Revised LUPAA Development Assessment Panels Bill 2025

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From: Roy Bradstreet
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Sunday, 20 April 2025 2:48:40 PM

Don’t fix what isn’t broken!

Our presently existing laws regarding proposed Development Projects in Tasmania are perfectly well constituted.

Councils play a vital role in deciding whether granting, amending or refusing these projects.

Councils are democratically elected and their tasks are to represent the interests of the majority of their electorates.

To deny Councils their role in governing is an utterly undemocratic act.

To allow undemocratic laws undermining our basic and crucial principles of democracy cannot be permitted.

I vehemently oppose this fast-tracked DAP proposal and urge you to act accordingly in order to save our precious island state from mistakes made by other countries in the past who put temporary developer greed before sustainable (social and environmental) interests of future generations.

Tassie is not up for grabs!

Inge Kaiser

From: Louise Brooker
To: State Planning Office Your Say
Subject: CM: #SCRAP THE DAP
Date: Sunday, 20 April 2025 3:09:49 PM

I wish to lodge my objection **a second time** to the Government's Bill legislating Development Assessment Panels on the grounds that.....

1] they would diminish the knowledge brought to planning by local municipalities.

2] DAPs are pro-development but not necessarily sensitive to local needs.

3] DAPs heighten the possibility of corruption and negate good environmental and social outcomes.

4] locals will be denied participation in decisions about local developments. THIS IS ANTI DEMOCRATIC.

5] the flaws still exist from the previous attempt at legislation [see my submission 10th November 2024]

When will the Government get the message.....WE DO NOT WANT DAPs

Louise Brooker,

From: Linda Collier
To: State Planning Office Your Say
Cc:

Subject: CM: Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025
Date: Sunday, 20 April 2025 3:14:53 PM

In 2019 I was closely involved, through the Community Group Launceston Heritage Not HIghrise, in an appeal against a proposed high rise hotel in Launceston to be known as the 'Gorge Hotel'.
The initial Development Application for the proposed hotel was successful and approved by Launceston City Council.
The approved Development Application was subsequently appealed against to then 'Resource Management And Planning Appeal Tribunal' (RMAPT) by a nearby resident, at their own **considerable** expense.
Much to the angst of Launceston City Council, and the developer, the resident's appeal was **successful** and Launceston City Council's approval for the Development Application was subsequently overturned by the Tribunal.
Launceston City Council then, in close conjunction with the developer, subsequently amended the appropriate Planning Scheme to facilitate construction of the planned hotel and encouraged the developer to submit a new Development Application which the developer did.
The new Development Application was, under the revised Planning Scheme, approved by Launceston City Council.

Although in this particular situation the residents Appeal was ultimately unsuccessful the most important fact to remember is that an ordinary citizen had the **'Right of Appeal' i**ncluding the right to make written submissions, attend hearings as well as make verbal submissions.
…what was brought in to question was the depth of collusion between the developer and Launceston City Council raising the question of the credibility and integrity of both however the **'Right of Appeal'** existed and it is absolutely essential it so remains!

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

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

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

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

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

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

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

- **Removing merits-based planning appeals removes the opportunity for**

mediation on development applications in the planning tribunal.

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

- The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.

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

Say yes to a healthy democracy

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

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

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

Linda Collier

From: Veronica Bowe-Murphy
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Sunday, 20 April 2025 3:20:41 PM

To all of those for whom this message concerns,

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

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

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

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councils to make decisions.

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

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

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

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

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- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
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- The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
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public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local, rather than bypassing it, with opportunities for appeal. Abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

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

Yours sincerely,

Veronica Bowe-Murphy

From: Inga Kaiser
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Sunday, 20 April 2025 3:32:41 PM

Our present existing laws regarding proposed Development Projects in Tasmania have worked perfectly well for many years.

Councils/Councilors have been elected democratically by the people in each electorate and who understand what is vital or not as the case may be for their region. They play a huge role in deciding whether to grant, amend or refuse projects which could be beneficial or detrimental to the local population.

Definition of Democracy; “Democracy is a system of government in which laws, policies, leadership and major undertakings of a state or other polity are directly decided by the people”

To deny Councils their role in governing can only be described as dictatorial. DAP is only in the interest of big business, not the people.

Roy Bradstreet

From: Marita Bodman
To: State Planning Office Your Say
Subject: CM: "DAP" Planning Bill of The Rockcliffe Government
Date: Sunday, 20 April 2025 4:31:29 PM

All this process does is add further layers to an already complex planning system and requires duplication of administrative and technical functions where already local and state government is under significant pressure. In addition is a fundamental attack on local government where the two major parities have decided some projects are "too important" to be entrusted to democratically elected local government. In the future local government will only have an "input" to planning decisions and there will be a restriction of appeals. There appears to be an assumption that Councils are rife with self-interest and bias and they lack the capability to deal with complex problems.

Unlike the planning panel approval benchmarks set by other States that already use Development Assessment Panels, in Rockcliffe's DAP Bill:

1. Third party appeal rights are OUT (DAP 2025 60AO1
2. Public Hearings are OUT (DP 2025 S.60 A(2)
3. Political donations by developers are still IN (despite the fact that the NSW, QLD and ACT all ban developer donations).

The central idea of a democracy is that important decisions made on behalf of voters are made by elected representatives directly - not by outside experts or consultants. The DAP represents a fundamentally elitist and undemocractic idea that would fundamentally attack the central tenant of a free and open society.

Kind regards,

Marita Bodman

From: Chris and Margie
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Sunday, 20 April 2025 5:22:06 PM

I am writing to express my horror at the re emergence of a slightly different DAP proposal. This legislation is a travesty of our democracy and should be scrapped.
In particular, the lack of consultation with community, councils and local government is of deep concern to me.

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

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relevant government agencies and adopted its draft decision.

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Yours sincerely,
Christopher Wilkie
M
TAS

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

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Sunday, 20 April 2025 5:23:57 PM

I am writing to express my horror at the re emergence of a slightly different DAP proposal. This legislation is a travesty of our democracy and should be scrapped.
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- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

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through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

- The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to ‘consider’ them.

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Say yes to a healthy democracy

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

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

Yours sincerely,
Margaret Beasley

TAS

From: Philip Sumner
To: State Planning Office Your Say
Cc:

Subject: CM: Please say NO to DAPS
Date: Sunday, 20 April 2025 5:38:01 PM

I'm writing this letter to all of you elected members of Tasmania's House of Assembly in the hope you will represent the electors of Tasmania in your deliberations into this urgent and critical matter and reject the Liberal Government's desperate and despicable attempts to dismiss Tasmanians of their just and fair appeal rights when it comes to developments in Tasmania.

The simple fact that every one of our 29 elected local councils has unanimously voted to have the DAPS legislation dismissed should demonstrate to you there could be serious and potentially dangerous ramifications occur if this proposed legislation is passed by our Parliament. No single Minister should have the sole say in deciding whether a development proposal can go ahead or not but this potentially could occur if it's approved as far as I can ascertain. Local council planning officers ignored, community representations ignored, the democratic right to enquire or appeal decisions made behind closed doors ignored. The risks of inviting corrupt practices through such legislation is all too plain to see and we and you should guard against this happening.

For Premier Rockliff and minister Abetz to infer that the TPC and Dr. Gruen's reports on the proposed new football stadium at Macquarie Point, to use an example, were tainted and just cause to abandon them being accepted should be sufficient evidence for you to question the Liberal Government's motives.Their outright rejection of both reports coupled with their desperate haste to stop scrutiny of the development proposals smacks of desperation.

It's clear the Liberal Government having discovered this development proposal cannot stand up to the scrutiny processes they themselves selected now want to change the rules and avoid the full and proper processes of rigorous planning approval.

All Tasmanians should have the right to help shape our planning future, not just individual Government ministers and developers.

I earnestly urge you to reject proposals to implement DAPS in Tasmania.

With kind regards

Philip Sumner

From: L Wasserfall
To: State Planning Office Your Say
Cc:

Subject: CM: Draft LUPA Amendment (Development Assessment Panels) Bill 2025
Date: Sunday, 20 April 2025 6:38:58 PM

Dear State Planning
Thank you for the opportunity to have my say.

Unnecessary, Undemocratic, Unaffordable waste of resources.

There is "wisdom in a multitude of counselors", yet it appears that wisdom is being ignored, not once, but twice already.

542 submissions on the DAP Framework Position Paper and then 461 submissions on the DAP Bill 2024. The majority of these, including all the local councils calling for the idea to be scrapped.

Now we are going through the process again. Wasting all of our valuable time and energy.

Here are my main reasons why the DAP Bill 2025 should be rejected:

PLANNING SYSTEM IS ALREADY WORKING AND HAS SPARE CAPACITY

The State government should be looking for ways to cut costs. Adding additional legislation to the Resource Management and Planning System (RMPS) is wasteful.

