Development Assessment Panel Framework Position Paper

Submissions 151 - 200

151 Lauren Black
152 David Lathwell
153 Amanda Thomson
154 Pete Hannon
155 Douglas Brown
156 Michael Cole
157 David Halse Rogers
158 Sulyn Lam
159 Peter Wileman
160 Scott Coleman
161 Bob Schlesinger
162 Linda Poulton
163 Meander Valley Council
164 Juanita Brokas
165 Anna Yeatman
166 Peter Burnett
167 Sally Curry
168 Heidi Auman
169 Tim Pargiter
170 Zachary Sonstegaard
171 Lilith Waud
172 Roland Browne
173 Elizabeth Lelong
174 Julian Bush
175 Graeme Randall
176 Andrew MacFie
177 Jorge Álvarez Romero
178 Jane Lorimer
179 Christine Wyszkowski
180 David Freeman
181 Carmel Johnson
182 Jane Herbert
183 Jane Boot
184 Gary Chadwick
185 David Lighton
186 Robin Goodram
187 Edward Granville
188 M T Black
189 Alexandra Farrow

190 Sue Todd
191 Eve Robson
192 James Russell
193 Jane Farmer
194 Southern Midlands Council
195 Kay Harman
196 Richard Bédard
197 B Goldfarb
198 Cleo Hansenlorhey obo Anja Hilkemeijer and others
199 Annie Parmentier
200 Julia Gibson

From: Lauren Black <
Sent: Wednesday, 22 November 2023 9:01 AM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Say no to the Liberals new planning panels

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

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

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

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommendedthe expansion

of merit-based planning appeals as a deterrent to corruption.

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes and local decision making**. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

- 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,
Lauren Black

From: David Lathwell <>
Sent: Wednesday, 22 November 2023 9:02 AM
To: State Planning Office Your Say
Cc:
Subject: Say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.**Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments**like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only**

be appealable to the Supreme Court based on a point of law or process.

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommendedthe expansion of merit-based planning appeals as a deterrent to corruption.

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes and local decision making**. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning

outcomes.

- 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**.

This is vitally important for our democratic way of life in Tasmania!

Sincerely
David Lathwell

From: Amanda Thomson <
Sent: Wednesday, 22 November 2023 8:55 AM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - no to the Liberals new planning panels

Dear Members,

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

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

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

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

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

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes and local decision making**. State appointed hand-picked planning panels are not democratically accountable, they

remove local decision making and reduce transparency and robust decision making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

- **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?

We need a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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

- All this is very important to me, I would like to see Tasmania grow in a sustainable, ecologically focussed way, creating environments which enhance the natural habitats I came here to enjoy. Unfettered growth and development, lacking the proper checks and balances will permanently damage the uniqueness of this wonderful island.

Yours sincerely,
Amanda Thomson

From: Pete Hannon < Wednesday, 22
Sent: November 2023 5:16 AM State Planning
To: Office Your Say
Subject: New planning panels

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

It is a loss of democracy in the process

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

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

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommendedthe expansion of merit-based planning

appeals as a deterrent to corruption.

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes and local decision making**. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

Thankyou

Peter Hannon

From: Douglas Brown <>
Sent: Thursday, 23 November 2023 9:33 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Say no to the Liberals new planning panels

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

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

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

Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. Developments will only be appealable to the Supreme Court based on a point of law or process.

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

Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions. The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely,

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

Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

Undermines local democracy and removes local decision making. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

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.

Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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,
Douglas D. Brown

SOUTH HOBART PROGRESS ASSOCIATION
(Incorporating Cascades Progress Association)
Founded 1922
ABN 65 850 310 318
President: Michael Cole **Hon. Secretary:** David Halse Rogers

Development Assessment Panel Framework (DAP) Position Paper

Response November 2023

1. Introduction

The introduction has:-

The Tasmanian Government has announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to take over some of councils' decision-making functions on certain development applications.

*The stated intent for introducing DAPs is **'to take the politics out of planning'** by providing an alternate approval pathway for more complex or contentious development applications.*

The view of *The South Hobart Progress Association (Inc.*) [SHPA] is strongly that this proposal will have the direct opposite effect of making development a highly politicised process, with the State Government placing itself at the centre of what should be a fully independent process. Increased ministerial power over the planning system increases the politicisation of planning and the risk of corrupt decisions. The Minister will be able to force the initiation of planning scheme changes, and will decide if a development application meets the planning panel criteria. State-appointed, hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision-making, as has been the case with Mainland jurisdictions.

Any DAP-determined applications will still be assessed against the current planning rules and use and development standards in existing planning schemes. It is intended that, where possible, the DAP framework will utilise existing processes and incorporate local knowledge into the decision-making process.

Fair enough, but in the next sentence, we have:

The Project also considers whether there should be an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

So, the Minister would have the power to direct that amendments be made to the rules. The SHPA (Inv.) is fundamentally opposed to that.

2. Background

2.2 Planning system

"..our planning system is already among the fastest, if not the fastest, in the country when it comes to determining development applications."

Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications. So why change it?

The problem with the time taken identified seems to be with the appeal process, which can take up to 12 months – 'though as the paper identifies:

"*The appeal process provides a very important check and review of the initial decision of the planning authority by an independent panel of experts with the opportunity for all parties including those that made representations, to speak to their issues and test the evidence of other parties. "*

So, there is a need to improve - or rather to speed up - the appeal process. The proposed model with DAPs seeks to address this **by removing the appeal opportunity altogether!** It justifies this by noting that the DAP will, of course, enable all views and representations to be heard fully, and that the subsequent decision will be based on a flawless response to those, so that any appeal process would be redundant. It would be worth comparing that to our judicial processes, including the vital ability to appeal decisions.

Removing merits-based planning appeals has the potential both to increase corruption and reduce good planning outcomes.

Removing merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts will have the potential to have a serious impact on planning outcomes. Developments will only be appealable to the Supreme Court based on a point of law or process.

Rather than this DAP from the outset approach, it is at an appeal stage that the use of a truly independent review process, using a Review Panel should be considered.

Much of the content of the proposal is based on, at best, some sort of anecdotal evidence. For example, in **3.1 Conflicting Role of Councillors:**

"*Despite the statistical evidence, there remains a perception that some Councils are less supportive of new development than others and that, on occasion, the personal views of elected councillors in relation to a proposed development, such as large-scale apartments, or social housing, may influence their decision-making despite being outside of the relevant*

planning scheme considerations they are bound to administer as part of the obligations of a planning authority."

Where is the evidence for this? "*Remains a perception"* does not constitute an acceptable standard for major change. There will, of course, always be those for whom the system seems onerous – a developer is usually keen to develop and make the maximum return for example – but the current system with suitable planning rules provides a framework within which everyone can be clear about what is a permitted development, and where a proposal may need amendment.

Further on:-

"Because the evidence is that the inappropriate political determination of applications is limited to isolated, but well publicised, cases…."

What evidence?

We reject the supposition that Councillors cannot act both as elected representatives and in their role as members of a planning authority. Every time that Council makes a decision, members have to weigh their duty to constituents with the needs and best interests of the community. They are, in fact, best placed to strike a balance.

Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest' is fraught. The Planning Minister has political bias and can use this subjective criterion to intervene on any development in favour of developers.

Another time problem is associated with **3.3 Request for Further Information**. Again, we have a reference to "anecdotal evidence";

"There is anecdotal evidence that with some contentious proposals (particularly social housing) the additional information process is being used to delay or frustrate the timely assessment of a proposal. While a request for further information can be appealed to the Tasmanian Civil and Administrative Tribunal (TasCAT) the associated costs and uncertainty regarding the timeframe for resolution is a deterrent."

Firm evidence linked to specific examples need to be given here. Where is the evidence? Again, the solution, if needed, should address the issues surrounding requests for more information, and the current lengthy processes involved, rather than changing the entire structure. By all means set up a much quicker process for analysing these requests. If the request is valid under the State Planning Provisions, then proceed, if not reject it in a timely manner.

Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

3. Identification of Issues

Consultation issue 1 – Types of development applications suitable for referral to a DAP for determination

a) What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would, therefore, benefit from being determined by a DAP?

Options

i. Applications for social and affordable housing which often attract considerable opposition within the local community based on social stigma rather than planning matters;

These may be problematic, but that does not mean that Councils should not consider them – just the opposite, in fact.

ii. Critical infrastructure;

Where this affects two or more Council areas, or has a state-wide impact, there needs to be some form of joint approach. A Panel approach may be good here.

iii. Applications where the Council is the applicant and the decision maker;

There is a place here for an independent process

iv. Applications where Councillors express a conflict of interest in a matter and a quorum to make a decision cannot be reached;

There is a place here for an independent process. Has this, in fact, ever happened?

v. Contentious applications where Councillors may wish to act as elected representatives supporting the views of their constituents which might be at odds with their role as a member of a planning authority;

No. That is the role of Councillors in any and every decision they make.

vi. Where an applicant considers there is bias, or perceived bias, on the part of a Council or Councillors;

No. That can and should be taken to appeal.

vii. Complex applications where the Council may not have access to appropriate skills or resources;

If a Council requests, access to skills and resources should be made available as the need arises with facilitation through the State Government.

viii. Application over a certain value;

No. If a Council requests, access to skills and resources should be made available as the need arises with facilitation through the State Government.

ix. Other?

