Land across our working area. We pay our respects to Elders both past, present and emerging.

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From: Chris Harman
Sent: Monday, 11 November 2024 5:12 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Reconsider the Plan to create Development Assessment Panels (DAPs)

My name is Chris Harman, I am 84 years old, and live with my wife Kay on land which we placed under Conservation Covenant in May 2006. This was a decision we took in order that some land in the Bagdad area could continue to support natural life systems other than the usually destructive instincts of human systems. My point here is we need to take time out to reconsider much of what we do in the name of 'development'. This is particularly important because it is about the future of our young folk which in turn means we should make an effort to include them in the process by involving them along with their parents, school teachers, and other community leaders. This means utilizing a wider and more transparent participation system than that being proposed by the current Tasmanian Government through its DAPs plan.

Therefore, I ask you all to take some time out and maybe look through the data shown in Tony Juniper's book *The Science of our Changing Planet*, or better still, read the Introduction written by Jem Bendell to his book *Breaking Together – A Freedom-Loving Response to Collapse*.

The contents of these books alone make it very clear that whatever happens over future years it will be imperative that we seek to maintain, and even further develop, a healthy democracy by choosing to take those decisions that include, and indeed actively encourage the inclusion, of information coming from all forms of life on planet Earth.

I feel entitled to ask you to reconsider what is being proposed by the Tasmanian government as a result of many years spent actually actively engaged in various building developments in Tasmania and also because I was at one time employed as a student Advisor in the Department of Environmental Design – College of Advanced Education. This included providing advice to students on Planning, Architecture, Building, and Landscape Architecture. Over the years I have also taken it upon myself to be involved in a number of community development projects such as 63 Salamanca place, The Salamanca Arts and Community Centre, Bagdad Community Club, and Chauncy Vale Wildlife Sanctuary.

As a result of many of these experiences I now ask you to seriously reconsider, by asking our government to rethink their proposed Development Assessment Panels. As Jem Bendell might say about the proposals, they are based on human-centred hierarchical ideas of domination and exploitation which distract us from the task of 'planning' to be in tune with the life systems of Earth. Consequently, I ask you to oppose the creation of the Development Assessment Panels by thinking through the following points which I strongly agree with, written by Planning Matters Alliance Tasmania:

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

demands.

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

threatening transparency and strategic planning.

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

Say yes to a healthy democracy

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

***Yours sincerely,
Chris Harman***

CC to all Members of Tasmania's Parliament

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From: Stephanie McDonald <>
Sent: Monday, 11 November 2024 11:44 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Stephanie McDonald

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From: Michael .Stather
Sent: Monday, 11 November 2024 11:26 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

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

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

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

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

Michael Stather

From: Brad Walker
Sent: Monday, 11 November 2024 11:12 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Opposition to the creation of a DAP.

My name is Bradley Walker,

I have been on both sides of planning applications and believe although not perfect it is a fair and reasonable system. The drafted legislation for the creation of a DAP will not be fair to the average community members and this is not in the interest of the wider community. for this reason I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
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- **Removes merit-based planning appeal rights** via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.
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determining development applications. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

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

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- I 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,

Bradley Walker

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From: Andy BELTZ
Sent: Monday, 11 November 2024 11:07 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

The current Liberal Minority Tasmanian Government has, on numerous times on public record, been proven to be untrustworthy and secretive in doing deals outside their Parliamentary mandate.

Shoddy behavior has cost Tasmanians \$billions. The Inquiry into Child Abuse for me was the last straw. The Tasmanian Liberal Governments performance in that case has been disgraceful. Criminal negligence has been committed by Ministers that were given Immunity.

These elected people need to be under more control over their actions and should never be allowed to ride rough shod over the Tasmanian People

They have lied to the people they are supposed to represent and gone against the best interests of the people many many times

Democracy is dying in Tasmania, our people are being systematically diminished to mere taxpaying servants to service an ever increasing dictatorship

I demand a healthy democratic future for all Tasmanians, not the bastardry of an elitist cult.

I am an angry Tasmanian and getting increasingly angry as this Liberal circus continues to trash my people and my island State

Time to lift your game people!

- Andrew B

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From: Tina Curtis
Sent: Monday, 11 November 2024 10:21 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Dear Sir/Madam

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

- Development Assessment Panels would create an alternate planning approval pathway allowing property developers to bypass local councils and communities. They would be state appointed, not elected. Local concerns would be discounted in favour of financially invested but necessarily moral developers.
- DAPS would make it easier for governments to rubber stamp large scale contentious developments like the kunanyi/Mount Wellington cable car and appalling associated summit development.
- DAPS would remove merit-based planning appeal rights via the planning tribunal on all the issues the community cares about like impacts on biodiversity, height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and so much more. TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'.

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

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as all these mechanisms are critical for a healthy democracy. Do not support the legislation that allows the creation of DAPs and instead invest in the local government system and existing planning processes by providing more expertise and resources to councils to effectively facilitate community participation in planning outcomes.

Yours sincerely,

Tina Curtis

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From: Dan Pan
Sent: Monday, 11 November 2024 10:04 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Protect fairness, due process, transparency, accountability, integrity and excellence in Tassie's planning processes > #ScrapTheDAP!

Hi there, just a quick note to implore you to PLEASE vote against the crap-as DAP!

Seriously, planning decisions are important, with all due respect, they need to be made by experts, not muppet political puppets (aka Ministers) or wanna-be "Captains" obsessed with "leaving their mark" by selling out everything that is precious and special about tasmania to their filthy rich developer mates.

Reasons to vote against it? Sooo many!

1. The DAP effectively acts as a "by-pass lane" for fair, transparent and consistent or accountable process. Decision Assessment Panels (DAPs) are selected without transparency or consistent criteria, lack public hearings, and often ignore conflicts of interest. Community input is delayed and limited as panels consult privately with developers and government agencies. This is entirely (and it would seem intentionally) anti-democratic and cannot be allowed.
2. The proposed process unfairly favors large, controversial developments, such as Hobart high-rises and the Mount Wellington cable car, as well as major subdivisions like Skylands and UTAS Sandy Bay. Just because a rich developer wants to make a claim to use public land, does not make it good or valuable to the community - we need to ensure experts and representatives from local communities have a say in all stages of the development process as well as have fair rights to appeal.
3. The proposed DAP model is wide-open to Corruption and has been shown to result in Reduced Planning Quality. Without a mechanism for merit-based appeals, there's a demonstrated higher risk of corruption and poor planning

outcomes. NSW's experience shows panels favor developers and harm democratic accountability. We need experts and local community voices, not planning ministers, involved in the decision-making process

4. Unfair! This proposal enables developers to bypass local councils, allowing state-appointed panels to approve projects, sidelining community input and local representatives. Developers can switch processes if council assessments seem unfavorable, pressuring councils to yield. This is beyond the pail and is an open door to unchecked back-door "kickbacks for mates". We need to ensure independence and integrity is the foundational element of any development planning framework and there needs to be a fair and robust appeals process in place to support it too.

5. The proposed DAP relies on flimsy and subjective Planning Panel Criteria. Selecting approval criteria, based on subjective factors like "perceived conflict of interest" or "likely to be controversial," injects ministerial bias into the process and in favour of developers over impacted communities. The criteria lack clear guidance on project scope or housing requirements and need to be comprehensively over-hauled and redrafted. As they stand, they make a complete sham out of Tasmanian planning law and Tasmania will suffer irreparable damage if they are allowed to go ahead - THEY MUST NOT!

6. Whilst on the one hand government claims to be all about efficiency and simplifying decision-making processes, the proposed DAP establishes two separate planning approval pathways adding unnecessary complexity and endless administrative nightmares to an already efficient planning system, especially in comparison to other Australian regions. As such the DAP is clearly unnecessary and fundamentally counterproductive.

7. Appeals to the proposed DAP will only be permitted to the Supreme Court on narrow legal or procedural grounds, making them costly and less accessible. This is a world away from best-practice democratic standards and will leave Tasmania all the poorer for losing the input of the ideas and concerns of the people who live here, from the planning decisions that directly impact upon the places they live, love and call home. SCRAP THE DAP!

8. Research studies (cited in PMAT submission) have demonstrated that DAPs have a bias to supporting development and government interests over local community needs, focusing more on minor applications and taking longer to decide than councils.

9. Although democratic elects Ministers, it does not follow that decision-making power should be vested to them. Concentration of ministerial power over DAP decisions introduces an unacceptable risk of political bias, as the Minister will have the power to override council rejections and enforce planning changes, reducing transparency and strategic planning. We need fair and transparent processes that are based on clear guidelines, decision-making frameworks, independent expert input and robust and affordable and accessible appeals processes.

10. At its core - the proposed DAP process tears the heart out of a fully functional planning process that includes proven, effective Merit-Based Appeal Rights. By removing appeal rights on community concerns like biodiversity, scale, and neighborhood impact, this plan weakens accountability and disrupts legal checks and balances crucial to democratic governance. It also reduces the ability of planning laws and processes to ensure that important place-based values like aesthetics, view-sheds, floral and faunal species etc. have standing in development approval decision-making processes.

11. Fundamentally, this whole DAP proposal is a "trojan-horse" scam which purports to address a non-existent issue; only 1% of planning decisions are currently actually appealed (i.e. the very ones the community DOES NOT WANT. Additionally, Tasmania's system is already among the country's quickest. It does not warrant watering down and vesting unnecessary and un-democratic powers to the Minister.

12. Removing merit-based appeals also eliminates a key opportunity for development mediation within the planning tribunal. Mediation is a proven and effective mechanism for low-cost, mutually agreeable and beneficial outcomes. The proposed DAP seeks to scrap that - which, Yes you guessed it! - is why you need to vote to #ScrapTheDAP!

Thanks for reading this far,
Now please, do your bit and -

- > cast your vote on this critical issue for the people of Tasmania who elected you to represent them, NOT for the developers who seek to buy out democratic process in this fine state.
- > 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.

Finally, if you really care for maintaining the unique and precious character of our beloved island home, then please also consider enacting laws to immediately ban political donations by developers to political parties, implement real-time (within 7 days) reporting of donations (on a publicly accessible website), expose ministerial diaries (make them public on a website showing which lobbyists their meeting with, and what decisions are being made in or after those meetings), enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

Thanks again

Yours Truly,
Daniel Panek

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Clarence... a brighter place

✉ clr_aritchie@ccc.tas.gov.au
☎ 0474 356 640
📍 PO Box 96, Rosny Park, 7018
🌐 www.allisonritchie.com

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

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

Dear Sir / Madam

Land Use Planning and Approval Amendment (Development Assessment Panels) Bill 2004

Thank you for the opportunity to provide a submission on the Development Assessment Panels Framework Position Paper.

The submission attached addresses the substance of the proposed Land Use Planning and Approval Amendment (Development Assessment Panels) Bill 2004 (the draft Bill) however, concerns are also raised in relation to the Land Use Planning and Approvals (Supporting Development) Bill 2024.

This submission has been prepared after careful consideration of the impacts of the draft Bill and in the interests of our democracy, independence, accountability and public participation in decision-making within the planning system, it is my view that the draft Bill must be abandoned by the State Government in its current form or otherwise rejected by the State Parliament.

Yours sincerely,

Allison Ritchie
Deputy Mayor

Monday, 11 November 2024





Clarence... a brighter place

 clr_aritchie@ccc.tas.gov.au

 0474 356 640

 PO Box 96, Rosny Park, 7018

 www.allisonritchie.com

SUBMISSION

Land Use Planning and Approval Amendment (Development Assessment Panels) Bill 2004

Citizen participation in the decisions that affect our lives is an imperative of contemporary society and is an important feature of the checks and balances that hold public institutions accountable.

Participation in urban planning has a long lineage. According to Roberts (2004), citizen participation was found in written form in the Greek City States, in Ecclesia of Athens in the Middle Ages. In more modern times, legislation relating to community participation first appeared as a requirement in urban renewal programs in the Housing Act of 1954 (United Kingdom).

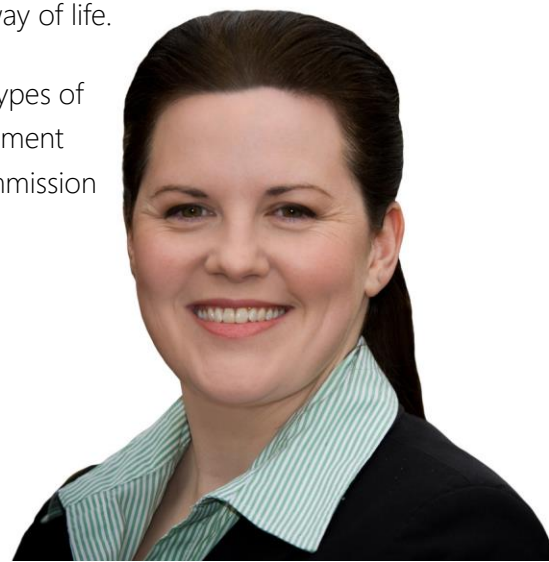
In Tasmania, community participation is considered fundamental to fair and representative decision making in contemporary planning practice and has been central to the integrity of the *Land Use Planning and Approvals Act 1993 (the Act)*.

It appears however, that the State Government no longer agrees.

The proposed Land Use Planning and Approval Amendment (Development Assessment Panels) Bill 2004 (the draft Bill) will decimate the integrity of Tasmania's planning system with the bypassing Councils; establishing an alternate assessment framework for select projects that is in direct conflict with the Act and without reference to the relevant planning scheme and effectively removing community voices and appeal rights from planning decisions.

Added together with the Land Use Planning and Approvals (Supporting Development) Bill 2024 (with no consultation) which provides the Minister with the power to extend the timeframe for commencement of a permit, we are seeing a devastating attack on local communities and the resource management and planning principles that have been central to our way of life.

On 21 July 2023 the development of new legislation to allow certain types of development applications to be determined by independent Development Assessment Panels (DAP), appointed by the Tasmanian Planning Commission (TPC) was announced.





Clarence... a brighter place

 clr_aritchie@ccc.tas.gov.au

 0474 356 640

 PO Box 96, Rosny Park, 7018

 www.allisonritchie.com

Not only did the State Government fail to consult with the local government sector prior to this announcement, it has subsequently completely ignored a vast majority of the concerns that were raised in over 540 representations that were submitted in response to the Position Paper on a proposed DAP framework which was open for consultation from 19 October 2023 to 30 November 2023.

Ignoring stakeholder input and rolling over the top of communities would appear to be the hallmark of the State Government's approach to planning. While the extent of the deficiencies in the draft Bill are too great to detail in the space provided, key concerns that remain include:

- (a) The proposal to invest the Minister for Planning with the power to bypass Councils (even mid-assessment) as the planning authority and undermine the integrity and rigour of the current system where planning is a responsibility shared between the different spheres of government and the community.
- (b) The proposal to establish an approval pathway that has no relationship with the relevant planning scheme or any discernable assessment criteria and is therefore entirely inconsistent with, and entirely undermines, established processes.
- (c) The proposal to reduce the capacity for public participation in Tasmania's planning system, including removing any right to appeal to the Tasmanian Civil and Administrative Tribunal (TASCAT) in favour of narrow appeal rights on the grounds of error in law to the Supreme court which is prohibitively expensive.
- (d) Undermining the Tasmanian Planning Commission's role as a strategic planning body and blurring the lines between high level direction; structure and content (the workability of the scheme) and implementation and review.
- (e) The draft DAP Bill is incompetent and erroneous in that it is in direct conflict with the obligations of Councils under legislation; asserts to address planning issues that do not exist and is at odds with the data on planning outcomes in Tasmania.
- (f) The draft DAP Bill not only undermines local Councils, the community and the current Resource Planning and Development System but is also at odds with the State Government's own planning reform process (including regional land use strategies).





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The argument to support the establishment of DAPs is not well made. There is no evidentiary basis or sufficient planning grounds to support the contents of the draft Bill.

The facts are that overall, Tasmania's planning system is already among the fastest, if not the fastest, in the country when it comes to determining development applications and only approximately 1% of discretionary council planning decisions go to appeal.

In the last annual report of TASCAT, it was identified that over 80% of matters that were appealed were resolved by mediation.

Ironically, the process proposed in the draft Bill would see discretionary development application processes far exceed the 42-day timeframe currently imposed upon Councils.

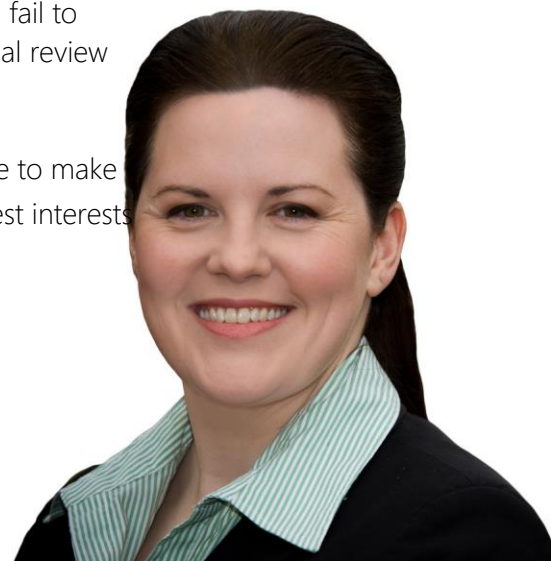
The draft Bill also seeks to create unnecessary duplication as it must be noted that Tasmania's planning system already has the following five development assessment panel processes in operation:

1. Combined planning scheme amendment and development permit process (LUPAA Part 3B, Division 4);
2. Major Projects (LUPAA Part 4, Division 2A);
3. Planning Appeals to the Tasmanian Civil and Administrative Tribunal (LUPAA Part 4, Division 3);
4. Major Infrastructure Projects (Major Infrastructure Development Approval Act 1999); and
5. Projects of State Significance (State Policies and Projects Act 1993).

The case for a sixth cannot be supported as there is no perceived benefit other than to remove the consideration by local elected members and the constraints of the relevant Tasmanian Planning Scheme (or Interim Planning Scheme) which are imposed by the State Government in the first place.

It is abundantly clear that the draft Bill seeks to create an alternative process (with almost no holds barred) to cater for those whose developments fail to meet the criteria of the State Planning Provisions or the existing judicial review processes.

Councils have already seen an erosion of the legislative tools available to make a fair, orderly and sustainable decision as a planning authority in the best interests of the community.





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Instead of trying to create a sham process that bypasses Council and their communities, the State Government would be better served by working with Councils to ensure they have right planning tools and resources to continue to undertake their job to the highest level, enhance public participation and to serve and support the growth and development of their communities.

Everyone has the right to put forward a proposal that is fairly assessed under the planning scheme. What is unacceptable is a thinly veiled attempt to provide a separate avenue for developers when they do not like the decision of the planning authority (i.e. the local Council).

The draft Bill is dictatorial, oppressive and does not provide for the fair, orderly and sustainable use and development of air, land and water in our State.

It is imperative that our communities can be heard and participate in our planning system in a meaningful and effective manner. We must keep decision making local and retain opportunities for appeal so that communities may have a say on matters of importance where they live, work and play.

In the interests of our democracy, independence, accountability and public participation in decision-making within the planning system, the draft Bill must be abandoned by the State Government in its current form or otherwise rejected by the State Parliament.



From: Michael Harries <
Sent: Monday, 11 November 2024 9:41 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Submission - Development Assessment Panel - Draft Bill

I oppose the creation of planning panels for the following reasons:

The proposed changes will, in many cases, remove merit-based appeals through the planning tribunal. This means less oversight and more room for corruption. In fact, the NSW Independent Commission Against Corruption has recommended that merit-based planning appeals be expanded, not contracted.

The proposed planning panel system would also give excessive powers to the planning minister: powers to enliven planning panels, powers to force changes to the planning scheme. We have seen how often, when ministerial powers are involved in a decision-making process, decisions are made on the basis of politics rather than the merits of the case at hand.

Most importantly, placing planning decisions in the hands of ministers and appointed panels is fundamentally undemocratic. Local residents deserve to have a say, through their local councils, on developments in their own communities. The state government should not be allowed to smother local decision making. These decisions should not be made vulnerable to the influence of state-wide political drivers.

The Tasmanian Liberals claim that the proposed bill would take the politics out of planning but I submit that it would do the opposite. I implore to uphold democracy and maintain transparency within the land use and planning approvals system. Do not give the state government and developers the ability to overrule elected councils and shove unwanted developments into local communities.

Yours sincerely,
Michael Harries

From: Jai Friend
Sent: Monday, 11 November 2024 9:37 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Reject the DAP Proposal

I am fervently against the idea of Development Assessment Panels (Daps) and what they will mean in the increase of ministerial power over planning.

I want the principles of the current system to continue whereby development applications are decided by my elected local council representatives. I want local community values and concerns to be paramount in the consideration of developer plans. I do not want the risk of government over riding planning considerations to preface developers wishes for profit, particularly where Tasmania does not have effective legislation requiring transparency of donations to ministers and their political parties. Frankly, the DAP proposal looks like a blatant tool of regulatory capture.

I want transparency over planning decisions. DAPs will be handpicked. How outrageous. So simple for vested interests to influence the choosing of people who will wield the power to make major changes to the urban and national park landscapes that I care about. No public hearings, no written reasons for decisions made, and no community input until after the DAP has already drafted a decision (after first consulting with the developer and government agencies). Is this still a democracy that I am living in?! How can such a proposal be countenanced by government as a reasonable and responsible suggestion.

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

The Hobart City Council has been elected by the community, with the issue of the Mount Wellington cable car as key to the last election. The council has undergone all due processes, and the cable car proposal has been rejected. The introduction of a DAP at this stage by the Tasmanian Government is perfidious. The political influence of the cable car company's personnel is well known across the community. How disgusting that the Government would introduce DAPs in order to circumvent due process to date, to again attempt to force a white elephant cable car business onto the Hobart community.

I can't believe that the government is moving in this direction, when Tasmania's economy is so reliant on tourism, and when a key attraction of this state is the natural environment and its national parks. This removes merit-based planning appeal rights 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. We need to maintain the opportunity for mediation on development applications in the planning tribunal, to ensure that all sections of the community can be heard on any development proposals.

Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. Mainland [research](#) demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social. The NSW Independent Commission Against Corruption [recommended](#) the expansion of merit-based planning appeals as a deterrent to corruption.

How can it be seen as good governance that a Minister can force planning approvals and/or planning scheme changes after a local council has rejected them. How can this be seen as trustworthy representation of community needs in governance. The only reason that a Minister would force a development through, after rejection by a community, would be due to CORRUPTION!

Why change the system when only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications.

I call on you to 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

From: Cr Molly Kendall
Sent: Monday, 11 November 2024 9:19 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Objections to Development Assessment Panels

To Whom It May Concern,

I am writing to express my strong opposition to the proposed Development Assessment Panels (DAPs) and to share my concerns about the direction this framework takes us as a community. At the core of this issue are several serious points: politicised ministerial intervention, sidelining council feedback on this bill, a worrying lean toward private interests, less public accountability, and additional strain on councils.

The stated goal behind the introduction of DAPs was to "take the politics out of planning," but in practice, it would give more decision-making power to the Minister. Rather than removing politics, this would shift it higher up, further from the people directly affected by these decisions. It's a step away from democracy and transparency.

Councils and planners have spent many hours gathering insights and recommendations on this proposal—months of consultation with expert planners who know the strengths and challenges in Tasmania's planning system. Despite these efforts, and even though the overwhelming majority of responses to the DAP consultation opposed the framework, the draft legislation remains almost unchanged and, in some cases, worse. It seems that this consultation was treated more as a box to tick rather than a real chance to improve the planning in Tasmania.

This framework also allows private developers too much say in the planning process. Vague language around 'perceived bias' could easily be weaponised to prioritise profit over community needs, local values, First Nations cultural significance, and environmental values.

Another key issue is the removal of appeal rights for planning decisions, which reduces the transparency and accountability that communities rely on. The right to appeal gives people confidence that their concerns will be considered, especially in complex or controversial cases. This move will further erode the already shaky public trust in fair democratic governance.

Finally, if DAPs are implemented, councils will be stretched even further—not just through the framework triggers, but also by a decreased ability to plan strategically for the long-term needs of their local communities, which they understand best because they are closest to them. The bill fails to provide clear guidance on funding for the added assessments, yet it still requires councils to meet tight deadlines. Councils already have the local expertise needed for effective planning, and adding another layer of review will only introduce unnecessary complications and costs.

I urge you to reconsider the DAP framework in favour of a planning system that values transparency, local planning expertise and established, elected democracy.

Thank you for considering my submission.

Best wishes,
Cr Molly Kendall

MOLLY KENDALL (she/her)
Councillor



www.gcc.tas.gov.au

molly.kendall@gcc.tas.gov.au | 374 Main Road, Glenorchy

We acknowledge the palawa community (the Tasmanian Aboriginal Community) as the original owners and continuing custodians of this island, lutruwita (Tasmania) and pay our respect to elders past, present and emerging.

This communication and any files transmitted with it are intended for the named addressee, are confidential in nature and may contain legally privileged information. The copying or distribution of this communication or any information it contains, by anyone other than the addressee or the person responsible for delivering this communication to the intended addressee, is prohibited. If you receive this communication in error, please advise us by reply email or telephone on +61 3 6216 6800, then delete the communication. You will be reimbursed for reasonable costs incurred in notifying us.

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From: Heather Trygstad <Monday, 11
Sent: November 2024 9:11 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Scrap the DAP

I am a firmly support democracy at local levels of government. Planning consent, approval and appeal should not be taken away from the councils, no matter the size or economic impact of the proposed project. The people that live, work and play in the council area have a right to take part in decisions that affect them directly without state government partisan politics intervening.

Please vote no.

Other considerations:

- I call all 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

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From: Anthony Mann M
Sent: onday, 11 November 2024 9:10 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Development Assessment Panels

Hi

I wish to register my opposition to the proposed amendment to LUPAA. It is an undemocratic proposal, and I feel it will introduce even more politics and risk into the decision making process than the current situation with councils acting as planning authorities.

Regards
Anthony

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From: Chris and Margie <
Sent: Monday, 11 November 2024 8:57 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Dear Elected representatives,

I am writing to voice my strongest opposition to the proposed creation of Development Assessment Panels (Daps) and the increase of ministerial power over the planning system, for the following reasons:

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

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

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

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

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

Say yes to a healthy democracy

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.
- At a time when public perception of democracy is flagging, we need transparency and the ability for community to be involved in decisions affecting some of our most precious places in Tasmania. Please vote against the DAP proposal.

Yours sincerely,

Christopher Wilkie

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From: Margaret Beasley
Sent: Monday, 11 November 2024 8:54 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Dear Elected representatives,

I am writing to voice my strongest opposition to the proposed creation of Development Assessment Panels (Daps) and the increase of ministerial power over the planning system, for the following reasons:

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

government agencies, and adopted its draft decision.

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

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

Say yes to a healthy democracy

- I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.
- I also call on you to prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the Right to Information Act 2009, and create a strong anti-corruption watchdog.
- At a time when public perception of democracy is flagging, we need transparency and the ability for community to be involved in decisions affecting some of our most precious places in Tasmania. Please vote against the DAP proposal.

Yours sincerely,

Margaret Beasley

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From: Terri Fox
Sent: Monday, 11 November 2024 8:53 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: The proposed Development Assessment Panels will introduce an negative bias to the Tasmanian people

The current planning system isn't perfect but Tasmanians are given an opportunity to have their say. The alternative being proposed places the interests of business (local, national and international) above that of those who live in Tasmania.

Why would the Tasmanian people trust this current or future government to look after the Tasmanians interest, when they constantly provide opportunities to big business and overlook local concerns.

There is no real integrity commission which will hold the government, ministers or the Tasmanian Planning Commission to account.

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

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

and take longer than local councils to make decisions.

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

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Say yes to a healthy democracy

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

Yours sincerely,

Terri Fox

Sent from my iPad

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From: Savannah Priti <
Sent: Monday, 11 November 2024 8:28 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

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

Savannah Priti

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From: Rosalyna Ames
Sent: Monday, 11 November 2024 7:44 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

G'day,

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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Yours sincerely,

Rosie,

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The Tasmanian Members of Government and Opposition members.

11 November 2024

Dear Tasmanian members of parliament,

I am a retired expert in cultural heritage and planning. Across decades, I have written numerous reports including on Kunanyi/Mount Wellington, Cambria, the Queens Domain, Fern Tree, Brighton, Salmon Ponds and on many, other private residences and specific areas in the north and south of the state. Many of my reports can be found online.

For decades I was a member of many academic planning and heritage organisations including the Planning Institute of Australia, the Australian Garden History Society and the International Council on Monuments and Sites, (ICOMOS) which is considered the international body for heritage in the world. I belonged to the “cultural landscapes” part of ICOMOS. Cultural landscapes are recognised and protected around the world.

I am appalled at the Liberal Government proposal to change Tasmania’s planning system by introducing DAPs, which is egregious, and indicates to me how little, (if at all) planning at the state government level, is well articulated and/or understood.

Planning is far more than just considering small suburban land parcel developments. It should be landscape wide. It should encapsulate “sense of place” and “heritage” values and much more. It needs to consider very large areas of land like Kunanyi/Mount Wellington.

The fact that the Liberal Government has incorporated “planning” into the Department of State Growth suggests to me that the Liberals are fixated on pushing development at any cost. What impact will this have on Tasmania’s cultural landscapes and sense of place? I understand that the appointment DAPs, (consisting of three individuals) may overturn a number of controversial development proposals rejected by local councils (including the proposed Macquarie point stadium, the Kunanyi/Mount Wellington cable-car proposal and others. This is completely unacceptable.

It seems apparent that the Government does not want the community to have any input into local or significant state-wide planning matters by effectively removing any avenues of appeal. That to my way of thinking is a disgrace, an utter disgrace. It is not just a disgrace, its intention appears to believe that “ordinary people”, Tasmanian people don’t know anything about planning, or heritage or landscape and so shouldn’t be able to comment to have a say.

Across Australia, and overseas, other Governments value their heritage and landscapes. They have legislation that protects their heritage. Tasmania drags the chain. Tasmania is the ONLY state in Australia, that does not have its own

independent Department of State Planning to provide expert advice and monitoring of heritage and heritage landscapes like NSW does.

I have attached two pieces of my work. One is on the Queens Domain, (done for Hobart City Council), the other on Mount Wellington (done for the Wellington Park Management Trust).

Yours sincerely

Gwenda Sheridan.

HERITAGE LANDSCAPE VALUES OF THE QUEENS DOMAIN HOBART

PLANNING ISSUES

ASSESSMENT FOR THE UPDATED QUEEN'S DOMAIN CULTURAL HERITAGE MANAGEMENT PLAN

PROJECT 2.



**GWENDA SHERIDAN
NOVEMBER 2009**

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Acknowledgements

Brendan Lennard, James McIlhenny and Steve Jeffery at Hobart City Council
The Sullivans Cove Planning Authority. Claire Hynes and Matthew McCrossen
Inspiring Place for the work reproduced here from *Draft Strategic Master Plan 2008*;
Royal Tasmanian Botanical Gardens.
The State Library of Tasmania and the Archives of Tasmania
The National Library of Australia.

Recommendations and Proposed addition to Significant Landscapes Schedule; Draft City of Hobart Planning Scheme 2008.

The hill of the Queens Domain – when first viewed by Governor Macquarie in the early decades of the nineteenth century – with its sloping topography southwards, eastwards and westwards was *a contiguous piece of land*, higher in the north, and flatter in the south. It contained natural boundaries, the River Derwent on the east and south, and a creek on the west. That it was for the ‘use,’ as the ‘domain and residence of the Governor’ was formalised in the *Journals of the Land Commissioners in 1826-1828*.¹ There were no roads to sever parts of the Domain from its other parts; it constituted – due to its topography and its natural boundaries – a micro whole landscape with a defined character.

*For something like a century and a half no significant divisions of the hill – from its other parts – occurred. The Queen’s Domain Management Plan (1996)*² offered a salutary comment in respect of the way that public open space (which the Domain lands became) in more recent decades had been perceived by decision makers,

More recent post-War history has seen the area treated as vacant land where things could be “put” (i.e. The Tasman Highway, a tip, water reservoirs, major sporting venues etc) or as a short cut for commuter traffic and long term parking. None of these more recent activities respect the Domain as the premier open space in the city, rather they exploit it as a convenient location whilst ignoring the topography and climate of the area with resulting major impacts on its natural and aesthetic values.

For the QDMP authors, the Queen’s Domain was a,

a place of enormous natural and cultural value....

The enormous natural and cultural value of the open spaces of the Domain were always associated with the projected house for the governor. The house didn’t eventuate until 1858, but its associated and ‘interlinked’ ‘garden,’ now the Royal Botanical Garden – then the Royal Society’s Garden – was one intimately related to Government House and its Domain ‘park’ space. Most of the space became public park space but the historic significance of the natural and cultural characteristics of the place – interlinked as they were and are – should be recognised, evolved landscape characteristics maintained, and interpreted to the public and visitors alike. The historic landscape values of the hill and its flatter southern section can in 2009 still be read with meaning but the more spaces are fragmented, slivered off, developed, or changed the more difficult this becomes.

¹ A. McKay. (ed). *Journals of the Land Commissioners for Van Diemen’s Land. 1826-1828*. University of Tasmania in conjunction with the Tasmanian Historical Research Association. Hobart. 1962. Appendix A.

² Jerry de Gryse Pty Ltd. *Queens Domain Management Plan*. Unpublished for HCC. May 1996. Executive Summary.

The preservation of the historic landscape values of public open space lands in Australia has a poor history. It's as though the decision makers see such lands as 'fair game' just as De Gryse outlined. An open space to "put" some development in. Mostly it is large scale development.

Hobart has a unique opportunity to preserve its large Domain spaces as a wonderful entrance to the City, as an immense historical contribution to the City ; as a place of natural and cultural beauty, with its framework of Mount Wellington and its lower hills in the distance. In other capital cities there wasn't this initial beauty of natural land-sea prospects, of the immense and powerful backdrop. In other places, what there was, has often gone.

Thirty five recommendations are given and proposed additions to the Significant Landscapes Schedule of the *Draft City of Hobart Planning Scheme 2008*. The Section S12.4 – S12.6 includes Table S12.5 and Figure S12.5 (with key historic character statements for two significant landscapes); The *Natural indigenous woodland park landscape* and the *Designed park landscape with exotics*. The research and assessment leading to the recommendations and the proposed additions to the S12.0 Significant Landscape Schedule has been drawn from the Sheridan Reports 1³ and 2.⁴

Major Recommendations

Significant Historic Landscape Character Protection

Recommendation 1.

The area of the northern Queens Domain Hill and the northern foreshore be declared a Significant Landscape with significant identified heritage values. This area be placed in the Significant Landscape Schedule (12.0) of the *Draft City of Hobart Planning Scheme 2008* consisting of two major evolved heritage landscapes with their characteristics identified (Table S12.5) and with a set of Performance Criteria outlined. A number of heritage sub-landscapes have also been identified. All areas identified have high heritage and landscape values.

Reason.

To protect the evolved botanical, historical, open space, heritage landscape values of the area.

To protect the integrity of the mature vegetative landscape patterns identified for particular sub landscapes.

To better protect the *whole collection – as a whole* – of exotic mature trees and shrubs including some rare, unique and unusual ones in Tasmania found on the Queens Domain.

³ Gwenda Sheridan. *Heritage Landscape Values of the Queens Domain Hobart. The concept of the Victorian Park*. Assessment for the updated Queens Domain Cultural Heritage Management Plan. Unpublished for Hobart City Council. March 2009.

⁴ The bulk of Report 2 was written in May 2009 before the government had made a decision on the Railyards site. However the recommendations for the Southern Domain section apply equally to whatever development is finally decided upon.

Recommendation 2.

Two different significant heritage landscapes have been identified. They are both vegetation dominant. One has been called the *Natural indigenous woodland 'park' landscape*, the other the *Designed 'park' landscape with exotics*. Both occur on the northern Queens Domain hill. They both have high heritage and landscape values and must be conserved.

Reason

To protect the identified evolved botanical, historical, open space, heritage landscape values of the area.

Policy and Recommendation 3.

A number of micro landscapes have been identified within the Designed park landscape. These contain exotic plantings with specific landscape patterns. Conifers are particularly important and significant in certain areas and along linear lines.

Recommendation

That the identified sub landscapes be seen as highly significant and a part of the exotic botanical history of plant introduction, design and planting in Tasmania.

Reason

To uphold Burra charter principles and key historic landscape character values as outlined in *Draft City of Hobart Planning Scheme 2008*: Schedule 12.0: proposed S12.4 – S12.6 including Table S12.5 sections

Recommendation 4.

To acknowledge the intimate historical link that the northern Queens Domain landscape had (and still has) with both Government House and the Royal Tasmanian Botanical Gardens as a nineteenth century landscape and garden vision. To protect, manage, maintain and interpret this historical link for the public more comprehensively.

Reason

In order that key evolved landscape character and cultural history of this area be protected, managed, then interpreted and understood by the public and visitors alike.

Recommendation 5.

The Queens Domain northern hill is a significant Associative Cultural Landscape. That it be recognised as such and protected. [Has powerful religious, artistic or cultural associations of the natural element.]⁵

Reason

To protect the identified evolved botanical, historical, open space, Associative cultural heritage landscape values of the area.

⁵ *World Heritage Nomination Evaluator Guidelines for Cultural Landscapes*. March 2009. ICOMOS-Australia. ICOMOS IFLA International Scientific Committee on Cultural Landscapes.

Recommendation 6.

That the entire Domain hill, which also includes the southern domain area be seen as a profoundly important cultural landscape in Australia and be accordingly protected. Unlike other places, where severe development impact has diminished the historicity, landscape values and former intent of the whole, it is still possible with the Queen's Domain to interpret the nineteenth century landscape vision that was intended. This vision is found expressed in the *Journals of the Land Commissioners 1826-1828*; Appendix A.

Reason

To uphold Burra Charter principles for places of heritage significance such as Queen's Domain.

Recommendation 7.

To minimise all future development on the northern Queens Domain hill which detracts from the integrity of key evolved landscape values as identified in proposed S12.4 – S12.6 including Table S12.5 sections. This is especially important along the spine ridge of the hill.

Reason

To uphold Burra charter principles and key historic landscape character values as outlined in *Draft City of Hobart Planning Scheme 2008*: Schedule 12.0: proposed S12.4 – S12.6 including Table S12.5 sections.

Policy and Recommendation 8.

Further infrastructure of a major kind with hard form and modern textures, scale, size, mass etc detracts significantly from what are predominantly existing natural open heritage landscape spaces. It is not acceptable.

Recommendation

Any future major development works must include a Landscape Conservation Plan with the DA application, would incur a Works permit from Heritage Tasmania and must demonstrate that identified key heritage landscape character values will not be diminished.

Reason

To uphold Burra charter principles and key historic landscape character values as outlined in *Draft City of Hobart Planning Scheme 2008*: Schedule 12.0: proposed S12.4 – S12.6 including Table S12.5 sections.