The RMPS already has all the channels necessary for development planning in the state.

If there are any inefficiencies, focus on them. My understanding however is that the system is working. Local councils are pumping out approvals just as fast or faster than other states, including ones with DAPs.

The need for the DAP Bill 2025 according to the Background Report is for social/affordable housing, $10M / $5M developments etc.

It makes no sense to add another layer, including finding the qualified persons to manage the DAP, when the local councils or parliament can already assess these developments.

When it comes to housing, developers need to be there with capital and a plan, builders and trades need to be available.

I do not know of any builders or tradies looking for work, they are all flat out. This helps prove that the existing pace of approvals is fast enough.

I want to highlight these 2 points from the Hobart Housing Forum held in December last year.
https://www.hobartcity.com.au/files/assets/public/v/4/projects/hobart-housing-forum/hobart-housing-forum-engagement-report.pdf

Planning approvals were processed efficiently when demand was high. Building completions are much lower than planning and building approvals. (*Ellen Witte, economist and Principal and Partner at SGS)*

Access to qualified builders and tradespeople is a recognised risk. Measures must be taken to increase the numbers of Tasmanians taking up apprenticeships to become a tradesperson *(Panellist discussion)*

THE REASONS WHY AN APPLICANT MIGHT NEED TO ASK FOR MINISTERIAL APPROVAL TO BE ASSESSED BY A DAP ARE MINOR AND CAN BE DEALT WITH WITHOUT DAPs

- Housing is already discussed above and can be handled by the current system
- Developments that are significant to the state can be handled by the current system, either local council or the parliament.,
- A planning authority that does not have technical expertise can call in a consultant.
- Bias or conflict of interest would be extremely rare. The current system calls for councillors to excuse themselves. Plus the applicant can appeal the decision at TASCAT.

Please let common sense prevail and reject this proposed bill outright. Dont let it come back. Rather work on improving what we already have.

Kind Regards

Leigh Wasserfall

From: SEYM LONG
To: State Planning Office Your Say
Cc:

Subject: CM: Don"t silence the people voices, please say "NO DAPs"
Date: Sunday, 20 April 2025 8:01:13 PM

We made a submission against last year's version of this legislation which was clearly refused by the parliament. This time we wholly support the below explanations by PMAT why this 2025 version of the DAPs legislation will need to be refused again. My thanks to all of you, who have voted against this legislation in 2024.

I have worked in the planning industry the best part of my life in NSW and know how un-independent the planning experts can be. They are chosen from the profession for the proposed DAPs. The private planning sector's earnings are primarily from developers and the bulk of the work is trying to push development through the approval process.

There is no way I could put my case clearer then how it is made below, and I implore you to accept this as an individual submission against the proposed legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

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

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Say yes to a healthy democracy

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

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

Yours sincerely,
Daniel Steiner
for
Seymour Community Action Group Inc.

Daniel Steiner
Treasurer
Seymour Community Action Group Inc. ABN 62 393 709152
- www.scagi.org

From: Melissa Manton
To: State Planning Office Your Say
Cc: planningmatterstas@gmail.com;;

Subject: CM: Please reject this legislation again – #SCRAPTHEDAP
Date: Sunday, 20 April 2025 8:34:15 PM

Please accept my opposition to the proposed DAPs legislation.

All the reasons below speak for themselves and I would not be able to make my opposition in anyway clearer by trying to personalise my letter to you.

Thank you to all, who have opposed this legislation last year.

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

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

elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.

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

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

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- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to*

a development that may be considered significant'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

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

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

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

Melissa Manton

From: galia ward
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Sunday, 20 April 2025 10:17:10 PM

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

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

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

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

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

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

Galia Ward

Sent from my iPhone

From: Leeanne Rose
To: State Planning Office Your Say
Cc: planningmatterstas@gmail.com; c

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Monday, 21 April 2025 9:15:59 AM

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

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

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

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

2025 legislation not significantly changed

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

One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,
Leeanne Rose

From: richard upton
To: State Planning Office Your Say
Subject: CM: The DAP must go
Date: Monday, 21 April 2025 10:12:58 AM

This a deeply undemocratic proposal and must cease.

Tasmania's planning laws are already adequate and provide a balance between community and corporate interests.

The DAP would not only strongly bias the process of corporate interests, also seriously undermine social licence and trust in government.

Richard Upton

From: Anne
To: State Planning Office Your Say;

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Monday, 21 April 2025 12:18:33 PM

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

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

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

- **Research demonstrates DAPs are pro-development and pro-**

government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

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

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

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

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

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

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

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

- **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a *'perceived conflict of interest', 'a real or perceived bias'*, *'the application relates to a development that may be considered significant'*. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers. I would not trust any single politician with that amount of power - particularly not one in the current government.

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

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

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

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

2025 legislation not significantly changed

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

- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the

minister have it assessed by a DAP.

- The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Anne Wennagel

From: Steven Chater
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Monday, 21 April 2025 1:12:50 PM

I oppose the creation of Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:
- Merit-based planning appeal rights via the planning tribunal on issues the community cares about would be removed. Of particular concern to me are impacts on biodiversity.
- DAPs will make it easier to approve large scale contentious developments and local concerns will be ignored in favour of developers who may not be from Tasmania.
- The Tasmanian Planning Commission is not independent – DAPs are hand-picked and do not hold hearings that are open to any member of the public.
- 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.
- There will reduced 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. This will mean appeals will be prohibitively expensive. This should not be the way in Australia.
- Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.
- Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.
- Eligibility criteria for development to be assessed by a DAP are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.
- There is no problem to fix. Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. Indeed, the 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. One eligibility criterion has been removed (that a project is likely to be 'controversial'), but there is no impact from this change because virtually any development can fit the remaining criteria. Other equally broad and undefined criteria are retained.
- DAPS would further increase an already complex planning system which is in fact making decisions quicker than any other jurisdiction in Australia.
- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development

from council assessment before requesting the minister have it assessed by a DAP.
- Projects under the increased dollar value threshold values remain eligible under the other broad and undefined criteria.
- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.
- the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors (unlike the Tasmanian Civil and Administrative Tribunal).

Please support a healthy democracy! I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as this is critical for a healthy democracy. Keep decision making local as it would be much wiser to invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keep the cost of development applications down.

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

Yours sincerely,
Steven Chater

From: Vera Thomson
To: State Planning Office Your Say
Cc:

Subject: CM: STOP THE DAP SCHEME PLEASE.
Date: Monday, 21 April 2025 1:56:50 PM
Attachments: stop dap letter.docx

Attached is my letter explaining why we do not need a DAP. Please read it and seriously consider the validity of my reasons. The old system works and has worked for many years now however, instead of changing it, we could spend more money on improving it slightly too and then all would be happy except the developers who might want to build something that the locals do not want in their community.

--
Vera Thomson

Dear Member of Parliament,

The 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws THAT I HAVE PREVIOUSLY OPPOSED: LIKE BEING UNDEMOCRATIC AND WEIGHTED TOWARDS THE DEVELOPERS RIGHTS AND NOT THE COMMUNITY THAT WILL BE AFFECTED IF THIS COMES INTO EFFECT. THERE IS NOTHING WRONG WITH THE OLD SYSTEM, IT WORKS FAIRLY AND IS EFFICIENT EXCEPT TO DEVELOPERS WHO MAy WANT TO CHANGE THE LIFESTYLE OF THE PEOPLE THAT HAVE BOUGHT INTO THAT PARTICULAR AREA THAT the DEVELOPER wants to change. The Locals bought in this area BECAUSE OF THE BENEFITS THAT WERE THERE WHEN THEY PURCHASED and now some out of town developer wants to take Away the owners right to have a say in how they will live in the future. THIS IS WRONG AND UNDEMOCRATIC

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

1. **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities who SHOULD NOT BE BY PASSED AS IT IS THEIR HOME AND AREA AND EXPERETISE AND ALSO KNOW WHAT IS AT STAKE THAT WILL AFFECT THEIR LIFE.** This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels that know nothing about the area and what is at stake or important to the local community will make the wrong decisions that will wreck peoples lives. This fast track process will be conducted by the Tasmanian Planning Commission, who will decide on development applications, these outsiders that know nothing about the area that will be affected - not our elected local councillors will make the wrong decisions that the affected community will have to live with because the appeals process will be too costly to fight. Local concerns will be ignored in favour of developers who may not even be from Tasmania. THIS IS WRONG AND UNDEMOCRATIC – A TRUMP STYLE OF GOVERNMENT

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

3. **Research demonstrates DAPs are pro-development and pro-government**, they rarely deeply engage with local communities SO THEY ARE NOT FAMILIA WITH WHAT IS IMPORTANT TO A COMMUNITY, and they spend most of their time on smaller applications and take longer than local councils to make decisions.