None

b) Who should be allowed to nominate referral of a development application to a DAP for determination?

Options

i. Applicant

No

ii. Applicant with consent of the planning authority;

No

iii. Planning authority

Yes

iv. Planning authority with consent of the applicant

Covered by ii. and iii.

v. Minister

Very definitely no – that will politicise any application process.

c) Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?

No

Options

i. At the beginning for prescribed proposals;
ii. Following consultation where it is identified that the proposal is especially contentious;
iii. At the approval stage, where it is identified that Councillors are conflicted.

Not relevant

Consultation issue 2 – Provision of an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

1. a) Under what circumstances should the Minister have a power to direct the initiation of a planning scheme amendment by a Council?

No circumstances. That would make any proposal a political one, with the potential for a significant impact on the ability of the community to have a say – or, indeed, know what was really going on. There is a real danger that **transparency** and **accountability** would **be seriously compromised**.

2. b) Is it appropriate for the Minister to exercise that power where the Council has refused a request from an applicant and its decision has been reviewed by the Tasmanian Planning Commission?

Absolutely not.

For example:

Section 40B allows for the Commission to review the planning authority's decision to refuse to initiate a planning scheme amendment and can direct the planning authority to reconsider the request. Where that has occurred, and the planning authority still does not agree to initiate an amendment, is that sufficient reason to allow Ministerial intervention to direct the planning authority to initiate the planning scheme amendment, subject to the Minister being satisfied that the LPS criteria is met?

No

3. c) Are there other threshold tests or criteria that might justify a direction being given, such as it aligns to a changed regional land use strategy, it is identified to support a key growth strategy, or it would maximise available or planned infrastructure provision?

These should already be included in the consideration of any application.

Consultation issue 3 –

i. **Incorporating local knowledge in DAP decision making.**
ii. **DAP framework to complement existing processes and avoid duplication of administrative processes**.

a) To allow DAP determined applications to be informed by local knowledge, should a Council continue to be:

- the primary contact for applicants;
- engage in pre-lodgement discussions;
- receive applications and check for validity;

- review application and request additional information if required;
- assess the application against the planning scheme requirements and make recommendations to the DAP.

b) Is the current s43A (former provisions of the Act) and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures suitable for being adapted and used in the proposed DAP framework?

This presupposes a DAP framework. If a DAP framework is imposed, despite the community being opposed, then yes to all the bullet points in a) above.

Consultation issue 4 – Resolving issues associated with requests for, and responses to, further information.

a) Should a framework for DAP determined development applications adopt a process to review further information requests similar to the requirements of section 40A and 40V of LUPAA?

b) Are there any changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information?

Given that the time involved in requests for further information has been identified, the process needs to be streamlined, or at least expedited. That means resources should be made available to examine such requests for validity as quickly as possible. This assumes adequate staff.

Consultation issue 5 – Appeal rights and assessment timeframes for DAP determined applications.

a) Is it reasonable that decisions on DAP determined applications are not subject to TasCAT appeals where the TPC holds hearings and provides all parties the opportunity to make submissions and test evidence?

Whatever process is in place should have an opportunity for appeal to an independent authority. As previously noted, such an appeal process should be both timely and comprehensive. That process could involve an expert, independent panel, fully resourced to complete its review. The appeal should be with regard to the planning decision being taken in line with planning requirements, based on the proceedings and documentation, rather than any fresh “evidence”. As such it should be able to complete that quickly and fairly.

b) Given the integrated nature of the assessment, what are reasonable timeframes for DAP determined applications?

Using the timeframe provided, the Council approval process should take 35 days to exhibition, followed by 14 days for consultation/response. Any appeal could be made then, followed by 49 days for the appeal process plus notice of outcome, and 7 days for issuing of permit (or not). So, the same 105 days altogether.

Consultation issue 6 – Roles of the planning authority post DAP determination of a development application.

This would not be relevant, but could applied post-appeal.

a) Should the planning authority remain the custodian of planning permits and be required to issue permits ~~in accordance with a direction from a DAP?~~ following any appeal

Yes

b) Is it appropriate for planning permits ~~associated with a DAP determined application~~ to be enforced *by* the Council?

Yes

c) Is it appropriate for minor amendments (in accordance with s56 of LUPAA) ~~to DAP determined permits~~ to be made by the planning authority?

Yes

ATTACHMENT 1 - Draft DAP Framework

With regard to the Draft DAP framework appended, the most worrying aspect is the ability given for either the applicant or the Minister to refer any application to a DAP at any stage in the process. The scenario for any referral should be where both applicant and Planning Authority are agreed that this should happen.

Michael Cole.
President. SHPA (Inc.)

30 November 2023

I oppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:-

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

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

Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes. The NSW Independent Commission against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.

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

Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

Undermines local democracy and removes and local decision making. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision-making.

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.

Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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 faithfully,

David Halse Rogers

From: Sulyn Lam <>
Sent: Thursday, 23 November 2023 5:21 PM
To: State Planning Office Your Say
Subject: Protect our local democracy - say no to the Liberals new planning panels

Hello,

I live in South Hobart and I strenuously opppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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
- Sulyn Lam

From: Peter Wileman <>
Sent: Thursday, 23 November 2023 4:17 PM
To: State Planning Office Your Say
Cc:
Subject: Submission re: Planning panels and increasing ministerial power

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not our elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at any time and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point and the Northern Maximum Security Prison.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes any local decision making.** State appointed, hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**.

Peter Wileman

From: Scott Coleman <>
Sent: Thursday, 23 November 2023 3:40 PM
To: State Planning Office Your Say
Cc:
Subject: PROTECT LOCAL DEMOCRACY. REJECT THE LIBERALS PROPOSED PLANNING PANELS

LOCAL GOVERNMENT NEEDS STRENGTHENING,
NOT NEUTERING.

I was appalled to read minister Michael Ferguson's statement, in which he is adamant that councillors have no right to act on the wishes of those who elect them or their own beliefs and positions represented to the electors.

I am required(under threat of legal sanction) to vote for what are clearly sham elections designed to create an impression of democracy in local government which is rendered meaningless by the planning laws of 1993.

I submit the following paragraph from minister
Michael Ferguson's statement as absolute proof of the farce of our current local government elections.

"Councils are 'Planning Authorities' with defined responsibilities under the Land Use Planning and Approvals Act 1993 (the Act). Councillors are required to act as members of a planning authority when determining development applications, irrespective of their personal or political views, or those of the constituents they represent."

I have no wish to live in an homogenised land where everywhere is like everywhere else.
I want local communities to have the right to protect environments and character of their surroundings, not a free for all for the greedy and selfish.

In my view it is clearly (the act) itself that needs reviewing, in order to make local council elections relevant and to strengthen local democracy, not diminish it even further.

I fully endorse the following submission from Planning Matters Tasmania.

Say no to the Liberals new planning panels

I opppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**.

The Position Paper on a proposed Development Assessment Panel (DAP) Framework public comment has been invited between the 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is *Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill*

Yours Sincerely,

Scott Coleman

From: Bob Schlesinger <>
Sent: Thursday, 23 November 2023 3:14 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Dear Tasmanian Parliamentarians

I opppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**.

Thak you

Bob Schlesinger

From:	Linda Poulton <>
Sent:	Thursday, 23 November 2023 3:00 PM
To:	State Planning Office Your Say
Cc:	
Subject:	Opposition to the removal of planning from local government (Development Assessment Panels)

Dear DPAC and elected representatives,

I am opposed the propositions in the Position Paper on the potential Development Assessment Panel amendments to LUPAA for the following reasons:

1. I do not want our local government representatives to be bypassed. Local communities deserve to remain involved in planning decisions. It is inappropriate for developers to simply be able to remove assessment from local government if a planning application is not looking as though it will result in an outcome that suits them. The amendments being canvassed are too heavily weighted in favour of developers and would pit them against their local councils and communities.
2. Contentious developments are contentious for a reason - local communities don't want them and those local communities deserve to be heard and represented, even if the development ultimately proceeds. A planning system that sidelines the community affected by a development is more akin to a dictatorship than a democracy.
3. A right of appeal on the merits of a development is critical to ensure robust planning outcomes. It cannot be assumed that any planning panel will make the right decision on the merits every time. The fact that a merits appeal is not an option would give the panel too much power and create substantial leeway for error. This will in turn encourage sloppy (even sometimes corrupt) decisions and very poor planning outcomes.