Recommendation 9.

Future development which does occur on the Queens Domain hill to comply with *Draft City of Hobart Planning Scheme 2008*: Schedule 12.0; proposed Significant Landscape Schedule provisions S12.4 – S12.6 including Table S12.5 and Recommended Performance criteria.

Reason

To uphold Burra charter principles, key historic landscape components and character values as outlined in S12.4 – S12.6 including Table S12.5, to protect one of Australia's finest and earliest examples of a nineteenth century governor's residence, and its subsequent evolution in the colonies.

Recommendation 10.

That in the *Draft City of Hobart Planning Scheme 2008* there is under Schedule 1.0 Residential a blue box to direct users to Schedule S12.0 Significant Landscapes Schedule.

That in the *Draft City of Hobart Planning Scheme 2008* under Schedule S13.0 Environmental Management Zone there is a blue box to direct users to Schedule S12.0 Significant Landscapes Schedule.

That in the *Draft City of Hobart Planning Scheme 2008* under Section 14.0 Recreation Zone there is a blue box to direct users to Schedule S12.0 Significant Landscape Schedule.

Reason

In any development or use application for the northern hill of the Queens Domain Schedule S12.0 proposed additions are taken into account.

Recommendation 11.

Future development should not diminish in any way existing significant landscape values as outlined in proposed Significant Landscape Schedule provisions S12.4 – S12.6 including Table S12.5. A piece-by-piece, parcel-by-parcel, isolated, planning development and use approach when aggregated across time becomes extremely counter to protection of landscape values; this has to be rigorously countered.

Reason

To protect key historic landscape character values as outlined in proposed S12.4 – S12.6 and Table S12.5.

Recommendation 12.

Where particular planting patterns have been identified for different areas within the northern Queens Domain these should be maintained in so far as it is possible in the future.

Reason

To protect and conserve the integrity of the original planting patterns.

Recommendation 13.

Where the juxtaposition of deciduous and coniferous trees currently exists as a pattern it should be maintained into the future.

Reason

To protect and conserve the integrity of the original planting patterns.

Future change of ownership or lease of Queens Domain lands.

Recommendation 14.

Not to lease, sell, or otherwise change the tenure of Queen's Domain lands until a management strategy for exotic trees and shrubs has been completed and policy re their future put in place.

Reason

To protect the significant landscape botanical values of the northern Queen's Domain hill, both indigenous and exotic flora.

Strategic Management issues

Recommendation 15.

That all jurisdictions responsible for the management of the Queen's Domain work collaboratively together for the best outcome in respect of the botanical and landscape evolved history of the Queens Domain.

Reason

In order that the heritage values of the collection of exotic plants and heritage landscapes be better understood, managed and cared for into the future.

Recommendation 16.

A combined appraisal and audit of the *total collection of mature conifers* (e.g. HCC, Government House, RTBG) is desirable especially where this relates to the old mature trees and particular species rarity or unusual occurrence. This due to the fact that in the past on the northern domain hill there may have been three possible pinetums.⁶

Reason

So that the heritage values of individual species of mature conifers in each jurisdiction together with the total collection is assessed and is well understood *as a collection from a single source*. Government house conifers were most likely sourced from the now RTBG.⁷

Recommendation 17.

⁶ At least an arboretum was established in the present Government House grounds in the later nineteenth century. There are numbers of conifers still remaining in the arboretum.

⁷ It is already known that Government house sourced trees from the then Royal Society's Garden in the nineteenth century. Government House has a list of species, (dated and not accurate) as do the RTBG, and it may be that all lists could be collated.

Prepare an Arboricultural Management Conservation Plan (AMCP) for the northern Queens Domain hill; this of exotic trees and shrubs.

Reason.

That the Queen's Domain exotic tree and shrub collection be recognised as having high heritage significance in the introduced botanical history of Tasmania and in certain cases Australia. There may be international significance. The collection is also extremely significant in Australian garden history.

Recommendation and Policy 18.

A significant number of mature exotic Queens Domain trees (and some shrubs) have multiple categories of historical significance attached to them. Individually and as a collection they have state, (for some) national and possibly international significance.

Recommendation

That the *multiple* categories of historical significance of Queens Domain mature trees be recognised.

Reason

Queen's Domain exotic tree and shrub collection has been identified as having high heritage significance in the introduced botanical history of Tasmania and in some cases Australia. There may be international significance. The collection is also extremely significant in Australian garden history. The conservation and management of mature exotic tree and shrub species is a requirement of Articles 6 and 24 of the Burra Charter.

Recommendation 19.

That the AMCP be instigated and completed as a matter of urgency as many trees need immediate and / or urgent remedial treatment.

Reason

That the Queen's Domain exotic tree and shrub collection be recognised as having high heritage significance in the introduced botanical history of Tasmania and in some cases Australia. There may be international significance. The collection is also extremely significant in Australian garden history. The conservation and management of mature exotic tree and shrub species is a requirement of Articles 6 and 24 of the Burra Charter.

Recommendation 20.

The Arboricultural Management and Conservation Plan (AMCP) required to identify all species of exotic trees and shrubs present on the Queens Domain, particularly those (previously cited in earlier studies) of rare or unusual species. Any arboricultural assessment needs to determine the health and condition of the trees. It should also contain an historical component in respect of tree significance as per Sheridan, Report 1 2009, *Heritage Landscape Values of the Queen's Domain Hobart*.

Reason

To help protect the significant heritage botanical values of the Queen's Domain exotic tree and shrub collection. To determine what is present, what has died or disappeared since the last audit. To determine an effective management strategy for their retention (or otherwise) into the future

Recommendation 21.

The AMCP to contain the list of specific species which are historically rare, uncommon, unusual in Tasmania and contain policies, management strategies, to recognise their historical importance and continued preservation and ongoing status.

Reason

To better understand the vegetative heritage and evolved botanical significance of nineteenth century and early twentieth century of the collection of Queens Domain plantings.

Recommendation 22.

The AMCP should include a report from a botanist expert in the identification of introduced conifers to assess the Australian and international significance of the Queens Domain collection; one preferably who has audited the collection previously.

Reason

To best protect the significant landscape and botanical values of the northern Queen's Domain hill in respect of its exotic flora.

Recommendation 23.

The AMCP to contain information on old trees, particular species in respect of projected climate change and possibly drier conditions on the Queens Domain lands.

Reason

To help determine which species may be very sensitive to temperature, water and soil requirements or other needs in a drying climate. To attempt to save by remedial measures, any rare and unusual species.

Recommendation 24.

Where there not a recognised possibility of saving an old tree – particularly a rare or unusual one – to save cones, seeds. Or to otherwise seek advice as to the best methods of carrying forward the provenance of any particular species. This may require a Tasmania-wide search for rare same species which were most likely provenanced from the Royal Society's Garden in the past.

Reason

To enable the pattern of exotic planting from the nineteenth century on the Queens Domain to survive – as a series of patterns – into the future.

Recommendation 25.

That the Interim list of significant trees from the Sheridan Report 1 *Heritage Landscape values of the Queens Domain Hobart 2009* be accepted as a list of significant heritage trees until the AMCP is completed. That such trees are afforded protection.

Reason

To best protect the significant landscape and botanical values of the northern Queen's Domain hill in respect of its exotic flora.

Recommendation 26.

To register the historic trees identified from the Arboricultural Management Conservation Plan (AMCP) and the two Sheridan Reports (2009) in Schedule 8.0: Significant Trees Schedule in the *Draft City of Hobart Planning Scheme 2008*.

To register the historic trees identified from the management strategy and the two Sheridan Reports (2009) and incorporate them within the Tasmanian Heritage Register.

Reason.

To protect the integrity and patterns of former old plantings and tree dissemination on the Queen's Domain; most likely sourced from the then Royal Society's Garden (and elsewhere) in the nineteenth century.

Recommendation 27.

To establish a co-operative approach with the RTBG to properly manage exotic trees particularly those found in the Pinetum area, the former Beaumaris Zoo site and its surrounds and the Grassland Gully areas.

Reason

To best protect the significant landscape and botanical values of the northern Queen's Domain hill in respect of its exotic flora in these areas.

Recommendation 28.

Further parking areas – as outlined in the *Draft Strategic Master Plan: Royal Tasmanian Botanical Gardens 2008* – to utilise Queens Domain land in vicinity of northern former Beaumaris Zoo area and Powder-works Road, or in the Pinetum is not supported.

Reason

Would diminish the existing identified botanical historical values of the areas. Would alienate open space areas which are presently not hard spaces used for traffic and change the vegetative and historical patterns identified in this Report.

Recommendation 29.

The proposal to establish new off-site plant collections for the RTBG – as outlined in the *Draft Strategic Master Plan: Royal Tasmanian Botanical Gardens 2008* – and to

utilise Queens Domain land for such purposes (e.g. former Beaumaris Zoo area and Pinetum) area is not supported.

Reason

Would totally change the landscape pattern and its character of these areas and therefore diminish the character of the *Designed park landscape with exotics* as a whole. Would – as proposed – diminish the existing identified botanical historical values of these specific areas if not eradicate them.

Recommendation 30.

Any development of these sites must prepare a Landscape Conservation Plan and comply with the existing significant landscape values as proposed and outlined in *Draft City of Hobart Planning Scheme 2008*: Schedule 12.0; Significant Landscape Schedule provisions S12.4 – S12.6 including Table S12.5. The plan must consider the findings of the proposed AMCP and the two Sheridan Reports (2009) in its findings.

Reason

To conserve the botanical heritage and landscape values of the former Beaumaris Zoo site, Pinetum and Grassy Gully sites.

Recommendation 31.

Further research and assessment work is required for particular foreshore areas to conserve and protect natural heritage values, landscape character values, openness, linkages to other natural open space landscapes such as the Queens Domain (northern hill), Knocklofty and Mount Wellington.

Reason

To conserve natural heritage values, openness and heritage landscape character values of foreshore.

Recommendation 32.

Foreshore areas for future research include,

Area south of the Collegiate boatshed, under the Tasman Bridge to the former Patent slip / Hobart City Council boundary.

Area north of the previous railway station which was developed by the Royal Society's Garden in the nineteenth century.

Reason

To conserve natural heritage values, openness and heritage landscape character values of foreshore.

Recommendation 33.

Undertake further research to determine whether the eucalypts as identified in the HCC: NorthBarker study of 2007 - *Draft Cornelian Bay Bushcare Vegetation*

Management Plan belonged to former early twentieth century Forestry Commission plantings or occurred for some other reason and at some other planting period.

Reason

Add to the historic knowledge of the evolved landscape of the foreshore with a view to its retention and interpretation.

Recommendation and Policy comment 34.

The proposals as outlined in *Draft Strategic Master Plan: Royal Tasmanian Botanical Gardens 2008* for the former ANM site, and its foreshore surrounds area proposed a 'major visitor attraction at Pavilion Point to house the Sub-Antarctic Collection and other Cool Temperature Collections.' Penguins are proposed as a part of the visitor attraction. This 200 year + cultural area has had a natural foreshore landscape character for all but 45 years of its years (ANM site). It was a favourite view from the Royal Society's Garden. This is the gateway to Hobart and there are important links through the RTBG, Domain to Knocklofty and Mount Wellington. Any new built form, hard structure will most likely diminish the historic landscape character of this area and its riparian expression of naturalness.

Recommendation.

This foreshore area should be kept as a natural area and built form should be kept to a minimum. It is important not to repeat the planning error of the 1940s with another large or significant structure.

Reason

To aim to keep the existing natural heritage values of the foreshore intact, prevent additional built-form at the foreshore, and maintain the historical vegetative natural-form landscape character relationship of the foreshore to its hinterland.

Recommendation 35.

This Report does not support a penguin colony as being a part of the foreshore area.

Reason

There is no history of penguin colonisation of this foreshore. The foreshore should be left as extant as is possible given its landscape character evolution across 200 years and beyond.

Significant Landscapes Schedule – Proposed Additions

Queens Domain Hobart.

S12.4

Historicity and integrity of evolved landscape(s) must be maintained.

S12.4.1. In its consideration of applications for use and development Council must have regard to the definitions conservation principles, processes and practices set down in the Burra Charter.

S12.4.2 In its consideration of applications for use and development Council should have regard to the Florence Charter: Historic Gardens 1982 (ICOMOS – 1982) in so far as Articles 2, 4, 6, 7, 9, 11, 12, 14, 21 of this Charter are relevant.

S12.4.3. Control of use and development must be exercised to require the conservation of places and areas of cultural significance to the maximum degree Council considers practicable.

S12.4.4. Any future development or use which has the potential to diminish, degrade, significantly alter or change the historic landscape values as identified in this Schedule is not supported.

S12.5 Application of Schedule.

S12.5.1 This Schedule applies to development within the Significant Landscape areas shown on the Figure S12.5.

S12.5.2. The Council has a discretion to refuse or permit any proposed use or development in respect of land to which this Schedule applies.

S12.5.3 To the extent of any inconsistency with a standard or other requirement in this Scheme the provisions of this Schedule shall take precedence.

S12.5.4 Proposals for use to which this Schedule applies must demonstrate compliance with the key elements set out in Table S12.5. and standards set out in Clause S12.6.

Table S12.5

Significant Landscape	Key Elements of Significant Landscape
(see Figure S12.5) Upper Queens Domain <i>Natural indigenous woodland park landscape</i>	<ol style="list-style-type: none"> 1. The character of this landscape is highly significant in an evolved historic sense. 2. It is dominated by its vegetation cover, one of an indigenous modified natural landscape. 3. The actual spacing and mix of more solid older forms (e.g. trees) and the wider open spaces between these is a central characteristic of this landscape. 4. Overall it is a grassy woodland dry sclerophyll landscape of scattered trees, some coppices, some understorey indigenous shrubs and grasses. The relative open-ness of this woodland is a key characteristic. 5. The woodland exhibits Picturesque ‘park-like’ historic characteristics as determined by nineteenth century landscape ideals. These included for example contrast, diversity, a certain ‘roughness’, irregular shapes, variety, surprise, coupled to wide spaces between mature trees. This allows that ‘picturesque effect’ to be extended as filtered vistas through the area, and beyond the Domain to wider ‘prospect’ long views of Mount Wellington, Hobart, Mount Direction, Meehan Range, Derwent estuary and

	<p>Eastern shore. The ‘prospect’ view was critical to such landscape ideals.</p> <p>6. The non built, naturally open space component was a highly significant, characteristic of ‘park-like’ space; this concept taken from English rural estate properties but as well from larger English public parks.</p> <p>7. Foreground space is contiguous with and merges into middle distance filtered open space; there are no sharp boundaries.</p> <p>8. Retention of historic curving, winding, narrow, early Governor’s ‘carriage drive(s),’ later the public’s ‘carriage drive(s)’ seen as highly significant.</p> <p>9. Other infrastructure should be at a minimum.</p> <p>10. The landscape is a most important contribution to Australia’s remaining domain spaces; it may be the oldest, and only one which retains significant extant landscape characteristics.</p>
<p>(see Figure S12.5)</p> <p>Middle Queens Domain</p> <p><i>Designed park landscape with exotics</i></p>	<p>1. This area is characterised by elements as described above for Upper Queen’s Domain, but as well with added features of a designed landscape due to early plantings.</p> <p>2. The two landscapes intermesh in many places on the northern hill. Designed areas include the Pinetum, the former Beaumaris Zoo site, the linear roads / pathways such as Davies Ave, Carriage Drive, the Soldiers Memorial Walkway, the TAFE and Philip Smith surrounds, the Aquatic Centre surrounds, Crossroads junction, TCA surrounds, University Rose Garden.</p> <p>3. A significant characteristic of the particular designed areas lies in their historic botany in which species were planted to beautify the landscape and/or commemorate a particular event around 100 years ago.</p> <p>4. The pattern of vegetation species found at each site is different; these different patterns (and species) seen as significant.</p> <p>5. Conifers – some of which are highly unusual in Tasmania, even rare in Australia – are dominant mature forms within these landscape(s).</p> <p>6. The aesthetic pattern of mature coniferous vegetation combined in juxtaposition with exotic deciduous trees such as elms, ash or oaks is an important element of some sites; this was a favoured nineteenth century garden pattern which helped highlight effects of the Picturesque and the Gardenesque.</p> <p>7. This landscape can be linked to that of the Royal Tasmanian Botanical Gardens as the majority of trees were most likely sourced from the Royal Society’s Garden either late nineteenth or early twentieth centuries.</p> <p>8. The exotic tree collection as a whole is seen as nationally significant.</p> <p>9. This landscape makes a most important and significant</p>

	contribution to Australia's garden history and to the history of Australian domain spaces through its exotic tree collection and exotic minor landscape patterns.
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Significant Landscape	Key Elements of Significant Landscape
<p>Middle Domain Minor-landscapes (see Figure S12.5) These are all a part of the Designed park landscape with exotics</p> <p>Pinetum</p>	<ol style="list-style-type: none"> 1. Botanical exotic species significance a priority of this landscape area. 2. Second public pinetum planted in Tasmania and may have functioned in the past as an 'overflow' site for the former Royal Society's Garden, (now RTBG). 3. Illustrative example of beautifying the Domain landscape in the late nineteenth century. 4. Quite a different pattern in landscape to other Domain areas; one dominated by its diverse collection of coniferous forms. 5. May contain rare examples of coniferous species not present elsewhere in Australia (to be established).
<p>Former Beaumaris Zoo site</p> <p>Northern Beaumaris boundary land extending to Powderworks road</p>	<ol style="list-style-type: none"> 1. Botanical exotic species significance a priority of this landscape area. 2. Reflective exotic vegetative pattern of Southern Queensland, New South Wales in exotic native species plantings such as <i>E. sideroxylon</i> <i>E. leucoxylon</i>, <i>A. bidwillii</i>, <i>Ficus</i>, <i>Brachychiton</i> species. 3. This vegetation planting pattern not seen elsewhere in Tasmania in garden history as an aggregated collection. 4. Reflects a very early intent to use Australian native species for beautifying spaces. 5. Illustrative example of beautifying the Domain landscape in the late nineteenth century; this a former quarry site 6. Quite a different 'garden' pattern in landscape planting to other Domain areas; one dominated by an interesting collection of many Mainland indigenous plants.
<p>TAFE and Philip Smith surrounds</p>	<ol style="list-style-type: none"> 1. Botanical exotic species significance a priority of this landscape in its open, non built, non hard form spaces. 2. This planting pattern is a most interesting historic one and may reflect different layers of planting across time (e.g. parts of original high school orchard may still exist). 3. An illustrative example of beautifying the Domain landscape in the late nineteenth century, the high school, then university site and Philip Smith Centre. 4. Border lines of trees and shrubs are particularly important in this landscape area; as is the juxtaposition of deciduous and coniferous trees in the border line. 5. This area contains rare conifers not found elsewhere in Australia (e.g. <i>Abies numidica</i>) while there are other significant old mature plantings which are unusual in Tasmania, (eg. <i>Crataegus tanacetifolia</i>, <i>Allocasuarina obesa</i>), an <i>Araucaria columnaris</i>.

	<p>6. The site also contains mature elms of two different species including the Dutch elm and given Dutch Elm disease across the world, these trees have high significance as potential stock trees.</p> <p>7. Quite a different ‘garden’ pattern in landscape to other Domain areas; one dominated by a most interesting patterned collection of many exotic trees and shrubs.</p> <p>8. Excellent example of the inter-planting of deciduous and coniferous trees – as a pattern – in garden planting; all now old mature trees.</p> <p>9. This pattern was to achieve garden landscape beliefs of diversity, contrast, colour variety, novelty, association, the Picturesque effect for example.</p>
Foreshore areas	<p>1. The foreshore in the northern section of the Queens Domain is a highly significant and sensitive landscape.</p> <p>2. Originally an extant indigenous woodland landscape much like the upper Queen’s Domain but of low shoreline topographic form.</p> <p>3. It is the ‘gateway’ into Hobart from the airport. It forms a part of the long vistas of open, unbuilt natural spaces, looking from the Derwent, rising westwards towards the RTBG, Government House, Domain hill, Knocklofty, and Mount Wellington.</p> <p>4. The shoreline landscape provides a key interconnecting landscape link to the other areas of naturalness dominated by vegetation and topographical form.</p> <p>5. As far as is possible its landscape should be one of extant indigenous woodland without built form or hard spaces.</p>
Aquatic Centre surrounds	<p>1. Botanical exotic species significance a priority of this landscape area.</p> <p>2. The pattern is one of surviving old conifer species, at least one extremely rare (in Australia) and unusual one bordering the car park.</p> <p>3. Illustrative example of beautifying the Domain landscape in the late nineteenth century; this was formerly another quarry site.</p> <p>4. Quite a different pattern in landscape plantings to other Domain areas; one dominated by its surviving collection of coniferous forms which has obviously thinned across time.</p> <p>5. Appreciation of the Gardenesque in respect of the landscape of these conifers due to their wide and individual spacing.</p>
Landscape around Soccer oval; between Soccer ovals and Athletic Centre; between T.C.A. ground and Tennis centre	<p>1. Presently a landscape (2009) which illustrates landscapes characteristics of both the upper and middle Queen’s Domain landscapes.</p> <p>2. Part of the Soldiers Memorial Pathway and Davies Ave plantings are close to, or impinge upon these landscapes.</p> <p>3. Mixed woodland and wide open views through, or</p>

outwards are possible from the unbuilt spaces in most cases.

4. The landscape is predominantly a natural one; appreciation of the Picturesque still possible.

5. These areas should retain as much of their extant landscape characteristics as possible.



S12.6.1 Areas of Landscape Significance

Objective: To ensure that development in the Queens Domain conserves the integrity of the evolved significant landscape historically, scenically, visually, botanically, environmentally and culturally.

Performance Criteria	Acceptable Solutions
<p>Development must</p> <p>(a) complete a conservation landscape plan; this to show compliance with the Burra Charter principles and key identified values of this Schedule</p> <p>(b) obtain a Works permit from Heritage Tasmania</p> <p>(c) development must show that it will not diminish, degrade, detract, or significantly alter and change the identified historic landscape character values</p> <p>(d) complies with the key elements of historic landscape significance as described in Table S12.5</p> <p>(e) Assist in the conservation and enhancement of the significant historic landscape values of the area; respect the extant qualities and integrity of the area's character and its evolved landscape historicity</p> <p>(f) Minimise any impact on the natural landscape due to scale, height, bulk, mass, colour, or reflectivity capacity. Hard surfaces should be kept to a minimum.</p> <p>(g) Not detract from vistas within the area or extended vistas outwards from the area</p> <p>(h) Not widen existing carriage drives or historic roads and keep verges as natural as possible</p> <p>(i) Ensure that the proposed siting and design will</p> <p>(j) Maintain the character and integrity of important view and vista lines</p> <p>(ii) Fit harmoniously into the existing natural</p>	<p>No acceptable solution</p>

<p>landscape</p> <p>(iii) Will not dominate the ridgeline or skyline</p> <p>(iv) Use natural materials where possible with neutral colours</p> <p>(v) Avoid the use of reflective materials in new development</p> <p>(vi) Minimise hard surfaces such as paved or concreted parking spaces</p> <p>(vii) Minimise development of boundary enclosure line structures which are visually prominent</p> <p>(viii) Use species plantings which are indigenous to the area for landscaping</p> <p>(ix) Retain significant vegetation including mature vegetation that contributes to the landscape values of the area in any development</p> <p>(x) Minimise earthworks, soil erosion, disturbance to the site during construction</p> <p>(xi) Provide infrastructure which is unobtrusive and sensitive to the historic landscape environment</p> <p>(xii) Ensures that landscaping is sensitive to the historic landscape values when viewed from a distance looking-in, within the Queens Domain or outside of it.</p>	
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1.0 Introduction

Report 2 adds comment in respect of planning issues to the strategic research outlined in Report 1. The two reports should be used in conjunction with each other. The area under consideration is shown in a Google Earth image (Figure 1). Recommendations have been drawn from both reports.

Reviewed in Report 2 have been the *City of Hobart Planning Scheme* (COHPS 1982) and the new *Draft City of Hobart Planning Scheme. 2008* (DCOHPS 2008). The major planning tool for the Southern Domain assessed has been the *Sullivans Cove Planning Scheme 1997*. This Scheme is currently administered by the Sullivans Cove Waterfront Authority formed in 2004. However, the Domain was for approximately one hundred a fifty years a contiguous entity, and for most of its local government administration under the jurisdiction of the Hobart City Council. The Southern Domain work has been placed in the Appendices (four in total).

The delineation between the northern Queens Domain and the southern Queen's Domain administratively is shown in Figures 2A, 2B, 3.

All new planning schemes or large amendments to old schemes in Tasmania have to be written now under *Directive No. 1 and the Common Key Elements Template* (CKET). This was a state government initiative into planning. The CKET was therefore reviewed in respect of the sections where it might impact on heritage values.

Strategic documents which also added to Queen's Domain planning were the *Queen's Domain Management Plan 1996*, and the *Queen's Domain Cultural Heritage Management Plan 2002*. Report 2 will aid in the update of this latter plan. The 1999-2002 Part 2 *Historical Landscape of Queens Domain Hobart* has also been used. The NorthBarker *Draft Cornelian Bay Bushcare Vegetation Management Plan* was used for the northern strip foreshore land of the Queens Domain; that land which lies between the Lower Domain Highway and the high water mark.

Integral to this Report in particular have been a number of reports or documents that were produced for the Royal Tasmanian Botanical Gardens and the proposed development of the railyards site for a hospital in 2008. These were as follows,

Inspiring Place Pty. Ltd. *Draft Strategic Master Plan 2008*. Royal Tasmanian Botanical Gardens. December 2008. (DSMP 2008. RTBG).

The *Living Collections Plan* which was an associated background document to the DSMP 2008. RTBG.

Godden Mackay Logan. *Royal Tasmanian Botanical Gardens. Conservation Management Plan Draft* August 2008.

Hobart Railyards Urban Design Strategy Spackman & Mossop and Tony Caro. June 2008 [HRUDS. June 2008]

Hobart Railyards urban Design Strategy Spackman & Mossop and Tony Caro December 2008 [HRUDS. Dec 2008]

Review of the working port of Hobart. Meyrick and Associates. For Tasports P/L Final Report 22 December 2008. [Meyrick. 2008]

Consultation Feedback Report: Response to the Draft Hobart Railyards Urban Design Strategy. SCWA. December 2008. [SCWA. CFR. 2008]

New Royal Project. Site Assessment Report. Pitt and Sherry. For DHHS. February 2009. [Pitt & Sherry. 2009]

All of these documents were reviewed to see if they contributed to the heritage landscape values of the Queen's Domain or whether they would diminish the values which existed. In the case of the planning schemes it was particularly important to look at how the area was zoned and what the zone objectives meant. It was important to look at use definitions and whether these had changed and were in any way relevant to heritage outcomes.

General comments have been briefly placed in the text in relation to the proposed development on the waterfront since abandoned by the government. The Appendices are large documents where the heritage values for the Southern Queen's Domain (and more generally) have been assessed in some detail. The concept and strategic documents for the proposal which have been put forward and made public were set against the planning and heritage documents which existed to protect the area (Appendix 3).



Figure 1. Google Earth image of the Queen's Domain Hobart. 2009.

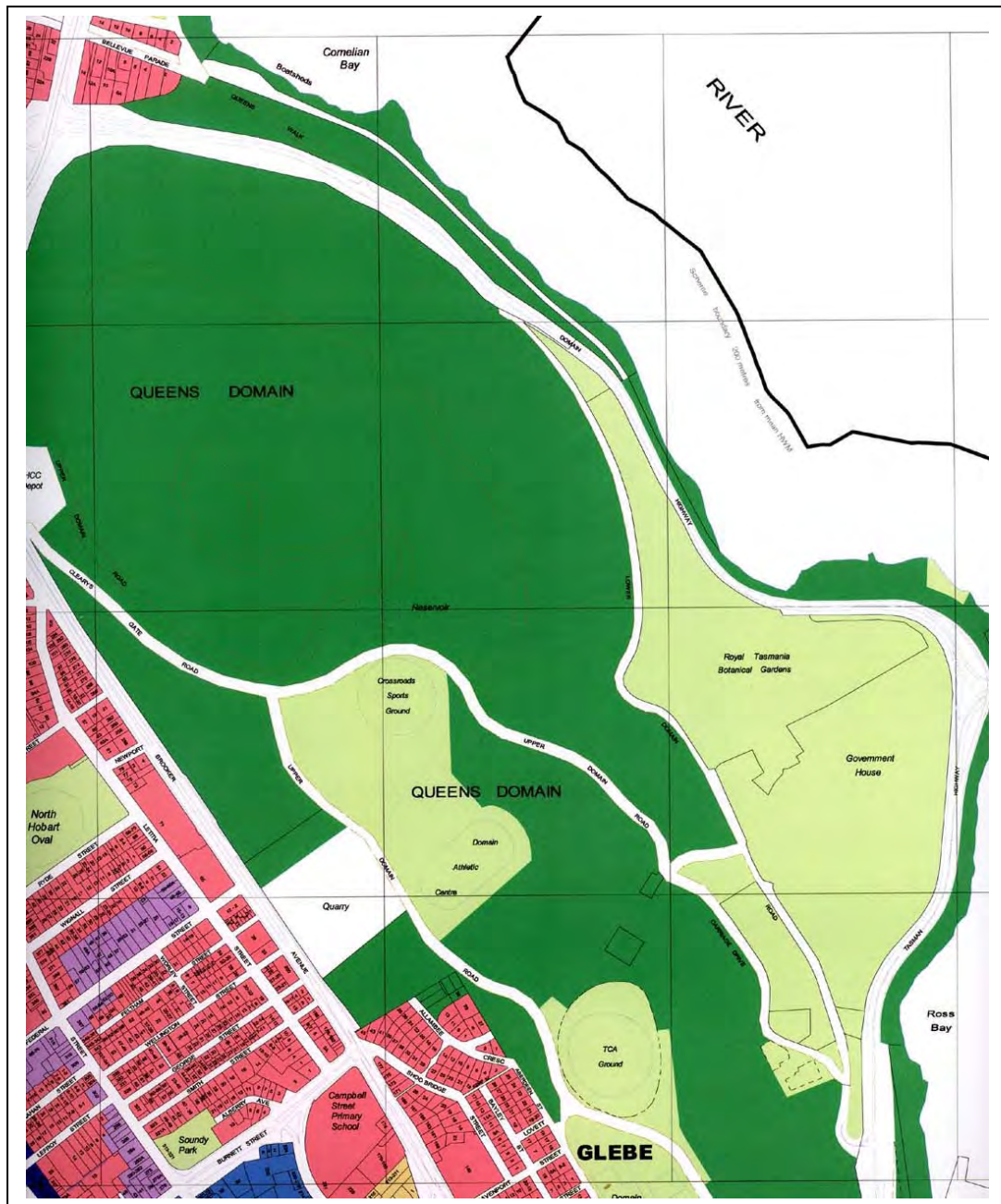


Figure 2A. The zoning proposals for the northern part of the Queen's Domain in the *Draft City of Hobart Planning Scheme 2008*. The dark Green areas are zoned as Environmental Management, the lighter green areas are zoned as Recreation. NB. the amalgamated spaces, Soccer ovals to Athletics Centre; TCA Ground to Tennis Centre.

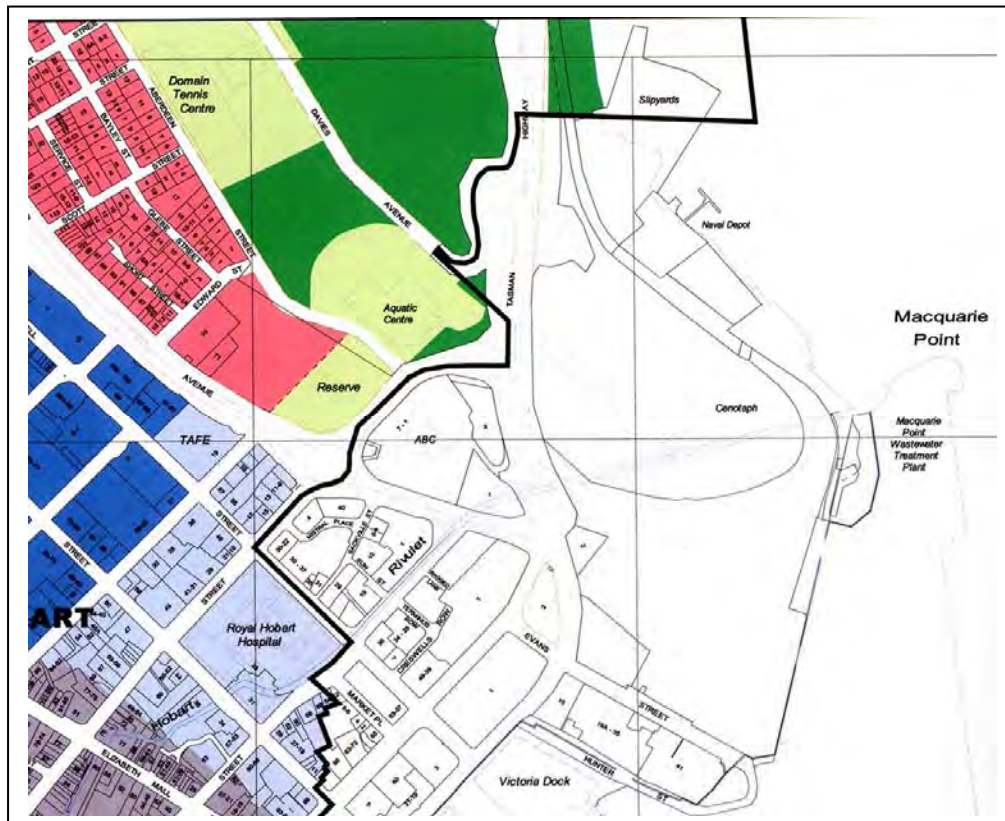


Figure 2B. The zoning proposals for the middle section of the Queen's Domain in the *Draft City of Hobart Planning Scheme 2008*. The dark Green areas are zoned as Environmental Management, the lighter green areas are zoned as Recreation. The red areas are zoned as Residential. This includes the TAFE complex with its trees and garden surrounds. The area on the northern side of the Aquatic Centre which has a number of very old, very rare and unusual pinus species is also zoned as Recreation.

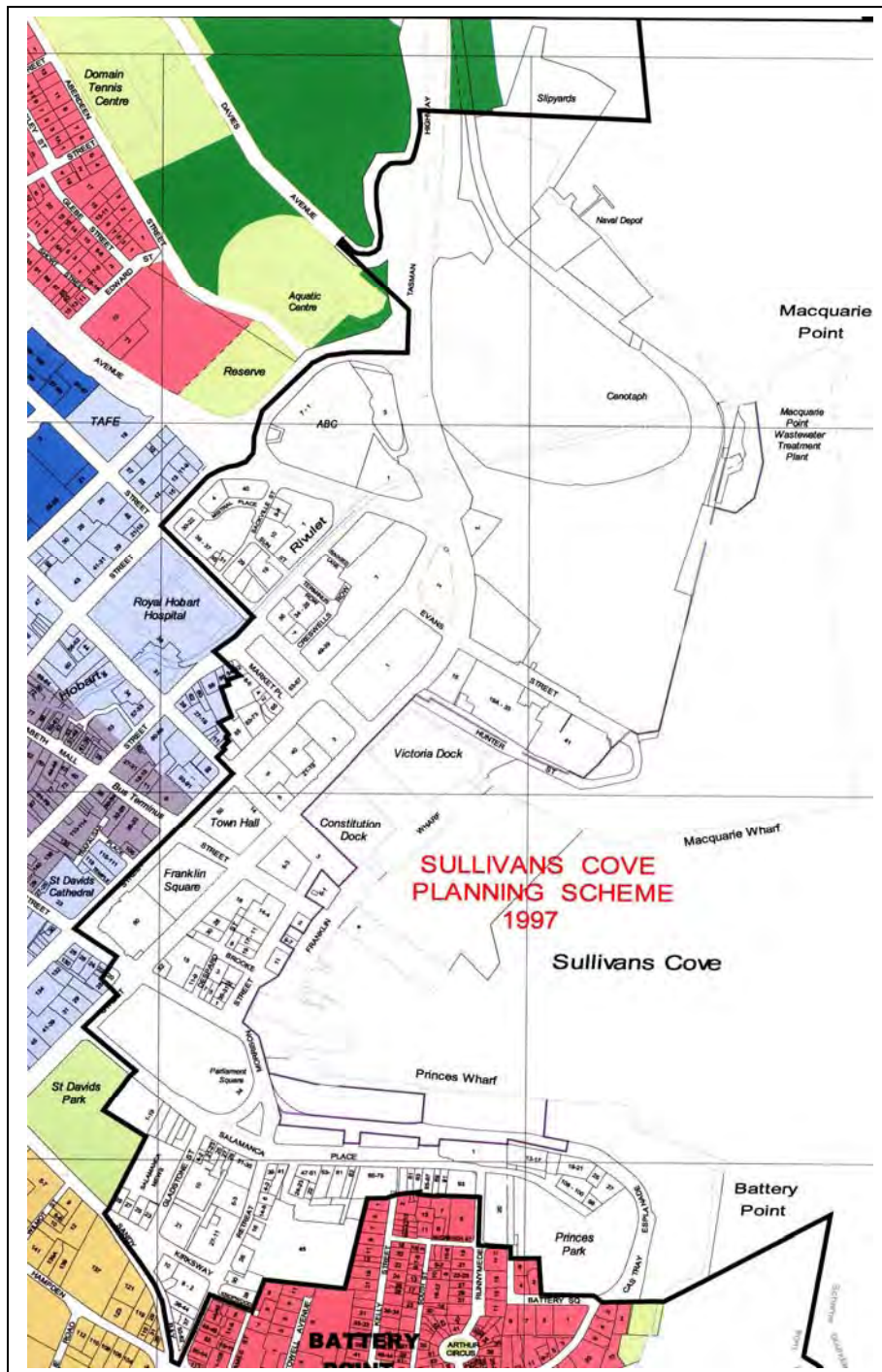


Figure 3. This map plan shows the area under the jurisdiction of the Sullivans Cove Waterfront Authority. The planning tool for this area is *The Sullivans Cove Planning Scheme 1997*.

2.0 Planning schemes. Assessment

This Report deals with the agreed scope of work (2), (3), (4) and (6) stated as,

Contributory assessment and evaluation to Section 3.0 [Project Brief – Review of Domain Cultural Heritage Management Plan 13 March 2008] in the light of the new government planning directives and template as it relates to the Domain. General comments.

NB. To work in conjunction with Austral Archaeology and James McIlhenny on this scoping issue.

Contributory assessment and evaluation to potential changes to the QDCHMP and the new Hobart Planning Scheme where new or changed policy, recommendations or action pertains to heritage landscape. Specific comments.

NB. To work in conjunction with Austral Archaeology on this scoping issue.