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

5 **IF WE 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, WE REMOVE AN ESSENTIAL PART OF THE RULE OF LAW AND A DEMOCRATIC SYSTEM OF GOVERNMENT BASED ON “CHECKS AND BALANCES” WHICH IS WHAT THE TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (TASCAT) DOES VERY ADQUATELY, FAIRLY AND QUICLY NOW.

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

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

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

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

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

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

a. Valuations of $10 million in cities and $5 million in other areas.
b. 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. THIS IS TOTALLY UNCLEAR AND WILL LEAD TO INSUFICIENT AFFORDABLE HOUSING BEING PROVIDED

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

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

13 2025 legislation has not been significantly changed!!!!!!

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

15 One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

16 Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

17 The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

18 The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to 'consider' them.

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

I SAY YES TO 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 BECAUUSE IT IS THE LOCALS THAT ARE AFFECTED rather than bypassing it, with opportunities for appeal. Abandon DAPs. WE DON'T NEED IT AND I DON'T UNDERSTAND WHY WE ARE TRYING TO STILL MAKE THIS WORK AS IT HAS ALREADY BEEN THROWN OUT . WHO IS PUSHING THIS DAP - AND WHY? I ASK. The old system has demonstrated that it works. We could instead invest in more expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. This will also help protect local jobs and keeping the cost of development applications down.

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

Yours sincerely, VERA THOMSON

From: Colin & Joan von Bibra, Precision Engravers
To: State Planning Office Your Say;

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Monday, 21 April 2025 2:03:41 PM

Dear Members of the Tasmanian Parliament

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

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

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

The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities so that local input is lost.

The Tasmanian Planning Commission is not independent – DAPs are hand-picked, without detailed selection criteria and objective processes and research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities, and they spend most of their time on smaller applications and take longer than local councils to make decisions. DAPs will make it easier to approve large scale contentious developments.

Removing merits-based planning appeals removes the opportunity for mediation on

development applications in the planning tribunal.

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

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

The eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.

Many other points could be raised against the proposed legislation concerning DAPs. The whole issue needs to be rethought.

Yours sincerely

Joan von Bibra OAM

From: Fleshy Corpse
To: State Planning Office Your Say
Cc:

Subject: CM: Development Assessment Panels , DAP"s.
Date: Monday, 21 April 2025 4:49:18 PM

To all those this letter is addressed to, and anyone else this issue concerns.

My name is Andrew Campbell.

Over the course of my life in Tasmania I have seen many politicians, businesses, corporations and people, steadily destroying this beautiful island by breaking laws and guidelines set to keep a SUSTAINABLE economy and democratic balance in our country and more locally, in my home state of Tasmania, Australia.

People from other countries who have seen this same disgraceful behavior in their own countries are horrified that what they see happening here in this country goes on unchecked and unpunished.
It seems that here in Australia we are kept asleep by greedy corporate interests, feeding us fear and mind numbing media content, assisted by politicians who mostly seem to care about their career and their salary.
Many of the people I talk to have no idea that any of the corruption and political crime in this state has ever even happened. Any of you that are smiling about that should be ashamed... For when our media corporations only convey a slanted view of events, designed to engineer the agreement and consent of the public, when our own ABC has been corrupted... How can people find out the truth?

Are we a democratic country?

If so, what is the reason for taking away the public right to appeal against decisions made by 'Government' or beaurocracy that seem to contradict the policies, laws, procedures, etc that we have in place to protect us from tyranny? Why can we not take preventative action if it seems to us that those decisions could put future generations in jeopardy?

All workers are specialists in some area that most politicians are not. We have more right to have a say in those areas than they do. Especially when it's our health and families that are affected, not those politicians who's salaries we pay.

I want to personally request that any of you who know you are being deceitful in trying to influence the voice of the public for your own, or otherwise vested interests, resign immediately. You are out of your jurisdiction. Your job is to Re-present OUR will even if it's a bad decision. THAT is Democracy.

You think people deserve what they get if they don't engage in politics... I believe that is completely unfair.
This is why:
We are in an era of specialization and very high production now ...so workers who had time to discuss things with each other in the past no longer have time for communication with peers and other community members on important issues while working. In most of my work places we were not even permitted to talk to each other while working, because it might negatively affect productivity. And what if it actually IMPROVED production?

We are so busy being specialized workers, shut in a box with our heads down, working, that we have no time or energy to investigate political corruption, white collar and corporate crime and many global issues. We are not specialists in these things and are too far away from that whole field to have a good idea of the truth. But not being able to talk to workmates means we know even less about those things, and allows social, political, environmental and workplace issues to stay hidden.
That affects us all and allows high level crime and corruption to thrive.

We depend on our politicians to be the honorable political specialists we pay them to be. We trust that the specialists we employ with our wages and taxes are following the systems established, to ensure the proper functioning of our society in accordance with the democratic will of the people. Honesty of our Public Servants is paramount to democracy, as is the people's right to make decisions without undue influence.

Can you see that delivering cleverly crafted speeches and information to get the consent of the public undermines democracy? Giving good people bad information likely results in bad outcomes.

This is not what I pay politicians for.

I believe these DAP's could be used to exert too much control over our land, environment, resources and public funds (via subsidies and grants, etc). Giving this control to a small group with vested interests in their own success will have terrible outcomes for the public and if the DAP comes to contain corrupt elements what then? How will corporations using the DAP to destroy the environment for profit be able to be stopped by the public at all?

I believe this needs to be prevented at all cost as the risks to the public and economy are just too high considering the costly history of corporate and political greed.

For Democracy and fairness:

Say no to the DAP.

Yours sincerely, Mr.A Campbell

From: Dennis O"Donnell
To: State Planning Office Your Say;

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Monday, 21 April 2025 5:04:25 PM

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

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

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

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

councils to make decisions.

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

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

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

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

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

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

corruption, how many politicians in our current minority government are capable of planning even a Kris Kringle?

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

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

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

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

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

2025 legislation not significantly changed

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

- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.

- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the

minister have it assessed by a DAP.

- The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

- The Tasmanian Planning Commission will be able to issue guidelines to assist with applying the eligibility criteria, but this makes no difference as the Commission is not required to make the guidelines and the Minister only needs to ‘consider’ them.

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Dennis O'Donnell

From: Pamille Berg
To: State Planning Office Your Say
Cc:

Subject: CM: Opposition to Draft LUPA Amendment (Development Assessment Panels) Bill 2025
Date: Monday, 21 April 2025 6:05:45 PM

To the State Planning Office:

I am writing to express my extreme concern and opposition to the proposals contained within the Draft LUPA Amendment (Development Assessment Panels) Bill 2025. I previously made a submission to your office on 12 November 2024 during the consultation period for the draft 2024 Bil, in which I also stated my opposition to its purpose and contents.

I have carefully read the text of the 2025 draft Bill and the State Planning Office's *Background Report for Consultation* (February 2025), noting the current draft 2025 Bill's changes to the 2024 draft Bill version.

Those minor changes do not address the fundamental issues still present in the 2025 Bill draft which I believe **will significantly weaken the checks and balances** which are required in the approval of important development applications in Tasmania.

I noted in my 2024 submission that I served as a Partner in one of Australia's major architectural and urban design firms for over 14 years, working on significant large and small projects in Australia, Asia, Europe, and the USA. That experience has given me first-hand understanding of the implications of the government's proposed move to the use of Development Assessment Panels (DAPs).

Unlike the government's statement that the use of DAPs is part of a strategy to "take the politics out of planning", the members of DAPs are not selected independently, but rather by the Tasmanian Planning Commission, which is not independent from the government. The risk of lack of independence in the views held by the appointed Panel members is increased by the fact that draft Bill does not appear to include any clear selection criteria and requirements for the selection of its DAP appointees.

By their very definition, Development Assessment Panels have little or no close understanding of local communities and councils and the complex issues involved in development projects proposed for their local areas. Good planning outcomes cannot be

assured merely through removing the planning controls from local councils and residents.

I do not agree with increasing the ministerial power over the planning system in Tasmania, which needs to be as apolitical as possible. Most government ministers do not have expertise, experience, or significant skills in complex planning, architectural, or engineering project management. Given their well-known heavy portfolio workloads in Tasmania, government ministers have very limited time in which to be briefed by experts and to fully comprehend the implications of decisions on development applications. The recent planning debacles with the involvement of government ministers in Tasmanian government business projects are concrete parallel examples which should cause us all to turn sharply away from any thoughts of instigating ministerial responsibility for decisions on development and planning projects.

From my years of experience of working for a number of property developers on major projects in Australia and abroad, I am convinced that **Tasmania will not benefit** by allowing property developers, even those who are highly professional and principled, to access an alternative planning pathway which bypasses our local councils and communities through not being subject to the standard local council planning approval processes. As Tasmanians **we should not make it easier** for large-scale contentious developments to be approved via such alternative pathways in the face of opposition by both the populace at large and by local councils made up of elected representatives.