4. Giving the Minister too much control over the planning process increases the politicisation of planning, particularly as the Minister is a member of a political party which accepts donations from developers or their lobby groups. The Minister will be the person determining whether to send a development application to the planning panel. The Minister will also be able to force planning scheme changes where a local council has rejected them. This is a direct attack on democratically elected local government representatives who have been elected by their communities to perform important planning roles.
5. Some of the criteria for when a decision might be referred to a DAP are too broad and many are clearly political as opposed to practical in their potential application. For example, the criteria concerning contentious applications and perceived bias ((a)(v) and (vi)) are clearly aimed at removing decisions from council where the developer wants to push them through. In other words, it's aimed at eliminating opposition to a development proposal. What is the point of having elected local government members at all if they cannot represent their constituents in significant planning matters that will substantially impact on the living environment? The result of these amendments would be to have elected local government representatives approve single dwellings and garages. It is hardly worth the expense having such a democratic tier, and the more honest approach would be to attempt to remove elected local government from planning decisions altogether.
6. Changing an approval process on the basis that a local government representative has a perceived bias is patently absurd. If any person has a bias, the most likely person would be the Minister whose party has received donations from a developer or the development lobby. This is the same Minister who might potentially be involved in removing the assessment from the purview of local representatives.
7. Again on bias, there have been negligible cases involving the appeal of planning decisions based on bias or perceived bias in the planning context in Tasmania. This is because, as a matter of administrative law, there is a very high threshold to meet in order to tarnish an individual's vote as a planning decision maker for perceived bias (see the case of *R v West Coast Council; ex parte Strahan Motor Inn* (1995) 4 TasR 411). The proposal to remove planning decisions from local council for perceived bias does not address any major or common failing in the current legislation or applicable case law. The sole result of any such amendment (and perhaps its aim) would be to remove planning from local government on the slimmest of pretexts. It would also have the chilling effect of rendering elected representatives utterly silent on any developments of significance which again is a patently absurd.
8. Local democracy is significantly undermined by this suite of amendments. As a matter of administrative law, councillors may exercise the planning decision-making discretion conferred on them by statute (in this case LUPAA) with regard to the terms on which that discretion is conferred. Over the past decade, the Liberal Government has attempted to create a planning scheme which constrains that discretion as much as possible, so councillors are constrained in how they can make decisions. This legislative framework has been reinforced at ground level by councillors being warned by LGAT and their own administrations against making planning decisions which are contrary to recommendations given by council's planners. However, this advice is flawed. As elected statutory decision makers, councillors must form their own view on planning applications otherwise there would be no reason for their involvement or their vote on a planning matter. Whilst from many perspectives it would be prudent for councillors to follow planners' recommendations, it is not (nor should it be) mandatory. And this is also why this latest round of amendments are proposed.
9. These amendments are merely an attempt to override local government decisions that the Government considers to be out of line with its own views on how development should occur in Tasmania. Local government is involved in planning for good reason. It's because those who are most affected by planning decisions should be able, through their elected representatives, to have

involvement in how those decisions are made. As his Honour Justice Zeeman observed in the *Strahan Motor Inn* case:

"*Councillors are representatives of their community and are elected by and from that community. It may be expected that they will support particular views as to what is in the best interests of the community and that often they will have strong personal views of what ought to occur in the community. Councillors may be expected to hold strong views of as to how they would wish their community to develop.....but [these] ought not of themselves be seen as a disqualifying factor.* ***By conferring the role of a planning authority on a municipal council, the legislature may be assumed to have been aware of the nature of such a council and in particular that it is constituted by elected councillors***".

If the proposed Bill is passed capturing the propositions in the Position Paper passes, it will in effect be the death of the most quintessential of roles of elected representatives at a local level. It would be more honest and less complex to propose the complete abolition of elected local representatives.

I am aware that a number of Councillors on the Meander Valley Council would be grateful for their decision-making role on the Northern Regional Prison to be taken from them given the contentious nature of the development and the fact that it stands to be the development which will have the greatest adverse impact on their community for generations.

However, such a role is that which our representatives put their hands up for when they ran for election. Contentious developments are those on which the community expects their local government members to represent them, regardless of whether the planning outcome is ultimately approved or not. The whole premise of the planning system in its current form is that communities most affected by development should have some democratic role in the outcome. Elected representatives should not be limited to considering single dwellings and garages. Such a limited role does not require elected representatives: it merely requires bureaucracies.

There would be hundreds of people within the Meander Valley who would be opposed to these touted amendments to LUPPA if they were to truly understand their potential impact, and that is something on which I intend to run an information campaign in coming months.

For now, and for the reasons above, I call on those participating in debate on these potential amendments to **oppose** the erosion of local democracy, accountability and public transparency in decision making within Tasmania's planning system.

Regards,

Linda Poulton

Meander Valley Council
Working Together

1848512

22 November 2023

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

Dear Sir/Madam

Meander Valley Council Submission on Draft Development Assessment Panel (DAP) Framework

I write to provide the Meander Valley Council (Council) submission in response to the Position Paper on a proposed Development Assessment Panel (DAP) Framework currently open for consultation.

In short, Council opposes the proposed legislative reform in its entirety, with particular reference to (i) the establishment of any form of Development Assessment Panel that would remove Council's current responsibility to act as Planning Authority and (ii) conferring powers to the Minister to compel a council to initiate amendments to its respective Local Provisions Schedule. It is the opinion of Council that there is fundamentally no demonstrated need for the legislative reforms the Position Paper contemplates and that:

- The proposed solutions to the cited issues, such as the conflicting role of Councillors, is a gross overreaction that would unduly curtail local decision-making and agency of Council when performing its statutory Planning Authority functions.

  The Stage 2 – Interim Report of the Future of Local Government Review clearly states that *'while the Board believes there is a tension between councillors' role as community advocates and their role as a member of a planning authority, it has heard mixed and conflicting evidence about whether this is a significant problem, or if the tension is being appropriately managed in most cases'* and that it would seek further feedback in Stage 3 before it lands on a proposed way forward. The issue of Councils' role in assessing development applications was subsequently removed from the scope of the review, with the result being the announcement of a proposed DAP Framework several months later. Even the Position Paper acknowledges that the evidence of '*inappropriate political determination of applications is limited to isolated, but well publicised, cases*'. The justification for the establishment of a DAP framework is clearly lacking and is one of the clearest examples of how politics truly affects planning processes and good governance.

- Decisions made by the DAP will not be representative of local ratepayers, will not reflect the aspirations of the community and will not have a fine grain understanding of the values (whether they be natural, landscape, heritage, cultural, scenic, coastal or waterway) that the local community cherish and hold in high esteem. There is a legitimate role for local leaders to determine planning applications in a public forum, particularly for contentious planning applications to ensure that the decision is fair, transparent, and representative. This role should not be removed, even in part, due to a few isolated cases.

- While it is true that the Combined Permit and Amendment and Major Projects processes do not provide third-party rights of appeal this does not mean that locally important applications ought to have that right removed. The absence of third-party appeal rights against the decision of the DAP will remove a critical opportunity for community involvement when local representation (in the form of the Council as Planning Authority) is also proposed to be removed. This would instead undermine any faith that matters raised by both applicants and representors will be meaningfully heard, understood, and addressed.

- Decisions made by the DAP would be made by technical specialists, likely appointed by the Tasmanian Planning Commission, who will not be responsible to the local community for the decisions they make. The members of the DAP will subsequently not be held accountable to their decisions, and it will be left up to Council to bear the burden of regulating the activity and any resulting community fallout.

- The 'conflicting role of Councillors', perceived or actual, is a type of conflict they already actively manage irrespective of their role as Planning Authority. Councillors are equipped with their own knowledge and experience, and with technical support from officers to make tough decisions that balance a range of statutory and non-statutory matters in the pursuit of bettering their community within the established legislative framework. Councillors are chosen by their local community to make the tough decisions on behalf of said community, including contentious and complex planning decisions, and are able to bring a degree of humanity and empathy to proceedings that are not always achieved by the legalistic and technical tendencies of specialists.

- Removal of the ability for Councils to choose whether to initiate an amendment to their own Local Provisions Schedule, and instead be forced to initiate amendments that the community potentially does not support, would likewise remove the agency of local communities to decide their own strategic future.

Such a mechanism would undermine any social license strategic planning has as a worthwhile local endeavor and is likewise unreservedly opposed.

- Tasmania is already experiencing a chronic shortage of experienced planners at all levels of government and the private sector. Where will the experienced professionals who will sit on the DAP come from? If from local government, then the issue of DAPs would place greater strain upon existing resourcing limitations. If from state government, particularly the Tasmanian Planning Commission, then there is a risk that the quality of the statewide strategic decision-making will not be as sound as may be envisaged if also not sufficiently resourced. If from the private sector then how will conflicts of interest by appropriately managed?

- The art of crafting legislation is to make it detailed enough to be operable while simple enough to be followed. The approvals processes in Tasmania are already characterised by multiple pathways of assessment and referrals that lead the average citizen completely bamboozled by how to get approval for sometimes something as simple as a shed in their backyard. Keep it simple. The introduction of yet another assessment pathway will not streamline or simplify proceedings.

Thank you for providing Council with the opportunity to submit its position on this matter.

Regards

Wayne Johnston
Mayor

From: juanita brokas < >
Sent: Thursday, 23 November 2023 11:15 AM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy from the Liberal planning panels

To whom it may concern,

I would like to submit my opposition to the proposal of a Planning Panel suggested by the Tasmanian Liberal State Government.

I opppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- I also call on you to **prohibit property developers from making donations** to political parties, **enhance transparency and efficiency in the administration of the *Right to Information Act 2009***, and **create a strong anti-corruption watchdog**.

At a time when democracy around the world is being threatened by right wing agendas and political over reach, it is vital that we keep in place the basic democratic structures, from local government all the way up to Federal.

If this planning panel goes ahead, I fear that the beauty and culture that attracts visitors to our communities as both tourists and potential residents, will disappear in the enthusiasm of Developers and Politicians to 'modernise' and 'improve' a city.
Without the will of the community behind the projects, the division and lack of trust in government will only increase, and create an unhappiness for the future of our communities. This planning panel strongly appears to be a direct result of the Liberal Party not getting it's way with developments such as the Cable Car project, because the community and council clearly rejected it. Riding roughshod over the community's decision is not the answer.