To contribute to the work required in the QCDHMP in response for new or changed policy, recommendation or action where this pertains to heritage landscape particularly related to the area south of the Tasman Highway.

NB. To work in conjunction with Austral Archaeology and James McIlhenny on this scoping issue.

To review the Strategic Draft Master Plan for the Royal Tasmanian Botanical Gardens as it could potentially impact on heritage landscape values as outlined in Project 1.

The present operating planning tool for the northern part of the Queen's Domain is the City of Hobart Planning Scheme 1982 (COHPS 1982).

Relevant zones of this scheme which are important along with their objectives, intent, and any other relevant information contained for example in Schedules, has been reviewed. Outlined are changes *Draft City of Hobart Planning Scheme December 2008* (DCOHPS 2008) along with changes emanating from Planning Directive No. 1 and its Key Elements Template.

2.0 City of Hobart Planning Scheme 1982. (COHPS. 1982)

The City of Hobart Planning Scheme for 1982 has 26 listed zones. However a number of these might be called subsets of major zones reflecting sometimes subtle differences in land use. There are for example 6 different zones for residential use, there are 3 different zones for rural use, and 7 different zones for Special Uses.

2.1 Relevant Zones

2.1.2 The Recreation Zone

Under the COHPS 1982 almost all of the Domain was zoned as being Recreation (Figure 4). The Scheme⁸ stated,

5.14 THE RECREATION ZONE

⁸ City of Hobart Planning Scheme. 1982. 41.

(Use Schedule A - Zone Reference 13)

The Objective of the Recreation Zone is to continue to provide areas of natural bushland and facilities for the passive and visual recreation and enjoyment of residents, workforce and visitors to Hobart, and to accommodate various utility services where necessary, by eventual public ownership.

This was a generalised statement but it is to be noted that its emphasis lent towards passive, rather than 'organised' 'structured' formalised, active recreation pursuits. It is these latter pursuits which require the infrastructure, the parking facilities, and which with growth, require additional hard spaces.

2.1.3 The Special Uses (4) Zone.

The area of TAFE buildings and surrounds in the Queen's Domain along with the University Rose Society's Garden was zoned in the COHPS 1982 as Special Use (4). This area thus had its own discrete zone particular to its specific use. All Special uses in the COHPS 1982 were seen as below.⁹ The objectives of this zone were listed as follows;

5.15 THE SPECIAL USE ZONES

The Objective of the Special Use Zones is to make provision for groups of uses and development unique to their respective Precincts under conditions unlikely to be appropriate elsewhere in the Planning Area.

5.19 SPECIAL USE ZONE 4

(For Zone Objective see Section 5.15)

The Lower Brooker Precinct - No. 5B

(Use Schedule A - Zone Reference 17)

(For 5A see Section 5.3 and 5.3.4)

Under Zone reference 17, the Scheme noted that a few uses are prohibited, and that most were discretionary. Only one use (house?) was permitted.

Policy comment

The requirements in the 1982 Scheme are not considered helpful to the protection of the surrounding TAFE open space areas, the trees and gardens in relation to the building envelopes or the Queen's Domain as a whole.

2.2 Uses

2.3 Use definitions for Recreation

Another input to the COHPS 1982¹⁰ was that under the 'use' schedule of the Scheme both passive and active recreation were given quite precise and different definitions. These were as follows,

'active recreation' includes a billiard saloon, bowling alley, dance hall, exhibition hall, funfair, golf course, skating rink, squash court, stadium, tennis court or any other similar sporting or recreation facility, but does not include an amusement machine centre, health studio or community centre.

⁹ City of Hobart Planning Scheme. 1982. 41. 43.

¹⁰ Ibid. See pp. 49. 54.

'passive recreation' means the use of land for a park, garden, playground or reserve for leisure activities but does not include 'active recreation'.

Under this definition difference then, it would appear that there were 'active' recreation areas of the Queen's Domain under the COHPS 1982 plan – the Tennis Centre, the Athletics Centre, the soccer oval and T.C.A. Ground. Such uses had developed at a time well before rigorous planning schemes came into being.

2.4 Relevant Schedules 1982.

Certain Schedules of the COHPS 1982 were considered relevant to this Report.

Very little appears in the COHPS 1982 in respect of management of the recreation zone. But some relevant material can be found in the Schedules which accrue to the planning scheme. In particular relevant sections of the Heritage Schedule, the Clearing of Land Schedule, the Bushland Management Schedule are seen as relevant.

The following places – as sites or as linear roads – are listed in the Heritage Schedule.

2.4.1 Heritage Schedule

APPENDIX 1 - SCHEDULE F HERITAGE SCHEDULE. 1982	
NUMBER STREET OTHER INFORMATION	
ABERDEEN STREET	ABERDEEN STREET Domain House (Former High School / University of Tasmania) ABERDEEN STREET Former Philip Smith Education Centre - (refer 2 Edward Street)
	EDWARD STREET Former Philip Smith Education Centre
CARRIAGE DRIVE	CARRIAGE DRIVE Gunpowder Magazine and Old Guard House 2 CARRIAGE DRIVE
LOWER DOMAIN ROAD	LOWER DOMAIN ROAD Government House, outbuildings and gardens LOWER DOMAIN ROAD Royal Tasmanian Botanical Gardens (incl. gates and walls) LOWER DOMAIN ROAD Gunpowder Magazine and Old Guard House (refer Carriage Drive)

While the buildings above were listed in Schedule F, no mention is made of their surrounds or of aggregated sites as 'areas.' The entire northern Domain hill has been shown in Sheridan¹¹ Project 1 to contain high significance in respect of the old exotic trees and the grassy woodland. Two distinct landscapes were identified. Surrounds are considered very important in both a landscape and a heritage sense.

¹¹ Gwenda Sheridan. *Heritage Landscape Values of the Queen's Domain Hobart. The Concept of the Victorian Park.* Assessment for the updated Queen's Domain Cultural Heritage Management Plan. Project 1. Unpublished for HCC. March 2009.

2.4.2 Clearing of Land Schedule

Schedule I: CLEARING OF LAND. 1982
<p>‘Vegetation’ All trees and shrubs and associated understorey. I.2 APPROVAL REQUIRED The Council has a discretion to refuse or permit the removal or destruction of vegetation and associated disturbance of soil in any zone where it involves:- (a) an area of land greater than 500m² on any one lot within 2 consecutive years; (b) an area of land less than 500m² containing vegetation which has been required to be retained as a condition of a planning permit: or (c) any Significant Tree and sites with vegetation of known value listed in Appendix 1 to this Schedule</p>

The Schedule above is relevant to the grassy woodland landscape of the Queen’s Domain but not in a way that helps the ‘designed’ improved layer of landscape. It is recommended that the Interim Significant Tree list provided in Sheridan Project 1,¹² be included and added to Hobart City Council’s list of Significant Trees. See Recommendation.....in this Report and Section 6.3 (Report 1).

2.4.3 Bushland Management Schedule

Schedule L BUSHLAND MANAGEMENT SCHEDULE. 1982
<p>L 1 Objectives and Scope This Schedule shall apply to all land contained within the Landscape and Skyline Conservation and Low Density Residential Zones where proposed use or development is to be located within an existing bushland habitat. Within such areas the objectives to be applied are set out as follows: (i) To ensure the retention of the natural landscape features of the City. (ii) To ensure that the individual and cumulative impact of development and land use does not adversely affect the bushland character, vegetation, fauna and water quality of such areas.</p>

This schedule, these provisions, this added level of protection should apply to the Queen’s Domain. Strictly in the 1982 Scheme, the Queen’s Domain does not have this level of protection, due to its zoning.

2.4.4 Significant Landscapes Schedule

Schedule O – SIGNIFICANT LANDSCAPES SCHEDULE. 1982
<p>O.1 Objectives and Scope This schedule shall apply to all land contained within the significant landscapes listed in Clause O.4 of this Schedule. Within such areas the objectives to be achieved are as follows: a) To protect and enhance the environmental, scenic, visual and cultural values of the significant landscapes which have been identified in the City.</p>

¹² Gwenda Sheridan. *Heritage Landscape Values of the Queen’s Domain Hobart. The Concept of the Victorian Park*. Assessment for the updated Queen’s Domain Cultural Heritage Management Plan. Project 1. Unpublished for HCC. March 2009.

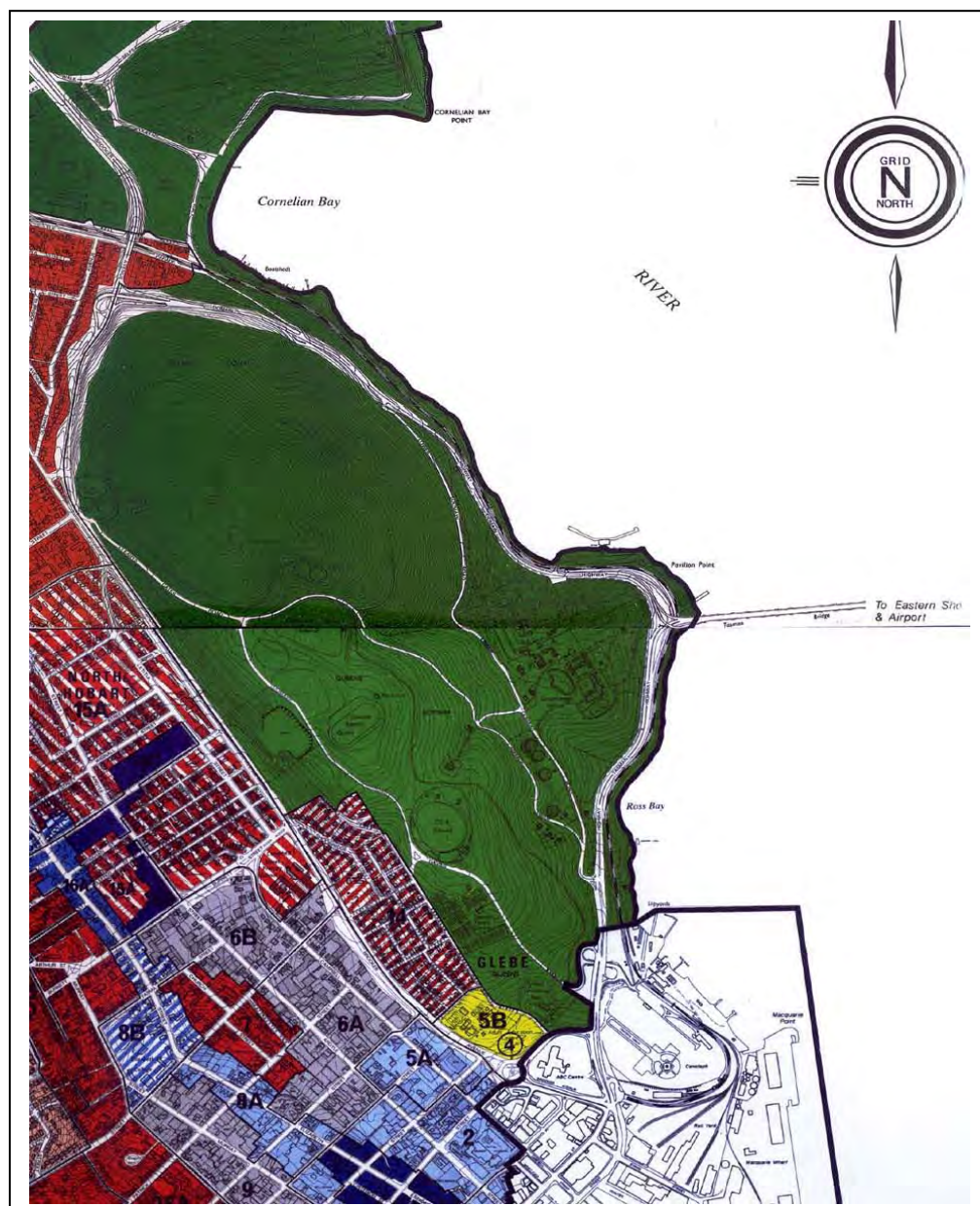
- b) To conserve the flora and fauna and associated ecological processes that contribute to the significance of the identified landscapes.
- c) To ensure that any new development is located and designed to avoid inappropriate visual intrusion or other detrimental effects on the key characteristics of the identified landscapes.
- d) To protect the cultural importance of historic road and track corridors.

O.2 Approval Required

Within the areas to which this Schedule applies, Council has a discretion to refuse or permit a use or development including the removal or destruction of vegetation. The exemptions provided in clauses I.3(a) to (j) inclusive still apply.

This schedule, these provisions, this added level of protection should apply to the Queen's Domain.

Figure 4. City of Hobart Planning Scheme. 1982. Queen's Domain Zoned Recreation. TAFE complex Special Uses (4).



3.0 Planning Directive No. 1 and the Common Key Elements Template.

3.1 A Brief history

All future new planning schemes or large amendments to old planning schemes have to use the framework contained within Planning Directive No. 1 and the Common Key Elements Template. Some understanding of exactly what this constitutes is required before comparisons can be made between differences in the City of Hobart Planning Scheme 1982, the Sullivans Cove Planning Scheme 1997 and the new Draft City of Hobart Planning Scheme 2008. The new City of Hobart Planning Scheme had to comply with Planning Directive No. 1 and the Common Key Elements Template.

The Planning Directive No. 1 and its Common Key Elements Template was quietly effected in December 2003. But it had had a background history. It was bipartisan, supported by both major parties. The LUPAA acts were passed in 1993 but by 1996 there were stirrings for change. Planning was seen to be too complex, too unwieldy, there were too many schemes, the process took too long, no one seemed to understand its complexity and it hindered developers and builders. Particularly an emphasis was on developers and builders if one consults the Hansard across time.

In a parliamentary speech in 1997 in respect of the establishment of the Resource Planning and Development Commission, Lara Giddings¹³ noted the following,

One of the biggest criticisms that you hear by people who want to develop in Tasmania, is the fact that there are so many different planning schemes in the State and where you might think that you have got your development right for this area, but for whatever reason you decide you want to build in another area, you have to start from scratch totally again, to ensure that your development still complies with the new planning scheme, if you are in a different municipality.

I understand it can be quite an inconvenience for developers, whereas a model planning scheme will provide some guidance to people as well, who can say, 'Well, I want to develop in Tasmania, I am not sure exactly where yet, but this is what I want to develop and I have just got to find an appropriate place to put it'.

By 1996 for example the then Department of Environment and Land Management 'engaged consultants Trevor Budge and Associates' (from Victoria) to prepare a report titled *Integrated System of Planning Instruments for the Tasmanian RMPS*. A preferred option for the format and content of planning schemes was recommended.¹⁴ In his Directions Statement of 1997,¹⁵ Tony Rundle announced the preparation of a Model Framework for Planning Schemes. The Edwards Report documented the findings of an independent committee to appoint and review the planning system (also released in 1997) reaffirming the value of preparing a model framework to better

¹³ Hansard. House of Assembly. Resource Planning and Development Bill 1997. No. 123. Part 2. 3 December 1997.

¹⁴ RPDC website: *Simplifying Planning Schemes. A Discussion Paper about Common Key Elements for Planning Schemes*. 2001. 3.

¹⁵ Hansard. House of Assembly. Estimates A. 5 September 1997. See also House of Assembly 14 August Part 2 1997.

serve the objectives of the RMPS.¹⁶ DELM then prepared a Model Framework. An inhibiting problem was that not all Councils agreed that the Model Framework was suitable for State-wide application. So at least the name 'model planning scheme' fell out of favour but its basic principles did not. One simplified model for all of Tasmania.

Far fewer zones, far fewer 'use' definitions were hallmarks of the thinking which evolved. The methodology to zone land into different areas was kept but there was to be a drastic reduction in the number and types of zones. Part C in the Common Key Elements Template (this for all of Tasmania) lists: 1 residential zone, 1 low density residential zone, 1 mixed use zone, 1 rural living zone, 3 types of industrial zones, 4 types of business or commercial zones, one zone termed environmental management, 1 recreation zone, 1 utilities zone; thirteen (13) prescribed zones in all.

The "development" and city-urban centric approach to zones was seen in the types of zones canvassed, this from 1997 forward. Despite the non acquiescence of local government by 2001 and the exit of what had been formulated as the Model Planning Scheme, there was a continuation for a much simpler development planning system. The idea of Directives appeared in the legislation by 2001. There was to be a uniform approach to 'use' definitions and a drastic reduction in the number of these as well. Directives were placed in the LUPPA Act, and they helped shift the power structure of who would be responsible for key decision making in planning. Draft Planning Directives could be issued by the Commission, a planning authority, a State Service Agency, any other person. It was the Minister however who decided whether the process went forward for formal assessment by the Commission or whether it stopped short and went nowhere.

Planning Documents were issued or were available to interested and informed parties in 2001, 2002, and 2003.¹⁷ Given the 23 representations to the RPDC in 2003 it would appear to have been government agencies or local government organisations who responded. The community at large appeared to remain outside of the major changes to planning being proposed and implemented.

By December 2003 the *Better Planning Outcomes* (as the proposed major changes to the state's planning administration, management and prospective legislation were now called) was effected as Planning Directive No. 1 and its Common Key Elements Template. All future new planning schemes or large amendments to older schemes had to comply to the Directive and to the Common Key Elements Template. Even so the discussion went on and by late 2005-2007, even the Legislative Council had weighed into the question of planning scheme formulation.¹⁸ In 2008-2009 other major changes have been mooted; these dealt with briefly in this Report under Constraints.

¹⁶ RPDC website: *Simplifying Planning Schemes*. Op. cit. 3.

¹⁷ On the RPDC website: *Simplifying Planning Schemes. A Discussion Paper about Common Key Elements for Planning Schemes*. February 2001: *Strategic Planning and Planning Schemes: Discussion Paper*: October 2002: *Report on the Assessment of Draft Planning Directive No. 1: The Format and Structure of Planning Schemes*: October 2003.

¹⁸ Hansard. 21 November 2006 Legislative Council. Select Committee of Inquiry into Planning Schemes. The RPDC by 7 February 2007 had written a reply in response to the Select Committee's Report some of which was highly critical.

3.2 General comment.

The Common Key Elements Template notes at 1.4 that the purpose of a planning scheme is the 'further the objectives of the RMPS and the Planning Process as set out in Parts 1 and 2 of Schedule 1 of LUPAA'.¹⁹

Schedule 1 (Parts 1 and 2) of LUPAA was not included as an Appendix in the Common Key Elements Template. An observation made by a representation from the Tasmanian Conservation Trust in October 2003²⁰ noted that,

It appears that the Template has been drawn up in an outcomes vacuum.

The Trust could find no logical progression in how the objectives of the Act were to be upheld, given the Template did not present a performance based approach to planning.

3.3 Zones in the Common Key Elements Template.

The Common Key Elements Template (CKET) has established common zones. Of relevance to the Queen's Domain is the Recreation Zone, the Residential Zone but in addition the zone called Environmental Management. Three zones now replace what were two previously, and two of these are very different in their objectives when compared to what existed previously in the COHPS 1982.

The CKET notes the following common objective for the,

3.3.1 Environmental Management Zone.

Environmental Management Zone

At 17.1.1 to provide for the protection and management of areas of environmental value such as cultural landscapes, remnant vegetation, fragile landforms, water catchments and areas of recreational value, allowing for complementary use or development where consistent with any strategies for protection and management

Policy comment

This is a new zone not generally found in older planning schemes. It does however appear in the Kingborough Planning Scheme 2000. The difficulty with it comes in the nature of the objective and the actual wording that has been used. It can be seen as an initial attempt to further the objectives of the RMPS. But presumably so as not to add an additional cultural zone, cultural areas have been drawn into what is really a biophysical attempt to 'manage' land (NB. Not 'conserve'). There is the use again of the term 'complementary' without explanation of what it means.

¹⁹ Common Key Elements Template. October 2003. 5.

²⁰ Report on the Assessment of Draft Planning Directive No. 1: The Format and Structure of Planning Schemes: October 2003. 9.

Recommendation

- The historic nature of a cultural landscape for the Queen's Domain is probably better protected under a heritage area overlay or significant landscapes overlay with its own specific policies and performance criteria.

3.3.2 Recreation Zone

At 19.1.1 Recreation Zone in the Common Key Elements Template, the Template states,

To provide for a range of recreational use or development in predominantly urban settings, allowing for complementary uses where they do not impact adversely on recreational amenity.

Policy comment

There is a difficulty with the word 'complementary' uses given the 'use' definition outlined above. What is seen as complementary for example? There is a corresponding emphasis too in the 'use' definition and the objective of the recreation zone, both emphasising organised, structured, formalised 'recreation' activity (see 3.4 for use definition). 'Passive' or informal recreational activity has been ignored in the Template's Objectives for this zone. This makes it very different to the COHPS 1982. It has important ramifications for the Queen's Domain as will be pointed out in other sections of this report.

3.3.3 Residential Zone.

This objective is as follows,

6.0: Residential Zone in the Template at 6.1.1 it states,

To provide for residential use or development that accommodates a range of dwelling types and densities where full infrastructure services are available, including access to educational, recreational, transport and community services.

It might seem extremely odd to have anything in the Queen's Domain zoned as a Residential Zone but this is the zone into which the TAFE complex of buildings, their surrounds, gardens and trees has now been "fitted." The 'use' definitions (below) of course have little or no relationship to Special use activities as was formerly zoned in the COHPS 1982. The former allowable discrete specific zone has disappeared.

3.4 Common use definitions in the Template.

The Planning Directive No. 1 and the Common Key Elements Template in Part B – *Administration* (Section 3.0 and particularly 3.1.1-3.1.3, 3.2-3.2.1) lists Planning Terms and Defined Uses which now have to be commonly applied to every planning scheme in Tasmania. There are 29 listed defined uses.

For the purposes of Queen's Domain future planning some are relevant.

Natural and cultural values management:

Means use of land to protect, conserve or manage ecological systems, cultural sites or landscapes.

Policy comment

There is a great deal of difference of meaning between ‘protecting’ a system, site or landscape to ‘managing’ a system, site or landscape. Which one at a RMPAT Appeal would carry the greater weight? Given that the ‘use’ is defined as ‘natural and cultural values *management*’ [Sheridan’s emphasis] rather than for example ‘natural and cultural values *conservation*’ the current definition lacks rigour and strength in Sheridan’s view.

Sports and recreation

Means use of land for leisure, recreation or sporting purposes conducted wholly or mainly in outdoor settings. Examples are a golf course or driving range, firing range, motor racing track, outdoor recreation facility, public swimming pool, race course, sports ground and showground.

Policy comment

A number of the ‘uses’ of the Queen’s Domain, for example the soccer ovals, athletics centre, tennis centre, TCA ground and swimming centre would fit to the definition of land used for ‘sport and recreation.’ When compared with the COHPS 1982 the move towards ‘active’ recreation which is more often infrastructure-heavy has to be noted.

Residential

Means use of land for one or more dwellings providing long term accommodation. Examples are an apartment, conjoined dwelling, dependent persons unit, flat, home occupation, house, shack and multiple dwellings.

Policy comment

This use definition under the new Template provisions is what covers the site of TAFE. Because the former Special Uses Zone category has been expunged, the TAFE complex has been in the new scheme for the City of Hobart zoned as ‘residential.’

3.5 Schedules in the CKET.

Common provisioning for schedules is where it is possible to develop standards for use and standards for development and these are separated. There are separate columns under which performance criteria and acceptable solutions may be developed and inserted.

4.0 The Draft City of Hobart Draft Planning Scheme 2008

The new Hobart Planning Scheme is in Draft form. A copy was released to the Hobart City Council Development and Environmental Services Committee, November 2008. It is a Scheme which must comply with the Planning Directive No. 1 and its Key Elements Template.

This new scheme only released in-house late in 2008 has ranged far beyond the Common Key Elements Template in the area of Zones and Schedules. It has to conform to the Objectives under the common zones but it has added a number of additional objectives. Adhering to the generalised framework it has provided an enormous amount of additional management detail. The new Scheme for example

has 21 Schedules and that is where much of the precise standard requirements are found. A number of these are relevant to the Queen's Domain discussion.

4.1 General comments.

The Queen's Domain now has three zones covering the area of the northern hill beyond the Tasman Highway. These are the Recreation Zone, the Environmental Management Zone and the Residential zone.

The Recreation Zones (Figure 2A, 2B) must be reviewed carefully because of the extended area of the zone in particular areas and also because the objectives and intent and uses within the zone are not necessarily conducive to the historic values of the areas as outlined in Project 1.

- (i) The Recreation Zone now includes the Royal Tasmanian Botanical Gardens, Government House, a small area on the foreshore which houses the rowing sheds (of Collegiate College ??).
- (ii) The Recreation Zone includes the Beaumaris Zoo site and the land which extends to the Power Magazine road; it also includes the houses and surrounds to the south of the former zoo site.
- (iii) A large chunk of land which incorporates the Crossroads ovals, the land to the west of this, and extending south to incorporate the Athletics Centre is an area zoned Recreation.
- (iv) Similarly land between the TCA Ground and the Domain Tennis Centre has been joined in an area zoned as Recreation; this extends south of the present tennis centre boundary.
- (v) The Aquatic Centre and surrounds is zoned as Recreation.
- (vi) The university rose garden area is zoned as Recreation.

4.2 Major areas of concern:

An overarching set of policies were put forward in the *Queen's Domain Cultural Heritage Management Plan* (QDCHMP) in 2002. At 2.1.1 Key policy areas were

1. Management of the domain should take a holistic view of the entire reserve.....
2. The principle and guiding use of the Domain should be for public passive recreation.....
3. There should be no further alienation of the Domain
4. There should be no further development outside currently utilised developed spaces.

Further policy development occurred in Section 5.2. Cultural Landscape Management Guidelines. Project 1 assessed the former QDCHMP 2002 and attempted to update certain policies. It provided quite detailed and precise recommendations in respect of heritage values and landscape in particular.

The new scheme of course hasn't recognised these policies, or the recommendations. However it was disappointing to note that despite the policies that were put forward in the QDCHMP (2002) those outlined 1-4 above were not carried forward into the new scheme. Rather the Scheme of 2008 has adhered to the *Queen's Domain Management Plan* of 1996 and its recommendations in allowing the amalgamation of recreation zoned land along the spine of the hill to become the designated policy.

4.3 Zones

4.3.1 Recreation Zone. DCOHPS 2008.

In the Explanation (in Blue) at the outset of the Recreation Zone, the Queen's Domain or the Beaumaris Zoo site are not mentioned.

At 14.2.1 the new scheme notes that 'sport and recreation' future development is a discretionary use. However this does not adequately protect the historic values of areas of the Queen's Domain given the potential development that is now allowable in the areas designated as Recreation Zones. Because of the broadness required under the Zone Template for allowable uses, and standards for development – these targeted at organised formal recreation activity (rather than passive informal activity) – heritage landscape values as outlined in Project 1 will be at odds with what is provided in the Scheme.

For example, the vehicle parking use provision notes that 'only when required for an existing approved use or to provide parking for passive recreation purposes, otherwise prohibited.' The Explanation in this section noted that 'it may be appropriate in this zone depending on the scale and level of activity' (14.2.1). Similarly, subdivision can occur at 14.4.1 (b) where it 'facilitates the provision or augmentation of public services and utilities or recreational use,' this as a part of a boundary adjustment, (14.4.1) At P1.2 'subdivision must not prejudice the maintenance of recreational values.' Even at 14.4.2 where the objective for development is 'not [to] detract from the landscape and recreational character and value of the zone' nothing about heritage values or heritage landscape is mentioned.

Clearly the provisions of the new Scheme in respect of the Recreation Zone will not protect heritage values.

It is anticipated that it would be the potential for future parking areas which could be the subject of development applications, this for existing organised recreation uses. Project 1 outlined that this is already on the drawing board given the *Draft Strategic Master Plan 2008* for the RTBG. With the amalgamation of areas in the Queen's Domain now assigned to a different form of Recreation zone, with different objectives, infrastructure development is also quite possible. Even with a site like the Beaumaris Zoo site which has archaeological heritage as well as botanical heritage values, infrastructure potential development is also a distinct possibility.

One of Tasmania's most iconic cultural landscapes (with micro landscapes within the larger one) – comprising the RTBG, Government House, the Beaumaris Zoo site, the foreshore and the Queen's Domain – under the requirements of the CKET now have significant areas zoned as Recreation, whilst other parts are zoned as Environmental Management.

Policy comment

The Queens Domain is a special landscape. More than other areas zoned as Recreation in the *City of Hobart Draft Planning Scheme 2008*, the Queen's Domain has significant heritage values; these in close association to the Royal Tasmanian Botanical Gardens and to Government House.

At 4.4.3 of the Godden Mackay Report, *Royal Tasmanian Botanical Gardens: Conservation Management Plan: Draft Report No. 2*, August 2008, it was noted,

Historically, physically and aesthetically part of the Queen's Domain, the Gardens contributes strongly to the cultural heritage value of a precinct of landscape public space in a prominent riverside setting within Tasmania's capital city.

Recommendations

- A significant landscape overlay – or significant landscape area(s) – is required for the entire hill north of the Tasman Highway, to redress the potential for further development that diminishes the heritage landscape values of this area.
- The Significant Landscape Area(s) would contain a listing of the specific landscape characteristics and would require Standards in the Significant Landscapes Schedule as outlined at the beginning of this report in respect of Performance Criteria which have to be met.
- There is no way without the Queen's Domain being designated as a Significant Landscape that the heritage landscape provisions as outlined in Project 1 can be met in the new scheme.
- It is further suggested that a new section S12.4 – S12.6 with Table S12.5 be added to the Scheme with appropriate Performance Criteria.
- Under Table S12.5 Places of Cultural Landscape Significance be added to the Draft Scheme with key character parameters as outlined in this Report.

- The amalgamation of the Soccer ovals to the Athletic Centre, the TCA Ground to the Tennis Centre to give two large areas zoned as Recreation is regrettable.

4.3.2 The Environment Management Zone

The Environmental Management Zone (Figures 3A, 3B) covers a considerable area of the Queen's Domain and will help protect the biophysical indigenous cultural landscape area. Even so there is the Common Key Elements Template requirement that it be a 'management' zone rather than for example a 'conservation zone'. Under the use of 'Sport and Recreation' at 13.2.1, this area is seen as being for passive recreation, otherwise any potential development would be discretionary. Vehicle parking is allowable 'only when required for an existing approved use or to provide parking for passive recreation purposes, otherwise prohibited.' The Explanation is that it 'may be appropriate in this zone depending on scale and level of activity.'

Policy comment

In this author's opinion a considerable amount of discretion for parking areas to be made larger is possible.

Again under Standards a sentence in Blue directs the user to the Bushland Values Schedule. It is suggested that at this juncture the user is also directed to the Significant Landscape Schedule as recommended in this Report.

Policy comment

The current Environmental Management Zone does not have the protective capacity to uphold the heritage landscape values of the Queen's Domain.

4.3.3 Residential Zone.

The TAFE area in the new Scheme is zoned as a Residential zone. At 6.1.1 following the Template directive it notes that it ranges across 'a range of dwelling types and densities if full infrastructure services are available, including access to education, recreational, transport and community services.'

Policy comment

- Domain House is listed under the Heritage Schedule, as is the Philip Smith Education Centre and some trees. The titles for the entire complex have not been cited by the author. Given that there may be a propensity to list 'only specific features'... 'rather than the whole title'²¹ it is necessary to ensure that all old trees, especially the rare species, are included in a landscape heritage listing.
- A listing of trees does not ensure that the open spaces between trees is retained.
- A number of use categories are permitted while others are discretionary. This has now become a very broad zone.
- As might be anticipated what appears in the uses categories and the general standards for the residential zone are those relating to residential use.
- The historic values of the TAFE complex in respect of its surrounds, trees, gardens, open spaces, landscape require full protection under the significant landscape schedule.

4.4 The Scheme objectives.

The Scheme objectives for the zones mentioned are those which have to accord to the Common Key Elements Template. Hobart Council has added other objectives relative to the Scheme but these are not useful to the historic values of the Queen's Domain.

²¹

See Heritage Tasmania. E-News August 2009. A milestone: New legislation being drafted.

4.5 The Schedules.

In the new Scheme, there is an increase in the number of schedules and it is often in the schedules that the real substance of standards and performance requirements is found.

4.5.1 Heritage Schedule.

Policy comment

The Heritage Schedule was considered as a Schedule under which to protect the heritage values of the Domain. The Queens Domain has significant heritage values in its evolved landscape and its historical botany. However it was finally decided that the Significant Landscapes Schedule was a more appropriate Schedule for protecting the Queens Domain.

4.5.2 Parking Schedule

The new DCOHPS. 2008 scheme has a **Parking Schedule** at S7.0. A most useful part of this schedule occurs at S7.1.1 (d)

To require access, parking, turning and site servicing to be provided only in locations in the planning scheme area where it can be done in a manner which ensures the retention or enhancement of:

- (i) the architectural character or heritage values of the site it serves; and
- (ii) the identifiable streetscape or heritage values of the area and
- (iii) the amenity of adjacent or nearby sites consistent with purpose of the Zone.

The Parking Demand Assessment (Definition of Terms) at S7.3 and its requirements (S7.4.1, S7.4.2) are also seen to be useful. Section 7.5.1 giving the Number of Spaces to be provided for Parking is similarly useful though it doesn't give any specific target number for the defined use Sport and Recreation in the table. However under Performance Criteria, in the second round of points, (b), (c), (g) would be useful.

4.5.3 Significant Trees Schedule

There is now a **Significant Trees Schedule** which occurs in the new Scheme as Schedule S8.0. It contains a two page list and only some of the trees nominated as significant trees from Project 1. appear on this list. Most don't appear. Trees on this list are exotic trees except for the *E. globulus* tree at the corner of Davey Street, Anglesea Barracks.

The Interim List of Trees' suggestion for registration as outlined in Project 1, will need subsequent adjustment. This is due to the fact that the lists upon which it was based were drawn up in 1993 and 1998 respectively. Since those dates numbers of trees have been removed, have died, or are in extremely poor health. However the list serves to illustrate which trees are highly significant in the Queen's Domain landscape. In most cases the reasons why they are significant were included in Project 1.

The following is taken from Project 1. p. 72. and seems relevant to this part of the discussion

Additional Statements of significance. Policy. Recommendations.
<p>Consider the following for replacement:</p> <p>Statement of Significance: The planting of hundreds of exotic trees, shrubs in the area of the Queen's Domain south of the Crossroads with their various patterns, great diversity of species, make a significant collective contribution in pattern, meaning, association, form, texture and aesthetics to the historical landscape and garden designed values of the Queen's Domain. The integrity and continued maintenance of the whole collection is what is requisite to the integrity of this evolved part of the Queen's Domain landscape.</p> <p>Policy: That the characteristics and diversity of the two differently evolved nineteenth century natural landscapes of the Queen's Domain have high heritage significance.</p>
Urgent priority recommendations
<ul style="list-style-type: none"> • That the Queen's Domain exotic tree and shrub collection be recognised as having high heritage significance in respect of its botanical, garden and evolved landscape history • An arboricultural management conservation plan (AMCP) is required for all of the exotic species on the Queen's Domain • That all jurisdictions responsible for the Queen's Domain exotic tree and shrub collection work together in mutual co-operation • Immediate remedial action is required for many trees especially those which are unusual or rare species • Urgent need for the collection lists to be current and accurate (species and location). Updating from 1993 and 1998 lists to determine what is present, what has died, what is in serious decline, what can be salvaged, is required. • The AMCP is to contain information in respect of climate change, global warming, and the best methods to alleviate vulnerability in old trees • The AMCP is to contain information in respect of diseases that have the potential to affect (or have affected) some trees. • If possible the management plan to contain information as to the RTBG collection and the Government House collection of conifers. • An historical section in the AMCP to recognise and research the historic place of these trees in the landscape and the role played by the Royal Society and other organisations in order to further determine the provenance of the species, especially those which are rare and highly unusual. • The AMCP to outline the list of specific species which are historically rare, uncommon, unusual in Tasmania and put in place policy, recommendations to recognise their historical importance. • Seed, cone, fruit collection and propagation of new trees from old rare or unusual genetic stock to be commenced as soon as possible. • That environmental staff from the HCC, Andrew Robert-Tissot, the RTBG staff and others including the author work to achieve the best possible outcome where the two evolved historical landscapes (natural and improved/designed) intermesh. • That the interim list (for immediate special attention) of particular species plants given in this Report be adopted as given in the Recommendations. • That this Interim list be placed on the Tasmanian Heritage Register. • Until the AMCP is completed for the Queen's Domain exotic tree collection any formalised arrangements to sell or lease areas as suggested in the <i>Queen's Domain</i>

Strategic Management Plan Draft 2008-2028 and its associated documents be placed on hold.

It is not until the Arboricultural Management Conservation Plan is completed that there will be an accurate up-to-date assessment of the present state of the exotic trees in the Queen's Domain. The Significant Tree list at Schedule S8.0 will be updated as an accurate list as of 2009-2010.

4.5.4 Significant Landscape Schedule

The **Significant Landscape Schedule S12.0** in the new Scheme has been mentioned.

Recommendations

- The northern Queen's Domain be designated as a Significant Landscapes area.
- A significant landscapes overlay – or significant landscape(s) area – is required for the entire hill north of the Tasman Highway, to redress the potential for further development that diminishes the heritage landscape values of this area.
- Two significant landscapes have been identified. These are the *Natural indigenous woodland park landscape* and the *Designed park landscape with exotics*.
- It is also suggested that an additional section be added to the Significant Landscapes Schedule in the Draft City of Hobart Planning Scheme 2008; these as outlined in the beginning of this report. Section S12.4 – S12.6 which includes Table S12.5. These proposed sections contain suitable Performance Criteria; there are no Acceptable Solutions.
- This spells out the characteristics of the two different landscapes and the most effective way in which they could be protected.
- There is no way without the Queen's Domain being designated as a Significant Landscape area that the heritage landscape provisions as outlined in Project 1 can be met in the new scheme.
- Alternatively a LAP might be another alternative to protect the heritage values of the Queen's Domain. In this way the entire northern hill would be delineated with its own plan. The area of the Springs has been included in the new Scheme 2008 in this way with its own plan so that the precedent has been set for this type of planning to proceed.

4.5.5 The Bushland Values Schedule

The Bushland Values Schedule occurs in the new Scheme as Schedule S13.0. The Bushland Schedule will work well with the historically evolved natural landscape of the far northern Domain hill; it will combine with the Zone values and objectives for Environmental Management. Bushland values at S13.3 are seen to have physical, biodiversity, landscape, recreational, economic and quality of life elements. It will help protect endangered vegetation species. In the Standards section of this Schedule, a broad objective is to ensure that 'development does not detract from the landscape and visual values of the zone.' An obvious point to make is that the Bushland Values Schedule will work very well with the Environmental Management Zone on the Queen's Domain but how well will it work if and when applied to the areas zoned as Recreation?