I continue to be astonished that the government is still proposing in this revised 2025 draft Bill to remove existing merit-based planning appeal rights based on a proposed project's impacts on such critical aspects as the height, bulk, scale or appearance of buildings; biodiversity; impacts on city or village streetscapes and adjoining properties; and other such factors. The merit-based planning appeals process is an essential aspect of democracy as practiced in the three tiers of government in Australia, helping in Tasmania to maintain those all-important checks and balances on the decisions of what this State will become in the short- and long-term.

Equally unacceptable in my view is the draft Bill's provision that decisions on developments will only be appealable to the Supreme Court, based narrowly on a point of law or process. This would have the effect of denying a just appeals process to all of us as citizens, which should be available to individuals and organisations regardless of the financial capacity of each to fund a Supreme Court appeal.

We all want our State government to be operating on the basis of the timeless adage of **working to achieve the greatest good for the greatest number of people.**

The proposals contained in the DAP Bill 2025 would remove the decision-making about projects with major implications for communities, national parks, and recognized heritage zones from the local government elected members and planning processes in which citizens have a significant role, replacing their involvement with decisions made by a very few (and more distant) decision-makers. I see no justification of how these sweeping changes to development application processes proposed in this draft Bill are directed toward the greatest good for the greatest number of people.

From my own years of experience in conducting intensive community consultation within planning and urban design projects, I know that **when properly briefed and intelligently consulted**, community and council members routinely demonstrate considerable knowledge, good sense, and far-sightedness about whether significant projects should proceed or not. The government should be focussing on the many cogent ways to resource councils and local communities more effectively in their involvement in and application of

the current planning system, rather than shutting them out of the decision-making processes for significant projects.

I urge that this draft Bill 2025 should not be tabled in Parliament and should be abandoned.

Thank you for the opportunity to offer these comments.

Yours sincerely,

M. Pamille Berg AO Hon. LFRAIA

From: [redacted]
To: State Planning Office Your Say
Cc:

Subject: CM: Stop Development Assessment Panels
Date: Monday, 21 April 2025 6:12:28 PM

To Whom It May Concern

I am writing, yet again, to oppose the 2025 revised DAPs legislation.

I am using the template created by Planning Matters Alliance Tasmania because this is the most effective way for us, as citizens, to respond to the many planning consultations the government has generated recently. Using a template does not in any way suggest we are not informed or across the issue. They are simply huge issues for residents to respond to comprehensively.

I would like to state the obvious hypocrisy of the government claiming that DAP's will "take the politics out of planning". When the independent Tasmanian Planning Commission produced a stadium report that it did not like it put the decision back to the politicians. Why would we bother with DAPs when the government will default to using this kind of tactic?

Please Labor do better by all of us - provide us some balance and protection and oppose these anti democratic legislations.

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

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

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

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Anna Pafitis

From: Rose Farrell
To: State Planning Office Your Say;

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Monday, 21 April 2025 6:24:25 PM

Honoured members of the House of Assembly and the Legislative Council in the 2025 Parliament of Tasmania Jeremy Rockliff's LIBERAL Government,

PLEASE don't support DAPs, increasing Ministerial power and removing planning appeals. These are NOT and NEVER will be "LIBERAL" by their very essence.

IF Tasmanians are to vote for ANY "Liberal/Laborial" majority state government EVER AGAIN, then YOU, as a democratically ELECTED and REPRESENTATIVE current member of the Tasmanian Parliament MUST REALISE that supporting ***DAPs, increasing Ministerial power and removing planning appeals*** is the very ANTITHESIS of that which you were elected to do !!

Your vote to support a proposal to "Introduce ***Development Assessment Panels (DAPs)"*** will only duplicate administrative and technical functions, creating a more EXPENSIVE planning system. Heaven forbid that these expenses might be met by **vested** business interests :-

as APPEARS to be the case in the proposal to build a huge AFL football stadium at Macquarie Point -

as APPEARS to be the case in continued government and Opposition support of a TOXIC salmon industrial farming complex in Tasmanian's precious and biodiverse marine and coastal ecosystems -

as APPEARS to be the case in the radical rezoning to "inner residential" of current and future UTAS STEM EDUCATIONAL facilities, preventing their future modification and enlargement by keeping that part of the UTAS campus sale a **secret** until the week in which it was debated.

It is clear to Tasmanian voters that they can have NO DOUBT that WE will be the ones to

meet these expenses with our taxes.

DO I NEED TO ADD the disgraceful failure to prepare Devonport wharf facilities prior to the arrival of two new Spirit of Tasmania vessels?

Our state budget is bleeding, our taxes callously misused, and our state a laughing stock, nationally and internationally ! Our credit rating in under greater threat than ever. Your support of new legislation for ***DAPs, increasing Ministerial power and removing planning appeals,*** can only EXACERBATE these current atrocious examples. **Please** CEASE and DESIST !!!

Tasmanian voters NOW give thanks:-

to the ENTIRE CROSS BENCH of Tasmania's House of Assembly who voted against the 2024 DAP Bill, though unsuccessfully;

to those in Legislative Council members who voted **successfully** against the 2024 DAP Bill and defeating it;

to the members of all Local Government Councils who stood up against the 2024 DAP Bill;

to NSW, ACT and QLD governments which have now EACH prohibited political donations from property developers and their associates;

to the High Court of Australia which upheld a state-wide ban on political donations of property developers in NSW**.**

TASCAT (The Civil and Administrative Tribunal) and LGAT (The Local Government Association of Tasmania) know that Tasmania's current development assessment systems are the fastest in the country and that 68%-80% per annum are successfully mediated. This statistic remains virtually unchanged from a review undertaken in 2018-2019.

Tasmanian voters are shouting aloud for DEMOCRATIC GOVERNMENTS and **not** DAPS.

YOU know that voter TRUST in Tasmanian Liberal and Labor politicians is now pathetically low. In 2024, **482** submissions were received by the government on the DAP Bill and **444** were opposed. That is 92% against the DAP Bill !!!

Tasmanian voters WILL have democracy and WILL defend it. That is why I write to YOU and why I simultaneously beg EACH representative of Tasmanians - currently in government - ***PLEASE .... DON'T support DAPs, and thus increasing Ministerial power and the removal of planning appeals.***

Yours sincerely,

Mrs Rosemary Farrell *(B.Ed UTAS)*

From: Wayne Murray
To: State Planning Office Your Say
Cc:

Subject: CM: Inappropriate Ministerial Control of Planning- Scrap the DAP
Date: Monday, 21 April 2025 7:30:57 PM

With the greatest respect, I object in the strongest possible terms to the 2025 revised DAP legislation.

This is little changed from the 2024 version that was refused by the parliament. Like the 2024 proposal it contains many flaws, the most pertinent of which is increasing ministerial power over the planning system.

This centralisation of planning together with handpicked state appointed planning panels will inevitably result in local concerns being ignored in favour of big developers. These may be Tasmanian or, more frequently I suspect, come from interstate or overseas.

The Tasmanian Planning Commission is not independent – DAPs will be hand-picked, without detailed selection criteria and objective processes. They are inconsistent with the principles of open justice - not holding hearings are open to members of the public and lacking capacity to manage conflicts of interest. Without a need to provide written reasons for their decision, it would become difficult to seek judicial review. Community input comes only after the DAP has consulted (behind closed doors) with the developer and relevant government agencies and adopted a draft decision.

DAPs appear to clearly be seen as a way to push through contentious proposals that are not well supported by the majority of the community. This should not happen in a properly-functioning democracy.

Most importantly, these would remove merit-based planning appeals. The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on 'checks and balances'. Removing merits-based planning appeals removes the opportunity for mediation on development applications in the planning tribunal.

Removing merits-based planning appeals also, of course, 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.

Increasing ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and the risk of corrupt decisions. The Planning Minister, without oversight, will decide if a development application meets the DAP criteria. The Minister will be able to force the initiation of planning scheme changes.

Eligibility criteria are too broad and undefined, essentially granting the Minister extraordinary power that is arbitrary and unchecked.

In short, it is anti-democratic, with insufficient checks and balances.

And in the current environment, with insufficient disclosure related to political donations, it has a massive potential for corruption.

I urge the Parliament to once again resoundingly reject this proposal.

Yours faithfully,
Dr Wayne S Murray

From: Celia Boden
To: State Planning Office Your Say
Subject: CM: Scrap the DAP
Date: Monday, 21 April 2025 7:47:48 PM

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

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

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

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

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

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

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

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

- **Removing merits-based planning appeals has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy**. The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption. Mainland

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

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

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

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

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

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

2025 legislation not significantly changed

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Celia Boden

Sent from my iPhone

From: Mary-Louise Clarke
To: State Planning Office Your Say
Cc:

Subject: CM: #SCRAPTHEDAP (Submission - Draft Development Assessment Panel - Draft Bill 2025)
Date: Monday, 21 April 2025 8:09:26 PM

I strongly disagree with the 2025 revised DAPs legislation. Our ruling bodies both Local councils and State government increasingly appear to behave like dictators. No doubt frustrated by a lack of progress - I wonder why?
If you didn't run ahead of yourselves; got some backing by those who voted you in; and maybe listened for a change; negotiate even. Perhaps you could attempt governing as a democracy. Just a thought.