Youse sincerely,
Juanita Brokas

From: Anna Yeatman <>
Sent: Thursday, 23 November 2023 11:14 AM
To: State Planning Office Your Say
Cc:
Subject: the proposed new planning panels

I moved from Sydney to Tasmania in 2018. One major reason for my move was my horrified awareness of very bad urban planning in Sydney that enabled a developer-led approach to increased density. I am not a NIMBY. More housing can be done well if it is responsive to climate change constraints, locality & place, human scale, and human need (for amenities like good quality green space-- e.g. terrace and townhouse development is an excellent approach to increased density). The current government in NSW is trying to remedy some of the worst features of this approach to development but it is hampered by the path development of the already adopted approach (I am not optimistic that anything will change).

A genuinely needs-based, place-based and democratic approach to planning has to be public in character -- it has to involve the public at all stages and it has to have all stakeholders involved in an ongoing conversation which is open to the public and where all privately interested perspectives are made accountable to public scrutiny and debate.

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at any time and have a development assessed by a planning panel. This could intimidate councils into conceding to developer demands. **In short this approach will be developer-led, thus private rather than public in character.**

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

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

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

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes local decision making**. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

I call on you to develop a genuinely public and democratic approach to planning in Tasmania. Such an approach needs to have political support from all the Tasmanian political parties, local government, and the wider public. It should set the parameters for planning that can mitigate and adapt to climate change processes, that can meet human and environmental needs, and that is informed by the voice of the human communities that it is designed to serve.

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 Yeatman,

From: Peter Burnett <>
Sent: Thursday, 23 November 2023 8:32 AM
To: State Planning Office Your Say
Subject: Protect Sensible Planning Approval Processes - Modifications needed to the Liberals new planning panels

While I agree there is a need for development and infrastructure in many many areas throughout Tasmania the planning approval process for these works can be collaborative and supported through current planning structures. Introducing a "Fast Track" process supplanting current processes and removing much, and possibly all, of the ability for consultation, amendment, presentation of contrary views or even enhancements within this new process is of great concern.

Regards
Peter Burnett

Please find a few dot points relevant to this situation below

- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia
- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes

Sent from my iPad

From: Sally Curry
Sent: Thursday, 23 November 2023 7:58 AM
To: State Planning Office Your Say
Subject: the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they

remove local decision making and reduce transparency and robust decision making.

- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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

Sally Curry

Sent from my iPad

From: Heidi Auman <
Sent: Thursday, 23 November 2023 7:58 AM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications, not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at any time and have a development assessed by a planning panel. This could intimidate councils into conceding to developers' demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent

Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?
- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**.
- As a resident of Fern Tree, I strongly object to a cable car on kunanyi.

Respectfully submitted,
Heidi Auman

From: tim pargiter < >
Sent: Thursday, 23 November 2023 7:51 AM
To: State Planning Office Your Say
Cc:

Subject: Protect our local democracy - say no to the Liberals new planning panels

I opppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent

Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.

- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**.

The Position Paper on a proposed Development Assessment Panel (DAP) Framework public comment has been invited between the 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is *Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024*.

These proposed changes give too much power to the planning minister and would create opportunities for developments that do not represent the interests of local communities. The potential for bypassing environmental and planning regulations for capital gains is very disturbing and should not be allowed to happen.

Youse sincerely,

Tim Pargiter

From: Zachary Sonstegaard <>
Sent: Thursday, 23 November 2023 7:38 AM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Say no to the Liberals new planning panels

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at anytime and have a development assessed by a planning panel. This could intimidate councils into conceding to developers demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel criteria. The Minister will be able to force the initiation of planning scheme changes, but perversely, only when a local council has rejected such an application, threatening transparency and strategic planning.
- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes and local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**.

The Position Paper on a proposed Development Assessment Panel (DAP) Framework public comment has been invited between the 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is *Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024*.

Yours sincerely,

Zach Sonstegaard

From: Lilith Waud <>
Sent: Thursday, 23 November 2023 6:36 AM
To: State Planning Office Your Say
Cc: I
Subject: Submission opposing Liberal's new planning panels.

As a citizen and Hobart resident I oppose the creation of planning panels and increasing ministerial power over the planning system.

This is an attempt to further centralise power in the hands of state government at the cost of local democracy.

Its intent is to give greater power to developers and state government by appointing their allies and cronies to panels which by-pass our elected local representatives.

If the people do not want a development in their area they will have no say about it.

It is not democratic. It will remove accountability.

Yous Sincerely
Lilith Waud
Dynnyrne

From:
Sent: Friday, 24 November 2023 11:07 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Roland Browne
Your email:	
My additional comments::	Recent reports in Victoria have pointed to the risk of corruption through Ministerial control of planning decisions. And in this state, with weak electoral donation laws that do not prohibit donations from developers (as are prohibited in NSW, ACT, QLD), the Ministerial control process through DAPs is ripe for corrupt manipulation.

From:
Sent: Friday, 24 November 2023 9:57 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Elizabeth Lelong
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 9:48 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Julian Bush
Your email:	
My additional comments::	I perceive the current system lacking as councils, particular Kingbourough do not work according to current planning legislation. Continual obstructionist requests for more info, and hooking conditions to permits that should covered by separate applications

From:
Sent: Friday, 24 November 2023 9:43 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Graeme RANDALL
Your email:	
My additional comments::	none

From:
Sent: Friday, 24 November 2023 9:28 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Andrew MacFie
Your email:	
My additional comments::	Protect our heritage and keep our planning decisions enforcing our buildings and street scape.

From:
Sent: Friday, 24 November 2023 9:18 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Jorge Álvarez Romero (Hobart resident)
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 9:00 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Jane Lorimer
Your email:	
My additional comments::	I’m angry that the State government is trying to interfere with the good governance processes of the HCC. Leave planning alone.

From:
Sent: Friday, 24 November 2023 8:51 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Christine Wyszkowski
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 8:30 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	David Freeman
Your email:	
My additional comments::	I think it very clear that attempting to remove this power from Councils represents yet another attempt to circumvent and dilute community-based insistence upon community, environmental and heritage values. Thank you

From:
Sent: Friday, 24 November 2023 8:21 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Carmel Johnson
Your email:	
My additional comments::	Yours sincerely, Carmel Johnson

From:
Sent: Friday, 24 November 2023 8:19 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Jane Herbert
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 8:11 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Jane Boot
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 8:06 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Gary Chadwick
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 7:20 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	David Lighton
Your email:	
My additional comments::	This proposal erodes local democracy.

From:
Sent: Friday, 24 November 2023 7:10 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Robin Goodram
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 7:05 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Edward Granville
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 6:06 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	M T Black
Your email:	
My additional comments::	

From:
Sent: Friday, 24 November 2023 5:45 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Alexandra Farrow
Your email:	
My additional comments::	

From: Sue Todd <>
Sent: Friday, 24 November 2023 5:43 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our democracy

Dear Members of the House of Assembly and Legislative Council

I urge you to say no to the Liberals new planning panels.

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

- **It will create an alternate planning approval pathway allowing property developers to bypass local councils and communities.** Handpicked state appointed planning panels will decide on development applications, not your elected local council representatives. Local concerns will be ignored in favour of the developers who may not be from Tasmania. Also, if an assessment isn't going their way the developer can abandon the standard local council process at any time and have a development assessed by a planning panel. This could intimidate councils into conceding to developers' demands.
- **Makes it easier to approve large scale contentious developments** like the kunanyi/Mount Wellington cable car, high-rise in Hobart, Cambria Green and high-density subdivision like Skylands at Droughty Point.
- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**
- **Removing merits-based planning appeals has the potential to increase corruption and reduce good planning outcomes.** The NSW Independent Commission Against Corruption recommended the expansion of merit-based planning appeals as a deterrent to corruption.
- **Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.** The Planning Minister will decide if a development application meets the planning panel

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

- **Flawed planning panel criteria.** Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.
- **Undermines local democracy and removes local decision making.** State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.
- **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.
- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.
- **Increases complexity in an already complex planning system.** Why would we further increase an already complex planning system which is already making decisions quicker than any other jurisdiction in Australia?

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.
- 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**.

The Position Paper on a proposed Development Assessment Panel (DAP) Framework public comment has been invited between 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is *Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024*.

Sincerely,

Sue Todd,

From: Eve Robson <>
Sent: Friday, 24 November 2023 4:41 PM
To: State Planning Office Your Say
Cc: Planning Submission
Subject:

I am against the governments proposal to bring in legislation to remove the planning process from councils to fast track certain developments.In those cases the councils would not be involved in the planning process & residents would not have a voice.
There are good & sound reasons why the people in Tasmania are against certain developments if this legislation is introduced we have no voice. There is nothing democratic about trying to push this planning legislation through. Eve Robson

From: Jim Russell <>
Sent: Friday, 24 November 2023 4:38 PM
To: State Planning Office Your Say
Cc:
Subject: Proposed new Hobart Stadium

I write to tell you why I oppose development of a stadium at Mac Point to satisfy the demands of the AFL and a Premier who does not seem to understand our State's needs.