Because of the uncertainty of the Beaumaris site for potential future development, its extension to the Powder Magazine road, and to the area of the Pinetum and the Grassy Gully in the Queen's Domain, these are given additional assessment in this Report.

Section 13.4.2 deals with Native Vegetation Management and the Objective here is,

To ensure that use and development provides for the management and where appropriate rehabilitation and enhancement of native vegetation as a means of protecting bushland values.

The major aim is to conserve and protect indigenous remnant vegetation.

There is a Table included at 13.1. Environmental Weeds. On the list are included, *Crataegus monogyna*, *Pinus radiata*, *Pittosporum undulatum* for example. There is a considerable problem in this respect, not only with the three specific species mentioned but with a number of others. It is granted that they are seen as nuisance plants for managers of remnant grassland and bushland areas in 2009; this due to their capacity to reseed, spread, survive in situations where other plants don't and so on. The difficulty for historic garden values is that some of these plants were seen to be highly fashionable and newly discovered in the nineteenth century and by the turn of the nineteenth to the twentieth century were openly advocated as windbreaks. This due to their capacity to withstand drought and so on (e.g. *Pinus radiata*). They are now "weeds." As well when the British arrived they successively brought in plants that made them feel comfortable, at home; they grew familiar and well loved plant and trees in their new country. Hawthorn must be considered as one of Tasmania's oldest imported plants, from the 'old' country, and a most useful hedging plant at a times when fencing was urgently required. Willow was another favourite. *Lycium ferocissimum* was plant from South Africa used as well for hedging. A hedge of this still exists along the Woolmers Lane in northern Tasmania and remnant bits can be found even in old almost lost gardens (e.g. Parkholme at Bridgewater). The author can be confident that a great many of the plants on this "weed" list are those which find a place in the historic garden of Government House.

Louisa Meredith who painted so many native flowers and shrubs in Van Diemen's Land nevertheless still loved the old English known plants.

It seemed like being on the right side of the earth again to see rosy children with boughs of flowering "May" and to feel its full luscious perfume waft across me..... I thought I always held them in as fond admiration as any one could do, but my delight in these hawthorn hedges proved to me how much my regard had strengthened in absence...²²

At Cambria Louisa wrote,

Hawthorn hedges greeted me pleasantly again with their old remembered verdure and fragrant blossoms; and those of gorse, the first I had seen since leaving England there were many of these live fences...²³

²² Mrs. Charles Meredith. *My Home in Tasmania: During a Residence of Nine Years*. Volume 1. John Murray. London. 1852. 26.

²³ Ibid. 90.

A number of the plants on this list would have been found (may still be found) in old historic gardens. A number may have been initially grown for their medicinal qualities, as well as for other qualities (survival during extended dry times an obvious one in many parts of rural Tasmania). A further most significant reason was fashion. When the English took over the Cape, a great many new and unusual plants commenced to arrive in England, and by dint of the shipping routes at the time, also in Tasmania. What was fashionable and eagerly sought after in the nineteenth century (Cape and African plants for example) is now in so many cases off-limits.

In this context it is seen to be most important in respect of the Queen's Domain for example which does have old *Pinus radiata*, *Pittosporum undulatum*, *Ilex aquifolium* trees (TAFE, Pinetum and Beaumaris) where there are remnant hawthorn including a most unusual species (TAFE) that their historicity value in an old historic garden or place, or time of planting is recognised whilst being appropriately managed.

4.6 Planning assessment of particular areas.

Two areas which were the subject of review and assessment in Project 1 are again revisited in this Report given the changes which can potentially accrue to them given changed planning zones, and or changed zone objectives. The two areas are the Beaumaris Zoo site (and its surrounds) and the Pinetum.

As well several foreshore areas are also assessed. There is a small section on the Aquatic Centre and its surrounds and the TAFE area.

4.6.1 Beaumaris Zoo site and the Pinetum/Grassy Gully area of the Queen's Domain

The former Beaumaris Zoo site was given considerable attention in Project 1; this especially in relation to proposed possible re-development by the Royal Tasmanian Botanical Gardens. Reference should be made to Project 1. Parts have been extracted however from that document and appear below.

Additional Statements of significance. Policy. Recommendations.
<p>Policy comment.</p> <p>This report notes that the former Beaumaris Zoo site has a number of exotic plantings which are quite different to planting patterns in other parts of the Queen's Domain. Therefore the historical significance is different to some other parts of the Queen's Domain because of these different species and the consequent different patterns that eventuated. This has resulted in the micro landscape outcome as also different. What remains – as pointed out in Section 3.6.3 – is that a much higher proportion of trees had an origin from northern New South Wales/ southern Queensland, with several species from inland New South Wales. This pattern has not been observed elsewhere in old historic garden plantings to this extent. There was a definite vision to beautify the old quarry and give it picturesque qualities. The area across which this occurred probably reached to the Powder Magazine road.</p>

The following recommendations below are taken from Project 1 and relate to the former Beaumaris Zoo site.

Additional Statements of significance. Policy. Recommendations.
Urgent priority recommendations
<ul style="list-style-type: none"> • Identify all plantings to species level • Implement very urgent remedial action for trees which are badly stressed • Determine health and ongoing survival status of collection • Determine which trees have disappeared from the 1998 list. • Commence seed, cone collection and propagation for unusual and rare tree species • That the interim list (for immediate special attention) of particular species plants given in this Report be adopted • That this Interim list be placed on the Tasmanian Heritage Register and the Significant Tree Schedule list S12.0 of the <i>Draft City of Hobart Planning Scheme</i> 2008. • Until an AMCP is completed for the Queen's Domain exotic tree collection refrain from any formalised arrangements to sell or lease the area and its northern surrounds (as far as Powder Magazine Road) to the RTBG or to any other organization or group who wish to pursue development of the area. • Whatever change is agreed upon for this area, its botanical, garden, and landscape historical <i>integrity</i> values to be retained. • A parking area on the land between the former Beaumaris Zoo site and the Powder Magazine road is not supported.

The difficulty for the Beaumaris Zoo site and for the land which extends beyond it to the Powder Magazine road is that it is zoned Recreation in the new Scheme. Given what has been outlined in this Report in respect of the Recreation Zone, what its objectives are, its performance criteria and acceptable solutions, these do not accord with the preservation of the area's historic botanical and landscape values. None of the cited schedules except the heritage schedule and /or Significant Landscapes Schedule (with further Performance Criteria, and additions) would cover the requisite values outlined in Project 1 for the site.

4.6.2 The Pinetum

The pinetum was extensively assessed in Project 1. Reference should be made to Section 6.5 of that document. It was outlined that the Royal Tasmanian Botanical Gardens are interested in the Pinetum area as a potential annexe to develop further collections. The information below is taken from Project 1 and is seen to be relevant to this discussion.

Policy comment:

It is considered that the pinetum area of the Queen's Domain has high heritage significance in its own right. This has yet to be assessed in greater detail both from its botanical history aspect, and from its arboricultural health-related aspect. The second pinetum was established to complement the original pinetum (not recognised as such in the DSMP - RTBG 2008-2028). Its significance relates to its place in the botanical history of imported species conifers into Tasmania in the nineteenth century, to its garden history significance and evolved landscape significance as a part of the wider Queen's Domain landscape. As the second known public pinetum to be established in the state, it continued the pattern of what had begun in the 1840s inside of the RTBG boundary. Some trees in the second pinetum are now not in the RTBG collection. As pointed out elsewhere in this Report, it contains a number of very rare, highly unusual conifer species including *Afrocarpus falcata*. It is also

representative of a micro landscape example of a past historic garden planting pattern in a large park and *as such has landscape significance*. It extends into the Grassland Gully area on its northern side where the two evolved landscapes are intermeshed.

Urgent High priority recommendations

- Need for current accurate identification of all species
- Determine which trees have disappeared from the 1998 list
- Determine health and ongoing survival status of collection
- Determine rare, unusual, uncommon species in the pinetum,
- Implement very urgent remedial action for trees which are badly stressed
- Commence seed, cone collection and propagation for unusual and rare tree species
- That the interim list (for immediate special attention) of particular species plants given in this Report be adopted
- That this Interim list be placed on the Tasmanian Heritage Register
- Until an AMCP is completed for the Queen's Domain exotic tree collection refrain from any formalised arrangements to sell or lease the area and its northern surrounds (as far as Powder Magazine Road) to the RTBG or to any other organization or group who wish to pursue development of the area .
- Whatever change is agreed upon for this area, its botanical, garden, and landscape historical *integrity* values be retained..
- Use and development for any part of the pinetum as a parking area is not supported.

The difficulty for the Pinetum area and its extension into part of the Grassland Gully area is that under the new *Draft City of Hobart Planning Scheme 2008* it is zoned as an Environmental Management Zone. Given what has been outlined in this Report in respect of the Environmental Management Zone, what its Objectives, Performance Criteria and Acceptable Solutions are, these do not accord with, nor recognise the preservation of the area's historic botanical and landscape values. None of the cited schedules except the heritage schedule and / or Significant Landscape Schedule (with appropriate Performance Criteria and additions) would cover the requisite values outlined in Project 1 for this area.

4.6.3 The TAFE area and the Aquatic Centre area.

The TAFE area has been zoned as Residential in the new Scheme. This zone and its use and objectives definition will not necessarily aid the preservation of its gardens, trees and surrounds given that Domain House, some trees, the Philip Smith Educational Centre are heritage listed, but the full titles of the area have not been cited; this to determine exactly whether the entire area open spaces are fully covered.

The Aquatic Centre has some unusual trees, two quite rare in Tasmania, others very unusual. The Centre has been zoned as Recreation. A little to the north the Tennis Centre has also been zoned Recreation and its area is now larger than might be anticipated because it extends south beyond the current footprint of the site. This leaves little room between the Aquatic Centre and the Tennis Centre which has been zoned as Environmental Management.

Recommendation

- The area between the Tennis Centre complex and the Aquatic Centre should remain as zone Environmental Management. Amalgamation of the areas is regrettable.

5.0 The Northern Foreshore

Under the current *City of Hobart Planning Scheme 1982*, the section of land between the Lower Domain Highway and the high water mark was zoned as Recreation (Figure 4). Section 3 of Sheridan's²⁴ *Historic Landscape of the Queen's Domain* recognised the historic importance of the foreshore in that originally the land had not been severed as is currently the case; it had simply been a part of the wider landscape of the Queen's Domain. This study found that the northern Domain foreshore was 'culturally significant in its almost natural state.' An overall management policy was recommended for all the strip lands.²⁵ In the *Queen's Domain Cultural Heritage Management Plan 2002* under Cultural Landscape Management Guidelines at 5.2.1 it was recommended that,

No further intensification of use or fragmentation should occur along the Queen's Domain foreshore.

The natural geometry of the foreshore should be (i) preserved and (ii) rehabilitated where appropriate using locally provenanced indigenous shrubs and small trees.

It also noted that the foreshore area was one of high Aboriginal cultural sensitivity.

The *Draft Cornelian Bay Bushcare Vegetation Management Plan 2007*²⁶ identified the native vegetation communities, the endangered species, exotic species and the weeds for a northern section of the foreshore. It is Section 1 of that study which is of primary relevance to this Report. In the study, at 5A map plan :Zone wide and site-specific actions, management was outlined. The NorthBarker native vegetation map of the northern Domain foreshore is reproduced as Figure 5 in this report.

North Barker identified areas of *Eucalyptus viminalis* grassy forest and woodland, a lowland grassland complex, an *Allocasuarina verticillata* forest and a Bursaria-Acacia woodland scrub. There was also a section which was labelled as Regenerating Cleared Land. A number of threatened flora were found and identified in the North Barker study (Figure 3 of the study) as well as some exotic trees. *Pinus radiata* and *Pinus pinaster* were also identified along with some cypress and mixed exotic eucalypts. Weeds such as fennel, blackberry, periwinkle, gorse, valerian, boxthorn and broom were all present. The recommended management programme recommended by North Barker was ongoing to Spring 2010.

NorthBarker made reference to some unidentified eucalypts in their study. It is possible that they belong to the early twentieth century when the Forestry Commission had plantings in the far northern section of the Royal Society's Gardens; and that these were possibly extended to the foreshore area. It seems unlikely that – given their location – the eucalypts would have been a part of the original plantings to

²⁴ Gwenda Sheridan. *Historic Landscape of the Queen's Domain*. Gwenda Sheridan and Austral Archaeology: *Queen's Domain Cultural Heritage Management Plan*. Part Two. Hobart City Council. Hobart. 2002. Original document unpublished was 1999.

²⁵ Ibid. 102.

²⁶ North Barker Ecosystem Services. *Draft Cornelian Bay Bushcare Vegetation Management Plan*. Unpublished for Hobart City Council. 2007.

develop and beautify the Royal Society's foreshore area. Any non indigenous eucalypts and their origin would require research not completed for this Report.

The NorthBarker study however did not extend to the area that had been "developed" by the Royal Society in the nineteenth century, (northern foreshore closer to former railway station) nor was comment made regarding land under the Tasman Bridge and southwards to the termination of the Hobart City planning scheme boundary line. A substantial section of foreshore therefore remains apparently not completed. North Barker may have been unaware of the history of Section 1 – that is the northern foreshore of the Queen's Domain – in terms of its landscape and the 1999/2002 Sheridan study. A useful collection of photographic material can be found in Sheridan: *Historic Landscape of the Queen's Domain* pp. 104 - 124. When the Royal Tasmanian Botanical Gardens extended its plantings to the foreshore exotic plantings would have taken place, however this would have occurred in only a limited section of the northern foreshore not apparently done in the North Barker study. Even after the rail line severed the foreshore from its hinterland section, the Royal Society built a bridge across the rail line; still in place in the aerial photograph of 1996 (*Historic Landscape of Queen's Domain* p.122; this also indicates the small sectional area of land that was "developed" shown in Figure 6). The foundations of the bridge are still in place.

In the *Draft City of Hobart Planning Scheme 2008*, the entire narrow strip-land of the foreshore (from high water mark to the Domain Highway and or to the Tasman Highway) has been zoned as an Environmental Management Zone. There is a small area where the boatsheds of the Collegiate School are located which is zoned as Recreation. Given the objectives of the Environmental Management Zone, and the Bushland Values Schedule there is the potential to return this area to something which broadly approximated the landscape at the beginning of white settlement.

The findings and recommendations of North Barker are on the whole supported. However some further comments are included.

Policy comment.

Further work is required for:

That section of land which has been afforded to the Royal Tasmanian Botanical Gardens and the outline of potential development for the area given in the *Draft Strategic Master Plan 2008* – the former ANM site.

Management and research for the former area of the Royal Society's Gardens, not yet identified for its biophysical values or for its possible heritage plantings, this developed in the nineteenth century.

The exotic eucalypt species identified by North Barker in their 2007 study.

The area of land to the south of the RTBG acquisition or lease which extends under the Tasman Bridge to the boundary of the planning scheme, (adjacent to the former Patent Slip). Its former rusticity is shown in Figures 7, 8, 9, 10.

The RTBG Strategic plan has recommended a bridge to cross the Lower Domain Highway to access the foreshore area (Figure 11).



Figure 6. The area of the foreshore developed by the Royal Society's Garden in the nineteenth century. Postcard collection. Tasmaniana Library. Date unknown. May be around 1900.

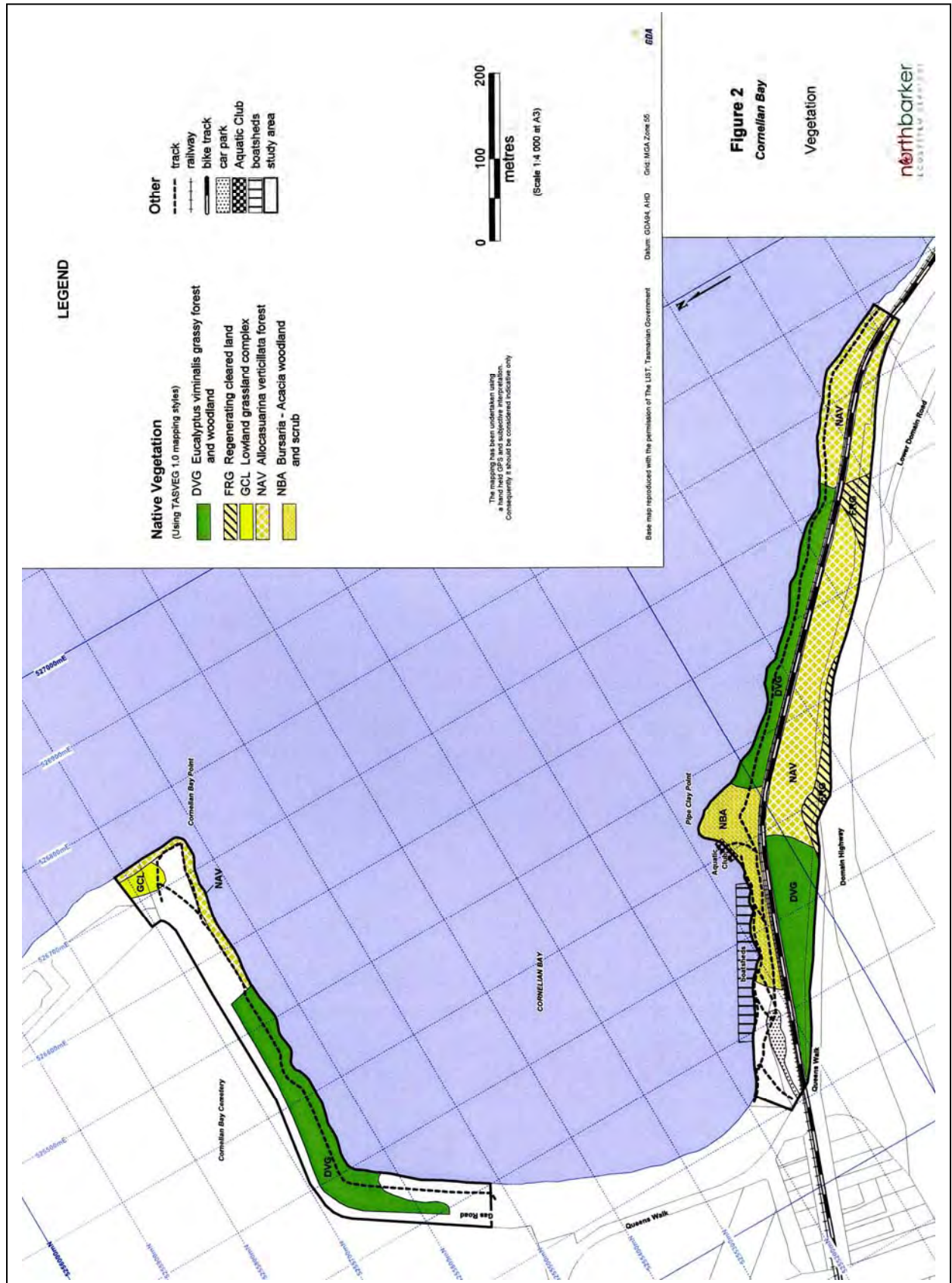


Figure 5. Taken from NorthBarker. *Draft Cornelian Bay Bushcare Vegetation Management Plan*. March 2007. Native vegetation communities.



Figure 7. Aerial view of Government House Hobart. Postcard collection. Tasmaniana Library. Shows foreshore either side of the floating bridge. ND. Possibly C. 1944.

Figure 8. The southern foreshore of the Queen's Domain following road and rail development. National Library of Australia. Frank Hurley collection. ND but between 1910-1962.

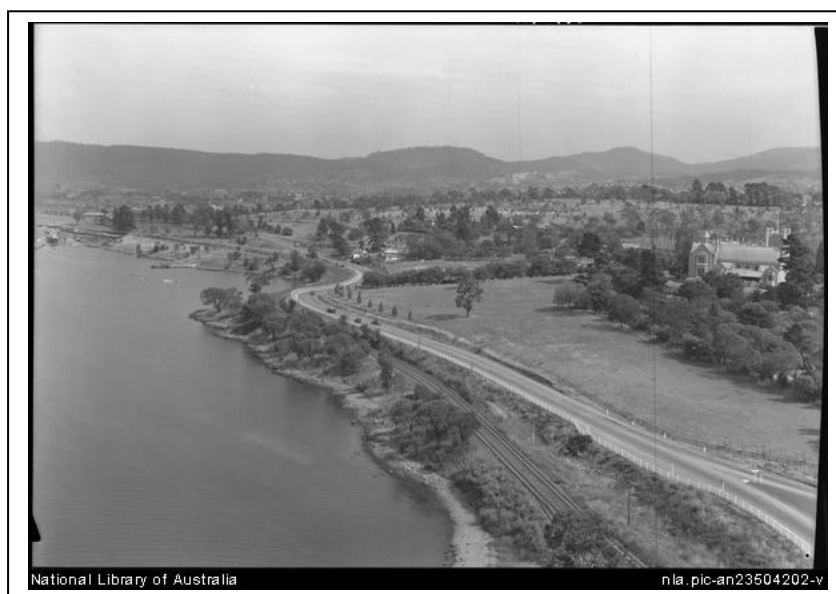




Figure 9. The southern foreshore looking north. This is an earlier photograph when compared with those of Figures 7, 8. Archives of Tasmania. 30-2991c. C. 1880s.

Figure 10. An image also of the southern section of the foreshore. Probably taken around the 1880s as well showing the rusticity of the indigenous vegetation. These types of views were popular because they helped place Government House in its rustic prospect setting. www.pictureaustralia.org. Allport Library. State Library of Tasmania. Between 1851-1901.



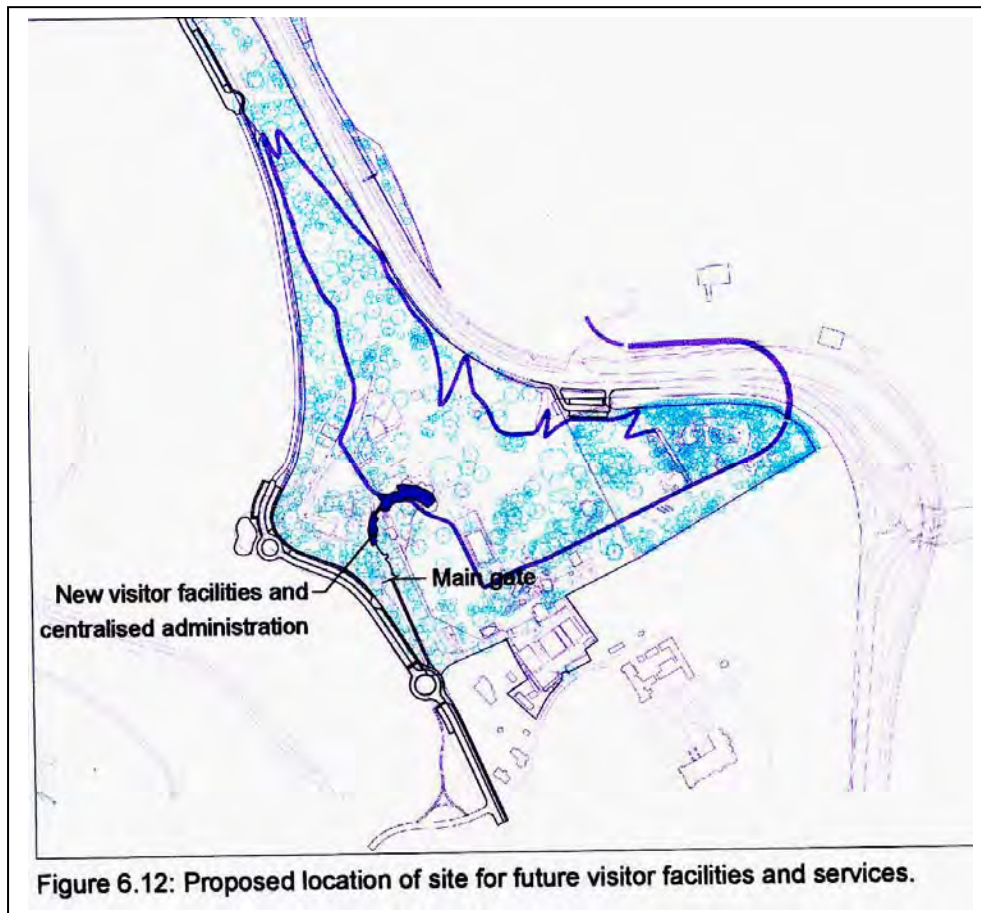


Figure 11. Adapted from the *Draft Strategic Master Plan 2008*. *Royal Tasmanian Botanical Gardens*. Inspiring Place. December 2008.

5.1 The Royal Tasmanian Botanical Gardens and the former ANM site.

Figure 12 adapted from the *Draft RTBG Strategic Master Plan 2008* indicates the area that has been acquired by the RTBG along the foreshore. It is unsure whether the RTBG have actually acquired all of this land or whether part is leased from the Hobart City Council or from the Crown. Part of what is shown in Figure 12 would have been land that originally belonged to the Royal Society's Gardens, and part of it would have originally belonged to Government House.

From the DSMP – 2008: RTBG the following has been taken with reference to the foreshore and specifically the former ANM site.

p. 90 Investigation of the potential to develop new collections on adjacent locations (i.e. elsewhere on the Queens Domain or river foreshore) or at other locations around the state (i.e. annexes), as a mechanism to present a wider range of Tasmanian native plants and plants with cool climate southern hemisphere affinities, to address the desire to contribute to biodiversity conservation more generally and specifically to overcome limitations on growing conditions at the Gardens that might arise from climate change.

p.97 In more recent years the RTBG has also acquired foreshore land from the Crown (known as Pavilion Point) that had been previously used as a wharf and industrial storage shed. Rehabilitation works (planting out with locally indigenous species) at the site were initiated prior to the RTBG acquisition of the land, and have been maintained since that time by the RTBG. Pedestrian access to the site from the Gardens involves crossing the Domain Highway and given the high traffic volumes and speeds, is considered unsafe. There are no other pedestrian crossing points on the Domain Highway that allow safe access between the Gardens and the foreshore (including the inter-city cycleway). The land at the western and southern boundaries of the RTBG is part of the Queens Domain reserve, which is managed by the Hobart City Council.

In keeping with the land shown in Figure 12 The DSMP-2008: RTBG noted the following,

p. 180. SUB - ANTARCTIC COOL TEMPERATURE COLLECTIONS

The SMP proposes the idea of a major visitor attraction at Pavilion Point to house the Sub-Antarctic Collection and other Cool Temperature Collections (alpine and sub-alpine) subject to the development of a business case. The proposal builds on the popularity of the existing Sub-Antarctic Collection and addresses the issue of the lack of appropriate conditions in the Gardens for the growing of cool temperature species.

p. 51. the development of an area to illustrate Tasmania's drier and salt tolerant vegetation including heathland and woodland species.....

p. 153. The master plan also identifies improvements to access across the Lower Domain Highway that would facilitate better use of the foreshore through: the relocation of the Sub-Antarctic collection and the addition of alpine and sub-alpine collections within a purpose built visitor attraction at Pavilion Point (71) (see also Section 6.1.3, Visitor Attractions); the development of a saltmarsh collection on the

foreshore using a system of ‘floating beds’ as display areas (soil-filled structural geofabric suspended from floating or pile supported walkways could provide a suitable media/setting for growing such plants, similar to the way in which a sphagnum mat supports plant growth in a bog – use of such a system overcome the need for the filling of the river); and the development of the foreshore as a ‘collection’ of typical Tasmanian foreshore species (as opposed to simply rehabilitating the area, this may involve introduction of coastal species from elsewhere in the State.)

71 Subject to a business case being prepared that supports such a venture.

It was seen in the DSMP-2008: RTBG that the,

p. 180 The attractiveness of the site lies in its riverside setting with outstanding views to the eastern shore, access to the water’s edge and potential access by boat from elsewhere in the estuary. Heating and cooling systems could benefit from the use of reverse cycle technology drawing on the cool river water nearby.

The development proposal would be made more attractive if the flora collections could be combined with fauna, particularly penguins native to the Sub-Antarctic collections represented in the building and/or other relevant fauna species (including other birds, insects, marine invertebrates, etc) (76). Whilst the site is difficult to access by car, this could be overcome by: improving public transport to the site either by bus or by rail; encouraging access via the inter-city cycleway; linking the site to the Gardens proper by the proposed overpass (see Accessible Paths above); increasing the size and configuration of the lower Gardens car park (see Arrival, Parking and Entry); establishing the proposed car parking areas above the Gardens and Lower Domain Road (in this scenario visitors would pass through the RTBG and cross the proposed footbridge to the development site); and improvements to the road junction at the Domain Highway.

76 The Biodome in Montreal is a good example of the concept proposed here. The Biodome allows visitors to walk through replicas of four ecosystems found in the Americas. A variety of animals live in each simulated habitat.

Policy comment

The area which has been acquired by the Royal Tasmanian Botanical Gardens has had an evolving series of landscape changes. Originally it was quite natural with indigenous vegetation, this shown in colonial paintings but as well in later photographs. The Royal Society’s Gardens developed a part of it, while Government House built a rustic type boatshed and put in exotic plantings including trees. Much of the Government House landscape disappeared with the formation of the Lower Domain Highway, while by the 1940s the site was developed by the Australian Newsprint Mills as a holding site for paper distribution. A very large shed was built with infrastructure into the Derwent and by 1968 the shed was doubled in size. A decision was made in 1995 to demolish the shed leaving the jetty, wharf and gantry section of the former industrial use. By June 2002 there was a pending development to this area which involved a multi-use development for marina, apartments, restaurant and other facilities. Subsequent to this date the remaining infrastructure caught fire and was destroyed. The DSMP-2008: RTBG does note the following:

p. 55. the strength of its visual relationship to the Queens Domain (particularly the contrast between the naturalness of the Domain and the structured aesthetic of the Gardens) and more specifically to Government House (especially its strong visual integration when viewed from the Derwent River, the eastern shore or the Tasman Bridge) and,

p. 54 Beauty

The creative and aesthetic development of the Gardens set within the outstanding beauty of the Queen's Domain and the Derwent River arguably make it one of the finest Botanical Gardens in Australia.

Policy comment

Apart from the 45 year occupation by the ANM shed, this foreshore area has had little built infrastructure across its 206 year history. The foreshore had contained natural indigenous vegetation until it was 'developed' as part of Government House. Even so, it remained as a natural site and was a favorite photographed area from a vantage point in the Royal Society's Gardens in the nineteenth and early twentieth centuries.

Priority recommendations

- Liaise with the RTBG in respect of the historic landscape of the foreshore.
- It is important to keep the foreshore as a natural area.
- It is important to be able to stand on this foreshore site and look across a series of hills with largely natural vegetation to connect with Mount Wellington
- Recognise that this is foreshore area is the 'gateway' to Hobart from the airport for tourists. Any new structure on the foreshore will most likely be detrimental to, and diminish, the historic values of the foreshore and its riparian expression of naturalness.
- It is important not to repeat the planning error of the 1940s and place another large building on the site of the former ANM shed.
- Request that a Landscape Conservation Plan be prepared prior to any plans for a built structure on the site; this to include a historical landscape section
- The two organisations (HCC and RTBG) to work together to find a mutually satisfactory future solution to this area of the foreshore.
- This Report does not support the idea of a penguin colony (re-located from elsewhere presumably) to this area.

The RTBG are also desirous of finding some type of solution to the Lower Domain Highway in respect of visitors crossing the road. The following is from the DSMP-2008: RTBG. It has implications for the use of the Cornelian Bay Walking Track which is a part of the Hobart City Council jurisdiction. It has implications for where a crossing point over the Lower Domain Highway might be placed (Figure 11).

p. 99. 3. Future use options for the foreshore land managed by the RTBG and ways that safe physical links can be made between it and the Gardens. In doing so, thought will be given to how the Gardens can benefit from its proximity to the cycleway and the railway, assuming that one future use of the latter might be public transit.

p. 120 The Domain Highway is arguably one of the busiest roads in the State and is unlikely to be downgraded in purpose or use during the life of the SMP nor is it practical to tunnel under the Domain to a more suitable location (as is often suggested). It is, therefore, of some importance to find alternative means of mitigating the impacts of traffic-generated noise.

The maintenance of the highway corridor is also a source of frustration for the Gardens – the poor and unsightly condition of the vegetation along the boundary to the RTBG and along the foreshore contrast sharply with the high standards achieved by the Gardens' staff on its properties.

The DSMP-2008: RTBG has suggested that a bridge and pedestrian link be established from its internal footpath in the Gardens across the Domain Highway to enter the former ANM site and other areas, from the south (Figure 11).

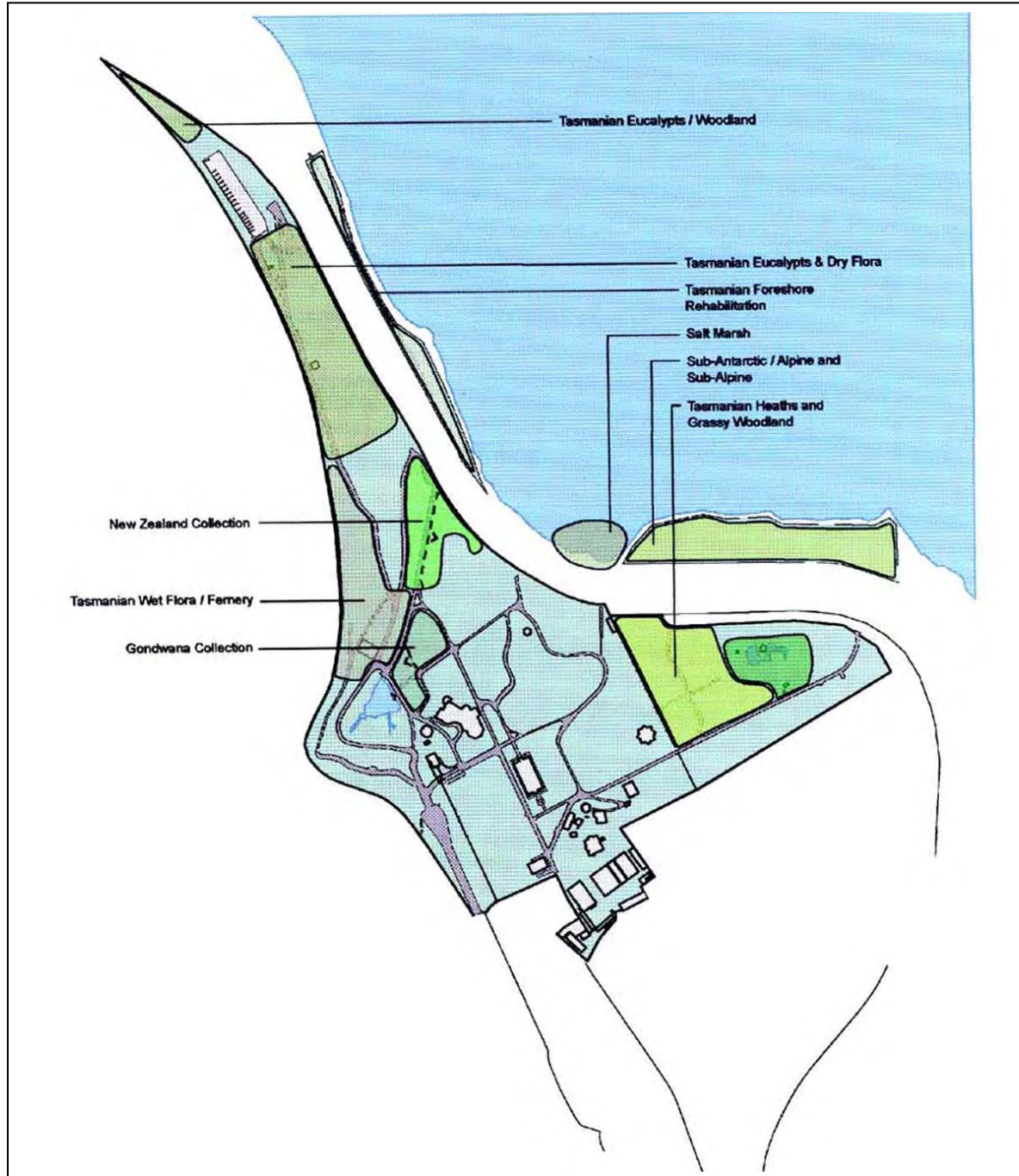


Figure 12. Adapted from the *Draft Strategic Master Plan 2008*. Royal Tasmanian Botanical Gardens. Figure 6.2. Inspiring Place. December 2008.

5.2 The former Royal Society's Foreshore Gardens

Figure 12 suggests that the RTBG may also have acquired the land (which they formerly developed in the nineteenth century) which lies north of the former railway station. In Figure 55 of Project 1 there is the identified 'pedestrian link to the Cornelian Bay walk'.²⁷ This area did not appear to have been researched and studied by NorthBarker. Any non indigenous eucalypts and their origin would require research not completed for this Report. It is noted in Figure 55 (Project 1) to be an area for subsequent "foreshore rehabilitation." It may be that this area is the one in which the following 'development' will occur; no other statements in the DSMP-2008: RTBG were found which pertained to this particular area of land. However other statements are also seen to be relevant.

p. 159 the development of the foreshore as a 'collection' of typical Tasmanian foreshore species (as opposed to simply rehabilitating the area, this may involve introduction of coastal species from elsewhere in the State).

p. 88 The Gardens has a finite area in which to express its vision. At present there is little space that can be readily be used to develop new collections or to expand collections (or undertake other activities that might benefit the place) – (Section 4.2.4) that meet the strategic framework for the Gardens.

p. 99. 5. Investigation of the potential to develop new collections on adjacent locations (i.e. elsewhere on the Queens Domain or river foreshore) or at other locations around the state (i.e. annexes), as a mechanism to present a wider range of Tasmanian native plants and plants with cool climate southern hemisphere affinities, to address the desire to contribute to biodiversity conservation more generally and specifically to overcome limitations on growing conditions at the Gardens that might arise from climate change.

Policy comment

The present DSMP-2008: RTBG makes no comment concerning the historicity of the foreshore landscape north of the former railway station. This area must be seen as an important part of the Royal Society's Garden in the late nineteenth and early twentieth centuries when persons had a direct link across a rail bridge to the foreshore area. The area was developed as a garden to the foreshore with – for a short section – a reinforced path right at the water's edge. The historic nature of this small micro landscape area is important.

Priority recommendations

- Liaise with the RTBG in respect of the historic landscape of the foreshore.
- The two organisations (HCC and RTBG) to work together to find a mutually satisfactory future solution to this area of the foreshore.
- It is important to identify any unusual historic plants in the area which remain and to conserve those.
- It is important to keep the foreshore as a natural area.
- It is important to be able to stand on this foreshore site and look across a series of hills with largely natural vegetation to connect with Mount Wellington.
- Recognise that this is foreshore area is the 'gateway' to Hobart from the airport for

²⁷

DSMP-RTBG. 2008 p. 153.

tourists. Its riparian expression of naturalness should remain.

- Request that a Landscape Conservation Plan which would examine the historic nature of this garden be prepared prior to any plans for a new collections site in this area.