I agree with the following:

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

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

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

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

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

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

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

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

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

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

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

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

– Valuations of $10 million in cities and $5 million in other areas.
– A determination by Homes Tasmania that an application includes social or affordable

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Mary-Lou Clarke

From: Gill Basnett
To: State Planning Office Your Say
Cc:

Subject: CM: Vote against the DAP!!
Date: Monday, 21 April 2025 8:23:43 PM

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Dear State Planning Team,

Dear honorable Members of the House of Assembly and Legislative Council,

Last year the DAP legislation was refused by parliament. The 2025 revised DAPs legislation still rains all the key issues and is not very different from the one that did not pass through parliament last year. I oppose the creation of the Development Assessment Panels (DAPs) and increasing ministerial power over the planning system, for the following reasons:

1. **I genuinely do not understand why DAPs are actually needed except as a blatant power grab.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

2. **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?

3. **DAPs allow for the removal of local councils and the community from having a say in developments that impact their communities.** This is a vital component to planning matters in Tasmania, particularly for larger developments that are likely to have greater impacts. The DAPs are not independent, but instead handpicked and beholden to the government. This is likely to result in local concerns either by communities or their elected officials on the local council being ignored. Developments that are not in keeping with local areas or community wants and needs are more likely get through, with developers being favoured over the broader public. This removal is undemocratic, open to corruption and likely to result in poorer planned developments. I recognise that not all council processes are running as effectively or independently as they could and should be. But fixing these issues would result in better outcomes for communities than replacing them with non-independent non-elected DAPs.

4. **Means that councils can no longer make planning decisions in their own areas, particularly for any development that is likely to be contentious.** Either the decision will be taken out of their hands if it isn't going the developers way, will be imposed on them by the state government and developers or councils will not make a decision that they might otherwise make, for

the good of the community and understanding of the councils because they are fearful that it will be completely removed and put through the DAP process.

5. **There is no selection criteria outlined on how DAPs will be selected, leading to a greater likelihood that they will not be independent, nor beholden to the Tasmanian community.**

6. **DAPs do not need to hold open hearings, do not need to provide a written reasoning for their decision and lack the capacity to manage conflicts of interest.** This goes against the democratic process, hides decisions on key, large and likely important developments both in cities and towns, but also in more remote public spaces. We should be able to know what is happening in our communities, the reasons for it, and have the capacity to challenge these developments when we do not feel they are in keeping of the Tasmania we wish to live in. Challenges and reviews of many developments in Tasmania have shown to deliver more appropriate and better planned developments.

7. **DAPs have proved to be pro-development rather than pro-community.** They are designed to remove community engagement and input.

8. **Research has shown that they do not, in fact, take less time to review and approve development compared to our current council planning processes.** Again, we should be improving the council process, especially for those councils that are really struggling, or are potentially a little more corrupt.

9. **DAPs make it more likely that larger, contentious developments will be approved against the wishes of communities and their elected representatives, the local councils.** This also removes the rights of councils and national parks to have the right to refuse development on their own land. For example the cable car on kunanyi/ Mount Wellington or First Basin in Launceston or Lake Malbena in the Tasmanian Wilderness area.

10. **Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked.** The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers. This is completely outrageous and undemocratic. It is open to corruption and completely removes any ability for land managers or communities to say no to development.

11. **Removes merit based planning assessment and appeals.** The Tasmanian Civil and Administrative Tribunal (TASCAT) review of government decisions is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'. This is an essential part of the planning process. It ensures that developments take into aspects that are important to the community, such as biodiversity, open, green, natural spaces, low rise buildings or buildings in keeping with the style of the town/city, low lighting, protections for wildlife, etc.

12. **Appeal options are very narrow!** Appeals can only go to the Supreme Court, which is extremely expensive, and narrow in focus.

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

I call on you to again reject this legislation. To ensure that our planning process continues to be independent and independent and that public participation and council decision making continues to be a key part of the process. Keep decision making local. Allow Tasmanians to continue to have a key democratic part of planning and development making processes for the communities, parks and wilderness areas that we know and love.

As someone who has worked closely with local government and the community, I call on you to abandon DAPs and instead invest in expertise to improve the local government system and existing planning processes by providing more resources to councils and enhancing community participation and planning outcomes. The current system isn't perfect, but improving the current process would be far more successful than replacing them with the DAPs. 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.

Kind Regards,

Gillian Basnett

From: Kaye Peterson
To: State Planning Office Your Say
Cc:

Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Monday, 21 April 2025 9:16:21 PM

Dear Sir/Madam

I oppose the Tasmanian State Government's proposal to introduce the Development Assessment Panel (DAP) 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.

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 Kaye Peterson

From: steve brown
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Monday, 21 April 2025 9:26:12 PM

I'm disappointed to see DAP legislation once again on the table for public consultation. The 2025 draft legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws. I strongly oppose the creation of Development Assessment Panels (DAPs) and any increase in ministerial power over the planning system - both are fundamentally undemocratic.

DAPs represent a way for property developers to bypass local councils and communities. This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors. This is not democratic and would allow local concerns to be ignored in favour of developers who do not act in the interest of Tasmanians.

Research demonstrates DAPs are pro-development and pro-government, they rarely deeply engage with local communities. They will make it easier to approve large scale contentious developments like the kunanyi/Mount Wellington cable car and high-density subdivision like Skylands at Droughty Point.

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

Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of corrupt decisions.

Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers.

For all the dangers they pose, DAPs are attempting to fix a problem that doesn't exist. Only

about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia.

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

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,

Stephen Brown
(Kingborough Resident)

From: mc.queen@bigpond.com
To: State Planning Office Your Say
Cc:

Subject: CM: Proposed legislation re DAPs
Date: Monday, 21 April 2025 10:00:00 PM

Minister for Planning, Mr Ellis,
Tasmania may be the slowest growing state population-wise, but this is likely to change markedly in future with climate change driving people south. Indeed, my wife and I are climate refugees from Lismore NSW, it just became too hot for us.
My wife is a Town Planner, and It is clearly evident to us that Tasmania is suffering a severe deficit of strategic planning. Planning in Tasmania is reactive rather than following a strategic path, and appears to be largely developer-driven.
The Tasmanian government in consultation with local governments and residents should develop a statewide strategic plan to guide future developments in Tasmania, together with regional strategic plans.
The proposed legislation to pass major planning issues to DAPs is simply going down the wrong path, putting the cart before the horse, for several reasons:
*they are antidemocratic, and remove merit-based planning appeals
*DAPs are not independent, they tend to be pro-developer
*there is huge potential for corruption
*excessive power is in the hands of the Minister.
*development can be ad hoc without fitting in to an overall plan, leading to major deficiencies in services. A good local example of concern is the growing village of Hadspen. Apparently 1000 building blocks are planned, apparently without any consideration of the ramifications of such huge development.
Strategic plan first please! No to the DAP legislation!
Thankyou for the opportunity to comment. Please vote no
Colin McQueen, Westbury

From: martinboord@bigpond.com
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 8:05:12 AM

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

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

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

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

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

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

- **Poor justification – there is no problem to fix.** Only about 1% of the

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

Yours sincerely,

Martin Boord

From: John Dudley
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice
Date: Tuesday, 22 April 2025 8:39:42 AM

Please see below a pro forma message which
I endorse fully. I have experienced the current system of planning approvals from both directions, that of business owner, design employee at an architectural practice, and objector to a "development". I know that it serves the public well and often reveals deficiencies in the proposal. Nothing is to be gained from depriving the public of its right to object and thereby rendering the important notion of "social licence" inoperative.

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

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

relevant government agencies and adopted its draft decision.

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

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

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

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

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

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

- **Increased ministerial power over the planning system increases the politicisation of critical planning decisions such as rezoning and risk of**

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

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

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

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

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

2025 legislation not significantly changed

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

Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

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

Say yes to a healthy democracy

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

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

Yours sincerely,
John Dudley

From: Roger Scott
To: State Planning Office Your Say
Cc:

Subject: CM: Scrap the DAP
Date: Tuesday, 22 April 2025 9:30:53 AM

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The 2025 DAPs Legislation Still Fails

The revised 2025 Development Assessment Panels (DAPs) legislation is nearly identical to the 2024 version that was rejected by Parliament. It retains all key flaws. I oppose DAPs and increased ministerial control over planning for the following reasons:

Undermines Local Democracy
DAPs allow developers to bypass councils and local communities, handing decisions to state-appointed panels with no local accountability. These panels, run by the Tasmanian Planning Commission, sideline elected councillors and ignore local concerns in favour of developers—often from interstate.