I am not doing so simply because of potential loss of cultural heritage values which are likely to impinge upon the highly-valued dockside area in Hobart (both for us locals as well as visitors to the State), but also because of what originally looks like a cosy deal between the Premier of Tasmania and the AFL (which is, of course, a multi-million $ business.)

And since that time, not only the Liberal Party but the Labor Party have rolled over and sold out - apparently totally oblivious to the likelihood that cost overruns will hang around the necks of all Tasmanian taxpayers, possibly for many years to come.

We desperately need a new bumper sticker to be seen around Hobart and, indeed, the State. It should read something like:

YES, TASMANIAN AFL TEAM
NO STADIUM

as opposed to the current ones being seen on some vehicles which say yes to both.

Thanks for the opportunity to comment,
Dr James A Russell (retired Lecturer, UTAS)

From:
Sent: Friday, 24 November 2023 11:34 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

I oppose the introduction of Development Assessment Panels because:
* they will add further complication to the existing system
* they reduce the democratic rights of the community.

Issue 1 Types of Development applications
* Critical infrastructure does not need a new panel because Major Projects Legislation or Projects of State Significance already provide an avenue for approval.
* Perceived bias exists at all levels of the planning system. DAPs will only increase community perceptions of bias favouring developers in the planning scheme.
* State Governments through the planning scheme limit or encourage certain types of development and the public perception is that a DAP is only to provide another mechanism to remove the local authority.
* Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

Issue 2 An enhanced role for the Minister
* The Minister should not be given an enhanced role. Sufficient authority exists in current legislation.

Issue 3 Retaining local input
* Council should be the primary contact for applicants and its role should not be diminished.
* Consultation on any proposal should occur at the beginning of the process. The current system of Council being the Planning Authority provides for this.
* This proposal reduces democratic rights for no perceived public good.

Issue 4 Resolving issues associated with requests for, and responses to, further information
* Requests for further information will occur where the developer does not submit the relevant supporting documents with their application. The cable car proposals for Mt Wellington was a perfect example of failure to provide satisfaction of the requirements of the planning scheme in the original proposal. This led to continual requests and responses.
* Annecdotal evidence is never reliable data. Mention of it in this document is an example of bias being allowed to intrude on the planning scheme. Collect reliable evidence-based data before you implement DAPs and get community approval

Issue 5 Appeal rights and assessment time frames.
* Special pathways are not faster, cheaper, simpler or FAIRER.
* Applications that require approval under discretionary provisions rather than acceptable solutions and performance criteria will always take longer to assess
* Public right of consultation and comment must be guaranteed.
* All structures are permanent features on the landscape and within the community so should be assessed under existing systems with local input at all stages.

Issue 6 Roles of the planning authority after DAP determination
* The expectation that the DAP will ‘engage extensively with the planning authority’ provides no simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

It is not the planning system which is stopping development currently it is a lack of qualified workers and shortage of materials. Within Hobart there are a number of developments approved and awaiting construction.

Your name:	Jane Farmer
Your email:	
My additional comments::	

Development Assessment Panel Framework – State Planning Office Position Paper

1. Development Assessment Panel Consultation issues

Consultation Issue 1 – Types of development applications suitable for referral to a DAP for determination

a) What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would therefore benefit from being determined by a DAP?

Options

i. Applications for social and affordable housing which often attract considerable opposition within the local community based on social stigma rather than planning matters;

ii. Critical infrastructure;

iii. Applications where the Council is the applicant and the decision maker;

iv. Applications where Councillors express a conflict of interest in a matter and a quorum to make a decision cannot be reached;

v. Contentious applications where Councillors may wish to act as elected representatives supporting the views of their constituents which might be at odds with their role as a member of a planning authority;

vi. Where an applicant considers there is bias, or perceived bias, on the part of a Council or Councillors;

vii. Complex applications where the Council may not have access to appropriate skills or resources;

viii. Application over a certain value;

ix. Other?

b) Who should be allowed to nominate referral of a development application to a DAP for determination?

Options

i. Applicant
ii. Applicant with consent of the planning authority;
iii. Planning authority
iv. Planning authority with consent of the applicant
v. Minister

c) Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?

Options

i. At the beginning for prescribed proposals;
ii. Following consultation where it is identified that the proposal is especially contentious;
iii. At the approval stage, where it is identified that Councillors are conflicted.

Question a) Comment:

Council considers it has the necessary in-house resources to determine the majority of applications. Smaller Council where presented with a complex/contentious application who do not possess sufficient internal resources/expertise then the DAP presents as a credible opportunity for assessment/determination.

An example of an appropriate referral might be the proposed youth detention centre at Pontville.

Appropriate also that where Council is the applicant DAs are referred to DAP. Conversely SMC has recently established a reciprocal resource sharing arrangement with Brighton Council for the assessment of Council development applications.

In terms of perceived bias, and there are already filters in place (declarations of interest/conflict) a key component for elected members is the training and accreditation around LUPAA to enable Council to make better decisions. The example we draw your attention to is NZ's Ministry for Environment '*Making Good Decisions'* accreditation for planning committee members.

https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/about-the-making-good-decisions-programme-certification-for-rma-decision-makers/

The establishment of the DAP is considered to be a poor allocation of resources especially when we have existing decision making bodies - TPC, TASCat and Major Projects. It is uncertain what will be achieved through the introduction of the DAP and it is likely to be more expensive and provide for a longer assessment time-frames.

As alluded to above, training resources for elected members is considered to be more appropriate.

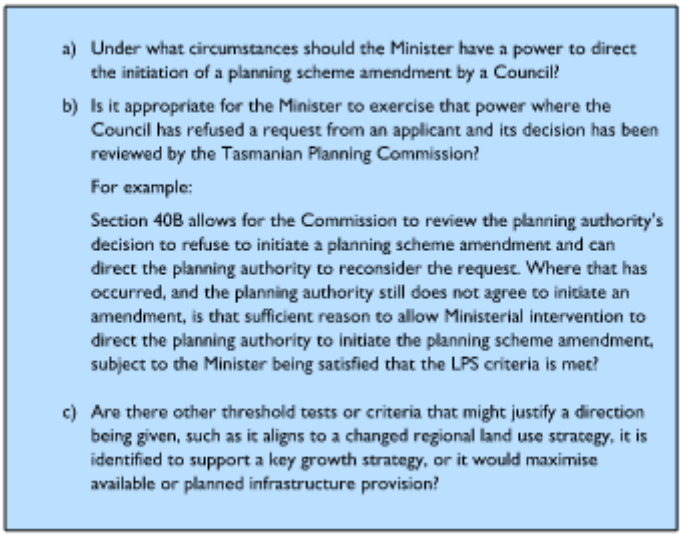
However, the removal of Council from their planning authority responsibilities could provide it with an opportunity to provide a representation and advocate on behalf of its constituents where currently it doesn't have the ability to do so.

Question b) Comment:
Considered appropriate for Council to nominate referral.

Council however is curious as to the implications for not referring an application to DAP?

Question c) Comment:
Yes, when a DA is contentious and this would be identified through a series of formal pre-application meetings (as already occurs in respect of rezoning applications) or where Councillors are conflicted.

Consultation Issue 2 – Provision of an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.



Question a) Comment:
It may be appropriate in the following circumstances:

- enhance or implement the strategic vision of a scheme
- implement new state-wide, regional or local planning policy
- update the scheme
- correct mistakes
- allow a use or development currently prohibited to take place
- restrict use or development in a sensitive location
- set aside land for acquisition for a public purpose or to remove such a reservation when it is no longer needed in the scheme
- incorporate a document as part of a planning scheme
- authorise the removal or variation of a restriction on title (for example, a registered restrictive covenant)
- incorporate changes made to the TPS
- regulate or prohibit the development of land on which there is or was a heritage building that has been unlawfully demolished.

These functions however are already assumed through the TPC which is an independent statutory authority established under the *Tasmanian Planning Commission Act 1997* whose roles include:

- considering and approving draft planning scheme amendments and combined permits
- assessing and approving major projects
- reporting on draft State Policies and Tasmanian Planning Policies
- advising on amendments to the State Planning Provisions (SPPs)
- considering and approving Local Provisions Schedules (LPSs)
- advising on draft planning directives
- inquiring into the future use of public land

- reviewing reports and submissions on draft management plans

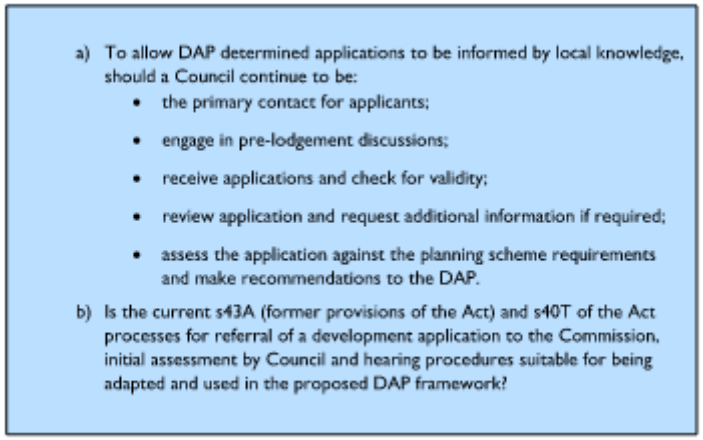
Question b) Comment:
This has the inference of political intervention especially when the matter has been reviewed by the TPC under s40B of the Act.