5.3 Eucalypt area identified in the North Barker Study

The North Barker study identified several areas of exotic eucalypts (Figure 4). Actual species were not identified. It was Lesley Carron²⁸ who reported on the fact of a ‘forest nursery’ in the Gardens around the period, 1908.

In January 1908, a board was formed to ‘advise the Minister in matters of constructive forestry’ with A.E. Counsel as chairman and L. Rodway (Government Botanist) and H. J. Colbourne (Agriculture Expert as members). Its main function seems to have been to supervise the early days of a forest nursery at the north-west end of the Hobart Botanical Gardens on land obtained from the Trustees of the Gardens.

What has to be established is the extent of the ‘forest nursery.’ Given that the Lower Domain Highway hadn’t been built and that there was only a dirt track where it now exists, it is hypothesised that the eucalypts may have an interesting history both to the RTBG, as well as forestry importation in Tasmania. From RTBG records it would appear that Alex Morton was the Director of the Gardens following the death of Francis Abbott during a period 1903-1907; the nursery may have occurred though under the watch of J. Wardman who did not become Superintendent until 1911.

Policy comment

The eucalypts probably have a planting time in the earliest decade of the twentieth century. If associated with the RTBG and a Forestry Commission ‘nursery’ of eucalypts in the far north of the Gardens, its history may reflect an unusual part of the evolved landscape of the RTBG.

Priority recommendations

- Establish by research whether these eucalypts are connected to the forestry area in the northern part of the RTBG.
- Identify to species level
- Management as per Environmental Management guidelines (DCHPS.2008) and recommendations in the NorthBarker study.

5.4 Land area from the ANM site to the former patent slip.

This corridor of foreshore land which extends under the Tasman Bridge has been zoned in the Draft City of Hobart Planning Scheme as Environmental Management. It is not known whether this land is leased from the Crown by the Hobart City Council or whether it was acquired by the Council under the Crown Lands Assessment and Classification project.

Policy comment

This area is an important part of the foreshore corridor which still contains a “naturalness” from the past. It is considered an important part of the corridor land because so many images

²⁸

L.T. Carron. *A History of Forestry in Australia*. ANU Press. Sydney. 1985. 64.

(mainly photographs in the late nineteenth, early twentieth centuries) were taken which include this land, landscape and relevance to the 'prospect' views from Government House. The Government 'house' set in its wider surrounds was a tourist attraction. It therefore has Associative Cultural landscape qualities.

Priority recommendations

- It should be retained as a natural area with indigenous vegetation. Where old historic trees or plants are identified they should be kept.
- Urgent management of this area is required.
- Weed removal required.
- Identification of plant species present is required so that any historic plants can be identified. This area once belonged to Government House.
- Ongoing maintenance and management required to bring this area into the alignment with zone objectives, intent and Bushland Schedule requirements in the Draft City of Hobart Planning Scheme 2008.

Appendices

Appendix 1.0 The Southern Domain.

In the nineteenth and much of the twentieth century the area of the Queen's Domain stretched along the northern hill spine, contained all the land east to the Derwent, west to the break in slope, and south to the river. It was a contiguous piece of land which gradually became lower and flattened out in the south. This is clearly shown in the colonial painting on the front of Sheridan's *Historical Landscape of the Queen's Domain*, a painting by John Black Henderson c.1855. A rustic road wound its way to the Royal Society's Garden.

Across time, the Sheridan study of 1999 (2002 published) explained the changes which had occurred in the Southern Domain landscape relating these to different social and activity uses of this space. The southern section having been cleared early, or having had less forest at the outset, and being flat, became a space to hold large gatherings of people, from military to social and recreational (like the Hobart Regatta), commemorative and civil. It is the only remaining large space in Hobart (outside of suburban ovals) on which large gatherings of people can assemble.

The degree of openness, the perception of spaciousness, the wide panoramic views and prospects are still possible in 2009 from the southern part of the Queen's Domain (Figures 13, 14, 15, 16). While parts of the foreshore contain low-key, low-scale maritime activities, other parts are largely natural (Figure 17).

The coming of the railway in the 1870s and its later site intensification severed parts of the southern area of the Queen's Domain into discrete segments. The Regatta ground, cattle jetties, patent slip, even the swimming baths were all separated from the remainder of the area by the rail line (s), (first one line, then multiple lines). A critical entrance from the City into the Queen's Domain was lost. In effect it had no entrance as compared with earlier times. However even by the early 1940s, there were still few buildings (e.g. the rail terminus, Regatta stand) in this area of the Southern Domain. What buildings were there, were low-key, built of natural materials and fitted easily into the landscape.

It was the coming of the Tasman highway however (1960s) and its intensification which caused enormous change.

Its structure, and upgrading into multiple lanes, semi-circular routes, its physical barriers between lanes turned the 'commons' areas of the Park into a vehicle dominated precinct. Traditionally despite road convergence it had functioned more as a pedestrian friendly, pedestrian dominant area space. The new technology separated spaces in a way hitherto unprecedented and in so doing completely alienated the pedestrian user.

The Queen's Domain Cultural Heritage Management Plan called for a re-instatement of the lost and vital pedestrian link between the southern part of the Domain space and its northern hill. Very recently a walking link to the Royal Tasmanian Botanical Gardens from the city and cove has been recommended in the *RTBG Draft Strategic Master Plan 2008* (see also Project 1) but a major stumbling block to this idea is the

current multiple road dominance around the ends of Macquarie, Collins, and Liverpool Streets.



Figures 13, 14, 15, 16, 17. From left to right and down. Entering the city; long prospect south; long prospect south east; Cenotaph, from the north looking in; southern foreshore looking north.

Appendix 1.1 The Commons - The people's place. Associations, meanings and a Significant Landscape Heritage Area Overlay.

Sheridan²⁹ considered the Queen's Domain especially its southern area as the 'recreation-ground' of the city, in fact a possible 'heart' of the Park.

²⁹ Gwenda Sheridan. *The Historic Landscape of the Queen's Domain*. Op. cit. 65.

... a ‘commons’ area where the young and old, rich and poor, family and other – that is the entire Hobartian community – had always intermingled with each other during times of pleasure and joy, times of reflection, sadness and despair³⁰.

The characteristics of the southern area of the Domain, or Southern Domain might be considered to be the third evolved landscape of the original Queen’s Domain. Two different types of evolved landscapes were identified in Project 1 and for each characteristics have been outlined in this report. In any assessment of landscape, the meanings, associations, cultural and social *use* of place, together with its aesthetics and the amenity values which accrue to the aesthetics are of critical importance. All of these elements help to define what the ‘place’ is and how its distinctiveness or uniqueness might be different from some other place.

Statements of Significance
<p>Policy comment</p> <p>For nearly 160 years the Queen’s Domain as laid out by the Land Commissioners in 1826-1828 was predominantly a naturally large contiguous place, with some buildings but few roads. Edge-areas had been fragmented away over time and put to different uses (the Glebe, the High School then University, the rail infrastructure, Engineer’s Building) but overwhelmingly the heart of the area-space remained intact – one of open green space for the use of the residents of Hobart. The Queen’s Domain was embraced by Hobartians – as something of an much loved and frequented space – and by the latter half of the nineteenth century, it became a place, improved, designed, and almost entirely used for recreational and civic or festival type events. The green open space developed different uses and particularly different types of recreational uses across the hill and its flatter lower land closer to Hobart. It is these different uses and the naturally evolved landscapes which have a historical language of immensely important significance, as individual units or collectively when considered as a whole.</p> <p>The entrance to the Queen’s Domain was originally on Southern Domain land and 1890’s images show this to have been extensively planted out, with something of a grand vision into the parklands. But lack of wisdom, and lack of vision later determined that roadways should dominate; thus splintering northern land from that in the south.</p>
<p>Characteristics of place: the Southern Domain</p> <ul style="list-style-type: none"> • The southern domain is a large area of relatively flat land. • The Derwent River was a boundary on its east and south; on its west originally there was a small creek which divided it from the emerging town (Figure 7: Project 1 shows this demarcation clearly). The Brooker Highway now does that. • It was originally a part of the northern Domain hill but there was a low break in slope to the flatter section around where the roads and then later highway were located. • Some roads filled in the break in slope (e.g. Davies Ave) whilst later, others accentuated it). • Further research would determine whether the Southern Domain was wooded as was the northern hill. Being flat, however, if wooded, it was entirely cleared early of all trees and so became a flat grassy area where large gatherings could be held. People could ride horses here. • The Queen’s Battery was located on the Southern Domain and later in the twentieth century the Cenotaph was located there. Military, civic, government and formal events were thus associated from early times with the Southern Domain. • The Tasmanian International Exhibition was staged on the Southern Domain in 1894-

³⁰

Ibid. 67.

<p>1895 with a quite extraordinary building erected, later removed.</p> <ul style="list-style-type: none"> • The Hobart Regatta was moved to the Southern Domain (1856), there were cricket pitches, large ceremonial events, Hobart joined together in all its splendour, (e.g. Hobart from the Exhibition Building. Frontispiece. Ian Terry: <i>The People's Park</i>.) • The Southern Domain was always a place for informal events, such as the Hollow (speakers, band recitals, impromptu cricket), circus events. • The original Hobart Swimming Baths, Derwent Rowing Club, Naval pier, the cattle jetties were located on the foreshore as are still the Patent Slip / Hobart slipyards and HMAS Huon. • In more recent times, rally events have commenced or ended on the Southern Domain.
<p>Policy</p> <p>The open green space part of the Southern Domain, but as well the railyards is the third of three evolved landscape types which are present on the Queen's Domain. It has intrinsic significant value as a large area of cleared natural space, once contiguous to the northern hill, but with an evolved history of quite <i>different use</i> to the northern hill. This was Hobart's "commons" – a meeting place for all people. That association, those meanings need to be preserved. Its sense of openness and wide panoramic and prospect views outwards in all directions lends a special spacious quality to this place, rare in capital cities.</p>
<p>Recommendations</p> <ul style="list-style-type: none"> • The Southern Domain including Activity Areas 2.1; 3.0; 4.2 be recognised as the third evolved significant landscape of the Queen's Domain. As suggested for the northern hill this area become a Significant Heritage Landscape Area, similar to that across the northern area. • This would involve an Amendment to the Sullivans Cove Planning Scheme 1997. There are different key characteristics outlined for the three areas, two on the northern hill (administration HCC – Project 1) and the Southern Domain (administration SCWA). • Any new development for the railyards site has to consider the immense cultural heritage significance of the Southern Domain; this in a number of thematic areas. • The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to. • Burra Charter Articles 2.1, 6, 7, 8, 9, 13, 15, 24, 26, 27, are all relevant in requisite historical research that must be carried out prior to further proposed planning for the railyards site. • To date, in the proposed strategic reports for the railyards site, the historical significance (except for archaeology) has not been researched. • Its sense of openness and wide panoramic and prospect views outwards in all directions lends a special spacious quality to this place, rare in capital cities. It should not be compromised. • An opportunity exists for minimal development of the railyards site but with the ratio of open space to development placed at 3:1 towards open space. • An opportunity exists for the historical archaeological areas to be exposed and interpreted (where possible) as a part of Hobart's history; for thematic histories, walking and cycling tracks to be developed from Sullivan's Cove across the Southern Domain, to the northern hill and the Royal Tasmanian Botanical Gardens. This is a unique opportunity; in other states it has been lost. • Development of the railyards site as proposed is not supported for the reasons given in Appendix 1. These include further fragmentation of the green open space areas, destruction of significant heritage, gross-over development of the site with uses which are unsuited to this site, the necessity for further major road development, the

necessity for further large parking infrastructure, the inadequacy of buffer protection, the necessity to keep Hobart's port as a 'working port,' the incompatibility of proposed introduced 'uses' to those already in existence, the total disregard for the planning tools in place and the strategic research which sits behind them.

Appendix 1.2 Queen's Domain Cultural Heritage Management Plan 2002.

The *Queen's Domain Cultural Heritage Management Plan 2002* at 5.2.3 noted for the Southern Domain six policy/recommendations. Four of those relate to landscape and are outlined below.

1. Encourage activities that are consistent with the traditional use of the space as a 'commons'; a pedestrian dominated space for all citizens.
2. the link between the Domain at the end of Davies Avenue and the Soldiers Walk should be reconnected to the Cenotaph and Macquarie Point. This should be achieved by lowering the Tasman Highway through this area and providing a broad landscape overbridge that recovers the physical and visual connection of these two ceremonial areas.
3. Retain and conserve the National Rose Society Garden.
4. Prohibit uses that further intensify, segregate and fragment the large open space of the southern Domain.

The first two are about the people's use of space and linkages and re-connection to the Southern Domain from the northern area. In the intervening time since these recommendations of 2002 were made, there have been no moves to reinstate the two areas of Queen's Domain so that it's *cultural whole* is re-instated. The two areas are now also under different administrative jurisdictions with different visions as will be pointed out in this Report. The City of Hobart controls the northern part of the Domain while the Sullivans Cove Waterfront Authority administers the areas south of the Tasman Highway.

The National Rose Society Garden comes under the jurisdiction of the Hobart City Council and is zoned in the new Draft City of Hobart Planning Scheme 2008 as Recreation. If the recommended Heritage Area Overlay provisions outlined earlier in this Report are adopted, then the National Rose Society Garden would be drawn into the net of historic significance. Some trees in the upper rose garden may be survivors from the original High School or later nineteenth century plantings.

It is the recommendation of the QDCHMP 5.2.3 (4) which is critical for this section of this Report. The proposal was to build the state's biggest hospital on the southern domain within a relatively small areal and intimate space, (this could be 16 ha or 12 hectares depending on the Report read). The area considered extended along the historic southern foreshore to the former patent slip and Tasman Highway; such a proposal raised enormous planning and historic issues. A plan diagram of the proposed area can be found in *Hobart Railyards Urban Design Strategy*.³¹ The hospital proposal has since been abandoned by the State Government.

³¹ Spackman and Mossop Spackman and Tony Caro Architecture. *Hobart Railyards Urban Design Strategy*.³¹ For the State Government of Tasmania and the Sullivans Cove Waterfront

Appendix 1.3 Queen's Domain Management Plan. 1996.

The Executive Summary of the Queen's Domain Management Plan 1996³² (QDMP.1996) noted that,

The Queens domain is a place of enormous natural and cultural value....

And further,

More recent post-War history has seen the area treated as vacant land where things could be "put" (i.e. The Tasman Highway, a tip, water reservoirs, major sporting venues etc) or as a short cut for commuter traffic and long term parking. None of these more recent activities respect the Domain as the premier open space in the city, rather they exploit it as a convenient location whilst ignoring the topography and climate of the area with resulting major impacts on its natural and aesthetic values.

The long term development of the Domain in this way is increasingly leading to the rapid degradation of its natural values and a loss of amenity for its informal users.

Thirty pages of this plan (Section 3.0) is devoted to the values of the Queens Domain. Covered are intrinsic natural values which outline the bio-diverse and geo-diverse ecosystems. The plan found that some ecosystems are extremely rare. Cultural values were explored at 3.2; this including heritage values, cultural landscape values, the image of the city by Hobartians. In Section 3.2.2, the QDMP, noted,

The landscape of the Domain is one of the many ways by which Hobartians define their city. ... the Domain contributes greatly to our "image" of the city – by giving "daily delight" and acting as an "anchor to our lives" a "trigger to our memory" and an "extension of the meaningfulness and richness of the world." (Lynch 1960.2).

And,

The Domain is an important aesthetic element in the visual landscape of the Derwent River valley and the City landscape.³³

The plan noted that the people's perceptions of the Domain had experiential qualities related to safety and security, perceptions of conflicts and that it also contained symbolic qualities, with the place as a spiritual refuge also identified.³⁴ Sense of place values were outlined at Section 3.2.3 of the Scheme. Recreation, tourism and educational values of the place were discussed at Section 3.3. where particular informal recreation activities were delineated. These included walking, jogging and general fitness, cycling, study (nature watching, design, drawing, painting) kite flying, picnicking, sightseeing, dog-exercise, adventure play, general enjoyment of the

Authority. 2008. There is a June Draft copy of this document and a final copy. December 2008. Each gives a slightly altered version.

³² Jerry de Gryse Pty. Ltd. Landscape Architects. *Queens Domain Management Plan*. Hobart City Council. Unpublished for the HCC. May 1996.

³³ Ibid. 21.

³⁴ Ibid. 22-23.

natural setting with walking/strolling (40%) and walking the dog (31%) by ‘far the most popular visitor activities.’³⁵

An unusual informal recreational activity – one requiring safety, and a large open space – was sky diving, this observed on the Southern Domain in May 2009 (Figures 18, 19). It apparently regularly occurs during the week on the southern open space section.

Four Primary Objectives for the management of the Domain were outlined in the plan.

To identify protect and promote the intrinsic and cultural values of the Domain.

To manage and promote informal recreation and tourism uses related to the area’s intrinsic and cultural values

To consolidate and /or contain existing structured recreation, tourism and play activities within prescribed boundaries and to existing levels of provision

To improve council’s capacity to undertake the management activities required to achieve the other Primary Objectives.³⁶



Figures 18, 19. An unusual use of open space. One requiring no telegraph wires or other potential objects and a large open area of open space. Sky Divers on the Southern Queen’s Domain, May 2009. This is a regular activity.

³⁵ Ibid. 28-29.

³⁶ Ibid. 32

Appendix 1.4 The Sullivan's Cove Planning Scheme 1997.

Appendix 1.4.1 General

The Sullivan's Cove Planning Scheme was formulated by the Hobart City Council. It came into effect 21 December 1998. In 1997 the Scheme used a methodology, characteristics and features that were being canvassed by planners, the government and others. At the time, a model planning scheme for Tasmania for example was in preparation and TBA Planners (Victoria) had been contracted, their final report issued by September 1996.³⁷ Their *Integrated System of Planning Instruments for the Tasmanian Resource Management and Planning System* at Section 5.6 contains information pertaining to "Activity Areas" which defines areas within the Sullivans Cove area. The Report notes,

A term which more clearly states intent than a zone is needed. Essentially Councils are making a statement about what 'Activities' they want to see on that Area.

The use of activity areas is intended to direct use and development in a manner which achieves State, regional and local policy and strategy.

A performance based approach is preferred in terms of provisions...³⁸

This Scheme used performance based criteria and in 1997 this would have been a very new initiative indeed. As well the Scheme contained 33 Use definitions, this the number of use definitions then (the number then being canvassed) for the Template which appeared slightly later. Unfortunately one of the 'use' definitions was omitted from the Scheme and this was 'hospital'. It simply isn't there as a 'use' in the SCPS: 1997 but it was in the model scheme mix of the 33 uses.

By 17 December 2004 the area had been turned over to the administration of the Sullivan's Cove Waterfront Authority. This was a body corporate and consisted of five persons and support staff. Administration thus passed from a local council entity to a government initiated body. The Sullivan's Cove Waterfront Authority also called their document *The Sullivans Cove Planning Scheme 1997*, but there have been changes. The area administered by SCPS: 1997 is shown in Figure 3. Although a new cover piece was placed on the Sullivan's Cove Planning Scheme document it would appear that the Scheme (albeit with subsequent amendments) is still in operation as the planning document for this area. The large change however is that development applications submitted after the December 2004 date are no longer assessed by the Hobart City Council, its Environmental and Planning Committee, and/or full Council but from 2004 onwards by the Sullivan's Cove Waterfront Authority.

³⁷ TBA Planners Pty Ltd. in association with Savage Milner, Perrott Lyon Mathieson Pty Ltd, Alex Brownlie, Ogilvie McKenna. *Integrated System of Planning Instruments for the Tasmanian Resource Management and Planning System*. Unpublished for the Planning Division. DELM. September 1996.

³⁸ Ibid. 79.

1.4.2 Relevant Activity Areas and Schedules

There are no zones as such in the Sullivan's Cove Planning Scheme [SCPS:1997] rather there are 'Activity Areas.' It is one of the few schemes (for its time) which separated use as distinct from development. Figure 3 indicates the area over which the SCPS:1997 operates and Figures 20, 21 shows an aerial view of the Southern Domain the different Activity Areas. It is a totally different Scheme to the earlier 1982 Hobart planning Scheme in that it has objectives and performance criteria for particular Activity Areas.

Those areas of relevance to this assessment are four and include Section 17.0: Activity Area 2.1: 'Domain Open Space', Section 18.0 Activity Area 3.0. Sullivan's Cove 'Gateway and Transport,' Section 20 Activity Area 4.2 'Regatta Point,' while Section 19, 4.1 relates to the Macquarie Point Wharf. There is a considerable amount of informed material which relates to these Activity Areas, some of which can be found in Appendix 3. However the General Characteristics of three Activity Areas are as follows.

17.1. General Characteristics of the Activity Area, 2.1. 'Domain Open Space.'

The Domain is a highly significant cultural landscape to Tasmania's community. This significance is based on the importance of the memorial sites, the range and nature of historic sites and the contribution it makes to the sense of place of Hobart.

This area contains important community symbols, including the Cenotaph, Boer War memorial and the Domain Park. Aside from its cultural significance, the Domain presents a grand sense of entry to the City and is a significant public recreation asset. This area, as one of the City's principal open spaces, is a significant recreational and tourism venue both for informal and structured uses.

In 1996 the 'Queens Domain Management Plan' was prepared, and adopted by the Council. This management plan established the following visions statement for the Domain: "The Queens Domain shall be a park of the people which celebrates and protects its significant natural landscape and rich cultural history whilst providing for the education, recreation, health and enjoyment of its visitors."

Whilst this plan related to the entire Queens Domain Area (extending beyond the boundaries of the Activity Area), it is an important management tool for activities. This management plan will be used as the basis for management of activities within this Activity Area.

Policy comment

Key phrases in this identification of characteristics which might be taken more as *key policy statements* are,

- a 'highly significant cultural landscape' to Tasmania's community
- that it presents a 'grand sense of entry to the city'
- along with its 'sense of place' contribution to Hobart
- it is one of the City's 'principal open space' areas.
- relates back to the *Queens Domain Management Plan* with a central statement that the Queen's Domain is 'a park of the people'

- one that recognizes the natural landscape
- the rich cultural history
- whilst providing a wide range of recreational and education activities.

18.1 General Characteristics of the Activity Area 3.0. Sullivans Cove ‘Gateway and Transport.’

This Activity Area includes the Railway Goods Yard and land used by a range of industrial and warehousing operations.

The rail yards are a significant infrastructure asset in the Cove. The use of land for rail activities has been in decline for a number of years. There is a significant potential for increased utilisation of the rail facilities.

The Hobart Ports Corporation has identified this land as important to the future development of cargo handling at the Port. Future opportunities for the Hobart Ports Corporation to utilise part of the land within this Activity Area for the handling of cargo are acknowledged. The Activity Area constitutes a significant land asset with potential for redevelopment for a number of uses, including the integration of the rail facilities with wharf and road transport activities.

Land along the west edge of the Activity Area comprises an important frontage to Davey Street, the main road entrance to the Cove. Land facing Davey Street forms part of the ‘gateway’ to Sullivans Cove. Future development of the west edge of the Activity Area must appropriately address ‘gateway’ issues.

Some potential exists for the sensitive development of a range of community and cultural activities in this part of the Activity Area. Such activities would need to be designed to respond to the ‘gateway’ role of the edge.

All future development of land within this Activity Area must also have regard to the potential contamination of soil, the product of many years of industrial activities in the area.

Policy comment

Key statements are seen to emphasise,

- ‘there is significant potential for increased utilisation of the rail facilities,’
- ‘this land [is] important to the future development of cargo handling at the Port.
- cultural activities along the western edge would ‘need to be designed to respond to the ‘gateway’ role of the edge.’
- the area is seen as a ‘significant land asset,’ with potential for redevelopment; however the Scheme infers that these should be around the integration of the existing rail and wharf facilities.
- ‘sensitive development’ potential for community and cultural activities close to the ‘gateway’ edge.

20.1 General Characteristics of the Activity Area 4.2. Regatta Point.

This Activity Area includes the HMAS Huon site, slip-yards and the Regatta Grounds.

This area is highly visible across the Derwent Estuary and is the main gateway to Sullivans Cove and Central Hobart.

The area is a highly significant cultural landscape based on its importance to the Tasmanian community’s continuing maintenance, the historic buildings of HMAS Huon and the cultural significance of the Regatta Grounds.

In 1996 the ‘Queens Domain Management Plan’ was prepared, and adopted by the

Planning Authority. Regatta Point Activity Area forms part of the area covered by this management plan.

This management plan established the following visions statement for the Domain: “The Queens Domain shall be a park of the people which celebrates and protects its significant natural landscape and rich cultural history whilst providing for the education, recreation health and enjoyment of its visitors.”

Whilst this plan related to the entire Queens Domain Area (extending beyond the boundaries of the Activity Area), it must be taken into account when making decision on activities within this area.

Policy comment

The characteristics recognise the importance of the,

- ‘highly significant historic cultural landscape of this area, (and its protection)
- ‘main gateway’ to Sullivans Cove and Central Hobart
- ‘a park for the people’
- significance of its high visibility as seen from the water or the eastern shore.
- As well, this is an Associative cultural landscape, one through photography and art all of which sought to place Hobart in the centre of its beautiful natural setting of water, open space and high framing mountain backdrop.
- The relative amount of open space which comprises area 4.2 and area 2.1 will be exceedingly sensitive to, and diminished by large scale proposals.



Figure 20. Google Earth image of the Southern Domain 2009. Railyards site middle of image.

1.4.3 Intent of the SCPS (1997) Activity areas

An assessed idea of what the SCPS intended in the Activity Areas is gained from reviewing the Scheme objectives and Performance Criteria for the Activity Areas in question.

Activity Area 2.1: *Domain Open Space* contains seven Objectives and nine statement pertaining to Performance Criteria. All of the Objectives lean towards the preservation of the natural and cultural values of the Domain this to ensure sound environmental planning, to use the area for informal recreation, to protect and improve views, to increase pedestrian and cyclist activity, to minimise vehicle traffic and parking. The Performance Criteria strongly supported the Objectives.

Activity Area 4.2: *Regatta Point* has a primary Objective and six further Objectives with eighteen statements pertaining to Performance Criteria. The Primary Objective was seen as an area that provided port facilities for ships, for incidental uses but it was required to take into account the cultural and visual aspects of the area as a main entrance to the City. Water based and Regatta activities with appropriate public access was permitted. Under the Performance Criteria there are a range of conditions that have to be met, these are centred around the preservation of the area's aesthetics, its heritage and landscape values. An Outline Development plan is a requisite where potential development is sought. The remaining Objectives reinforce what the Primary Objective states. The area was to be one for water based activities, recreation, civic and community activities. Performance Criteria endorsed more strongly the Objectives. Any new development for example had to be compatible with the existing in height, bulk and volume, older buildings had to be retained, the topography was not to be significantly altered, activities must not restrict or adversely impact upon culturally important events, or restrict access particularly to the Regatta Grounds or the water. A net environmental gain for the area was sought for any new development.

Activity Area 3.0 *Sullivan's Cove 'Gateway and Transport.'*

While this area contained the rail yards, it also contained the western edge of land which abutted the Tasman Highway, and it contained the Engineer's Building, and the historic group of buildings bounded by Evans, Macquarie Street and the commencement of the Tasman Highway. There is a Guiding Objective for this Activity area and eight further Objectives. The Performance Criteria statement number sixteen.

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Appendix 2.0 The Southern Domain: Major re-development and use?

Appendix 2.1 The Government outline

The government proposal to build the state's new major hospital on the old rail yards site would have completely altered the Southern Domain, its open space qualities, its sense of 'naturalness' values, its cultural significance and heritage landscape. This section of the Report deals with some of the major issues in response to *any infrastructure and built form* large development that might be proposed for the Railyards site. Major issues concerning "use" and "development" for the entire Southern Domain area have surfaced from the Government's proposals.

In a public document called *Consultation Feedback Report*³⁹ it would appear that two different processes were occurring contemporaneously in respect of the Railyards (Activity Area 3.0). One was the *Draft Hobart Railyards Urban Design Strategy* commissioned by the SCWA, and the other was the *New Royal Project* administered by the Department of Health and Human Services. The Pitt and Sherry Report⁴⁰ referred to in this Report is part of the New Royal Project. Tasports commissioned an independent Report.⁴¹

In June 2008 the Sullivans Cove Waterfront Authority released the *Draft Hobart Railyards Urban Design Strategy*. This had been drawn up as a joint venture between Sydney landscape architects Spackman & Mossop and Tony Caro Architecture. The nine pages released as a glossy brochure to the public in June 2008 was a concept set of ideas arranged around a vision, and sixteen principles. The Vision of the June draft noted that there would be a 'new urban precinct for the City of Hobart,' that [the precinct] would 'create a logical northern extension to the City and Sullivans Cove' that the new urban precinct would 'accommodate a range of mixed uses , and that 'land use conflicts will be managed through careful planning design.'⁴²

New high quality development should be introduced over time and consistent with a vision for the most appropriate and best use of the land.⁴³

The proposal would arrange the mixed uses around a major institution with complementary uses which would enable people,

to live, work, shop and recreate in the precinct. The Macquarie Port facility will continue to function and fully service its changing operational demands.⁴⁴

Further it would have created an opportunity to enhance the City arrival experience from the north and east and improve safety and accessibility for all modes of transport.⁴⁵

³⁹ Sullivans Cove Waterfront Authority. *Consultation Feedback Report. Response to the Draft Hobart Railyards Urban Design Strategy*. Unpublished December 2008. 3.

⁴⁰ Pitt and Sherry. *New Royal Project. Site Assessment Report*. For DHHS. February 2009.

⁴¹ Meyrick and Associates. *Review of the working port of Hobart*. For Tasports P/L. Final Report 22 December 2008.

⁴² Spackman & Mossop and Tony Caro Architecture. *Hobart Railyards Urban Design Strategy*. Sullivans Cove Waterfront Authority. 2008. 3. (June document) [HRUDS. June 2008].

⁴³ Ibid. 3

⁴⁴ Ibid. 4. A subsequent document released by the Sydney consultants in December 2008 contained small but subtle changes to the earlier document.

Meanwhile a 3D-model had been put into the public arena as well as a 3D model on the Internet by the Department of Health and Human Services. The Tasports Report also contained a plan map of the anticipated sized footprint to be occupied by the hospital and other uses.

The area would have been subject to an amendment given the government proposal to build a hospital and completely ‘re-develop’ and ‘re-use’ the area with residential and a mix of commercial, retail and other activities. Quite how this would have proceeded would have been a matter for the SCWA or the government. Alternatively it may have proceeded via a Development Plan (Section 23 of the Sullivans Cove Waterfront Authority Act 2004) in which case the Minister would have had the final say. It would seem as well that under Section 27 of the SCWA Act 2004, Part 3 of LUPAA, Division 2A and Section 43 (which deals with the concurrent amendment and development provisions) did not apply to ‘land subject to a development plan.’ It is uncertain whether the ‘development plan’ of the Southern Domain in question would have to comply with the Planning Directive No. 1. and the Common Key Elements Template. The RPDC would have normally assessed the proposal, representations would have been possible, hearings could have been held, a Commission Report compiled, this then sent to the Minister. The Minister would have then sought the advice of the SCWA.

The SCWA has advised that whatever the Government decides, the *Hobart Railyards Urban Design Strategy* will remain.⁴⁶ One of the criticisms of the Strategy was that it was based too much around the proposed hospital development.⁴⁷

As of early May 2009, the Government had to present its Business Case for the proposed hospital development to the parliament and the public. It decided to abandon the project.

Appendix 2.2 The Southern Domain. An overview of the impact on heritage values

A considerable number of reports and planning schemes have been reviewed for this section. Further detail of exactly what was reviewed is found in Appendix 1.

As of May 2009 there were more unknowns than knowns in respect of any re-development of the Railyards site. Many aspects are fluid, or simply not available publicly. Given the *Hobart Railyards Urban Design Strategy* was commissioned independently of the Government it seems that in future the area will be developed.

This section is an overview of Appendix 1 where further more detailed comment concerning policy and recommendations is found; where eighteen issues considered to be important to the discussion are further elaborated. These are the evolved Domain historical values, cultural heritage, recreation uses and values, the heritage landscapes and wide open space panoramas, the traditional ‘commons’ meeting place,

⁴⁵ Spackman & Mossop and Tony Caro Architecture. *Hobart Railyards Urban Design Strategy*. Sullivans Cove Waterfront Authority. December 2008. 7. [HRUDS. Dec. 2008].

⁴⁶ Pers.comm. Claire Hynes. SCWA. 4 May 2009

⁴⁷ See Sullivans Cove Waterfront Authority. *Consultation Feedback Report*. 10.

the ‘people’ place, the size of the area proposed for development, the concept plan in respect of height, extent and mixed uses, new proposed roads and traffic generation, new parking areas, rail proposals, cyclist and walking tracks, buffer zones, Hobart’s working port, compatibility of uses and incompatibility.

Four strategic areas were outlined by the design consultants. These were, 1. Land use and activities, 2. Movement, transport + access, 3. Public space and 4. Built form. In the June release of the document these appeared under a Section labelled as 3.0 Key assets and challenges, in the December Report the Section was 5.1 – Additional principles + Strategies - Hospital.⁴⁸

In the planning tools and strategic background reports dealing with the Queen’s Domain, (see earlier sections) and its southern areas, the heritage, landscape, open space values and protection of compatible recreation, civic and festival uses were the overriding concepts which emerged. For example,

Conservation of the cultural heritage values of Sullivans Cove is the primary objective of the Scheme. *Where there is an apparent conflict with other objectives the conservation of cultural heritage values takes precedence.*⁴⁹ [Sheridan’s emphasis].

Unknown to the author is exactly what Brief was given to the Sydney consultants. But the paragraph above was almost totally ignored. How the historical, evolved landscape, cultural and community significance of the Southern Domain was to be incorporated satisfactorily into new proposals for the Railyards site and its adjacent areas was totally missing. Heritage values were the most distinct and overarching of all of the values in the Sullivans Cove Planning Scheme 1997. To all intents, in what emerged, they were almost completely sidelined. Instead the concept plan which emerged was for ‘an anywhere’ urban-city precinct, which on paper and in draft form could be a precinct in any city or suburban place anywhere. It brings back shades of Oceanport and could in fact be dubbed Oceanport Mark 2 in 2009 for the railyards site.

There was no attempt to show in any detailed way how Activity Areas 2.1 or 4.2 would not have compromised altogether with the proposed development and uses which were put forward. Rather the concept plan proceeded with warm and fuzzy “feel-good,” vague outcomes.

The concept design of the railyards site as proposed, put forward in the December 2008 document is not supported for the reasons given in Appendix 1. It is considered as gross overdevelopment of a relatively small sized and scaled intimate area. It would have been gross in height, proposed extent of development footprint, and overall scale. It proposed to introduce a set of “uses” into the area, (hospital, commercial-office, retail, apartments-residential, even possibly a hotel) which had in the history of over 200 years not been integrated uses ever in this area. Its proposed development and use imprint into the area necessitated large-scale traffic change, new infrastructure needs, new parking requirements, and would have destroyed the historical significance of what remains of the Southern Domain. Hobart would have had another ‘urban precinct’ and in the process lost something incredibly precious.

⁴⁸ HURDS. June 2008. HURDS. Dec. 2008.

⁴⁹ SCPS. 1997. Part E. Schedules. 22.1. 67.

Something of the image of what Hobart was to the world. The further fragmentation of the green open space areas, with the destruction of significant nineteenth heritage should not be the most creative solution for the 'gateway' to the state's capital city. This might be seen as another illustrative large scale case as outlined in the Executive Summary of the *Queens Domain Management Plan*. It appears that the Railyards and its adjacent lands was seen as,

the area treated as vacant land where things could be "put" (i.e. The Tasman Highway, a tip, water reservoirs, major sporting venues etc) or as a short cut for commuter traffic and long term parking. None of these more recent activities respect the Domain as *the premier open space in the city, rather they exploit it as a convenient location* [Sheridan's emphasis].

Essentially too with such a large scale proposal, there would have been an inevitable "squeeze" to the working port of Hobart; land that it now used on the railyards site would no longer be available, there was a requirement for a heavy vehicle access on the north eastern side of the Southern Domain, there was the potential for climate change and rising sea levels to have to be taken into account, thus in all probability preventing basement parking under new buildings. There was an obvious necessity for considerable buffers to be created which in reality had little or no adequate space on the ground for them to be put into place. What the 'working port' would conceivably have lost with such a large scale development was its present 'flexibility' in how it might and would operate. There was the non considered question of the "compatibility" of uses. At the present time, the railyards is something of a buffer from the working port to those open space uses of the Domain; this would have disappeared and in its place, a plethora of new uses of which most were incompatible with informal recreation and maritime uses of Activity Areas 2.1 and 4.2. Perhaps the most retrograde part of the proposal was its total disregard for the planning and management tools in place, what they outlined as requisite objectives and performance criteria, what the historical schedule had stated and then the strategic research which sat behind them.

What emerged was stated as though none of the planning or management tools or strategic work had been done in respect of the heritage values.

Appendix 2.3 A Significant Heritage Landscape Area overlay for the Southern Domain.

Accordingly it is recommended that to stay in conformity with the northern hill, and proposals recommended for that area, the Southern Domain have a Significant Heritage Landscape Area overlay placed over three of its Activity Areas,

- 2.1 Domain Open Space,
- 3.0 Railyards site,
- 4.2 Regatta Ground.

This would be recognised as the third of the evolved landscapes of the Queen's Domain and it would protect what once was the contiguous area of land. What has been nominated in the new DCOHPS.1982 in the Significant Landscapes Schedule

(see below) offers a way further way forward in terms of protection for these open space areas under the SCPS.1997.

The change would require an Amendment to the current Scheme.

Policy comment

The Significant Landscapes Schedule has already been mentioned (S12.0) and it is seen as the most useful of the schedules to protect the heritage values and historic landscapes of the Queen's Domain.

Recommendations

- The southern area of the Queen's Domain be designated as a Significant Heritage Landscape Area.
- It is also suggested that there be an added section which specifically relates to Significant Heritage Landscape as the current schedule is based predominantly on building conservation as per proposed additions to Schedule 12.0 of the *Draft City of Hobart Planning Scheme 2008*.
- Proposed sections S12.0: S12.4 – S12.6 to be used as a guide for the southern domain areas. Key characteristics of this third landscape and the most effective way in which it could be protected are spelled out.
- Despite the Heritage Schedule in the SCPS.1997 it is felt that this further 'area' protection is required given that this Scheme is now 12 years old.

- Not mentioned anywhere are the Associative Cultural Landscape values of the Queen's Domain and Southern Domain in particular. See Recommendations. The Associative Landscape recommendation to cover the entire Domain
- It is suggested that a new section Places of Cultural Landscape Significance be added with appropriate Performance Criteria.

Appendix 3.

Appendix 3.1 Relevant assessment of development proposal connected to Activity Area 3.0.