Lack of Independence and Transparency
DAPs are not selected through a transparent or independent process. They don't hold open hearings, are poor at managing conflicts of interest, and don't have to provide written decisions, making judicial review difficult. Community input is limited and delayed, often after private consultation with developers.

Poor Performance and Developer Bias
Research shows DAPs are developer- and government-friendly, engage minimally with communities, focus on smaller projects, and are slower than councils.

Fast-Tracking Controversial Developments
DAPs pave the way for large, contentious projects like the kunanyi/Mount Wellington cable car, Cambria Green, and high-rises in Hobart, with little room for community appeal.

Erodes Appeal Rights and Oversight
The legislation removes merit-based appeals on critical issues such as biodiversity, building impacts, traffic, noise, and more. This guts public oversight and prevents mediation through the Tasmanian Civil and Administrative Tribunal (TASCAT), leaving only costly Supreme Court appeals on narrow legal grounds.

Increased Risk of Corruption
Eliminating merit appeals undermines good planning and increases the risk of corruption. Even NSW's anti-corruption body recommended expanding—not removing—appeal rights. Mainland experience shows planning panels often favour developers and weaken democratic accountability.

Excessive Ministerial Power
The Minister gains sweeping authority to override local decisions and force planning changes. Criteria to refer projects to DAPs are vague and subjective, allowing near-total ministerial discretion. Even one affordable home in a large project can be used to trigger DAP assessment.

No Problem to Solve
Tasmania's planning system is already the fastest in Australia. Just 1% of applications are appealed, with most resolved through mediation. The government's narrative of a broken system is a smokescreen for its failure to address housing.

Minor Legislative Tweaks, No Real Change
The only change of substance—removing "controversial" as a trigger—has no practical effect. Other vague criteria remain. The dollar threshold increase ($10M metro / $5M regional) is meaningless, as lower-value projects still qualify under subjective grounds. DAPs can now conduct mediation, but lack expertise, process clarity, or legal authority to resolve appeals.

Say Yes to Democracy

I urge you to support transparency, accountability, and public participation in planning. Keep decisions local, with the right to appeal. Scrap DAPs and instead invest in strengthening council capacity and community engagement. This supports jobs, lowers development costs, and improves outcomes.

I also call for a ban on political donations from property developers, reforms to the Right to Information Act, and the establishment of a strong anti-corruption watchdog.

Regards,
Roger.

From: Michael Lichon
Subject: CM: Protect our rights & our voice – scrap the DAP!
Date: Tuesday, 22 April 2025 9:49:56 AM

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

- I also call on you to prohibit property developers from making donations to political

parties, enhance transparency and efficiency in the administration of the *Right to Information Act 2009*, and create a strong anti-corruption watchdog.

Yours sincerely,

Dr Michael Lichon

From: Greg Pullen
To: State Planning Office Your Say
Cc:

Subject: CM: Halt the hypocrisy
Date: Tuesday, 22 April 2025 10:05:51 AM

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

This is my second representation to the Development Assessment Panel Bill, and comes after a "lipstick-on-the-pig" process by the State Liberal Government which purports to have listened to concerns after the first bill was defeated in the Legislative Council.

My previous submission contained the following statement: ***Replacing the current system of development assessment does not take the bias of individual politics out of decision, as the Liberal Party asserts.***

We now have evidence that not even the Liberal Party itself will respect the purported autonomy and authority of a Development Assessment Panel.

In an act of unprecedented hypocrisy, the Liberal Government, abetted by a self-serving Labour "opposition", has rejected the findings of the Tasmanian Planning Commission regarding the proposed Macquarie Point football stadium, and will now over-ride the decision of the independent TPC, and introduce enabling legislation to make the project one of political preference.

This Government does not support the new process for development applications which it seeks to impose on the Tasmanian public.

There can be no greater example of political or individual bias in approving a planning application, which illustrates vividly why assessment and public participation should remain at local council level.

We are seeing the dismantling of administrative checks and balances in Trump's America. It is no exaggeration to say legislation to allow a minister to select DAP members, while knowing he/she can subvert that panel's findings through targeted legislation, is a step towards centralised control.

Put simply, the proposed Development Assessment Panels are undemocratic.

Greg Pullen

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

Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 10:09:02 AM

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

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

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

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

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

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

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

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

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

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

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

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

are not guided by any clear criteria:

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

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

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

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

Anne Hellie

From: Blackmans Bay Community Association
To: State Planning Office Your Say
Cc:

Subject: CM: LUPAA Amendment (Development Assessment Panels) Bill 2025
Date: Tuesday, 22 April 2025 11:17:16 AM

Dear Minister for Planning,
CC Members of Parliament and Legislative Councillors, State Planning Office

The Blackmans Bay Community Association (BBCA) is opposed to the introduction of the Development Assessment Panels (DAPs) legislation. Our Association comprises 100 members. Furthermore on 20 March 2025 we held a community meeting in the Blackmans Bay Hall to oppose the DAPs and 56 members of the public attended. Three motions against the DAPs were moved unanimously that evening. They were carried at the following Kingborough Council (KC) meeting on 7 April (refer to page 25 of the KC meeting minutes).

Our 3 chief concerns are as follows:

1. Community Involvement is Mandated

LUPAA 2015 and the Resource Management and Planning System Schedule 1 Objectives clearly state that public involvement in resource planning is to be encouraged (c). Additionally, that responsibility for resource management and planning is to be shared between different spheres of government, community and industry in the state (e). DAPs will completely limit engagement by the community. DAPs are contrary to the legislation.

2. Planning Merits Review at the Tribunal is critical

BBCA supports retaining the current pathway which works in a timely way. Most importantly, this allows full planning appeal rights which are heard at the Tribunal. In no way do we accept that an appeal to the Supreme Court on legal grounds alone, can replace the Tribunal. The public needs the opportunity for full review of a controversial or significant Development Assessment on planning merits. This occurs at the Tribunal (TasCAT).

3. Planning Authorities currently implement the Tasmanian Planning Scheme (TPS).

BBCA supports Tasmania's local Councils where 93% of all Development Assessments are decided under delegation by professional planners who know the TPS. (see The Local Government Review, Stage 2 Report 2023). We note that all Councils sitting as Planning Authorities already must implement the Tasmanian Planning Scheme.

4. We want to see local Councils making decisions about their local areas.

There is no real data supporting removing planning from our Councils. Our local elected members only have discretion to make decisions in 7% of cases and only 1% go to appeal at the Tribunal.

BBCA concludes there is no need for DAPs.

Thank you for this opportunity to comment.

Chloe Bibari

Secretary and Treasurer

Blackmans Bay Community Association Inc.

From: Linda Poulton
To: State Planning Office Your Say
Subject: CM: Development Assessment Panels politicise planning
Date: Tuesday, 22 April 2025 11:37:33 AM

I write in relation to the 2025 revised DAPs legislation, which is aimed solely at preventing local communities from participating in planning decisions which will have significant impacts on their municipalities. Such legislation can only be driven by vested interests, and I am extremely concerned that bodies like the Property Council, which has a vested interest in such developments, have played too large a role in driving this outcome. You would no doubt be aware that the Property Council is a major donor to the Labor and Liberal Parties.

I strongly urge you to reject this legislation for the reasons above, as well as the following reasons:

The revised DAPs legislation is not significantly changed from the 2024 version that was refused by the Legislative Council and retains all the key shortcomings. If the Legislative Council rejected the legislation the last time around, there is no good reason why any of those who rejected it should now approve the 2025 version.

I am aware that the vast majority of local councils oppose the legislation, as does their representative body LGAT. How could they not, when the legislation is virtually identical to that which they rejected the last time around?

I apologise for repeating the concerns below, as they were raised with you just last year, but it is unavoidable that we have to go through this process as the same legislation has been cynically reintroduced again.

The Bill (yet again) has the following problems.

- The DAPs will allow property developers to bypass local councils and communities. Local concerns will be ignored in favour of developers who may not be from Tasmania.

- DAP members are hand-picked, without detailed selection criteria and objective processes. DAP processes are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public. 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 a serious erosion of democracy in our planning system.

- DAPs are aimed at making it easier to approve large scale contentious developments. This necessarily involves the local community being ridden over. Having a social licence is a critical component of any good development and to avoid ongoing conflict within our communities over poor development outcomes.

- Merits based appeals are removed and there can be no appeal to TASCAT on the merits. TASCAT's review of planning decisions on their merits is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'. It guarantees better quality planning decisions by acting as a second tier of review. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social. Merits based reviews also add a layer of protection against corruption.

- Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive. This will be prohibitive for most of the community, as they do not have deep pockets. Such a proposal exposes the true political motivation for the Bill.

- The Planning Minister will decide if a development application meets the DAP criteria. This politicises the planning process. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning. The Minister is not a planning expert. Decisions made on this basis will result in poor planning outcomes.

- Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers. On occasion, the developer will have made donations to the Minister or to his or her political party. This, of course, lends itself to corruption. Tasmania already struggles with systemic corruption and this would only make the problem worse.

- The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria. The Minister can even regulate (without Parliamentary oversight) what can be included in a DAP. This planning "pathway" can lead to **anything** being regarded as a DAP.

- 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. Tasmania has, in fact, one of the most efficient planning approval ratings

in the nation. The housing crisis has occurred in the past decade and a half under the stewardship of the Liberal Government.

There is no significant change from the earlier version of the legislation!

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

Please keep our democracy healthy

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.

Yours sincerely,

Linda Poulton
Westbury

Tasmanian National Parks Association
Keep Our Parks Wild!

22 April 2025

State Planning Office
Department of Premier and Cabinet

By email to haveyoursay@stateplanning.tas.gov.au

LUPA Amendment (Development Assessment Panels) Bill 2025

The Tasmanian National Parks Association (TNPA) urges the State Government to abandon its proposed 'independent' Development Assessment Panels (DAPs) for contentious planning matters, in favour of maintaining the current legislation. The draft LUPA Amendment (Development Assessment Panels) Bill 2025 does not address the TNPA's concerns with the 2024 bill so our concerns remain unchanged.

'Independent assessment', especially without the check of a possible appeal of the decision, will not remove politics from planning, but shift the politics involved from a relatively democratic process to a top-down one from which stakeholders are almost excluded.

The concepts of 'independent' and 'expert' that underpin the DAP proposal are hardly objective. The 'independence' of planning consultants is compromised because self-interest incentivises them to support the goals of the body that has engaged them. And the relevance of a consultancy firm's 'expertise' will depend on how closely their knowledge and values reflect those of the stakeholders, or the project proponents.

The best planning outcomes are achieved when stakeholders feel they have been part of the decision-making process. Discussing issues and ways in which they might be addressed can result in better, and more widely accepted, planning decisions than those that have not involved local input.

Planning decisions relating to the natural environment also benefit from involving people with connection to, and knowledge of the local area. Involvement in land use planning of this kind is best met by existing planning arrangements in which municipal councils perform a strong role, rather than shifting to a more removed and less democratic process.

Of particular concern to the TNPA is the suggestion that "complex" planning development applications may be referred to DAPs. Any development application on reserved land has the potential to be deemed "complex" – see TNPA's 26 November 2023 *Comments on Development Assessment Panel (DAP) Framework Position Paper* (attached).

In conclusion, the TNPA strongly urges the Tasmanian Government to abandon its proposal for Developmental Development Panels to deal with contentious planning proposals.

Yours sincerely

Nicholas Sawyer
President

The TNPA acknowledges the First Nation peoples of lutruwita (Tasmania) and their enduring connection to country. We pay our respects to their elders past and present. We also acknowledge that their land was taken, and sovereignty was not ceded.

ATTACHMENT: TNPA COMMENTS 26 NOVEMBER 2023

Comments on *Development Assessment Panel (DAP) Framework Position Paper*

Introduction

The Tasmanian National Parks Association Inc. (TNPA) understands that the Position Paper has been prepared as part of a proposal "to take … politics out of planning decisions".[i] The planning system (including planning decisions) is inherently political, because it is about balancing competing public and private interests. Therefore the proposal cannot achieve its stated purpose.

Misperceptions of conflict

The Position Paper suggests that perceptions of conflicting roles of councillors could be one ground for removing planning decisions from elected local councils and giving those decisions to development assessment panels (DAPs). The material in the Position Paper strongly indicates that the conflicts are not a significant problem at present. Given the inherently political nature of the planning system, it is appropriate that planning decisions on controversial matters are made by elected councillors who are accountable to voters, rather than by panellists who are not. Responsible government (including the responsibility of executive decision-makers to voters) is a fundamental feature of all levels of government in Australia.

Suggested grounds for involving DAPs

There is also a suggestion in the Position Paper that applications over a certain value should be determined by a development assessment panel rather than an elected local council. Proponents of controversial developments often make questionable claims about the value of their proposals. The suggestion seems likely to encourage this practice, which runs counter to making of well-informed planning decisions.

Of particular concern to the TNPA is the suggestion that "complex" planning development applications may be referred to DAPs. Any development application on reserved land has the potential to be deemed "complex" because it needs to demonstrate compliance with both the *National Parks and Reserves Management Act 2002* and the *Land Use Planning and Assessment Act 1993.* Hence there is potential for any development application on reserved land to be assessed by a DAP with no right of appeal.

A number of options are suggested in the Position Paper for allowing applicants for development approvals to have a role in choosing that their applications be decided by DAPs. The TNPA believes these options are inappropriate. The TNPA also believes that the suggested option for the Minister to nominate applications for assessment by DAPs is inappropriate, and likely to increase controversy around proposed developments and perceptions of undue political influence in the planning system.

ATTACHMENT: TNPA COMMENTS 26 NOVEMBER 2023

Reducing accountability by removing appeals

The Position Paper suggests that provision for appeals to an independent tribunal from decisions of development assessment panels is not warranted, in part because of the expertise of the Tasmanian Planning Commission and panellists. Longstanding Australian Government guidance indicates that expertise of decision-makers is not a valid justification for denying merits review of their decisions.[ii]

It is not clear from the Position Paper what degree of expertise or independence panellists will have. The paper refers to various Acts as possible models, but only one of them (the *Land Use Planning and Assessment Act 1993*) currently provides for development assessment panels (in Division 2A of Part 4). Those provisions allow the Minister a significant degree of influence in the appointment of a development panel, given that the Minister can determine what qualifications or experience 2 of the required appointees to the panel need to have.[iii] Those 2 appointees could constitute a majority of the quorum of 3 panellists.[iv] This hardly seems a model "to take … politics out of planning decisions".

Conclusion

The proposed framework will not only fail "to take … politics out of planning decisions", but will cause further political problems by diminishing accountability through removing decision-making from elected local representatives and denying appeals.

The framework and wider proposal of which it forms part should therefore be abandoned.

Nicholas Sawyer, President, TNPA

26 November 2023

Endnotes

[i] https://www.premier.tas.gov.au/site_resources_2015/additional_releases/development-assessment-panel-consultation.

[ii] https://www.ag.gov.au/legal-system/administrative-law/administrative-review-council-publications/what-decisions-should-be-subject-merit-review-1999#:~:text=The%20Council%20prefers%20a%20broad,2.5. (see paragraphs 5.16 and 5.17).

[iii] See subsections 60Q(3) and 60W(4) and (5) of the *Land Use Planning and Approvals Act 1993*.

[iv] See subsection 60X(1) of the *Land Use Planning and Approvals Act 1993*.

From: Daniel Silver
To: State Planning Office Your Say
Cc:

Subject: CM: Re: LUPAA (DAP) Bill 2025
Date: Tuesday, 22 April 2025 1:40:57 PM

You don't often get email from [redacted] Learn why this is important

To whom it may concern,

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities. This fast-track process will remove elected councillors and communities from having a say on the most controversial and destructive developments affecting local communities. Thereby centralising decision making power and increasing vulnerability to usurping by power brokers and people with interests besides the communities their decisions ultimately effect. I strongly believe this is both short-sighted and counterproductive.**

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

- **DAPs will make it easier to approve large scale contentious developments** without proper consultation or input, and diminish the influence of independent reports and checks on power.

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

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

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

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

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

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

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

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

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

demonstrate its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Danie

From: Catharine Errey
To: State Planning Office Your Say;

Subject: CM: Tasmanians aren"t mugs!!! - scrap the DAPs
Date: Tuesday, 22 April 2025 2:03:54 PM

You don't often get email from [redacted] Learn why this is important

Dear elected Member

The revised Bill to replace local councils with a panel of unelected members, for decisions on developments deemed to be 'complex' is not only an insult to council planners and elected councillors (WE elected them) but also to the Tasmanian people, who are treated like mugs by the current government. The proposed Bill counts on Tasmanians being ignorant about planning matters - which indeed many people might be, but once we know the facts it's a different story!

You were elected by Tasmanians to serve our interests, not those of property developers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any

development can fit the remaining criteria.

- Removal of the option for the minister to transfer a development partway through a council assessment is not significant because a proponent can remove their development from council assessment before requesting the minister have it assessed by a DAP.

- The dollar value thresholds have been increased to $10 million and above in metro areas and $5 million and above in non-metro areas which is claimed will restrict the number of DAP applications. Projects under these values are still eligible under the other broad and undefined criteria.

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

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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

Catharine Errey

From: Patrice Baxter
To: State Planning Office Your Say
Subject: CM: Protect our rights & our voice – #SCRAPTHEDAP Submission - Draft Development Assessment Panel - Draft Bill 2025 opposition to the creations of Development Assessment Panels (DAPS)
Date: Tuesday, 22 April 2025 2:15:50 PM

Dear Sirs,

Please add my voice to the opposition to the creation of Development Assessment Panels (DAPS).e 2025 revised DAPs legislation is not significantly changed from the 2024 version that was refused by the parliament and retains all the key flaws.