Appropriate that TASCat is the independent arbitrator and not the Minister.

Question c) Comment:
Provision of major projects that are not foreseen within a planning scheme that may include sustainable energy initiatives, key recommendations resulting from review of Settlement Strategies.

Consultation issue 3 –

i. **Incorporating local knowledge in DAP decision making.**
ii. **DAP framework to complement existing processes and avoid duplication of administrative processes.**

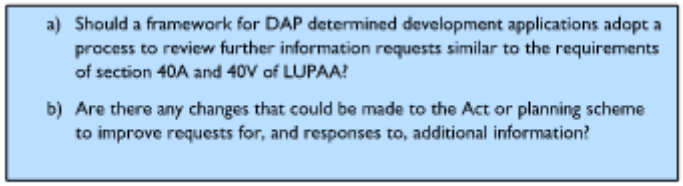

a) To allow DAP determined applications to be informed by local knowledge, should a Council continue to be:
- the primary contact for applicants;
- engage in pre-lodgement discussions;
- receive applications and check for validity;
- review application and request additional information if required;
- assess the application against the planning scheme requirements and make recommendations to the DAP.

b) Is the current s43A (former provisions of the Act) and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures suitable for being adapted and used in the proposed DAP framework?

Question a) Comment:
Undertake all of the above and not just function as an administration arm of the DAP. Considered unreasonable to remove decision making powers with expectation that all the administrative legwork is undertaken by LG.

Question b) Comment:
No foreseeable need to change these provisions.

Consultation issue 4 – Resolving issues associated with requests for, and responses to, further information.


a) Should a framework for DAP determined development applications adopt a process to review further information requests similar to the requirements of section 40A and 40V of LUPAA?

b) Are there any changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information?

Question a) Comment:
Yes.

Comment**:**
Yes and the suggested changes include:

The ability at any reasonable time before the hearing of an application for a development application or before the decision to grant or refuse the application (if there is no hearing), by written notice, request the applicant to provide further information relating to the application.

In short this provides for the ability to seek multiple requests as opposed to existing constraints – 1 x request within 21 days as per s54(1)(a).

At any reasonable time before a hearing or, if no hearing is to be held, before the decision is made, Council may commission any person to prepare a report on any matter relating to an application, including information provided by the applicant in the application if the activity for which the approval is sought may, in the local authority's opinion, have a significant adverse environmental effect. Costs however to be borne by the applicant.

Council notes that with a single request for information it has the ability to control the feed of information (promote the activity) which in the absence of further information may lead to alternative outcomes when presented to the DAP e.g. application be declined.

Another suggested change in relation to RFI would be for the suspension of the statutory time frame from 20th December-10th January. Consistently applications are lodged close to Xmas, the 'game playing' and the initiation of RFI's is therefore required to mitigate potential s59 (deemed approval) during this period.

Consultation issue 5 – Appeal rights and assessment timeframes for DAP determined applications.

a) Is it reasonable that decisions on DAP determined applications are not subject to TasCAT appeals where the TPC holds hearings and provides all parties the opportunity to make submissions and test evidence?

b) Given the integrated nature of the assessment, what are reasonable timeframes for DAP determined applications?

OPTIONS

Lodging and referrals, including referral to DAP	7 days	Running total
DAP confirms referral	7	14
Further information period (can occur within the timeframes above, commencing from time of lodgement)	7	21
Council assesses development application and makes recommendation whether or not to grant a permit	14	35
Development application, draft assessment report and recommendation on permit exhibited for consultation	14	49
Council provide documents to DAP, including a statement of its opinion on the merits of representations and whether there are any modifications to its original recommendation	14	63
DAP hold hearing, determine application and give notice to Council of decision	35	98
If directed by the DAP, Council to issue a permit to the applicant	7	105 max

Question a) Comment:
Considered unreasonable that DAP decisions are not subject to TASCat appeals. Only available option would be a judicial review to a higher judiciary which is inevitably cost prohibitive.

Question b) Comment:
Timeframes contingent on whether there is a need for a DAP hearing.

Preference however is reference to working days and not calendar days;

- Publicly notified DA (with hearing) 120
- Publicly notified DA (no hearing) 60

Discussion paper notes that TAS currently has the fastest processing rate of all Australian States/Territories. Questionable this will be maintained through DAP?

Consultation issue 6 – Roles of the planning authority post DAP determination of a development application.

a) Should the planning authority remain the custodian of planning permits and be required to issue permits in accordance with a direction from a DAP?

b) Is it appropriate for planning permits associated with a DAP determined application to be enforced the Council?

c) Is it appropriate for minor amendments (in accordance with s56 of LUPAA) to DAP determined permits to be made by the planning authority?

Question a) Comment:
Yes assuming of course the local authority has a potential to yield from the yet to be determined fee structure.

It is important that DAP does not result in Council's incurring additional resourcing burdens and there is satisfactory cost recovery.

What are the implications if Council were to provide a representation in relation to a development?

Question b) Comment:
Yes unless of course DAP will default to monitoring and enforcement functions of EPA?

The difficulty may arise however if a DAP decision is potentially contrary to what the Council may have determined or puts Council in opposition to its constituents.

In terms of enforcement and monitoring it is considered appropriate that a monitoring condition and fee is imposed that provides Council with some level of cost recovery (Preferably 100%).

Appropriate also to consider a review condition whereby the Council may once per year, (e.g. on any of the last five working days of May or November), serve notice of its intention to review the conditions of the DA for the purposes of:

a. Dealing with any adverse effect on the environment which may arise from the exercise of the development approval; or
b. Requiring the development approval holder to carry out monitoring and reporting instead.

Question c) Comment**:**
Consider it appropriate for DAP to determine whether the minor amendment is within scope of the original application (on basis that they provided assessment and determination) however the local authority has the ability to provide DAP with its own interpretation.

Other General Comments:

Fee Structure

Fees still to be qualified/quantified but Council of the opinion that fees should be split to ensure that Council costs (in whatever capacity) are adequately covered.

Risk also that for high utility, low margin projects, the DAP fee structure could compromise economic viability/project profitability.

Resources

To assist with decision making, Council's need access to more technical resources e.g. hazard mapping data.

Upskilling of elected members to address their decision making behaviour is considered to be more appropriate. This would add integrity and credibility to planning authority functions.

From: Kay Harman <>
Sent: Friday, 24 November 2023 2:39 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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

I am a citizen who is deeply committed to learning about taking a responsible part in the process of all of us feeling our way towards organising our lives to be in tune with the way our planet works. This commitment has grown on me as a result of spending a number of years working as a lecturer in Environmental Design at the Tasmanian College of Advanced Education (Since closed), meeting interesting people whilst we spent time together on such projects such as the development of the Salamanca Community and Arts Centre, the Chauncy Vale Wildlife Sanctuary, and our own Private Forest Reserve in Bagdad, whilst at the same time witnessing a serious exploitation and destruction of the life systems around the whole planet that in fact allowed us to 'think and plan' in the first place. The matters I refer to are clearly outlined in Justyn Walsh's book *Eating the Earth*, along with a heap of other sources of soundly based information about where we are at. These are matters that affect us all. We are all responsible. The task is to help one another see where each of us might best contribute to maintaining a living planet. This is not done by grabbing power away from

one another in the interests the few. No, it is about assisting one another to add to and develop healthy 'responses' to our planet's tomorrow. This is not done by removing the ability for each of us to be involved. Consequently I agree with the following statements :-

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

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

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

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

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes and local decision making**. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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

I wish to make a final suggestion. A suggestion I first suggested to the Premier when writing to him on his quest to support the construction of a Stadium on Macquarie Point. In that letter I suggested that if he really wished to create jobs it might be an idea if he set out to assist people residing in Local Government areas to become better equipped in becoming involved with planning matters by proposing, to him, that he could engage two people per council area as 'reader advisors,' working from the State Library, having done a specific course, as a group, around connecting people to information on planning matters. I went on to propose that these people would work in community halls or other spaces available to the community to gradually enhance the general interest of people of all ages and backgrounds to the issues that face us all. I believe the responsibility of those we have elected to lead is not to make decisions, but rather to guide the process and act as a guardian of the principles of transparency and fairness – the community makes the decisions – decisions will mainly reside in the realms as outlined by Justyn Walsh in his book *Eating the Earth* and they belong to all of us,

Yours sincerely,

Chris Harman

From: Richard Bédard <
Sent: Friday, 24 November 2023 2:26 PM
To: State Planning Office Your Say
Subject: Legislation to bypass local councils and popular opinion over Kunyani

This is about as immoral and corrupt as it gets, in my opinion.
Kunyani is a natural wonder with cultural connections to people in Tasmania and the world. To put a cable car to the top is like a fast food outlet at Norte Dame Cathedral. What's next? Black Friday promotions.
Climate change is dictating that we change our values that bigger is better.
The Liberals and developers just don't get it. Anything ti turn a buck is the usual saying in these situations.
Shame. Shame. Shame.
What will you tell your grandchildren?
Sincerely,
Richard Bédard

From:	B Goldfarb
Sent:	Friday, 24 November 2023 1:44 PM
To:	State Planning Office Your Say
Cc:	
Subject:	Stand up for our democracy. Please say no to the new planning panels

I feel this from bottom of my heart. I feel like we are bypassing democracy. We are destroying something important. It needs to have a social licence.