What is presented below is a summary assessment (with at times other comments), policy comment, policy statements and recommendations which addresses a number of issues raised either by the author, or as a result of current planning and heritage tool objectives, or by recent reports. The material which has been assessed is as follows;

The Queen's Domain Management Plan 1996

The Sullivan's Cove Planning Scheme 1997

The Historic Landscape of the Queen's Domain 1999

The Queen's Domain Cultural Heritage Management Plan 2002

Hobart Railyards Urban Design Strategy Spackman & Mossop and Tony Caro. June 2008 [HRUDS: June 2008]

Hobart Railyards urban Design Strategy Spackman & Mossop and Tony Caro December 2008 [HRUDS: Dec 2008]

Review of the working port of Hobart. Meyrick and Associates:For Tasports P/L Final Report 22 December 2008. [Meyrick. 2008]

Consultation Feedback Report: Response to the Draft Hobart Railyards Urban Design Strategy. SCWA. December 2008. [SCWA. CFR. 2008]

New Royal Project. Site Assessment Report. Pitt and Sherry. For DHHS. February 2009. [Pitt & Sherry. 2009]

The Draft Hobart Railyards Urban Design Strategy June 2008 [HRUDS: June 2008] contains sixteen principles. Further principles were added in the HRUDS December 2008 Report. The 'Mixed wrapping core' was Principle 1 of HRUDS June 2008, changed in December to 'Mix of uses'. Others include, Activated streetfronts (eg. cafes, eateries, shops, galleries, hotel and building entry lobbies⁵⁰), Integrated parking, Improved river foreshore, Integrated transport, New connections, New streets, Improved city arrival, People places, Continuous foreshore access, (changed in December to Access to Water's edge) Reveal heritage, Respect for Cenotaph, Respect city scale, Civic quality, Respect city views, (changed to Respect Key views) and Sustainable and Green. The additional principles outlined in December 2008 were,

- A. Land use and activities
- B. Movement, transport + access
- C. Public space
- D. Built form

which had the same phrase heading as the four key urban design themes these determined by the SCWA. These themes appeared with heading 3.0 Key Assets +

⁵⁰

HRUDS. June 2008. Ibid. 6.

Challenges in June 2008, altered to 5.1 Additional Principles + strategies – Hospital in December 2008. It was these same four key themes which were placed in the questionnaire to be filled in by the public between 9 July-11 August 2008. Additional stakeholder meetings were held at this time too by SCWA. This information presumably formed the basis of the Report by SCWA completed December 2008 (SCWA. CFR. 2008). Fifty seven submissions were received, but the Report offered little information as to who the fifty seven were or what they individually said. The public were apparently not asked to comment on the Final Report of HRUDS.

To this author, there was a flawed approach at the outset in the theme emphasis. Not apparently required was the relationship or integral connection in any concept strategy between the really significant heritage values of the Southern Domain and what was to be developed as design themes for the site. Unrecognised was – how the distinctly significant historic thematic parts which already existed for the Southern Domain and in most cases which had existed for centuries – were to be incorporated satisfactorily into any new proposals for the Railyards site and its adjacent Activity Areas. Heritage values were the most distinct and over-arching of all of the values and to all intents, in what emerged, was they were almost completely sidelined.

The “process” instead proceeded as though in a vacuum, and as though the ‘site’ Activity Area 3.0 in the SCPS.1997 could be developed in a major way without impacting on adjacent Southern Domain areas which surrounded it.

Appendix 3 canvasses some of those heritage non assessed values as well as other matters raised in the various reports. It offers policy comments and recommendations in respect of each criterion assessed and how it is anticipated that they would change the Southern Domain in respect of its present heritage values, given large scale development. There are eighteen.

1. Evolved Domain values, cultural heritage and recreation values.
2. Heritage landscapes, views and wide open space panoramas
3. Hobart’s traditional ‘commons,’ the community meeting place
4. The area size proposed for the development
5. The proposed large scale building envelope; height considerations
6. The proposed large scale building envelope; extent considerations
7. A plethora of mixed uses
8. New proposed roads, alteration of major highways
9. Traffic generation
10. New parking areas
11. Rail proposals
12. Cyclist and walking trails
13. Macquarie wharves and the ‘working’ port
14. Buffer zones
16. A people place
17. Compatible uses
18. Incompatible uses.

Evolved Domain values, cultural heritage and recreation values	
SCPS: 1997 and earlier reports	HRUDS:2008 and other studies
<p>SCPS: Heritage Schedule. Conservation of the cultural heritage values of Sullivans Cove is the primary objective of the Scheme.</p> <p><i>Where there is an apparent conflict with other objectives, the conservation of cultural heritage values takes precedence.</i></p> <p>To ensure that the recognizable historic character of Sullivans Cove is not compromised by new development which overwhelms the places of cultural significance</p> <p>Area 2.1. Maintain and encourage informal recreation, tourism Area 2.1. Protect and enhance intrinsic and cultural values of the Domain</p> <p>QDMP. 1996. has primary objectives towards heritage, cultural landscape, beauty, sense of place, meanings and association and recreation as a primary use. Section 3.0 deals with such values.</p> <p>QDCHMP. 2002. At section 5.2.3 emphasized activities consistent with ‘commons’ as a public place, and prohibited further intensity or fragmentation of the open space of the Southern Domain.</p> <p>Historic Landscape of S. Domain 1999. Saw it as the ‘heart’ of the Domain. There has never been any kind of ‘urban precinct’ on the southern section of the Queen’s Domain.</p>	<p>Other studies (eg. Tasports, Pitt and Sherry) have concentrated their findings on the discrete site of the Railyards.</p> <p>HRUDS was given four distinct design themes.</p> <p>None of the four themes really related back to the SCPS, the QDMP, the QDCHMP or Part 2 (Historical Landscape). Future proposals or themes were therefore not apparently to be conceived within the existing heritage and planning framework, the strategic work of previous reports.</p> <p>Sixteen principles were elucidated in the June Report of HRUDS 2008 and a further four were added to the December HRUDS 2008 Report. These were,</p> <ul style="list-style-type: none"> A. Land use and activities B. Movement, transport + access C. Public space D. Built form <p>The vision is to ‘create a new urban precinct.’ As a ‘logical northern extension to the city’ ; it would ‘accommodate a range of mixed uses’, ‘will integrate sustainable transport into and through the site and facilitate more direct and easy access for people to move between the City, Sullivan’s Cove and the Domain Parklands’, ‘will enhance the City arrival experience from the north and east.’ These statements are examined further in subsequent specific areas.</p>

Policy comment

The conservation of cultural heritage values or of the meaning and value of the open space areas has not been the driving vision of SCWA (the developed themes), HRUDS or the other studies.

The historic evolution of the Southern Domain as a place for “gathering,” memories, and historical associations will all be compromised if a large development proceeds on the railyards site.

Policy comment

Currently existing planning tools, heritage conservation tools, strategic research behind these, their findings haven't been incorporated into future development draft proposals. The Cenotaph has been given special attention but other heritage is seriously lacking especially heritage landscape.

There is nothing in the proposed outlines to suggest that the 'urban precinct' will be different to any other urban precinct anywhere in Australia. This negates the historicity of the site in particular, the Southern Domain, in general.

There is an opportunity to turn the area into show case of Hobart's early history with its different relevant thematic areas; 'development' for example linked to rail or maritime history, and earlier Domain archaeological sites. For ample open space to remain, linked to other open space Domain areas.

The natural boundary of the historic 'cove wall' needs to be maintained. This is a natural barrier to the open space land that surrounds the Cenotaph and what occurs further to the south. (Figures 22, 23). There was a strong likelihood that new projected road development would slice into the 'cove wall' eliminating at least a part of the natural boundary.

The informal recreation activities of SCPS: 1997 Activity Areas 2.1 and 4.2 will be greatly diminished, some activities will no longer be possible because of the loss of green space, fragmentation of other spaces, loss of amenity, quietness and sense of space. It is considered that the historic character and open space characteristics of the Southern Domain will be compromised largely due to the large scale development which will require new or altered roads requirement, new traffic and parking requirements.

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner's Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable.

Recommendations

- Any new development for the railyards site has to consider the immense cultural heritage significance of the Southern Domain; this in a number of thematic areas.
- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- Burra Charter Articles 2.1, 6, 7, 8, 9, 13, 15, 24, 26, 27, are all relevant in requisite historical research that must be carried out prior to further proposed planning for the railyards site.
- The natural boundary of the 'cove

Historic landscapes, views and spacious wide open space panoramas	
SCPS: 1997 and earlier reports	HRUDS:2008 and other studies
Heritage Schedule. Views over the land bounded by Tasman Highway, Brooker Avenue and Liverpool Street from the City and Wapping to the Domain and from the Domain and Tasman Highway to the City are to be retained.	The wide panoramas into and out of the area will be compromised by what happens in Activity Area 3.0 and the impact that this has on the heritage landscape values of the surrounding areas. Many buildings will compete with the present open space vistas, the site will become an enormously "busy"

<p>Area 4.2. Protect aesthetics and landscape values of the area particularly as viewed from the Derwent River</p> <p>4.2. Enhance cultural heritage values including building, spaces, cultural events (eg Regatta Day) archaeological heritage</p> <p>2.1 Protect and improve views</p> <p>QDMP. 1996 Emphasises the value of the open space, the contribution to the city image, the experiential and symbolic qualities, the place as a spiritual refuge.</p> <p>Author. 2009. This area is an Associative Cultural Landscape and has been one for well over a century. Colonial art, later photography from the eastern shore and other areas captured the water, the slight rise of the southern open space Domain area, city behind, foothills and Mount Wellington. This was a favoured view. Haughton Forrest's work (1886) a typical example.</p>	<p>one given the type, scale, heights of buildings, the many uses, the parking areas, new roads, the heavy vehicle use along the foreshore, and other infrastructure proposed.</p> <p>The potential 'building envelope' of the railyards site, on a 3D image model is full of buildings. The scale, bulk, height, extent of these is discussed in further in this Appendix.</p> <p>New roads are proposed including one adjacent to the existing rail lines, this to carry the heavy vehicle traffic into the port.</p> <p>A large car parking complex is proposed to the north of the existing John Colvin Regatta Stand. A second parking area is proposed on the Railyards site.</p> <p>A major urban infill of the entire site is proposed.</p>
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Policy comment

The existing proposal whether it becomes a large hospital footprint with other uses, or just the large urban footprint 'precinct' without the hospital negates the history of the use of the Southern Domain area.

The aesthetics will be profoundly compromised for Activity Areas 2.1 and 4.2. The experiential and symbolic qualities of a recreational space, (one for 200 years) will significantly alter due to the uses of Activity Area 3.0. Parking areas, new roads, alteration to major highways, increased heavy vehicle traffic flow in an area with little current traffic for example all will contribute to the loss of aesthetics and amenity values.

Wide open panoramic views will be compromised, both into the area and out from the area and from the Northern Domain to the Southern Domain.

Cultural landscape values will be profoundly compromised. Extant areas of the Southern Domain will be altered, thus making the areas more difficult to read as a culturally significant landscape.

It would rob Hobartians of a large wide prime open space area in which civic, recreational, cultural, festivals or other similar events might be held in the future. Fragmentation of existing spaces will make this area (as a vantage point for the Hobart Regatta) in the future compromised if not excised.

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner's Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable. The 'use' history of the Southern Domain is one of utilising the wide, open, panoramic space for civic, cultural, festivals and recreational events. This use history extends across 200 years and has to be respected.

Recommendations

- Any new development for the railyards site has to consider the immense cultural heritage significance of the Southern Domain; this across a number of thematic areas.
- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- Burra Charter Articles 2.1, 6, 7, 8, 9, 13, 15, 24, 26, 27, are all relevant in requisite historical research that must be carried out prior to further proposed planning for the railyards site.

The entire Southern Domain area could potentially become – not the area of open space as it predominantly is and as the HRUDS: Dec 1008 assessment at 6.7 Background Studies-Urban Structure Open space shows – but rather one where major city development infill and what follows from it becomes predominant.

The type of development (large scale, urban-infill) the intensity of use and the type of use, (uses not compatible with the areas' current values and significance) the relative smallness of the site when compared with what is intended to be placed into it, is the issue.

Areas 2.1 Domain Open Space, and 4.2 Regatta Point and 3.0: Sullivans Cove 'Gateway and Transport' (SCPS: 1997) stand to be completely changed by the proposed new development. Landscape will change, amenity will change (i.e. increased noise, smell, movement, "busyness" etc), aesthetics will be diminished, uses totally changed.

The proposal to make a new road into the Port area as a heavy vehicle entrance/exit, this closely aligned with the present rail tracks, renders the foreshore further and irreparably fragmented. The loss of amenity occasioned by the road, its heavy vehicle use, the frequency of its use, proposed rail use will render much of the surrounding area a 'no-go zone' for recreation activities.

It is proposed to remove the John Colvin Regatta Stand.

It is almost certain that part of the "Cove Wall" that surrounds the Cenotaph will be removed or altered to make way for a major road, and that it will also disappear towards the east because of projected development plans (Figures 22, 23, 24).

The open space area of the Cenotaph to the south east will be reduced due to the road development.

A major car parking area is proposed for the Activity Area 2.1 to the north of the present John Colvin Regatta Stand. A possible second parking area is also shown as possibly in the development "mix" for the western side of the Cenotaph, (HURDS Dec 2008⁵¹). This was also shown in the same document as a possible 'new open space' area.⁵²

⁵¹ Spackman & Mossop and Tony Caro (Architecture). *Hobart Railyards Urban Design Strategy* December 2008 [HRUDS: Dec 2008]. 6.13. Background studies – Carparking overview. 38.
⁵² Ibid. Principle public space: 5.1 Additional Principles + Strategies – Hospital. 16.

Hobart's traditional 'commons' community meeting place	
SCPS: 1997 and earlier reports	HRUDS:2008 and other studies
<p>Areas 4.2. Encourage a range of cultural and community activities, including festivals and Civic functions.</p> <p>2.1. Encourage informal recreation and tourism uses to fit to intrinsic values</p> <p>QDMP: 1996. The criteria above fitted to the QDMP's sense of place values, familiarity, accessibility, memories and associations; to the experiential qualities of this part of the Domain as being highly significant.</p> <p>The loss of a large wide area of historically evolved open space for gatherings cannot be replicated or replaced elsewhere, because it simply doesn't exist in urban or city-Hobart.</p> <p>Areas 4.2. Encourage a range of cultural and community activities, including festivals and Civic functions.</p> <p>2.1. Encourage informal recreation and tourism uses to fit to intrinsic values</p> <p>See Figure 25.</p>	<p>An 'urban' precinct is proposed. The hospital may or may not be a part of the proposed 'urban' precinct.</p> <p>The urban precinct will contain a mix of uses, and be seen as a 'logical northern extension to the City and Sullivan's Cove.'</p> <p>It will allow for an 'easy access for people to move between the City, Sullivans Cove and the Domain Parklands.'</p> <p>It will create an opportunity 'to enhance the City arrival experience from the north and east.'⁵³</p> <p>Need to signal to drivers that they are 'leaving the "country" and arriving in the City by breaking the sense of continuity at the interface.</p> <p>An 'urban' precinct is proposed. The hospital may or may not be a part of the proposed 'urban' precinct.</p>

Policy comment

There is no mention of the history of the place as a 'commons' and as a major recreational use activity in any of the reports that have been prepared. It is seen as disturbing that the only "heritage" that has been considered throughout has to be built heritage.

The concept of the Southern Domain "open space" as a place having a heritage landscape value in its own right has been entirely ignored. Section 7.3 determined that the third of the major Domain evolved landscapes was the Southern Domain. This landscape would become so altered with the proposed development that its heritage values would be irreparably compromised.

The central focus of information has concentrated upon Activity Area 3.0 in Reports as though areas outside of it will not be severely impacted upon. This central focus to only one site is regrettable. The entire Southern Domain and as well its connection to the Northern Domain should have been considered. Although HRUDS. Dec 2008 mentioned a 'Zone of influence' (6.1. 18) nothing further was developed around this.

The proposed development illustrates how across Australian open space areas have been lost in the past. Many of these have been historical. Death by a thousand cuts and utter remnant fragmentation of remaining areas which has whittled away value, significance, historicity, meaning and association.

⁵³ Spackman & Mossop and Tony Caro (Architecture). *Hobart Railyards Urban Design Strategy* December 2008 [HRUDS: Dec 2008]. Vision. 7.

The loss of the large wide area of open space for gatherings due to fragmentation, new road development, altered existing road development, parking area development is seen as very detrimental.

Informal recreation activities and tourism visits that have a recreational bias are much less likely to occur because of the changed nature of uses, and development on the railyards site. Diminished amenity will be a key factor in how the area is subsequently used – and for what uses – if the proposals proceed.

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner's Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable. The 'use' history of the Southern Domain is one of utilising the wide, open, panoramic space for civic, cultural, festivals and recreational events.

Recommendations

- Any new development for the railyards site has to consider the immense cultural heritage significance of the Southern Domain; this in a number of thematic areas.
- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- Burra Charter Articles 2.1, 6, 7, 8, 9, 13, 15, 24, 26, 27, are all relevant in requisite historical research that must be carried out prior to further proposed planning for the railyards site.

Area size: boundaries	
Author: 2009	HRUDS:2008 and other studies
<p>Until the coming of the railway in the 1870s the Queen's Domain was a contiguous space. There was no separation. Until 1911 there was only one rail track and even by 1925 there were almost no buildings.</p> <p>Use of the space however was different between the northern hill and its southern flatter section; the latter became the place for large scale community events and so evolved a different but related landscape. This was 'the only parcel of large land where large crowds had gathered, where they continued to congregate for celebrations and specific events and could still do so, now and into the future.'⁵⁴</p>	<p>The exact size of the land parcel in question is not known. In HURDS. June 2008 it was given as 16 hectares; in HURDS Dec. 2008, 12 hectares.</p> <p>There is a considerable difference between a 12 hectare parcel and a 16 hectare land parcel, given what is proposed to be placed on it.</p> <p>The actual areas under discussion most likely extend beyond the land parcel area discussed, to other areas (e.g. alteration to the McVilly clover leaf roads, extension of Davey St, Brooker Highway, Tasman Highway intersections).⁵⁵</p>

⁵⁴

Gwenda Sheridan. *The Historic Landscape of the Queen's Domain*. Op. cit. 67.

<p>Fragmentation of the Domain commenced in the 1940s with the Tasman Highway which fragmented north from south, this exacerbated with the Tasman Bridge development in the 1960s.</p> <p>However large parts of the Southern Domain still remain predominantly as open space areas with little infrastructure and few buildings.</p>	<p>Exact future boundaries are unknown. As of May 2009, boundaries may be described as 'fluid.' The 'study area' as outlined in HRUDS Dec. 2008 Introduction and 'boundaries' identified in Meyrick⁵⁶ (Tasports 2008. Figure 18) are noticeably different.</p> <p>Present boundaries of land held by different jurisdictions are given in Pitt and Sherry Figure 2.⁵⁷ A different boundary again is given by Pitt and Sherry (Figure 5).</p>
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Policy comment

There are at present too many unknowns as to exactly which land will be impacted upon, (this including new road or rail corridors, existing 'Cove wall') and what land parcel size will be the final one. This impacts upon boundaries currently held by other jurisdictions (eg. TasPorts, HCC).

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner's Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable. It's wide area of open space historic use is unquestionable.

Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The precise size of the area under consideration must be publicly released
- The precise boundaries of the area under consideration must be publicly released.

Large scale building envelope; height	
SCPS: 1997 and earlier reports	HRUDS:2008 and other studies
SCPS limited the heights of new development in the projected area to 15 metres; those along the foreshore to 12 metres (p. 120). However there is a sliding scale of height distances in the SCPS: 1997 Heritage Schedule in response to distance from the 'Cove' wall. The 'cove' wall in relation to the southern domain is seen in Figures 22, 23, 24.	A 3D model on the RHH website indicates that almost the entire site would be covered by bulky buildings; the major part of which would be hospital, hospital related or private hospital. Other major development use was proposed fronting Evans Street. There are no plans or elevations which have appeared in any report to date. This makes the situation unworkable.

⁵⁵ HRUDS. Dec. 2008. Op. cit. Opportunities. 34.

⁵⁶ Meyrick and Associates: For Tasports P/L. *Review of the working port of Hobart*. Final Report 22 December 2008. [Meyrick. 2008] 47.

⁵⁷ *New Royal Project. Site Assessment Report*. Pitt and Sherry. For DHHS. February 2009. [Pitt & Sherry. 2009] 8.

<p>Distance from the Topographic Wall was given as Maximum Height</p> <table> <tr> <td>25m</td><td>5m</td></tr> <tr> <td>35m</td><td>7m</td></tr> <tr> <td>45m</td><td>9m</td></tr> <tr> <td>55m</td><td>11m</td></tr> <tr> <td>65m</td><td>13m</td></tr> <tr> <td>75m</td><td>15m</td></tr> </table> <p>See Figure 26.</p> <p>Heritage Schedule. The bulk and height of buildings must reflect the natural topography of the Sullivans Cove Planning Area, the amphitheatre sloping down to the Cove and the Macquarie Street and Regatta Point Ridges.</p> <p>Heritage Schedule. New buildings must not be individually prominent in terms of contrast with neighbouring buildings by being significantly higher or having a larger apparent size when viewed in street elevation.</p> <p>Heritage Schedule. Trees should be a significant component of any landscape treatment and a garden setting is encouraged. Landscape screen planting can include existing trees (including street trees), shrubs and vines on walls or frames. Planting may be required to provide appropriate landscaping of the sidewalls of buildings as well as those fronting the Tasman Highway.</p> <p>Heritage Schedule. The Planning Authority may approve some interruption of a key view when it is assessed as relatively minor. Only the foreground is primarily interrupted so that views of Mount Wellington, Mount Nelson, the Domain, or other natural hill face or skyline areas are relatively unaffected.</p>	25m	5m	35m	7m	45m	9m	55m	11m	65m	13m	75m	15m	<p>HRUDS Dec. 2008⁵⁸ released the following:</p> <p>Ensure development of hospital does not exceed the following levees around the site. A RL 22AHD (4 levels) [metres?] B RL 23 AHD (4 levels) C RL 35 AHD (7 levels)</p> <p>A is proposed built form closest to Evans Street, C proposed built form in the north east of the site. Uncertain from diagram is a part of the height levels of B (views from cenotaph ?).</p> <p>Pitt and Sherry 2009⁵⁹ noted the variation in site levels from 2.8m (SE) to 8.5m (NW). Due to climate change, and sea level projections buildings would need to be elevated further in SE to achieve requisite AHD satisfactory levels, elsewhere design floor levels up to 1 metre above predicted levels recommended were canvassed.</p> <p>Basement construction not seen as achievable.</p>
25m	5m												
35m	7m												
45m	9m												
55m	11m												
65m	13m												
75m	15m												

⁵⁸ HRUDS. Dec. 2008. Op. cit. D. Built Form. 16.

⁵⁹ Pitt & Sherry. 2009. Op. cit. 2. 26-28.

Policy comment

Even on the meagre concept design model information that has been released in respect of building heights and building bulk, it seems clear that the proposed imprint would be large, bulky and cover almost the entire site with hard form.

It equates in principle to the 1997 proposed Oceanport development on the other side of Sullivans Cove. The predominant bulk, mass and height of that complex was 16 metres high, but other elements were much higher, up to 30 metres.

If the proposed development were to proceed it would be higher in places than Oceanport.

There would be other built form development outside of the site, (eg. parking)

It would appear that the projected initial height level of 18.80 metres (as Principle 13 – Respect City scale. HRUDS. June 2008⁶⁰) in later proposals was doubled across parts of the site and in some areas given as 7 storeys tall.

The requisite stepping of height levels in the SCPS 1997 couldn't be met and appear not to have been considered.

No height levels have been given for 2 proposed Parking stations (HURDS. Dec. 2008)⁶¹ but they are projected to be 3 storeys high.

Bulk and height of initial proposals suggest that buildings will compete with the level of the open space land in the vicinity of the Cenotaph. It would be diminished in the scale of what is adjacent to it. It would cause a degree of “busyness” in the landscape which doesn't presently exist. However proper plans and elevations are required.

Bulk and height of concept proposals suggest that panoramic views, and cultural landscape could be severely compromised in many directions, when looking in, when looking out, when looking within, from current Activity Areas 2.1 or 4.2 or from areas outside of the Southern Domain.

Policy

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⁶⁰ HRUDS. June 2008. 9.

⁶¹ HRUDS. Dec. 2008. New public parking. 6.13 Background studies – Carparking Overview 38.

Recommendations

- The historicity value of the Southern Domain must be respected with any new development.
- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- Projected building heights should adhere to the SCPS Heritage Schedule and other recommendations in the Scheme.
- Heights of buildings should not exceed 15 metres.
- It would be even more satisfactory if buildings remained at the level of two storeys.
- There should be a stepped height distance observed from the “Cove Wall” as required in the SCPS: 1997.

Size of Building envelope: extent	
SCPS: 1997 and earlier reports	HRUDS:2008 and other studies
<p>Author. It is doubtful whether the SCPS: 1997 Scheme ever envisaged the scale of development which has been proposed on the railyards site.</p> <p>It equates to the Oceanport development in bulk, height and extent which was proposed for Prince’s Wharf in 1997.</p>	<p>A 3D model on the RHH website indicates that almost the entire site would be covered by bulky buildings; the major part of which would be hospital, hospital related or private hospital (as shown in RHH proposal diagram). Other major development use is proposed fronting Evans Street.</p> <p>There are no plans or elevations which have appeared in any report to date. This makes the situation very difficult to assess.</p>

Policy comment

Given the areal extent size (12 hectares or anything up to 16 hectares) this proposal is seen as gross over development of the existing site.

There would be very little “open space” (except streets), and what is proposed would be shaded for large parts of the day (especially in winter) because of building surrounds, so wouldn’t be used.

The principal form; would be of hard surfaces.

Policy

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Recommendations

- The historicity value of the Southern Domain must be respected with any new development.
- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- A proposal or concept design such as has been presented in scale, height, bulk, extent, cannot be supported.
- The SCPS 1997 did not foresee the almost complete demise of the rail system as has been proposed. The SCPS. 1997 Activity Area 3.0 should be adhered to.
- The integration between rail and wharf facilities should not be lost.

Commercial, retail, residential, health, hotel and other projected uses	
SCPS: 1997	HRUDS:2008
<p>Neither a hospital, nor a hotel were envisaged in the SCPS.</p> <p>Author. Certain uses under the SCPS would be prohibited uses. The Scheme notes for Activity Area 3.0. for Office or Service Industry, ‘must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Council. Otherwise ‘prohibited.’ Residential and Visitor accommodation are prohibited uses.</p>	<p>In addition to the proposed hospital and related complementary services, a multi-use site is envisaged. Principle 1 (HRUDS. Dec 2008) states this.</p> <p>Commercial, residential and retail activities are seen as a part of the mix.</p> <p>Principle 2. Activated streetfronts, with cafes eateries, shops, galleries, hotel and building entry lobbies are stated.</p> <p>Elsewhere a projected number of 214 apartments is stated.⁶²</p>

Policy comment

A considerable number of uses have been stated in the proposals, and within each ‘use’ or development class, the number could expand much further.

It is considered that too many uses have been drawn into the “mix” of the proposal outlined. Many of these would not be compatible with either each other, or the adjacent TasPorts use of the waterfront.

Uses such as visitor accommodation [hotel?] and residential accommodation [apartments] are prohibited under the SCPS: 1997 Scheme. Other uses may also be prohibited under the Scheme depending upon the discretion of the planning body (SCWA).

Certain uses will require parking facilities 24/7.

Policy

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⁶²

HRUDS. Dec. 2008. 37.

Recommendations

- The historicity value of the Southern Domain must be respected with any new development.
- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The SCPS: 1997 Section 18.3 provisions should be adhered to for Activity Area 3.0.

New roads; alteration of existing major highways	
SCPS: 1997	HRUDS:2008
<p>3.0 Encourage a new road access linking the Activity Area and Brooker Avenue</p> <p>Heritage Schedule. • On the land bounded by the Tasman Highway, Brooker Avenue and Liverpool Street the landscaping should reflect the variety of garden areas and parkland styles that exist in the immediate surrounding area and that mark the transition to the Domain.</p>	<p>Principle 7. New streets.⁶³ A new landscaped ‘boulevard’ was envisioned between Sullivans Cove and the northern River Derwent. Its exact location was not outlined.</p> <p>Principle 6. ‘new connections’ noted that heavy vehicle access currently in Evans St would be relocated to the ‘clover-leaf.’</p> <p>Heavy vehicle traffic is to be re-located extending from the ‘clover-leaf’ to use a new foreshore “corridor” road from the present Tasman Highway into the Port facility.⁶⁴ A new street made by an extension of Davey Street would connect with the foreshore corridor road. As well the foreshore major heavy vehicle road would connect southwards along a rough boundary line to the southern Macquarie wharves and to Evans Street.</p> <p>Other internal roads for the site were proposed.</p> <p>Major changes to the Tasman, Brooker Highways, Davey Street-Macquarie Sts couplet junction envisaged.</p>

Policy comment

Major road changes to highways (Brooker, Tasman, Macquarie, Davey) are proposed. Three new major roads are proposed for the site and /or for areas adjacent to the site. A software programme SIDRA has been used in background studies for Transport and Traffic Overview and Background Studies.⁶⁵

There appears to be no supporting data, research or reports (2008-9) from the Department of Infrastructure, Energy or Resources or from Pitt and Sherry in terms of the proposed highway re-alignments, changes to them or comments in respect of new proposed roads.

⁶³ HRUDS. Dec. 2008. Principles 6, 7, 8. New connections, New streets. Improved city arrival.

12.

⁶⁴ HRUDS. Dec. 2008. 6.12. Background Studies. Transport and Traffic Overview 1. 35.

⁶⁵ HRUDS. Dec. 2008. 35-37.

Given proposed road changes, it could be anticipated that further areas of existing green open space will disappear completely under hard surfaces, other areas of green open space will become further fragmented across the Southern Domain area.

Policy

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Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The Southern Domain (and within that the site) must be recognised as a part of a much larger area of parkland – the Queen's Domain. The Railyards area cannot be siphoned off as a small discrete place without consideration of the much larger whole of which it is a part and upon which it has the potential to impact.
- It is totally unacceptable to propose major new roads, and significant alterations to existing roads all of which will impact on green open space areas.
- Recreation, cultural activities, civic and festival type activities and other open space informal, passive recreation activities should continue to predominate.

Traffic	
SCPS: 1997	HRUDS:2008
Area 2.1: Minimise impacts of vehicle traffic	<p>Notes Principle 5 – integrated transport. More is said about this under rail, and cycling sections. Transport issues are raised in the Report;⁶⁶ a redeveloped railyards will 'generate significant additional traffic volumes; the site will require a 'number of entry points... to efficiently move traffic in and out of the site'; there is a need to signal to drivers 'that they are leaving the 'country' and arriving in the 'city' by breaking the sense of continuity at the interface' [this being the nexus of Brooker, Tasman Hwys, and Macquarie-Davey Streets.]</p> <p>Projected traffic numbers per hour as per the information given in HRUDS. Dec. 2008 could be approximately 3,452.06 vehicles per hour into or out of the site.</p>

Traffic movement at HRUDS Dec. 2008. 6.11-1.13 in this author's view would simply become unworkable, especially at peak times. Based on Table 1⁶⁷ in the proponent's own document, 1,125 trips per hour into the hospital would occur in the morning, 1,000 per hour trips in the PM; a further 1,140 trips per hour would be generated by the retail shopping sector, 1,125 per hour by the commercial (CBD,

⁶⁶ HRUDS. Dec. 2008. 6.12. Background Studies Transport and Traffic Overview 1. 35.

⁶⁷ HURDS. June 2008. Op. cit. 24.

office sector) and 62.06 trips per hour by the projected 214 units or apartments. A total of 3,452.06 vehicles are projected to be moving through the area at any one time during normal working and business hours. This into and out of the site adding to the congestion already at the Macquarie, Davey, Tasman and Brooker Highway nexus. No volumes of traffic have been included for heavy vehicle use of the proposed new road into the Port.

In order to “move” and “calm” the traffic, ‘narrower lane widths and wider footpaths’ have been proposed in some places on existing major highways.⁶⁸ It could be anticipated that there will be peaking of traffic into and out of the site, given commercial, retail, and residential uses which are proposed. Such traffic has to be added to that already using the major highways which merge to enter or exit the city via Davey Street and Macquarie Street. It also has to be added to the critical existing entry-exit points of Davey Street and Macquarie Street as the merge into the Brooker Highway or the Tasman Highway.

HRUDS:2008 has the solution, new entry points, new roads. A major re-alignment of these streets, such that Davey Street would be extended in an easterly direction to align with the Brooker Highway. The Brooker Highway would be extended to meet Davey Street. This would be the junction of a minor road into the Rail Yards site as well but its function was not explained (to the hospital entrance for example?). Meanwhile Evans Street would become a major thoroughfare into what would most likely be the proposed apartments, commercial / office sector, and retail sector. A further major road change is envisaged for the McVilly Cloverleaf area⁶⁹ such that a major new road would enter the rail yards site from the Tasman Highway. “This will create a direct heavy access to the Port facility.”⁷⁰

HRUDS:2008 has acknowledged that ‘most road freight travels through the city centre on the Couplet [meaning Macquarie St and Davey St] and that ‘no provision exists for a City Bypass.’⁷¹

Policy comment

The Brooker, Tasman Highways, Davey-Macquarie Street nexus must be one of the busiest traffic areas of Hobart. Yet it is proposed to impose into that area nearly 3,500 vehicles per hour although the number would be greater because heavy vehicle traffic has not been included.

It is proposed that hospital and emergency vehicles wishing to reach the hospital will be able to do so.

It is further proposed to impose traffic ‘calming’ measure in this area so that traffic slows down, is slowed down by means of the measures imposed. Hobart’s traffic problem is very much a result of Hobart’s topography and the fact that there is no easy way to travel from the south to the north of the city-urban area without going through major streets and along major city highways.

⁶⁸ HURDS. Dec 2008. Op. cit. 35-37.

⁶⁹ Currently used to access the Hobart Aquatic Centre, and the northern Domain hill; in the south to access the slip yards, former HMAS Huon, Regatta grounds and Cenotaph.

⁷⁰ HURDS. Dec 2008. Op cit. 35.

⁷¹ HURDS Dec 2008. Ibid. 6.11. Background studies. Road Network. 34.

HRUDS does not deal with the issue of existing traffic delays especially during peak hours and how nearly 3,500 cars will be added to that.

HRUDS does not deal with the fact that a major component of heavy vehicle traffic from the south will continue to be from the south, will continue to have to access the Tasports wharf facilities (Macquarie wharves 2, 3, 4). (See Tasports section).

Nothing appears in HRUDS to illustrate the proportion of traffic which is heavy vehicle traffic using the major highways and the couplet City streets.

Policy

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Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The Southern Domain (and within that the site) must be recognised as a part of a much larger area of parkland – the Queen's Domain. The Railyards area cannot be siphoned off as a small discrete place without consideration of the much larger whole of which it is a part and upon which it has the potential to impact. Traffic impact is very much a part of that. Traffic in the area, and surrounding areas will increase exponentially. This is not acceptable.
- Road and traffic activities should be diminished, not expanded in the way proposed. The loss of amenity, of public open green space, the fragmentation of open green space that will result from the proposals is not acceptable.

New parking areas	
SCPS: 1997	HRUDS:2008
<p>Area 2.1: Minimise impacts of parking</p> <p>4.2. This Activity Area is characterised by low volumes of traffic. Parking shall be provided in this Activity Area to cater for the parking demands of employees, visitors and other maritime related activities. Land within this Activity Area will not be used for the parking demands of activities outside the Activity Area (Parking Schedule)</p> <p>2.1. 3.0. The Planning Authority shall ensure that proposed development:</p> <ul style="list-style-type: none"> • Will not interrupt the efficient passage of port related vehicular movements (Parking Schedule) <p>2.1. Condition. Must meet the objectives and</p>	<p>Locate large car parking structures at the periphery of the site and screen from public view by integrating into the landform. Car parking should be integrated in ways that will not cause building height to exceed recommendations.⁷²</p> <p>The diagram shows that two 'large' parking places will be provided on the periphery of the site and will be integrated into the landform.</p> <p>Car parking is to be concealed from public view behind activated street edges and within buildings.</p> <p>New large parking areas are briefly outlined at Carparking Overview.⁷³</p>

⁷² HURDS Dec 2008. Principle 3. 11.

⁷³ HURDS Dec. 2008. 6.13. Background Studies. Carparking Overview. 38

Performance criteria of the Activity Area to the satisfaction of the Council. Otherwise prohibited use.	<p>A provision is made for approximately 2000 vehicles but the largest of the two new large parking areas is offsite. Only 300 cars are proposed for lineal meters within the site. It is doubtful if basement parking would be allowed given the Pitt and Sherry Report re climate change and possible sea level rise.</p> <p>The two proposed parking stations are Activity Areas 2.1 (NE) and Activity Area 3.0. Both are proposed as three storeys high. Principle 3 seeks to ‘diminish the reliance on private vehicle based transport to the site.’</p>
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Policy comment

Unexplained in the HRUDS document is how a large 3 storey parking station is to be “fitted” into the existing landform of the Southern Domain and into Activity Area 2.1, given the area is underlain by dolerite. While this idea has been put forward, there is no costing which accompanies it.

A second also reasonably large parking station has been proposed (to take 583) cars on the south western periphery of Activity Area 2.1 (but probably in A.A. 3.0). “Fitted in” under the Cove wall this would negate the history of this site in relation to the wall. It would also contravene the ‘buffer’ distances as provided for in SCPS. 1997. Heritage Schedule.

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Recommendations

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- The Southern Domain (and within that the site) must be recognised as a part of a much larger area of parkland – the Queen’s Domain. The Railyards area cannot be siphoned off as a small discrete place without consideration of the much larger whole of which it is a part and upon which it has the potential to impact. A plethora of new “uses” will generate traffic and the need for new Parking spaces. A parking space such as that proposed for Activity Area 2.1 is not acceptable. Private vehicles would have to enter and exit the major road used by heavy vehicle transport. This is not acceptable.
- Parking, Road and Traffic activities should be diminished, not expanded in the way proposed. The loss of amenity, of public open green space, the fragmentation of open green space that will result from the proposals is not acceptable.