2025 legislation not significantly changed:

- The changes made to the DAPs legislation that was refused by the Parliament in November 2024 are not significant and all the key flaws remain. The changes made do not have any significant practical impact.
- One eligibility criterion has been removed, that a project is likely to be 'controversial', but the other equally broad and undefined criteria are retained (as listed above). There is no impact from this change because virtually any development can fit the remaining criteria.
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- There has been an amendment to allow the DAPs to undertake mediation, but the Tasmanian Planning Commission is inexperienced in mediation and no clear process or rights have been established for objectors, unlike the Tasmanian Civil and Administrative Tribunal (TASCAT). The amendment does not allow the DAP approval to be decided by mediation just minor disputes in the process.

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

- **The DAPs represent an alternate planning approval pathway allowing property developers to bypass local councils and communities**. **This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities.** Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will

decide on development applications not our elected local councillors. Local concerns will be ignored in favour of developers who may not be from Tasmania.

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

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

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

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

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

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

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

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

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

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

NOTE: The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria:
– Valuations of $10 million in cities and $5 million in other areas.
– A determination by Homes Tasmania that an application includes social or affordable housing. There is no requirement for a proportion of the development to be for social or affordable housing. For example, it could be one house out of 200 that is affordable.

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

PLEASE :

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

also help protect local jobs and keeping the cost of development applications down.

- 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,
Patrice Baxter

From: Gina Poulton
To: State Planning Office Your Say
Subject: CM: Development Assessment Panels politicise planning
Date: Tuesday, 22 April 2025 2:56:35 PM

I write in relation to the 2025 revised DAPs legislation, which is aimed solely at preventing local communities from participating in planning decisions which will have significant impacts on their municipalities. Such legislation can only be driven by vested interests, and I am extremely concerned that bodies like the Property Council, which has a vested interest in such developments, have played too large a role in driving this outcome. You would no doubt be aware that the Property Council is a major donor to the Labor and Liberal Parties.
I strongly urge you to reject this legislation for the reasons above, as well as the following reasons:

The revised DAPs legislation is not significantly changed from the 2024 version that was refused by the Legislative Council and retains all the key shortcomings. If the Legislative Council rejected the legislation the last time around, there is no good reason why any of those who rejected it should now approve the 2025 version.

I am aware that the vast majority of local councils oppose the legislation, as does their representative body LGAT. How could they not, when the legislation is virtually identical to that which they rejected the last time around?

I apologise for repeating the concerns below, as they were raised with you just last year, but it is unavoidable that we have to go through this process as the same legislation has been cynically reintroduced again.

The Bill (yet again) has the following problems.

- The DAPs will allow property developers to bypass local councils and communities. Local concerns will be ignored in favour of developers who may not be from Tasmania.

- DAP members are hand-picked, without detailed selection criteria and objective processes. DAP processes are inconsistent with the principles of open justice as they do not hold hearings that are open to any member of the public. 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 a serious erosion of democracy in our planning system.

- DAPs are aimed at making it easier to approve large scale contentious developments. This necessarily involves the local community being ridden over. Having a social licence is a critical component of any good development and to avoid ongoing conflict within our communities over poor development outcomes.

- Merits based appeals are removed and there can be no appeal to TASCAT on the merits. TASCAT's review of planning decisions on their merits is an essential part of the rule of law and a democratic system of government based on '*checks and balances*'. It guarantees better quality planning decisions by acting as a second tier of review. Mainland research demonstrates removing merits-based planning appeals has the potential to reduce good planning outcomes – including both environmental and social. Merits based reviews also add a layer of protection against corruption.

- Developments will only be appealable to the Supreme Court based on a point of law or process which have a narrow focus and are prohibitively expensive. This will be prohibitive for most of the community, as they do not have deep pockets. Such a proposal exposes the true political motivation for the Bill.

- The Planning Minister will decide if a development application meets the DAP criteria. This politicises the planning process. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning. The Minister is not a planning expert. Decisions made on this basis will result in poor planning outcomes.

- Eligibility criteria are so broad and undefined that it grants the Minister extraordinary power that is arbitrary and unchecked. The Minister can declare a development to be assessed by a DAP based on a '*perceived conflict of interest*', '*a real or perceived bias*', '*the application relates to a development that may be considered significant*'. The Planning Minister has political bias and can use this subjective criteria to intervene on virtually any development in favour of developers. On occasion, the developer will have made donations to the Minister or to his or her political party. This, of course, lends itself to corruption. Tasmania already struggles with systemic corruption and this would only make the problem worse.

- The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria. The Minister can even regulate (without Parliamentary oversight) what can be included in a DAP. This planning "pathway" can lead to **anything** being regarded as a DAP.

- 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. Tasmania has, in fact, one of the most efficient planning approval ratings in the nation. The housing crisis has occurred in the past decade and a half under

the stewardship of the Liberal Government.

There is no significant change from the earlier version of the legislation!

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

Please keep our democracy healthy

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.

Yours sincerely,

Gina Poulton

From: Gina
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 3:06:45 PM

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

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

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

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development.

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

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fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.

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Say yes to a healthy democracy

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

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

Kind regards

G. Linnemann

From:	Anne Griffiths
To:	State Planning Office Your Say
Cc:	planningmatterstas@gmail.com
Subject:	CM: Draft proposed planning laws
Date:	Tuesday, 22 April 2025 3:20:34 PM

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

The draft of the new planning laws is the work of a government determined to force its will in a most undemocratic way by denying local councils and concerned citizens the right to object to unsuitable developments which may affect them either indirectly or directly. It will encourage developers who want to establish a business or businesses designed to profit themselves at the expense of the environment or those who could be negatively impacted by their projects.

It gives total power, without any right of appeal, to a panel the members of which are not required to have any experience in the initial planning or the likely outcomes of any decision they may make. In particular National Parks and World Heritage areas should be sacrosanct and they have been legally preserved for the benefit of all, not for individuals for financial gain. However it is the elimination of any rights of appeal that makes this proposed legislation so unacceptable in what is supposed to be a democratic state.

I urge you to resist the Government's agenda to force this limitation of citizens' rights and to stand up for democracy.

Yours sincerely

Anne Griffiths

From: Paul Long
To: State Planning Office Your Say
Cc:

Subject: CM: Protect our rights & our voice - #SCRAPTHEDAP
Date: Tuesday, 22 April 2025 3:27:56 PM

- I look at Kunyanyi every day and admire what a beautiful vista it is with the changing weather. I see repeated attempts to destroy this Mountain and changes to the DAP will facilitate this and I cannot stand by and let this happen.

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

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

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

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

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

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

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

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

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

NOTE: The scope of the DAPs includes a range of other subjective factors that are not guided by any clear criteria:
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- **Poor justification – there is no problem to fix.** Only about 1% of the approximately 12,000 council planning decisions go to appeal and Tasmania's planning system is the fastest in Australia. In some years as many as 80% of appeals are resolved via mediation. The Government wants to falsely blame the planning system for stopping housing developments to cover its lack of performance in addressing the affordable housing shortage.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

2025 legislation not significantly changed

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

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

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

Say yes to a healthy democracy

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

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

Yours sincerely,

Paul Long

From: Jo Errey
To: State Planning Office Your Say
Cc: cc;

Subject: CM: Scrap the DAP
Date: Tuesday, 22 April 2025 4:08:45 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2025 legislation not significantly changed

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

made do not have any significant practical impact.

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- 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,
Jo Errey

From: Peta Stokes
To: State Planning Office Your Say
Subject: CM: Submission - Draft Development Assessment Panel - Draft Bill 2025
Date: Tuesday, 22 April 2025 4:39:28 PM

Dear Current Leaders of our Society,

I am pasting the letter below as it says everything that you need to know and it represents how I feel about the proposed changes to the existing planning scheme. It is not right to create more bureaucracy when there is adequate assessments in place.

Thank you

Peta Stokes

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

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

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

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- 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,

Peta Stokes

Submission against the Development Assessment Panels

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

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

- **Locals will have a feeling of disenfranchisement and frustration.** As noted by McLeod, Fisher & Hamdorf lawyers, disempowering the council and the lack of clear mechanisms for community input and appeal rights, raise concerns about the fairness and transparency of the process.

- **Local heritage and environmental concerns will be ignored in favour of developers who may not be from Tasmania**. The "Clean and Green" image is already being eroded by large developers. Handpicked state appointed planning panels, conducted by the Tasmanian Planning Commission, will decide on development applications not our elected local councillors who have better local knowledge.

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

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- **DAPs are not required to provide written reasons for their decisions, making judicial review more difficult.**

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Yours sincerely,

Kathryn Osborn