Say no to the Liberals new planning panels

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

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

councils into conceding to developers demands.

- **Makes it easier to approve large scale contentious developments** (I think of the pulp mill).

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

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

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes and local decision making**. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision

making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

- 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**.

24 November 2023

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

Email address: yoursay.planning@dpac.tas.gov.au

DEVELOPMENT ASSESSMENT PANEL (DAP) FRAMEWORK POSITION PAPER

Thank you for the opportunity to make a submission in relation to the *Development Assessment Panel (DAP) Framework Position Paper* ('Position Paper'). We make this submission as law academics at the University of Tasmania. The views expressed are our own.

Summary

Development applications in Tasmania are decided by local councils, with the possibility of merits review of council decisions by the Tasmanian Civil and Administrative Tribunal ('TasCAT'). As outlined in the Position Paper, the only exceptions to this process are large-scale and complex developments which (a) Parliament agrees are 'a project of state significance,' or 'a major infrastructure project' or which (b) the Minister for Planning declares to be a 'major project'.[1] Applications in these narrow categories are evaluated by a Development Assessment Panel ('DAP'), appointed by the Tasmanian Planning Commission ('TPC'). With the exception of major infrastructure projects, DAP decisions cannot be reviewed by TasCAT. [2]

Our submission focuses on two specific aspects of the proposed new DAP Framework. First, the Position Paper proposes that additional – and potentially broad – categories of development proposals be determined by a DAP, replacing the existing local council and TasCAT pathway.[3] Second, the Position Paper proposes that the Minister for Planning be given the power to override council rejections of re-zoning applications, if councillors 'are, or perceived to be, conflicted or compromised'.[4]

We do not support either of these proposals because:

1. the Tasmanian Government has not provided evidence of problems with councils' decision-making that would justify the proposed changes;
2. by-passing councils and TasCAT undermines administrative justice;
3. ministerial decisions based on a finding of Council bias could be procedurally unfair; and
4. the reforms risk undermining public confidence in planning decisions.

[1] *Development Assessment Panel (DAP) Framework: Position Paper*, State Planning Office, Department of Premier and Cabinet, ('Position Paper') page 13 at https://www.planningreform.tas.gov.au/__data/assets/pdf_file/0010/729253/Position-Paper-Development-Assessment-Panel-Framework-October-2023.pdf.
[2] Ibid.
[3] Ibid., 4.
[4] Ibid., 5, 7. The Position Paper notes 'the proposal to introduce a role for the Minister to direct that a planning scheme amendment should be initiated' at page 7.

1. A lack of evidence of problems with councils' decision-making

The Position Paper states that these reforms are needed to 'take the politics out of planning' and to ensure that planning decisions are not influenced by 'the personal or political views of individual Councillors and the constituents they represent'.[5] We question these justifications for reform on two bases:

(1) the Position Paper has not provided any evidence for these claims, either in terms of mismanagement of conflicts of interest or a failure of planning authorities to appropriately apply the law; and

(2) in making these unsubstantiated claims, the position paper fails to acknowledge the important role of democratically elected representatives in administrative decision-making.

1.1 Lack of evidence of mismanagement of conflicts or failure to apply the law

The Position Paper does not provide any evidence of councils failing to apply planning rules correctly because of their, or their constituents', political views. In an attempt to justify the need for reform, the Position Paper points to the findings of the *Future of Local Government Review Stage 2 - Interim Report* ('Interim Report') released in May 2023.[6] However, a close reading of the Interim Report shows that the authors did not find clear evidence of a significant problem.[7] The Interim Report observes that there is potential tension between councillors' role as planning authority and as community advocates and that there are: 'strongly held and divergent views on both the nature and extent of the "problem" that exists currently'.[8] The Interim Report further concludes that it has 'heard mixed and conflicting evidence about whether this is a significant problem, or if the tension is being appropriately managed in most cases'.[9] The Interim Report states that only a small minority – 7% – of all development applications were determined by elected councillors, with the remaining 93% being determined by Council officers.[10] Further, only around 1% of discretionary development application determinations – both those decided by council officials and by elected councillors – are appealed to TasCAT. The Interim Report also notes that planning decisions made by councillors were no more likely to be appealed than decisions of council officers.[11] Finally, the Interim Report also provides an example of councillors recusing themselves where they considered themselves to be conflicted, in the case of the Robbins Island Wind Farm proposal.[12]

It is clear, therefore, that the Interim Report's data does not substantiate the claim that council decision-making is problematic.[13] To the contrary, these findings can only be said to suggest that the system is, in fact, working well. In the absence of an evidence-based rationale for the proposed reforms, the proposal for this new DAP Framework risks appearing to be a 'solution in search of a problem'.

---

[5] Ibid., 4.
[6] Ibid.
[7] *Future of Local Government Review Stage 2 Interim Report*, March 2023, https://www.futurelocal.tas.gov.au/wp-content/uploads/2023/04/TLG-Reforms_stage-2-interim_REP-FIN.pdf pages 13 and 70.
[8] Ibid., 64. Note that the quotation marks around the word 'problem' appear in the Interim Report.
[9] Ibid., 13.
[10] Ibid., 70. It is noted that, in the Position Paper, the percentage of decisions made by elected councillors is represented as 10-15%, though the reason for the discrepancy between the two documents is unclear: Op. cit. 1, 8.
[11] Ibid.
[12] Ibid.
[13] Ibid.

1.2 The important role of democratically elected representatives in administrative decision-making

It is relatively commonplace for Parliament to provide elected representatives – such as government ministers and councillors – with power to exercise statutory discretions, particularly where those powers involve an assessment of public interest considerations. Any statutory discretion must, of course, be exercised within the boundaries of the law. Compliance with legal limits is ensured by providing access to independent merits and judicial review. In this way, the exercise of statutory discretions by elected representatives is subject to both democratic and independent scrutiny.

The DAP Framework proposes to transfer the exercise of statutory discretions[14] under existing Tasmanian planning schemes, in relation to a broad set of projects, from democratically elected councillors to Ministerial nominees on the Tasmanian Planning Commission. It proposes further to remove the possibility of merits review by TasCAT. This proposal would remove both democratic and merits review accountability over the exercise of planning discretions. Two key layers of accountability for the exercise of statutory discretions in planning applications would be removed, with judicial review the only remaining oversight mechanism.

Removing merits review will not remove strong community concerns about developments. In fact, it may mean that concerns are channelled into other fora such as media and election campaigns, or corporate boycotts. It may also have the perverse effect of increasing costs and delays by forcing a greater proportion of planning decisions into the judicial review process, which is far more costly, complex, and time consuming than merits review, both for developers and communities. There is evidence of this perverse outcome in the context of national environmental laws, where merits review is not available and, as a result, judicial review is sometimes a first, rather than last, resort for concerned communities. The limitations of judicial review as the sole formal accountability mechanism of DAP decisions are discussed at 2.4.

2. By-passing TasCAT undermines administrative justice

According to the Position Paper, the proposal to replace council decision-making with DAPs is intended to enable development proposals to by-pass both councils *and* TasCAT.[15]

The Position Paper explains that the 'mischief' that the reform proposal seeks to address is the delay caused by the 'broad rights of appeal provided under Tasmanian legislation' that mean that, for the 1% of decisions appealed, the 'very timely outcomes [*by councils*] are sometimes extended by an appeal process by many months resulting in an overall approval timeframe of perhaps 9-12 months.'[16] For the reasons below we strongly oppose any legislative reform that limits the capacity of TasCAT to review development decisions.

[14] *Land Use Planning Assessment Act*, 1993, s 57.
[15] Op. cit. 1, 25.
[16] Op. cit. 1, 6. Note that while the *Future of Local Government Review Stage 2 Interim Report* includes recommendations about (some) development applications being decided by independent panels rather than councils, an alternative approval pathway that prevents merits review by TasCAT is not supported by any of its recommendations.

2.1 Merits review is an important accountability mechanism.

Merits review was initially introduced into the Australian public law landscape in the 1970s in recognition of the fact that 'judicial review by the courts standing alone … cannot provide for an adequate review of administrative decisions'.[17] Merits review is a mechanism that not only seeks to afford administrative justice, but to 'influence the future as much as to judge the past';[18] the capacity for decisions to be scrutinised and reviewed itself can act as an incentive for better decision-making. A key objective of merits review is 'improving the quality and consistency of the decisions of primary decision-makers'.[19] In this way, merits review has a role in improving public administration on a systemic level.

As noted by the Administrative Review Council (ARC), and highlighted by Justice Duncan Kerr in 2015,[20]

> …an administrative decision that will, or is likely to, affect the interests of a person should be subject to merits review. That view is limited only by the small category of decisions that are, by their nature, unsuitable for merits review.[21]

The two types of decisions that are, by their nature, unsuitable for merits review are 'legislation-like decisions' (that is, those that apply generally to a community beyond a specific party or parties) and 'decisions that automatically follow from the happening of a set of circumstances'.[22] The development applications proposed to be referred to a DAP fall into neither of these categories, given that they will involve specific development applications and the exercise of discretionary decision-making power.