Rail proposals	
SCPS: 1997	HRUDS:2008
In 18.1 of SCPS. 1997 the characteristics of the Activity Area 3.0 are clearly set out. At 18.2, the Objectives and Performance Criteria are clearly spelled out. These are found in	HRUDS proposes that a rail corridor is maintained to the northern Macquarie Wharves (5-6). It would exist in the present area adjacent somehow to the major heavy

<p>Appendix 3.2.</p> <p>The overriding Objective is that the strategic and economic importance of the Activity Area is recognised. A thorough analysis of use and development options is required along with a Development Plan if significant use changes are proposed.</p> <p>Future activities must facilitate the integration of rail, road and wharf activities.</p>	<p>vehicle road and a new large parking station.</p> <p>Principle 5 – integrated transport notes ‘maintain a designated rail corridor to accommodate passenger and freight services to and through the site.’</p>
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Policy comment

There has been no Development Plan which has surfaced.

The different functions occasioned by freight v. passenger needs is nowhere explained in the Report.

Not explained either is how the goods and freight would be moved from a rail terminus in the vicinity of Macquarie wharves 5-6 to points of departure by ship at Macquarie wharves 2, 3, 4.

The rail provision and how it is to operate has largely been left as an unknown in the Reports which have been presented to date.

Unknown is whether Pacific National was

- asked to comment on the proposals
- who would own and operate the line from Bridgewater to Hobart
- what exactly the function of the line would be.

See below.

Policy

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Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The Southern Domain (and within that the site) must be recognised as a part of a much larger area of parkland – the Queen's Domain. The Railyards area cannot be siphoned off as a small discrete place without consideration of the much larger whole of which it is a part and upon which it has the potential to impact.
- The Railyards has a history which commenced in the 1870s. This needs to be acknowledged.
- The SCPS. 1997 looks towards an integration of rail, road, and wharf facilities. This is supported.
- Pacific National look to the future as having a potential for growth in the freight already carried especially forest products. Future use of the site needs to carefully integrate how rail, road and wharf facilities can be expanded in any proposal put forward.
- A Development Plan is urgently required.

The Pacific National website in respect of Tasmania, notes that it bought Tasrail in February 2004. It notes that it operates around the state, moving freight including cement, paper and paper pulp, coal, zinc, mineral concentrates, containers, timber and timber products.

It foresees “growth in freight of all commodities with special opportunities in the forestry industry with benefits to road safety and beneficial social and environmental impacts.” It also notes that it carries less than half the intermodal traffic on the State’s main freight corridor. It sees a real opportunity to substantially increase this business.⁷⁴

Macquarie Wharves; Working port	
SCPS: 1997	Meyrick 2008
<p>The overriding Objective of Activity Area 3.0 is that the strategic and economic Importance of the Activity Area is recognised. A thorough analysis of use and development options is required along with a Development Plan if significant use changes are proposed. Future activities must facilitate The integration of rail road and wharf facilities.</p> <p>The Macquarie Wharf Area is Activity Area 4.1 which has general characteristics, Objectives and performance criteria. These note that the ‘working port’ is a significant cultural and community icon in Tasmania.</p> <p>The ability to observe port operations as well as public access to sections of the port facilities are unique features of the Port of Hobart.</p> <p>The Hobart Port must continue as a major cargo handling and distribution centre. ‘world’s best environmental practice’ standards is a performance criteria, but it realises that the port operates 24/7, 365 days of the year and has the ‘potential for such operations to impose amenity impacts on nearby land’,</p>	<p>There is a crucial reliance on rail transport and road for general containerised freight. NB. Port of Hobart has geographical advantages to be the gateway to Antarctica and Southern Ocean shipping services.</p> <p>Gateway for tourists arriving by cruise ships.</p> <p>Major location of Tasmania’s maritime manufacturing, maintenance and repair industry.</p> <p>Long history of supporting fish and fish processing.</p> <p>Handles domestic and foreign naval ships .</p> <p>Provides cold storage and associated quarantine services to support local industries.</p> <p>Has a state/national and international Emergency response role for both Tasmania and Antarctica.</p> <p>The maritime trade forecast is that between 19-27 million tonnes will be reached by 2028. Largest expansion seen to be the cruise ship industry and Antarctic services. Other potential growth areas are export of timber veneer and the import of liquid caustic soda. NB. If one or more of the containerised supply-chains in future convert to break-bulk maritime transportation, this would increase demand at Macquarie Point – a feature requiring flexibility in future port planning and berth/land use.</p>

Meyrick⁷⁵ were at pains to point out that the Macquarie wharves are a part of Hobart’s

⁷⁴ Internet. Pacific National. Tasmania.
http://www.pacificnational.com.au/cust_access/tasmania.asp

‘working port.’ Working ports carry specific external effects as a part of wharf activity. Buffer zones are required for a number of the activities which range from air emissions, such as pollutants, dust, noise to light, and waste water, hazardous chemicals, dangerous goods and activities causing vibration. In order for the port to manage its activities successfully with as well, potential to grow its activities, it has to have a certain flexibility in the organisation of its ship related activities. Land corridors, port land for future use and buffer zoning of land to mitigate external effects of port operation are fundamental for the port of Hobart to ‘provide efficient, cost-effective logistics interfaces to serve the current and future demand’.

Meyrick see potential growth in the future coming from the cruise liner industry trade, and from Antarctic services that are provided. There is potential growth depending on the world price of timber veneer and the import of caustic liquid soda. It is to be noted that currently the caustic liquid soda farm is on land earmarked for the hospital. The location of the cold store is also on land earmarked for the new proposed development, and the extension of Davey Street. Meyrick also note that in 2009, the railyards are used at times to store additional cargo and containers. There is a future possibility that one or more of the containerised supply-chains in the future may convert to break-bulk maritime transportation which would increase port demand at Macquarie Point – a feature requiring flexibility in future port planning and berth/land use.

Policy comment

The Tasports boundary currently occupies a part of the area earmarked for the proposed development. Alternative boundaries have been suggested to Tasports.

The railyards site at present offers a ‘buffer’ to the working port and some of its noxious and dangerous activities. This ‘buffer’ will disappear with any large scale adjacent development.

The port at times currently uses parts of the area of the railyards for storage. This additional land ‘capacity’ and flexibility of use will disappear with any large scale development; there simply won’t be room for everything. The Tasports Cold Store and the Liquid Caustic Soda tank farm are presently located on the railyards site. These would have to be re-located leaving even less room on the Macquarie Wharves for handling and storage.

The port is seen to be vital, historical, iconic and working part of Hobart and its history.

These problems were not addressed in the HRUDS. 2008 Reports.

These problems were not addressed in the Pitt and Sherry Report 2009.

Much of the present port wharf apron area because of its low AHD level could potentially be lost with sea level rise.

⁷⁵ Meyrick and Associates. *Review of the working port of Hobart*. Final Report 22 December 2008. For TasPorts P/L. [Meyrick 2008].

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner's Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable.

Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The Southern Domain (and within that the site) must be recognised as a part of a much larger area of parkland – the Queen's Domain. The Macquarie Wharf apron area cannot be siphoned off as a small discrete place without consideration of the much larger whole of which it is a part and upon which it has the potential to impact including the adjacent railyards site. It is clear that the port area has to have inbuilt flexibility in order to perform its activities.
- The working port of Hobart has to be maintained, and given room to expand its activities in the future.
- The Railyards has a history which commenced in the 1870s. This needs to be acknowledged. It became integrated to the port facility. This nexus should be maintained.
- The SCPS: 1997 looks towards an integration of rail, road, and wharf facilities. This is supported.
- In any proposal put forward, future expansion of site activities of Activity Areas 3.0 and 4.1 needs to be carefully investigated as to how to integrate how rail, road and wharf facilities and then integrate this successfully to A.A 2.1 and 4.2.
- Global climate change and possible sea level rise would see much of the current port area under water.

Buffers	
SCPS: 1997	Meyrick 2008
Residential accommodation, visitor accommodation, and shop are all prohibited uses in the Activity Area 4.1: Macquarie Wharf area.	The need for buffers are mentioned throughout the Report in connection with the activities and uses of the port, such as dangerous and hazardous materials handling.
These three uses are proposed in the adjacent area.	The Report notes that, the International Association of Ports and Harbours stated that, 'every effort should be made to ensure that buffer zones remain as such. i.e. no relaxation of the zoning should be permitted. Other uses should not be allowed to 'creep into' buffer zones over the course of time.' ⁷⁶
Hospital was not included in the SCPS list of 'uses' but it would likely be a prohibited use as well so close to wharf facilities and wharf activities.	
The SCPS: 1997 in its Objectives or Performance Criteria does not mention buffers.	Buffer zones as a general rule 'are constructed within the boundary of the emitter, requiring a larger site boundary than required purely to accommodate physical operational activities and facilities. Naturally,

⁷⁶ Meyrick 2008. Op. cit. 41.

⁷⁷ Ibid. 5.

	the size of the buffer must provide adequate protection for people and property external to the port boundary.’ ⁷⁷
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Principle A of HRUDS Dec. 2008 A. Landuse + activities notes ‘actively manage potential use conflicts between the Hospital, the working port and other uses.

Promote activity along the edges of hospital buildings either through active uses at the ground floor or by creating active public spaces at the building edge.

Ensure that the Hospital buildings adjoining the Port boundary are appropriately designed to accommodate the interface issues of these two land uses.’

Principle B of HRUDS Dec. 2008 Movement transport + access notes, ‘ensure potential conflicts between transport nodes and other uses are identified and managed.’⁷⁸

Policy comment

Meyrick have outlined in their Report issues in connection with the activities undertaken by Hobart’s working port. Some of these are dangerous, noxious and /or hazardous. They have given examples of an International ruling re buffers and as well report from a recent study, *Inner Harbour Buffer Zone Study* (City of Fremantle) in which hospitals for example are not permitted.

The Macquarie Wharf apron area and the railyards site cannot be siphoned off as discrete land units without consideration of the much larger whole of which they are a part and upon which they have the potential to impact on adjacent areas.

The issue of the incompatibility of uses which are proposed next to Hobart’s working port have not been adequately addressed in studies to date.

It is considered that the issue of “use” compatibility is compounded by the concept design scale, and type of use proposed.

The issue of buffer widths, areas to be incorporated as buffer zones, have not been adequately addressed in studies to date for the proposed development of the railyards site.

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner’s Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable.

⁷⁸

HRUDS Dec. 2008. 5.1. Additional Principles + Strategies – Hospital. 16.

Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The Southern Domain (and within that the site) must be recognised as a part of a much larger area of parkland – the Queen’s Domain. It is clear that the port area has to have inbuilt flexibility in order to perform its activities and may in the future need additional room in order to expand and grow, if not to respond to projected rises in sea level.
- The present proposal for the railyards site cannot be supported given the current requirements for the integration of the port and rail activities, and port requirements, now and into the future.
- Any future development must develop appropriate buffers both from the Cenotaph area (Activity Area 2.1) as well as from the Port facility.

Cyclist and walking trails	
SCPS: 1997 and others	HRUDS:2008
<p>2.1. Increase pedestrian and cyclist accessibility to Domain from Cove and CBD.</p> <p>QDCHMP. Saw that the Tasman Highway was a significant barrier to access the Queen’s Domain in the north, or between the linkage of the two areas of the Queen’s Domain, north and south</p> <p>Section 5.2.3 of the QDCHMP recommended to achieve the connection between the memorials on the northern Domain hill with those of the Cenotaph.</p> <p>The Draft Strategic Master Plan 2008 of the Royal Tasmanian Botanical Gardens also drew attention to the need for a walking track from the city via the Queen’s Domain to the RTBG.</p>	<p>HURDS have a number of inclusions which relate to either cycling or walking within the Southern Domain area. Principle 5 – Integrated Transport with a diagrammatic plan indicating where the cycle paths might be. These are shown along the Sullivans Cove waterfront, but also along major highways such as the Tasman Highway and/or the new major heavy vehicle road from Mcvilly’s cloverleaf into the port wharf area. Included in Principle 6 –New Connections is a ‘new pedestrian land bridge linking the Queen’s domain with the Cenotaph parklands’. Exactly where this is to go is not shown. Principle 6 also aimed to ‘create a public domain that encourages pedestrian access and permeability to and throughout the site.’</p> <p>Quite how this is to be achieved is not spelled out further.</p> <p>Principle 10 – Access to water’s edge is to develop pedestrian connections from Sullivans Cove around through the Railyards Site linking to the pedestrian/cycle path behind HMAS Huon.</p>

Policy comment

The recommendation to join the Sullivan’s Cove-Southern Domain-Northern Domain into an integrated whole in respect of linear walking or cycling trails is applauded.

However the compatibility of the requirements of these different recreational uses needs to be understood.

Simply making an additional footpath, or a cycle lane alongside of a busy major highway is not seen to be the best solution to the vision of integrated linear pathways either for cycle use or for walking use.

Policy

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Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The Southern Domain (and within that the site) must be recognised as a part of a much larger area of parkland – the Queen's Domain.
- Cycle tracks and walking tracks which connect the City, the Southern Domain to the Northern Domain need careful and strategic analysis and planning.
- Each recreational use has different needs.
- Placing the walking track and a cycling track as compatible activities together along the same linear paths is not recommended; both activities are very different and require different linear paths and management. New solutions are required.
- Placing the cycling tracks presumably adjacent to a major highway or heavy vehicle access road is seen as not providing the best outcome for the recreational experience by cyclists travelling from the City to the Northern Domain. New innovative solutions are required.

People place	
SCPS: 1997	HRUDS:2008
Activity Areas 2.1 and 4.2 of the Southern Domain are clearly designated as informal recreation places for the people. As meeting places in the open for large gatherings, festivals and civic events. Hobart city has no other large open space area for these types of large events, (eg. compare Sydney, Opera-in-the-Park).	<p>Principle 4 – Improved river foreshore. Facilitate development of the River Derwent foreshore for a range of active and passive uses with a predominance of public open space.</p> <p>Provide opportunities for public gatherings and protected viewing of the River and Regatta activities that are integrated into the landform as an alternative to the Regatta Grandstand. HRUDS June 2008.</p> <p>Provide appropriate infrastructure that is integrated into the landform for public gatherings, the Royal Hobart Regatta and other foreshore activities. HRUDS. Dec. 2008.</p> <p>Consider any appropriate uses that may be integrated into the landform to screen car-parking structures and complement the</p>

	development of the area. Through careful design accommodate and integrate the transport corridor and boulevard into the public space and foreshore. ⁷⁹
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The types of gathering envisaged by the QDMP, the QDCHMP, or the Sullivans Cove Planning Scheme for Activity Areas 2.1 or 4.2 were for certain types of generally informal recreational activity or civic occasions. These were outdoor, sometimes informal, sometimes organised but essentially it was ‘uses’ that required a central meeting place, at times for quite a specific purpose such as Anzac Day. The informal type of recreational activity might be compared with a shopping precinct for example which is a different type of “people” place. One requires a minimum of infrastructure, (it might be erected for the particular event or there may be none required at all) whereas the eating /shopping pastime requires an urban built form infrastructure backdrop. The same people might attend both venues, or there may be different “groups” of people who would attend one but not the other. Picnicking for example in the past was a favoured informal pastime that merely required a chosen place for the picnic. It was a wonderful way that families with smaller children could allow the children to run around and enjoy the outdoors. The QDMP 1996 listed a number of informal recreation activities.

Because of the projected rail, new road, possible cycle and walking trails close to the foreshore of Activity Area 4.2 the informal nature of what is there at present would disappear. The ‘naturalness’ and low impact activity would disappear.

It is projected that the new heavy vehicle road access would be placed here, a large parking station was proposed so that the ‘busyness’ of the area, diminished amenity value of the area would be immense. It can’t be easily seen how it could become a “boulevard” that would be a welcome place for recreation pursuits given the competing incompatible uses that would also be adjacent or in the near vicinity.

Policy comment

Principle 4 notes that ‘through careful design, accommodate and integrate the transport corridor and boulevard into the public space and foreshore.

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner’s Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable.

Recommendations

- The Burra Charter, J.S. Kerr (Conservation Plan), ICOMOS – Australia are the existing basis of the strategic planning for the SCPS: 1997; at 3.1. These heritage directives must be adhered to.
- The Southern Domain (and within that Activity Areas 2.1: 4.2) must be recognised as a part of a much larger area of parkland – the Queen’s Domain.
- Cycle tracks and walking tracks which connect the City, the Southern Domain to the Northern Domain need careful strategic analysis and planning.

⁷⁹

Ibid. 6.

- Placing the walking track and a cycling track as compatible activities together along the same linear paths is not satisfactory. Placing the cycling tracks presumably adjacent to a major heavy vehicle access road is not seen as the a compatible solution to enable cyclists to travel from the City to the Northern Domain. New innovative solutions are required. Placing cycling and/ or walking tracks in close proximity to a major car parking facility is not the best innovative solution.
- Fragmenting the foreshore area further (as will be the case) is unacceptable. It then becomes “strip-land” as has happened further north.

Compatibility of uses	
SCPS: 1997	HRUDS:2008
Encourage small scale maritime activities To provide for port facilities for ships, shipping but taking into account cultural and visual aspects as main entry to Hobart. Appropriate public access and water based activities	<p>A large and disparate range of uses has been proposed.</p> <p>A hospital and related buildings are a part of the proposals.</p> <p>A ‘mix’ of uses has been nominated. Cafes, eateries, shops, galleries, hotel, building entry lobbies – these possibly to offices or apartments. All are cited in the HRUDS Reports.</p> <p>All of these are urban-city based “uses” have little or nothing to do with open space green public recreation spaces.</p>

Policy comment

It would appear as though compatibility of “uses” with each another and the ability of the area-space to absorb their generated ‘noise’ and ‘busyness’ has not been given serious consideration.

The area of Activity Areas 2.1; 4.2 are currently very low key, very natural, predominantly public open green space either formally designed spaces or informally maintained. The history of ‘uses’ is likewise, low key, natural, predominantly informal or with a history of particular recreational uses (e.g. Hobart Regatta). It has a history of other uses, such as its civic uses and as well, evidence of past use, still present but nowhere mentioned in Reports (eg cattle jetties). It has a very open space amenity, with high current amenity values, (sound, smell, etc).

Because of the “type” of use, “scale” of use, “informality” of the use, the “frequency” of use there has not been a problem with the types of use being incompatible with each other. All have been recreational or civic, informal or small scale maritime. All might be classified as low intensity uses which maintain high levels of amenity value.

Policy

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Recommendations

- The SCPS. 1997 Objectives and Performance criteria for the two areas to be adhered to.
- Only compatible uses to those already present and nominated should be allowed to be placed in Activity Areas 2.1; 4.2.
- The Heritage Schedule from the SCPS. 1997 should be adhered to.

Disjunct in use(s)	
SCPS: 1997	HRUDS:2008
<p>3.0. While Activity areas 2.1, 4.2 seek to preserve the inherent historic and cultural values of those areas, Activity Area 3.0 and 4.1 sits uncomfortably alongside and adjacent. While the scale of development that has been proposed was not envisaged, (and certainly not a hospital) nevertheless 'the strategic and economic importance' of this area is an objective.</p> <p>This was targeted at increased utilisation of the existing rail infrastructure, innovative transportation and goods handling technology, and industrial activities based on processing and goods storage.</p> <p>An area to the west of this area was seen to be a place to 'promote new use and development' to contribute to the 'gateway' function of such land.</p> <p>Such activities [inherently] must have been seen to be small scale so as not to 'adversely impact' on the cultural heritage and landscape Domain values of 2.1 and 4.2.</p> <p>The Royal Engineer's building was singled out; development and use not to impact on this building (see 23.8.1 SCPS).</p>	<p>Principle 12. Respect the cenotaph.</p> <p>The strategies for this include,</p> <p>Reinforce and extend the principal axes that cross the Cenotaph</p> <p>Preserve culturally significant plantings around the Cenotaph</p> <p>Improve the quality of the northern foreshore green space</p> <p>Provide an alternative, integrated seating/viewing facility to replace the existing Regatta Grandstand</p> <p>Protect the sunrise view corridor to the east for ANZAC Day ceremonial purposes.</p>

Policy comment

In 'respecting the cenotaph' it was proposed to place a very large 3 storey parking area to its immediate east.

It was proposed to create a major new road to the immediate east for heavy vehicle traffic to reach the working port.

It was proposed to in all likelihood establish a major road and take out a part of the open space south of the cenotaph, taking at least some of the Cove wall, and placing the hospital in the immediate vicinity. Hospitals generally have lowered amenity; they are places where ambulances with sirens blaring bring emergency patients to the hospital.

The type of proposal put forward for Activity Area 3.0 – Railyards site – has the potential to change the presently existing compatibility of use types. The uses proposed for the railyards site are urban-city-centric uses. Because they are urban-centric, they would generate a great

amount of people-traffic-activity, thus collectively resulting in a lowered amenity in terms of generated noise and often smell, (traffic for example). As well, these ‘uses’ extended outside of the area into other Activity Areas such as 2.1: 4.2. The “mix” of uses proposed outside of the site were almost entirely predicated on the type of development and scale of development proposed on the site for Activity Area 3.0. The development proposal is for a large scale development fitted around a major hospital. The wide range of other “uses” placed in the mix included the possibility of a hotel. Hospitals and hotels are hardly seen as compatible uses to each other. Hotels are hardly seen to be a compatible use to a working port. Apartments are hardly seen to be compatible with a working port. Nurses quarters are hardly seen to be compatible to a working port. None of these uses have compatibility with uses which at present characterise the adjacent activity areas nominated in the SCPS: 1997.

Policy comment

In ‘respecting the cenotaph’ it was proposed to place a very large 3 storey parking area to its immediate east.

It was proposed to create a major new road to the immediate east for heavy vehicle traffic to reach the working port.

It was proposed to in all likelihood establish a major road and take out a part of the open space south of the cenotaph, taking the Cove wall, and placing the hospital in the immediate vicinity. Hospitals generally have lowered amenity; they are places where ambulances with sirens blaring bring emergency patients to the hospital.

The type of proposal put forward for Activity Area 3.0 – Railyards site – has the potential to change the presently existing compatibility of use types. The uses proposed for the railyards site are urban-city-centric uses. Because they are urban-centric, they would generate a great amount of people-traffic-activity, thus collectively resulting in a lowered amenity in terms of generated noise and often smell, (traffic for example). As well, these ‘uses’ extended outside of the area into other Activity Areas such as 2.1: 4.2. The “mix” of uses proposed outside of the site were almost entirely predicated on the type of development and scale of development proposed on the site for Activity Area 3.0. The development proposal is for a large scale development fitted around a major hospital. The wide range of other “uses” placed in the mix included the possibility of a hotel. Hospitals and hotels are hardly seen as compatible uses to each other. Hotels are hardly seen to be a compatible use to a working port. Apartments are hardly seen to be compatible with a working port. Nurses quarters are hardly seen to be compatible to a working port. None of these uses have compatibility with uses which at present characterise the adjacent activity areas nominated in the SCPS: 1997.

Policy

The Southern Domain must be recognised as a part of the original Government Domain articulated by Governor Macquarie and formalised in the *Land Commissioner’s Reports* 1826-1828. It is one of the oldest of the proclaimed Domain lands that remain in Australia. Its heritage and cultural significance is unquestionable.

Recommendations

- The SCPS. 1997 Objectives and Performance criteria for the four Activity Areas to be adhered to.
- Only compatible uses to those already present and nominated should be allowed to be placed in Activity Areas 2.1; 4.2. There should be careful consideration in respect of buffers, for any new development which takes place on Activity Area 3.0.
- The Heritage Schedule from the SCPS. 1997 should be adhered to.
- Activity Area 4.1 should have the flexibility to operate as a working port.



Figure 22. A part of the ‘Cove wall’ which Separates the open space areas of the Southern Domain from the industrialized areas.

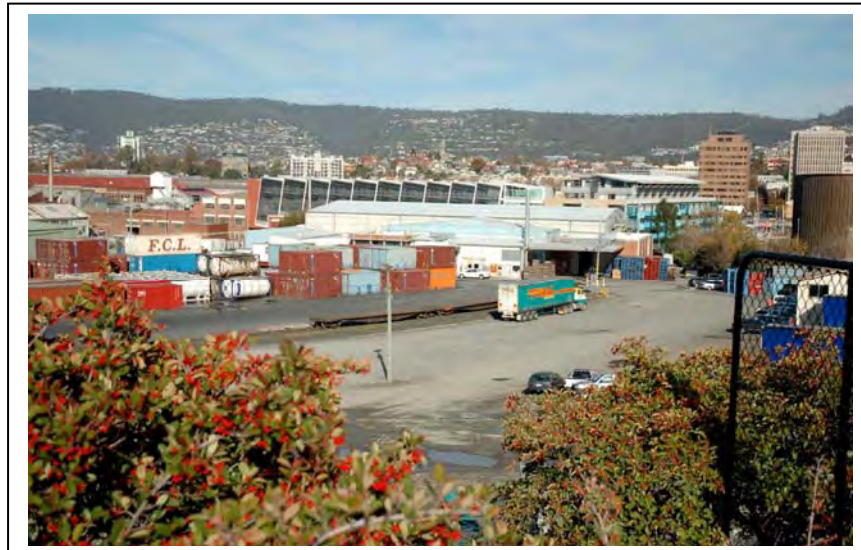


Figure 23. Looking down from the top of the ‘Cove wall’ to the Railyards site below.

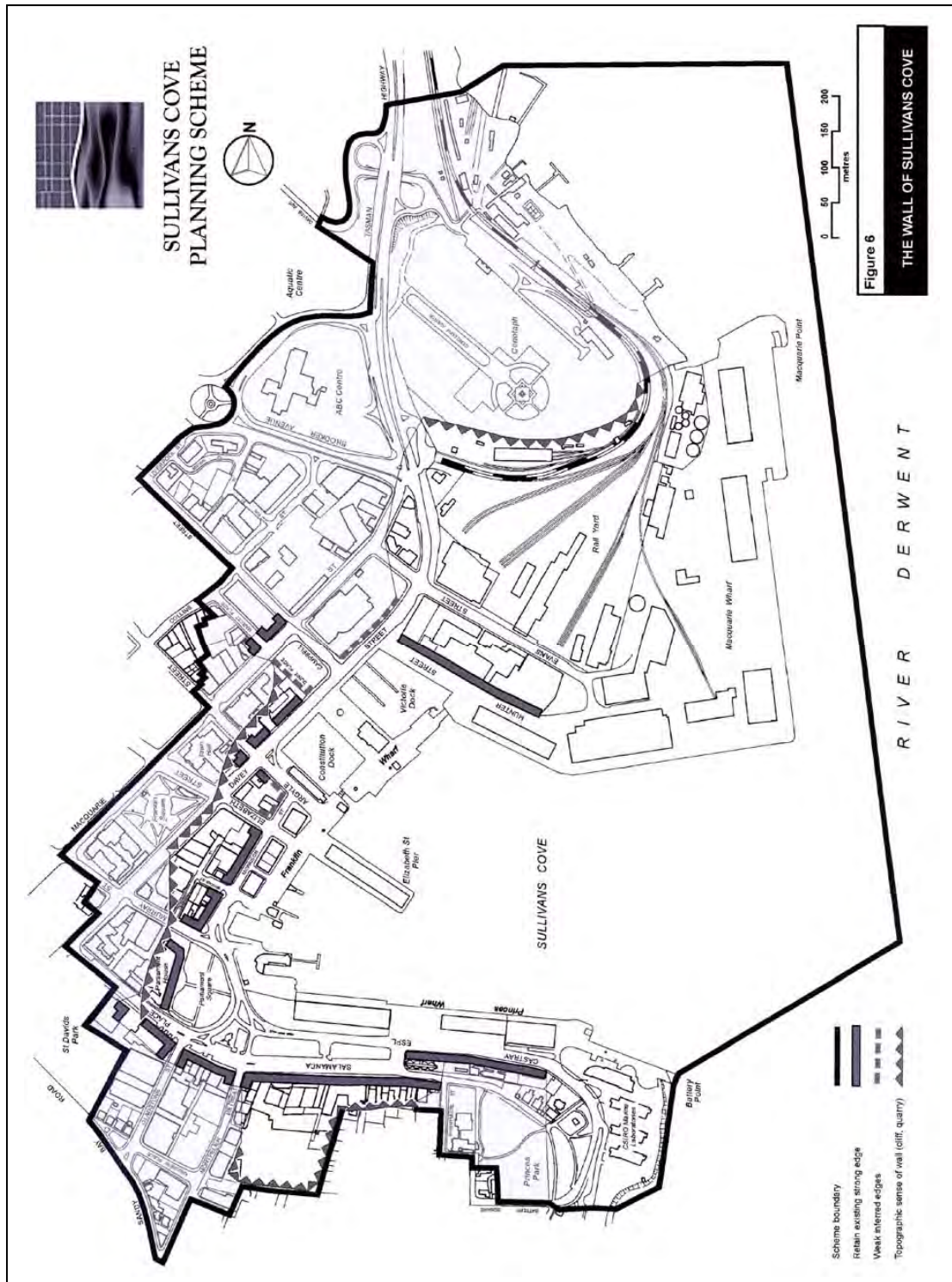


Figure 24. The demarcation of the Sullivans Cove wall in the SCPS. 1997. Wall is marked by a saw-tooth symbol.

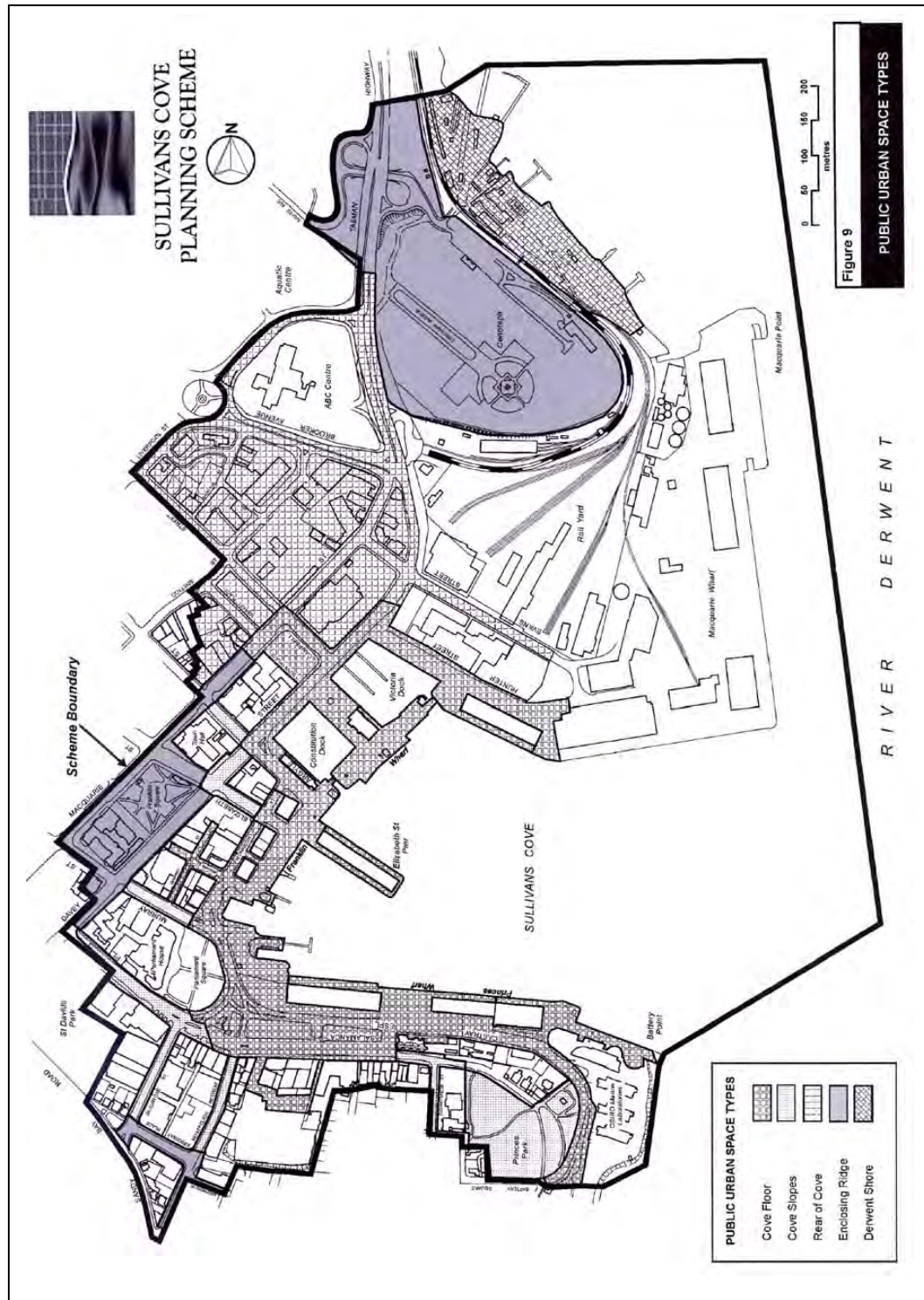


Figure 25. Public open space as identified in the SCPS. 1997. Southern Domain. Enclosing Ridge and Derwent Shore.

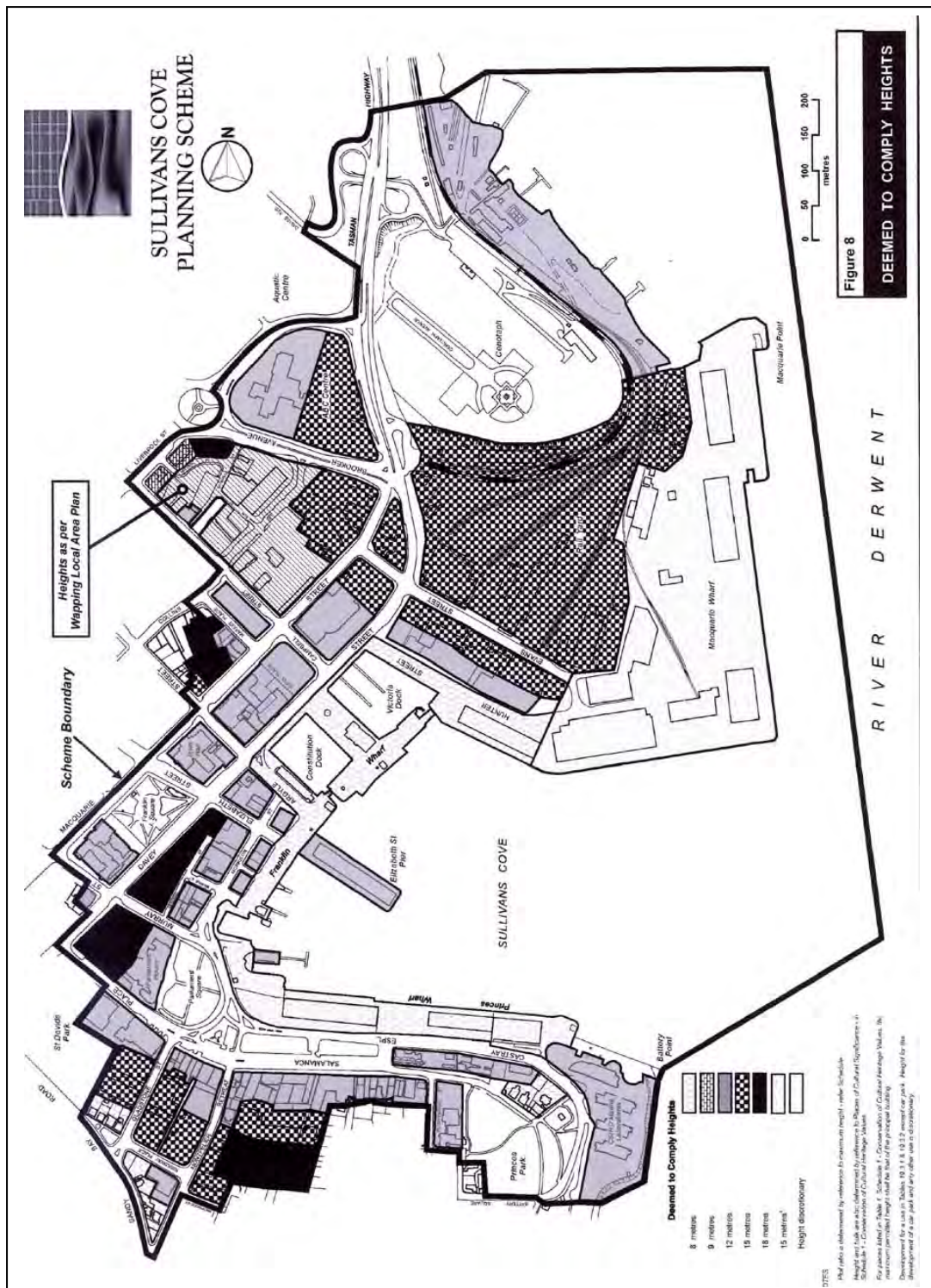


Figure 26. Deemed to comply heights in the Sullivans Cove Planning Scheme. 1997. The symbol cross hatching was 15 metres, for the other areas it was lower or discretionary. The notes on the left hand side of this image are repeated on the following page.

Notes to Figure 26.

Heights are respectively 8, 9, 12, 15, 18, 15m⁴

1. Plot ratio is determined by reference to maximum height – Refer Schedule
2. Height and bulk are also determined by reference to Places of Cultural Significance in Schedule 1 – Conservation of Cultural Heritage Values.
3. For places listed in Table 1, Schedule 1 – Conservation of Cultural heritage Values, the maximum height permitted shall be that of the principal building.
4. Development for a Use in Tables 19.3.1 and 19.3.2 except car park. Height for the development of a car park and any other use is discretionary.

Appendix 3.2. Performance criteria of Activity Areas.

17.0 Activity Area 2.1 'Domain Open Space'

17.1 General Characteristics of the Activity Area

The Domain is a highly significant cultural landscape to Tasmania's community. This significance is based on the importance of the memorial sites, the range and nature of historic sites and the contribution it makes to the sense of place of Hobart.

This area contains important community symbols, including the Cenotaph, Boer War memorial and the Domain Park. Aside from its cultural significance, the Domain presents a grand sense of entry to the City and is a significant public recreation asset. This area, as one of the City's principal open spaces, is a significant recreational and tourism venue both for informal and structured uses.

In 1996 the 'Queens Domain Management Plan' was prepared, and adopted by the Council. This management plan established the following visions statement for the Domain:

"The Queens Domain shall be a park of the people which celebrates and protects its significant natural landscape and rich cultural history whilst providing for the education, recreation, health and enjoyment of its visitors."

Whilst this plan related to the entire Queens Domain Area (extending beyond the boundaries of the Activity Area), it is an important management tool for activities. This management plan will be used as the basis for management of activities within this Activity Area.

17.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area.

Objectives	Performance Criteria
a) To protect and enhance the intrinsic and cultural values of the Domain.	<ul style="list-style-type: none"> Activities must not adversely impact on the cultural heritage and aesthetic values of the area. Activities must be compatible with these values, and where possible reinforce and enhance these values.
b) To maintain and encourage informal recreation and tourism uses related to the area's intrinsic and cultural value.	<ul style="list-style-type: none"> Use and development with the potential to adversely impact on the area's intrinsic and cultural values, and the related informal recreation and tourism uses (as identified in the 1996 Queens Domain Management Plan) will be discouraged.

Objectives	Performance Criteria
c) To consolidate and contain existing structured recreation, tourism and play activities.	<ul style="list-style-type: none"> Activities which are compatible with the type and intensity of existing structured recreation, tourism and play uses of the Domain (as identified in the 1996 Queens Domain Management Plan) are encouraged.
d) To protect and improve views to and from the Activity area.	<ul style="list-style-type: none"> Use and development of land must not adversely impact upon the views to and from the Activity Area.
e) To increase pedestrian and cyclist accessibility to the Domain from the Cove and CBD.	<ul style="list-style-type: none"> Use and development must not negatively impact upon, and where possible, must facilitate, pedestrian and cyclist access and circulation.
f) To minimise the impacts of vehicle traffic and parking on the special qualities of the area.	<ul style="list-style-type: none"> Management of traffic and parking must be in accordance with the recommendations of the 1996 Queens Domain Management Plan.
g) To ensure sound environmental planning and management for all activities.	<ul style="list-style-type: none"> All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity. All use and development must minimise direct and indirect environmental risk or effects and where possible provide a net environmental gain for the wider environment.

17.3 Use of Land

17.3.1 'Exempt' Uses

The following uses are 'exempt' from requiring a permit:

Passive Recreation

(Note: The **development** of land associated with these uses may require a permit)

17.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Market</i>	Nil
<i>Community Centre</i>	

17.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
<i>Minor Sport and Recreation</i>	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Council. Otherwise 'prohibited'.
<i>Car Park</i>	

17.3.4 'Prohibited' Uses

All other uses not specified in Clauses 17.3.1, 17.3.2 or 17.3.3.

17.4 Development of Land**17.4.1 Permit Requirement**

Unless specifically 'exempt' under Clause 8.4 or the Schedules of this Scheme. A permit is required to undertake any development of land.

17.4.2 All development of land must satisfy:-

- a) the provisions of the Queens Domain Management Plan 1996;
- b) the relevant provisions contained within the schedules of this Scheme.

18.0 Activity Area 3.0 Sullivans Cove 'Gateway And Transport'

18.1 General Characteristics of the Activity Area

This Activity Area includes the Railway Goods Yard and land used by a range of industrial and warehousing operations.

The rail yards are a significant infrastructure asset in the Cove. The use of land for rail activities has been in decline for a number of years. There is a significant potential for increased utilisation of the rail facilities.

The Hobart Ports Corporation has identified this land as important to the future development of cargo handling at the Port. Future opportunities for the Hobart Ports Corporation to utilise part of the land within this Activity Area for the handling of cargo are acknowledged. The Activity Area constitutes a significant land asset with potential for redevelopment for a number of uses, including the integration of the rail facilities with wharf and road transport activities.

Land along the west edge of the Activity Area comprises an important frontage to Davey Street, the main road entrance to the Cove. Land facing Davey Street forms part of the 'gateway' to Sullivans Cove. Future development of the west edge of the Activity Area must appropriately address 'gateway' issues.

Some potential exists for the sensitive development of a range of community and cultural activities in this part of the Activity Area. Such activities would need to be designed to respond to the 'gateway' role of the edge.

All future development of land within this Activity Area must also have regard to the potential contamination of soil, the product of many years of industrial activities in the area.

18.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area:

Objectives:	Performance Criteria:
<p>Guiding Objective</p> <p>To facilitate comprehensive use and development of land which recognises the strategic and economic importance of the Activity Area.</p>	<ul style="list-style-type: none"> Significant change of use of land within the Activity Area must be facilitated only after thorough analysis of use and development options for the area. The development of an Outline Development Plan for the area is encouraged.
<p>Supporting Objective</p> <p>a.) Encourage increased utilisation of existing rail infrastructure.</p> <p>b.) Encourage utilisation of land for innovative transportation and goods handling technology, including integration of transportation activities with technology based industrial activities and export focussed processing and goods storage activities.</p> <p>c.) Promote new use and developments to the west of the Activity Area which contribute to the 'gateway' function of such land.</p> <p>d.) Encourage 'world's best environmental practice' standards to the consolidation of transport activities and/or redevelopment of land in the Activity Area.</p>	<ul style="list-style-type: none"> Future activities in the area must facilitate the integration of rail activities with road and wharf activities. Use and development which integrates rail activities with cargo handling and road transportation (particularly in the east and southern edges of the Activity Area) is encouraged. Use and Development which integrates public transport options with pedestrian and cyclist activity is encouraged. New industries which involve processing/ value adding and export focussed activities and incorporate transport interchange technology which interfaces with the activities of the port will be encouraged. Port related transport activity must be encouraged in the area where such activities principally involve achieving efficiencies in transport handling. The development of land to the west of the Activity Area shall address Davey Street, and be responsive to the 'gateway' function of land facing Davey Street. Land in the western section of the Activity Area shall be considered for redevelopment in a manner which better interfaces with the Cove than the existing industrial and rail activities. Activities which facilitate pedestrian movement between the central Cove and the Domain will be encouraged. All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity. All use and development must minimise direct and indirect environmental risk or effects and, where possible, provide a net environmental gain for the wider environment.

Objectives:

- e.) Ensure that development does not adversely impact on the cultural heritage and landscape values of the Domain.
- f.) Ensure that activities in the area reasonably endeavour to minimise the potential for conflict with activities, cultural heritage and urban character of land and buildings to the South of Hunter Street.
- g.) Ensure development and use does not impact on the Royal Engineer's Building.
- h.) Encourage a new road access linking the Activity Area and Brooker Avenue.

Performance Criteria:

- New development to the north of the Activity Area must be designed in a manner which protects the cultural heritage and landscape qualities of the Domain. This includes minimising the height and bulk of buildings and structures, and ensuring that buildings are appropriately separated from the Cenotaph.
- New developments on the south edge of the Activity Area must be sited and designed in a manner which is compatible with the cultural heritage of the Hunter Street buildings.
- Evans Street must continue to be used primarily for transport and cargo handling related activities, unless a new access road servicing the Activity Area and with the potential to also service Activity Area 4.1 is constructed in the Cove-Domain 'gateway'. Evans Street should then be used for emergency vehicles and to service activities such as the university, cruise ships, customs and quarantine services and sites without access to a new port road.
- Development, including road construction works, in the vicinity of the Royal Engineer's Building in the Activity Area must not compromise appreciation of the building and its grounds as a place of cultural significance or its physical integrity.
- A new access road servicing the Activity Area with the potential to also service Activity Area 4.1 shall be encouraged at the location shown in Figure 9a. It must be constructed to best practice engineering standards and designed to respond appropriately to the Cove-Domain 'gateway' function of the site.

18.3 Use of Land**18.3.1 'Exempt' Uses**

The following uses are 'exempt' from requiring a permit:

Railway Terminal

(Note: The **development** of land associated with these uses may require a permit.)

18.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
<i>Transport Terminal</i>	Nil
<i>Commercial Port Operation</i>	
<i>Warehouse</i>	

18.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
<i>Light Industry</i> <i>Utility Installation</i> <i>Arts and Cultural Centre</i> <i>Research and Development Centre</i> <i>Office</i> <i>Market</i> <i>Manufacturing Sales</i> <i>Service Industry</i> All uses not specified in Clauses 18.3.1, 18.3.2 or 18.3.4.	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Council. Otherwise 'prohibited'

18.3.4 'Prohibited' Uses

Education Centre
Major Sports and Recreation
Residential Accommodation
Visitor Accommodation

18.4 Development of Land**18.4.1 Permit Requirement**

Unless specifically exempted by Clause 8.4 or the Schedules to this Scheme, a permit is required to undertake all development of land.

18.4.2 All development of land must satisfy the relevant provisions contained within the schedules of this Scheme.

20 ACTIVITY AREA 4.2 'REGATTA POINT'

20.1 General Characteristics of the Activity Area

This Activity Area includes the HMAS Huon site, slip-yards and the Regatta Grounds. This area is highly visible across the Derwent Estuary and is the main gateway to Sullivans Cove and Central Hobart.

The area is a highly significant cultural landscape based on its importance to the Tasmanian community's continuing maintenance, the historic buildings of HMAS Huon and the cultural significance of the Regatta Grounds.

In 1996 the 'Queens Domain Management Plan' was prepared, and adopted by the Planning Authority. Regatta Point Activity Area forms part of the area covered by this management plan.

This management plan established the following visions statement for the Domain:

"The Queens Domain shall be a park of the people which celebrates and protects its significant natural landscape and rich cultural history whilst providing for the education, recreation health and enjoyment of its visitors."

Whilst this plan related to the entire Queens Domain Area (extending beyond the boundaries of the Activity Area), it must be taken into account when making decision on activities within this area.

20.2 Objectives and Performance Criteria for Activities

The following objectives and performance criteria apply to use and development in this Activity Area.

Objectives	Performance Criteria
<p>Primary Objective:</p> <p>To provide for port facilities for ships, shipping and incidental uses taking into account the cultural and visual aspects of the areas as a main road entry to the City of Hobart, the need to accommodate appropriate public access, water-based activities and Regattas.</p>	<ul style="list-style-type: none"> ■ The use and development of the area for ships, shipping and incidental uses may be supported only if the use and development, including the development of structures (wharves, piers, moorings etc) is in keeping with the existing character, scale and context of the existing built and spatial form of the area. ■ Such use and development must also demonstrate its compatibility with the following: <ul style="list-style-type: none"> - Cultural heritage of the area. - Landscape and aesthetic values of the area. - Visual identity of the area, as viewed from other parts of the Cove Planning Area, and across the Derwent Estuary. - Existing and potential water based activities. - The need to maintain public access to land and water. - Other activities, including recreation and Regatta Day and other festivals. - 'Best practice' environmental design and environmental management. - The management objectives of vehicle movement and access. - The provisions of any Outline Development Plan for the Activity Area that may be considered necessary to resolve potential land use and management issues.

Objectives	Performance Criteria
	<ul style="list-style-type: none"> The objectives and recommendations of the Queens Domain Management Plan (1996) must also be taken into consideration in determining the appropriateness of such use.
Supporting Objectives (a) To protect the aesthetic and landscape values of the area, particularly as viewed from the Derwent Estuary.	<ul style="list-style-type: none"> All use and development must be consistent with, and where possible, enhance the character of the area, including the character and form of existing buildings and structures, topography and landscape features, particularly as viewed from across the Derwent Estuary and Regatta Grounds. Development must be compatible with the scale of existing built form (height, bulk and volume). Development must retain any buildings, structures, spaces or landscape features of identified significance. Development must not significantly alter the topography of the area.
(b) To conserve and enhance the cultural heritage values of the area, including building, spaces, cultural events (eg. Regatta Day) and archaeological heritage.	<ul style="list-style-type: none"> All use and development must be compatible with, conserve, and where possible, enhance the cultural heritage of the area. Where possible, use and development must incorporate appropriate interpretation of such heritage. Activities in the area must not restrict or adversely impact upon culturally important events in the area.
(c) To maintain and improve public access to the area, particularly the Regatta grounds and water's edge.	<ul style="list-style-type: none"> Activities must not restrict public access to the area, particularly to the water and the Regatta Grounds. Activities must incorporate features to facilitate public access to, and use of, the area. Activities which will promote public access to the area are encouraged. Commercial activities such as restaurants and function centres will generally only be supported where it is clearly demonstrated that such use will allow, and encourage unrestricted public use of the area.
(d) To encourage a range of cultural and community activities, including festivals and Civic functions.	<ul style="list-style-type: none"> Cultural and community uses will be encouraged in the area.
(e) To encourage small scale maritime activities and compatible port facilities.	<ul style="list-style-type: none"> Enhancement of port facilities and use of the area for maritime activities which do not adversely impact upon public access, amenity, cultural heritage and other identified values are encouraged. Such uses might include slip-yards, boat repair and other small scale maritime industries, and limited mooring of recreational and commercial fishing craft.
(f) To ensure sound environmental planning and management for all activities.	<ul style="list-style-type: none"> All use and development to demonstrate the minimisation of on and off site energy requirements resulting from the proposed activity. All use and development must minimise direct and indirect environmental risk or effects, and where possible, provide a net environmental gain for the wider environment.

20.3 Use of Land

20.3.1 'Exempt' Uses

The following use are 'exempt' from requiring a permit.

- *Passive Recreation*

(Note: The *development* of land associated with these uses may require a permit)

20.3.2 'Permitted' Uses

The following are 'permitted' (s.58 of the Land Use Planning and Approvals Act 1993) uses:

Use	'Deemed to Comply' Provision
Commercial Port Operations	Nil
Market	
Community Centre	
Marine Industry	
Arts and Cultural Facility	
Minor Sport and Recreation	
Research and Development Centre	
Education Centre	
Recreational Boating Facility	'Permitted' with 20 berths or less. Otherwise 'discretionary'.

20.3.3 'Discretionary' Uses

The following are 'discretionary' (s.57 of the Land Use Planning and Approvals Act 1993) uses:

Use	Condition
Wharf	Must meet the objectives and performance criteria of the Activity Area to the satisfaction of the Planning Authority. Otherwise 'prohibited'.
Minor Utility Installation	
Car Park	
Office	
Residential Accommodation	For any building providing Residential Accommodation that is subject to a registered strata plan, the use of land for any other use in this table is only 'discretionary' at the ground floor with frontage to a road. Otherwise the use is 'prohibited'.
Visitor Accommodation	
All 'discretionary' uses, except Residential Business, Bed and Breakfast Establishment.	
Bed and Breakfast Establishment	An application for a Bed and Breakfast Establishment will be approved only where the application: relates to a dwelling that is not part of a complex of dwellings that is subject to a registered strata plan or capable of such registration; or relates to all of the dwellings in a complex that is subject to a registered strata plan or capable of such registration. Otherwise 'prohibited'.

Use	Condition
All other uses not in Clause 20.3.1, 20.3.2 and 20.3.4	
Shop Restaurant	Maximum gross leasable floor area of 200 square metres.

20.3.4 'Prohibited' Uses

- General Industry
- Warehouse

20.4 Development of Land

20.4.1 Permit Requirement

Unless specifically exempted under Clause 8.4 or the Schedules to this Scheme, a permit is required to undertake any development of land.

20.4.2 All development of land within this Activity Area must satisfy the relevant provisions contained within the schedules of this Scheme.

From: Ryan Curtis
Sent: Monday, 11 November 2024 7:29 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Objection to DAP proposal

I have recently been made aware of the DAP proposal and it scares the life out of me! The following is a form letter, but I assure you that I agree with each point with every shred of my terrified soul.

To think I lived long enough to see such a thing in serious debate.

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Ryan Curtis

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From: Julia K Knight <>
Sent: Monday, 11 November 2024 7:30 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

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

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

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

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

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

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

Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland experience demonstrates planning panels favour developers and undermine democratic accountability. Local planning panels, which are often dominated by members of the development sector, were created in NSW to stamp out corruption, but councillors from across the political spectrum say they favour developers and undermine democratic accountability. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social. Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.

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

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

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

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

Increases complexity in an already complex planning system.

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Julia Knight

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From: chris Rathbone
Sent: Monday, 11 November 2024 7:13 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Use Planning and Approvals Amendment is not the way

Dear member of parliament,

A ministerial power to override public input is NOT ACCEPTABLE The excuse that developers need an efficient pathway to getting approval without the hindrance of public debate is great if you as a politician want an easy life but your job is to see fairness reigns and that requires work.

This Act seems to be based on the belief in a benevolent dictator and it might be possible sometimes but for a long term sustainable society view it is too fraught with danger as history only too well shows.

If we can put a man on the moon why is it not possible - as seems to be often touted as the case, we can not design a sustainable economy that does not depend on growth - ie: development before all else.

I beseech you to consider how best to steer towards a stable happy future for your grandchildren's grandchildren.

regards
Chris Rathbone

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From: Loic Fery
Sent: Monday, 11 November 2024 7:08 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

I strongly oppose the DAP! We need thorough legal processes to approve and disapprove future development proposals. The DAP is a RISK to our democracy.

Loic, concerned student and active citizen in the city of Hobart

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From: Maria Duggan
Sent: Monday, 11 November 2024 7:01 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To whom it may concern,

Please find my submission opposing the draft legislation for the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons:

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

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

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

Say YES to a healthy democracy:

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

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

yours sincerely,

Maria Duggan

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From: rebecca johnson
Sent: Monday, 11 November 2024 7:00 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – NO to planning panels! YES to a healthy democracy

I oppose the proposed Development Assessment Panels.

Property developers will be able to bypass local community wishes and local councils. Research demonstrates DAPs are likely to be pro-development and pro-government, and they rarely engage deeply with local communities.

The Tasmanian Planning Commission will be able to handpick members which undermines democracy. Taking planning decisions away from elected members undermines local democracy and reduces community participation in the planning processes.

The removal of the merits appeal rights is unjust.

The system is poorly justified – our planning system is not broken and is working pretty well.

The DPAPs increase complexity in an already complex planning system.

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. Please 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,

Bec Johnson

"" <yoursay.planning@dpac.tas.gov.au>

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From: Jill Bignell
Sent: Monday, 11 November 2024 6:53 PM
To:
Cc:
Subject: #ScrapTheDAP

I am an active participant in our democracy and I value my right to have a say.

I WILL NOT GIVE UP THIS RIGHT to participate in the democratic process and comment on issues that affect me, my family and friends, my community, my country and the wellbeing of our world.

I am opposed to the move by the University of Tasmania into the Hobart Central Business District. I was able to make my opinion known by voting in the Hobart City Council Electoral Poll which demonstrated that 74% of ratepayers objected to the move and the changes proposed to the character of Hobart City and the suburb of Sandy Bay.

Proposed developments should be transparent, accountable and take into account a myriad of feedback. The proposed DAPs are biased towards the views of the Minister as well as the developers. My voice will not be part of the process so I say NO TO DAPS!

We live in a DEMOCRACY which is under threat at every turn and not valued. I do not like the omission of a tier of government from the planning process. I strongly object to fast-tracking.

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Jillian Bignell

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From: Maureen Hindley <> Monday, 11 November 2024 6:37 PM
Sent: PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Submission - Development Assessment Panel - Draft Bill

My name is Maureen Hindley

Whilst I do agree the local planning schemes do need a review and overhaul, I do not agree that planning should be taken away from the importance of a robust transparent system.
I do not see how it will help with current housing situation, as Gov are NOT looking outside of the "square". Other short term options are available. Eg shop top accommodation, short term accommodation in the style of the Clarence Lifestyle Village should be considered.

It seems Tasmanian Government want to dictate to the Tasmanian people, not work along side of them.

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11th of November 2024

State Planning Office
Department of Premier and Cabinet
GPO Box 12. Hobart TAS 7001
Email: yoursay.planning@dpac.tas.gov.au

Dear State Planning Office team,

Feedback - Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Amendment Bill 2024 (Draft bill)

Disclaimer: This submission does not necessarily represent Sorell Council's views. It represents my views as a Sorell Council Councillor and a Tasmanian registered building designer.

With your permission I would like to express my opposition to the creation of the Development Assessment Panels under any circumstance.

In an article in the Hobart Mercury on September 16th, 2024, Premier Jeremy Rockliff was quoted as saying, "I would not be handing over my responsibilities as a local MP to [an] unelected committee to make decisions on behalf of the community". How come councillors are being asked to do exactly the thing that is unacceptable to the Premier?

Would you be against protecting our democracy and good governance?

So far what you've told us is that our local government model doesn't work because planning authorities are democratically elected by local ratepayers who respond only to local ratepayers and that this gets in the way of complex or contentious development applications on both private and public land including world heritage areas, national parks, and reserves. And, as a result, you feel that those development applications would have a better chance of getting approved if we, as a state, had duplicated authorities called *Development Assessment Panels* for these to be assessed without the local government's planning authorities getting in the way.

If it wouldn't be too out there, would you humour me with a thought experiment?

Imagine establishing an unelected body under the federal government that could approve legislation that overlaps with the Tasmanian State Government's areas of authority. That way if a proponent of a law did not get satisfaction at the state level, they could go to this body and have it imposed by people who had no connection to Tasmania and were completely unaccountable to Tasmanians. To make it even better, the Tasmanian government could not appeal those decisions except to the supreme court, and they would not get any other federal funding to manage the impacts of those decisions. This is what is being proposed in the form of a *Development Assessment Panel*, except its being done to the councils by the state government.

And again, it's probably going to be tough to swallow, and I'm just going to sound like another person that's making demands... but democracy and good governance is at stake, so here it goes...

Are you against protecting our democracy and good governance by stopping the *Development Assessment Panels* from circumventing it?

Thanks for reading this letter.

If you have any further questions, please do not hesitate to contact me.

Wishing you a good day.

The very best regards,

Marisol Miró Quesada Le Roux
Building Designer, Sorell Councillor

From: Lorraine Perrins <
Sent: Monday, 11 November 2024 5:48 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Submission regarding the Draft LUPA Amendment (Development Assessment Panels) Bill 2024

Dear Sir or Madam,

Thank you for providing the opportunity to provide a submission to the Draft LUPA Amendment (Development Assessment Panels) Bill 2024.

Having read through the proposal I do not think that the Draft LUPA Amendment (Development Assessment Panels) Bill 2024 (DAP) would be of benefit or improve the current process in any way for Tasmania. I am also skeptical of the reasoning for generating these assessment panels to the Tasmanian Community. It has been highly publicised that the stated intent for introducing DAPs is 'to take the politics out of planning' by providing an alternate approval pathway for more complex or contentious development applications and stating that 'despite any statistical evidence', there was a perception that some Councils were less supportive of new developments than others. In my experience of living in two differing jurisdictions in Tasmania, I have always found the Councils decision-making process and transparency around their decision-making to be clear and objective in relationship to development applications. This Bill, and the associated DAP's seem to be preferencing developers interests over the communities in which they wish to operate, particularly in regards to allowing property developers the choice to have their development proposals assessed by State-appointed DAP, rather than by local council authorities.

I am particularly concerned about the proposal to remove any planning appeal rights meaning that our communities would have no avenue to voice concerns about contentious planning decisions. I see this as a direct erosion of my democratic rights as a Tasmanian citizen. It seems to me that altering a system, based on democratically appointed members assessing developments within their local areas of governance, (and which seems to be working quite well), to a new system which seems to enable greater interference by state-appointed panels and the Planning Minister, (who may not represent the area under which the development is proposed), is politicising the process more not less. This is particularly worrisome when you consider Tasmania's weak political donations laws. Currently there are no laws prohibiting property developers from making donations to political parties and no transparency regarding this issue.

These proposed amendments will allow developers to bypass councils and communities completely creating no avenue for community engagement. Additionally it could see developers pull out of the local government assessment process if they felt an assessment was not going to be approved resulting in a waste of Council time and resources.

Having lived previously in NSW I am aware that DAP frameworks there have been found to regularly favour developers over local community's interests, lack transparency over the decision-making process and do not take into consideration the strategic future planning directions of local government authorities. I would be very disappointed to see these amendments passed undermining Tasmania's current planning processes which ensure that the local communities are represented and importantly have a voice. Additionally decision-makers are currently accountable to the communities they represent, which would not be the case if there was a DAP framework.

It seems to me that there is no justification to introducing DAP's in Tasmania. According to the statistics roughly 1% of council planning decisions go to appeal, which seems to highlight that the current system is operating well. As a Tasmanian community member I want to keep the decisions about developments in my community at a local level. If the Government feels that decisions are not made quickly enough then I would suggest it could provide more investment in the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcome, thereby protecting local jobs and keeping the cost of development applications down.

I am happy with the current planning system in Tasmania, which is local, transparent, independent and allows me to participate in decisions made. I strongly request that the Draft LUPA Amendment (Development Assessment Panels) Bill 2024 be rejected.

Kind regards
Lorraine Perrins

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From: Estelle Marjorie Ross Monday, 11 November 2024 5:41 PM
Sent: PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Development Assessment Panels should never be allowed

Thank you for the opportunity to comment on this important matter.

There is no way that projects should be fast-tracked so that they are taken out of the hands of local councils who are presently authorised to review all applications.

The same thing happened when the Pulp Mill was proposed and what a debacle that was.

Here are the reasons why Development Assessment panels should not be introduced

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Estelle Ross

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From: Bronwyn Baker
Sent: Monday, 11 November 2024 5:43 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Scrap the DAP, retain democracy and local input in decision making

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

The Planning Minister would have new powers to instruct councils to commence planning scheme changes, but perversely, only when a local council has rejected such an application!! This is a waste of local government resources of time, energy, finance.

Locals know what is needed in their communities, not some distant bureaucrat who lacks the low-down on local requirements and needs. One local case in point is the community opposition to a 24 hour truck fuel stop at the entrance to our historic town. Two protest gatherings on site, two radio interviews, tv coverage, much correspondence to our members of Parliament and the proponent BP Lowes, resulted in not much traction, so a public meeting in our memorial hall was supported by around 350 concerned people. From this meeting, our Lyons member Jen Butler MP presented our case in a motion to the parliament. Our community does not want this development at the entrance to our town as it is unsafe and will result in traffic congestion, backing up and blocking the flow in and out of Illawarra Rd!

- 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.

With deep concern for welfare of our communities,
Mrs Bronwyn Baker

From: YABBO THOMPSON
Sent: Monday, 11 November 2024 5:05 PM
To: yoursay.planning@dpac.tas.gov.au
Subject: Planning Appeal-SCRAP THE DAP

I oppose the creation of Development Assessment Panels (Daps) and increasing ministerial power over the planning system, for the following reasons and it is all about keeping our democracy!!:

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

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

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

developments to cover its lack of performance in addressing the affordable housing shortage.

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

Say yes to a healthy democracy

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

Yours sincerely

Yabbo Thompson (Ms)

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From: Ken Richards <
Sent: Monday, 11 November 2024 5:01 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: ScrapTheDAP – I say NO% to DAPs.

Dear Sir / Madam

I writing to you to state my opposition to the creation of Development Assessment Panels (Daps).

The proposal would create a new approval path allowing developers to bypass local councils, with decisions instead made by state-appointed panels led by the Tasmanian Planning Commission. This would reduce local council and community influence, favouring developers, who may not even be from Tasmania. Developers could switch to this panel at any point if local council decisions aren't in their favour, potentially pressuring councils to meet developer demands.

These panels, called Development Assessment Panels (DAPs), are hand-picked without clear selection criteria, do not hold public hearings, and are seen as biased. They don't have to provide written explanations, limiting options for appeals. Community input would also come only after closed-door consultations with developers and government bodies.

Research shows DAPs are pro-development, engaging minimally with local communities, often focusing on smaller applications, and taking longer than councils to decide. This makes it easier to approve controversial developments, like high-rise buildings in Hobart or large-scale projects like the Mount Wellington cable car.

Merit-based planning appeals, which allow communities to contest developments based on concerns like biodiversity, traffic, or neighborhood impact, would be removed, limiting appeals to expensive Supreme Court cases on narrow legal grounds. This shift could increase corruption, reduce planning quality, and heavily favor developers.

Ministerial power over planning would grow, as the Planning Minister could force planning changes when councils reject certain applications, threatening transparency and objective planning. The criteria for DAP intervention are subjective and allow the minister to influence any development they see as "significant" or "controversial."

The proposal lacks a strong justification, as Tasmania's planning system already operates quickly, with only a small percentage of council decisions going to appeal. Increasing planning complexity without solving a real issue could actually slow down the process in an already efficient system.

Regards

Ken Richards

From: Lizzi Oh
Sent: Monday, 11 November 2024 4:53 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

To Whom it may concern.

Many Tasmanian residents are disgusted by the Liberal Government's continual efforts to hamstring our democracy, me included. This proposal is a step too far, and will not be accepted by the public.

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Lizzi Oh,



I acknowledge the Traditional Custodians of the Land and Sea Country on which I live and work, and pay respect to their elders, past, present and future.

CRICOS 00586B

University of Tasmania Electronic Communications Policy (December, 2014). This email is confidential, and is for the intended recipient only. Access, disclosure, copying, distribution, or reliance on any of it by anyone outside the intended recipient organisation is prohibited and may be a criminal offence. Please delete if obtained in error and email confirmation to the sender. The views expressed in this email are not necessarily the views of the University of Tasmania, unless clearly intended otherwise.

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From:
Sent: Monday, 11 November 2024 4:43 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

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

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

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

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,

B.Szuogajlo

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From: Anna Blake
Sent: Monday, 11 November 2024 4:31 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: No to the DAP

Hi all,

I'm writing to express my concerns about the creation of Development Assessment Panels and the increased ministerial control over the planning system for the following reasons:

Bypassing Local Councils:

I believe that DAPs would allow developers to bypass local councils and communities. Decisions would be made by state-appointed panels instead of our elected representatives, which could lead to local concerns being ignored in favour of developers who may not even be from Tasmania.

Lack of Transparency:

I'm also worried about the lack of independence in the Tasmanian Planning Commission, which would oversee DAPs. DAPs are handpicked without clear criteria, don't hold public hearings, and don't provide written reasons for their decisions. This would make it much harder for me and others to challenge those decisions.

Pro-Development Bias:

Research shows that DAPs tend to favour developers and the government. I'm concerned that they will rarely engage deeply with local communities and will take longer to make decisions than local councils, making the process less efficient and less democratic.

No Appeal Rights:

I'm particularly worried about the removal of appeal rights. These changes would stop people challenging developments on important issues like environmental impacts, building size and traffic. Without these appeals we lose an essential part of our planning system that keeps things fair and balanced.

Increased Ministerial Control:

Giving more power to the Minister over the planning process is concerning to me because it makes the system more political and less transparent. The Minister could decide which developments meet DAP criteria and even force planning changes when councils reject applications, which could lead to decisions favouring developers.

Unnecessary Changes:

I think these changes are unnecessary. Less than 1% of council decisions go to appeal and Tasmania's planning system is already one of the fastest in Australia. Adding complexity without solving the real issues, like affordable housing, doesn't make sense to me.

I urge you to keep decision making local, transparent, and accountable. I believe we should focus on improving the current system rather than bypassing it. I also think we need to prevent developers from making political donations to keep the process fair and protect our democracy.

Thanks for taking the time to consider my concerns.

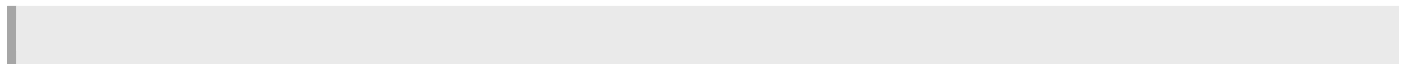
Anna Blake

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From: Antony Ault
Sent: Monday, 11 November 2024 4:20 PM
To: yoursay.planning@dpac.tas.gov.au
Cc: #ScrapTheDAP – say no to planning panels/say yes to a healthy democracy

Subject:



Dear Sirs

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

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

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

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

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

Say yes to a healthy democracy

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

Yours sincerely,

Antony

Antony Ault

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From: Jim Collier
Sent: Sunday, 10 November 2024 12:21 PM
To: yoursay.planning@dpac.tas.gov.au
Cc:
Subject: Proposed Development Assessment Panels Bill

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

You may be aware of my high profile involvement in the appeal to the 'Resource Management and Planning Appeal Tribunal in regard to the original proposed High Rise Gorge Hotel here in Launceston in 2019 by local restaurateur Susie Cai assisted by the community group 'Launceston Heritage Not Highrise'.

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

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

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

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

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

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

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

Submitted by:

Jim Collier

of

Date: 10th November 2024

DISDAIN

Disdain.

(the feeling that somebody/something is not good enough to deserve your respect or attention.).

or

(to treat as beneath one's notice or dignity)

or

(to regard as unworthy of one's notice or consideration)

or

(contempt or rejection out of feelings of pride or superiority)

Welcome to Civic Planning in Tasmania.

Two extreme examples of the disdain for public opinion, public involvement and the notion of public contribution to ‘matters planning’, are pending before the Tasmanian State Parliament.

These are:

1. The Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024. [DAP].
2. And a Private Members Bill: Jen Butler: “to disallow the planning permits for truck refuelling depot, Longford.” (see appendix).

The first of the above is a government plan to remove Local Municipal Council’s powers to decide upon certain development applications over \$3,000,000.

At the moment, planning in Tasmania is at the local level, via Council’s sitting as the Local Planning Authority.

Planning assessments are made by local planning officers, reporting their assessments, via provisions of the Tasmanian Planning Scheme.

The developments are advertised via newspapers and more importantly via public notices attached to either fences or street utility-poles.

DISDAIN

The local residents can make an assessment and then offer their support or objection in writing or by attend the monthly Council's meetings and address the Council in person.

While the present system is not perfect, it does recognise a citizen's right to make a judgement on the development and its effect upon the local community.

The Council then makes a decision based upon the planning officers deliberations, and has the opportunity to either accept or reject the development, if the Tasmanian Planning scheme gives Council such discretion.

The developer then has the opportunity to appeal the Council's objection to either the Tasmanian Planning Commission, if applicable, or TASCAT, the Tasmanian Civil and Administrative Tribunal.

Again, the public have a chance to become part of that appeal process, if they are prepared to pay a fee, and agree to certain punitive restrictions.

In all, the present process does allow the public to become part of the legal planning process.

The proposed DAP will change all of the above and treat local residents, ordinary people, and voters with absolute **DISDAIN**.

DISDAIN

By removing the public access to be able actively to engage in the development process, the proposed Bill will create a closed shop which only includes bureaucrats and planning professionals, exclusively listening to each others superiority, in regards to the 'facts of the matter', and decide, in their opinion, what shall be the eventual outcome.

This is a classic case of DISDAIN in the fullest sense of the word.

In the words of the most vocal group protesting the Bill:

“This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. There will be no right for the community to appeal the final decision to the planning tribunal.”

And this process will be at the sole discretion of the Tasmanian Minister for Planning.

One might question why the above piece of law is being proposed by the government?

Well, I believe that one needs go no further than the Office of the Coordinator General of State Growth, the unelected Mr. John Perry.

The Office of the Coordinator of State Growth, I believe, can best be described at a **government within a government**.

Previous webpages of the Coordinator of State Growth seemed to revealed a highly political organisation that appeared to exceed the normal understanding of how unelected Crown employees and bureaucrats act as 'public servants'.

With due respect, Charles Dickens 'circumlocution department' in *Little Dorrit* comes to mind.

One of the Coordinator General's stated aims is to root out and remove government 'red tape' which ... affects, mainly, the business community.

There is almost nothing in the 'red tape' policy that suggests the rooting out of red tape that might help and assist the general public.

Indeed a reading of the list of achievements of this anti-red-tape policy, reveals what might be considered absolute disdain for the interests and protections of communities and what they may think or want.

A prime example of this was the 2023 'The Future of Local Government Review", (FOLGR) which is generally believed to have been conceived within the Office of the Coordinator General's office.

The FOLGR document stated under 2 SCOPE (5)
3. a. the following:

“Local government in Tasmania will remain an independent, accountable and representative sphere of government, established under legislation to represent and serve the interests of local communities;

As it turned out, “the interests of local communities” turned out to be a master plan to amalgamate local Councils, restrict the control of local planning decisions away from local communities, and expand odious Code of Conduct rules regarding elected Councillors, and their manners at Council meetings.

One FOLGR idea was ‘for new Council candidates having to attend what amounted to insidious indoctrination courses, prior being able to **nominate** for a Council election’.

Council election voting in Tasmania is compulsory, yet these bureaucrats were suggesting that the public could only vote for a person who had done a course in what they thought was good behaviour.

Can you imagine the above being applied to State or Federal members of parliament?

This was an excellent example of bureaucratic disdain. Disdain for the general public.

DISDAIN

The proposed changes to the LUPA Act, (Development Assessment Panels) is simply the moving forward of the discredited State Growth inspired FOLGR frolic of 2023.

The proposed changes are anti-democratic, fail the rules of law test, and show absolute and total disdain towards the general public of the State of Tasmania.

The amendments reflect the total disdain for 'We the People'.



“ Reform, reform, reform...aren't things bad enough as they are?”

Lord High Court Justice Sir David Micheal Bean (UK).

APPENDIX:

A development application for a B-Double and semi-trailer truck refuelling depot proposed for the main entrance to the historic township of Longford Tasmania.

In 2023 an application for a development permit to construct a 24 hour unmanned truck refuelling depot, was received by the Northern Midlands Council.

The development site, 26a Tannery Road, is on a 360 meter section of state road, built on a causeway, which is about 2 meters above ground level.

The causeway is between a railway crossing and a flood levee bank, with the only street-frontage building the historic Kingsley House.

The roadway on the causeway, Tannery Road, has only one lane going North and one lane going South.

Half way along this 360 meter section of Tannery Road, is one road turn-off servicing Koppers Logs and the JBS abattoir. Both these businesses are over 100 meters off Tannery Road.

This 360 meter section of Tannery road is a tree-lined avenue, planted as Longford's contribution to the 1988 bicentennial, and is an attractive entrance befitting a Tasmanian township established in 1813.

Tannery Road is the only Northern entrance and exit to Longford with a traffic catchment-area taking up much of the Southern farming land and towns of central Tasmania.

All of this traffic is handled at the compromised and compressed section of Tannery Road.

As well, the proposed 24 hour fuel depot is next door to the Kingsley House (1873), which can at time house 40 residents.

Attraction for the developers is that they can attract and divert truck-traffic off a main state highway, Illawarra Road, into Tannery Road.

This truck traffic includes trucks coming off the Spirit of Tasmania and heading towards Hobart.

Tannery Road is subject to traffic jams and traffic delays when stock trucks and log trucks have turned off the Illawarra Road into the 360 meter long Tannery Road and wish to turn right into either the abattoir on the Koppers log factory.

As well, the Tannery Road sections takes all ambulances and fire-fighting vehicles wishing to leave or enter Longford, in an emergency.

Considering the above, it is little wonder that the Northern Midlands Council totally rejected the development on the grounds of traffic (C3.5.1.) as listed in the Tasmanian Planning Scheme.

Following the NMC rejection of the development application, the developer (still actually unknown) appealed to the Tasmanian Civil and Administrative Tribunal. (TASCAT).

At a mediation session of the TASCAT process the General Manager of the NMC apparently instructed the NMC lawyer to sign a 'Consent Agreement' that then triggered 'Orders' from the Deputy President of the Tribunal for the NMC to issue a development permit.

It should be pointed out that the NMC sitting as the Local Planning Authority only met to refuse the original application. We believe that the Council never met to agree to accept the Consent Agreement and has since decided to advise the Tribunal that they still oppose the issuing of the development permit.

Following the TASCAT decision a public meeting was called in Longford which drew about 350 residents.

DISDAIN

They moved a motion that the State Premier be requested to seek the State Parliament to withdraw all permits issued in relation the BP truck refuelling development along Tannery Road.

The Motion is still before the house.

While the residents of Longford's fight to protect their historic township from an unwanted development may be considered an out of the ordinary event, it is proof positive that removing planning issues from the public arena is not only unacceptable, but positively and ultimately dangerous.

Sincerely,

John Izzard
Co Coordinator.
We the People,