2.2 A DAP hearing is not equivalent to merits review by TasCAT

The Position Paper glosses over the importance of the loss of access to TasCAT merits review by assuming that TasCAT's 'independent review function will be built into the DAP framework'.23 This assumption is flawed. The concept of an 'independent [merits] review function' being 'built into' the primary decision-making process is a contradiction in terms. Merits review involves a body or person standing 'in the shoes' of the original decision maker and making the 'correct and preferable' decision, based on the 'merits' of the application. Merits review may result in the original decision being affirmed, or it may produce a different result that replaces the original decision. It is impossible for a body – such as a DAP – to be both an original decision-maker and to conduct merits review of its own decision. A decision by a DAP cannot, as a matter of administrative law, be a substitute for merits review by TasCAT.

---

[17] Commonwealth, *Commonwealth Administrative Review Committee Report* (Parliamentary Paper No 144, 1971) ("Kerr Committee report"), at 1 [5].
[18] Rock E, *Measuring Accountability in Public Governance Regimes* (CUP, 2020) quoting from the work of Richard Mulgan at page 44, discussing government accountability.
[19] Administrative Review Council, 'What decisions should be subject to merit review?' (1999) ("ARC 1999 Report") [1.5], available at https://www.ag.gov.au/legal-system/administrative-law/administrative-review-council-publications/what-decisions-should-be-subject-merit-review-1999#:~:text=Merits%20review%20also%20has%20a,made%20by%20government%20are%20enhanced.
[20] Justice Duncan Kerr, "Reviewing the reviewer: the Administrative Appeals Tribunal, Administrative Review Council and the Road Ahead", The Annual Jack Richardson Oration, FedJSchol 16 (15 September 2015).
[21] Op. cit. 19, [2.1].
[22] Op. cit. 19, [3.1] – [3.12].
[23] Op. cit. 1, at 6 and 13.

The second flaw in this assumption is that merits review should be conducted by members of an independent body that is structurally positioned to act at arm's length from the original decision maker, and from the government. Best practice in ensuring such independence requires that appointments are made on the basis of professional qualifications, through publicly advertised and independent selection processes, and with considerable security of tenure.[24] The selection and appointment process for members of DAPs does not meet these requirements.

The TPC commissioners are 'nominated' by the Minister, on the basis that they have 'experience' in certain matters. There is no independent selection process and no qualifier as to the level, length, or quality of that experience. In turn, the TPC has complete discretion to select members of a DAP - including from among members of the TPC itself - based on very broad criteria, including: 'practical knowledge of, and experience in, the provision of building or other infrastructure'.[25] The two government members of the eight-member TPC may not be appointed to a DAP, but they do contribute to discussion about, and vote on, DAP appointments.[26]

Appointments through a ministerial 'nomination' process, such as is done for the TPC, fall far short of best practice for appointing members of a merits review body. The Council of Australasian Tribunals' *Tribunal Independence in Appointments: A Best Practice Guide* (2016) is highly critical of such nomination processes in the merits review context, warning that:

> The use of the nomination method in tribunal appointments has declined since the early 1990s, when it came under sustained criticism as an 'old boy network' that gives privileged access to certain people and perpetuates a narrow membership profile. The closed mode of recruitment leads to qualified persons from under-represented groups being systematically overlooked. It may also present an enhanced risk of political patronage and bias, particularly where the Minister relies on party sources to identify or assess potential appointees [citations omitted].[27]

Another important feature of independent decision-making, as well as the public perception of such independence, is that appointments are 'secure against interference by the Executive or other appointing authority in a discretionary or arbitrary manner.'[28] TPC Commissioners have limited security of tenure: they are appointed for a contractual term of no more than five years but only two of the six non-government commissioners are protected from arbitrary dismissal.[29] Members of DAPs have no security of tenure at all.

The position of Members of TasCAT is structurally much more independent than members of a DAP. Senior and Ordinary Members of TasCAT are selected through a publicly advertised merits-based process involving selection criteria and interviews by a panel.[30] Once appointed, TasCAT members have

---

[24] See the Council of Australasian Tribunals *Tribunal Independence in Appointments: A Best Practice Guide* (2016).
[25] *Land Use Planning and Approvals Act*, 1993, s 60W(3)(b).
[26] https://www.parliament.tas.gov.au/__data/assets/pdf_file/0029/46748/29_of_2009-srs.pdf.
[27]The Council of Australasian Tribunals *Tribunal Independence in Appointments: A Best Practice Guide* (2016) https://coat.asn.au/wp-content/uploads/2018/10/Tribunal-Independence-in-Appointments_COATBestPracticeGuide-2016-Final-web-interactive.pdf at 30 and 31.
[28] The Australasian Institute of Judicial Administration Incorporated, Tribunal Independence, report by Pamela O'Connor, 2013 at 62.
[29] *Tasmanian Planning Commission Act*, 1997 (Tas) Schedule 2, section 10 allows four of the six non-government members of the Commission to be dismissed on the ground that they 'are no longer qualified to be appointed to the Commission.'
[30] Ibid., Pt 3, Div 4.

considerable security of tenure. The President and Deputy Presidents are provided the same protections as judges: they can only be removed on very serious grounds by a motion of both Houses of Parliament.[31] All other members may only be removed on the basis of four narrow and serious grounds.[32] Appendix A to this document sets out some of these differences in selection and appointment processes between the TPC, DAPs and TasCAT.

Finally, the TPC and DAPs are not obliged to provide Statements of Reasons to justify their decisions. The 2020 *Independent Review of the Tasmanian Planning Commission* ('Independent Review of the TPC') identified lack of transparency as a serious shortcoming of the TPC. The Independent Review noted that statements of reasons are necessary to ensure the 'transparency, fairness and justice' of TPC decisions.[33] The provision of written reasons in support of the exercise of a statutory power is an essential component of sound administrative decision-making, particularly where there are limited appeal rights.[34] Lack of transparency regarding the reasons for a decision can undermine public confidence in the correct application of planning rules; limit the scope for judicial review of the legal soundness of decisions; and minimise opportunities to promote consistency and predictability in decision-making by reducing the likelihood that applications based on similar facts will result in broadly similar outcomes. Written reasons are particularly important in relation to decisions that involve the application of complex statutory rules such as those found in planning laws.

The relative structural independence and greater transparency of TasCAT is vital to supporting impartial and credible merits review processes that foster public confidence in those who engage with the planning system in Tasmania, particularly when compared to the Tasmanian Planning Commission, as noted below.

2.3 The Tasmanian Planning Commission already struggles to manage conflicts of interest

In addition to important differences in the level of independence of TasCAT and DAP members, the Independent Review of the TPC found that 'the statutory framework setting up the TPC's organisational structure, membership, and decision-making arrangements does not provide adequate safeguards to reduce the potential for conflicts of interest.'[35] Furthermore:

> The TPC's model of using… a small pool of experts, many of whom are TPC staff and technically employees of the Tasmanian Government, means decision making is not at sufficient arm's length from Government. There are inadequate safeguards in place to reduce the potential for avoidance of conflicts of interest (either perceived or actual) that is naturally elevated in land use decision-making and uniquely heightened in the Tasmanian context due to the small size of the planning profession.[36]

[31] *Tasmanian Civil and Administrative Tribunal Act 2020,* ss 16-19, and 30-33.
[32] Ibid., s 47(1).
[33] Prof Roberta Ryan and Alex Laurie, 'Independent Review of the Tasmanian Planning Commission' (October 2020), commissioned by the Tasmanian Government Department of Justice, ('Independent Review of the TPC'), at https://www.justice.tas.gov.au/__data/assets/pdf_file/0005/716387/Independent-Review-of-the-Tasmanian-Planning-Commission-Report.pdf at 53.
[34] In the context of the TPC, see Ibid.
[35] Ibid., 6.
[36] Ibid., 4.

None of the issues identified in the Independent Review would be remedied by the Government's proposal. In fact, *all of the issues could be exacerbated* by increased use of DAPs. A potential outcome is that this proposed intervention may also exacerbate one of the primary problems used to justify this new DAP Framework, which is the (purported) need to 'take the politics out of planning'.

2.4 The limitations of judicial review as the only formal accountability mechanism

The reform proposals in the Position Paper are directed at eliminating access to independent merits review of the proposed new category of DAP planning decision. This would leave the courts as the only possible source of legal oversight of a DAP decision. However, making an application for judicial review of a DAP decision, while theoretically possible, will in many circumstances not be an option for people who are concerned about planning decisions. Examples of such circumstances include where:

- community members do not have the time, money or expertise to pursue review through the courts;
- a technical legal ground of review is not available (which is not to say that the decision is 'correct and preferable' in accordance with the standard of merits review); or
- a community member may not be able to meet the threshold for 'standing'; that is, they are not directly connected to or affected by the decision in a way that would justify access to the courts (even where they would otherwise have had access to merits review under the *Land Use Planning and Approvals Act 1993*[37]).

Planning decisions can affect access, amenity, enjoyment, and community connection for a wide range of people that may not be able to demonstrate 'standing' and therefore seek judicial review. This would mean, in practice, that there will be no independent review of a DAP decision in those situations. The proposal therefore risks removing opportunities to have the concerns of affected communities acknowledged and interrogated in a transparent, accountable, and legitimate way.

3. Ministerial decisions based on a finding of council bias could be procedurally unfair

The second proposal in the Position Paper is to give the Minister for Planning the power to override council rejections of re-zoning applications, if councillors 'are, or perceived to be, conflicted or compromised'.[38] The Position Paper does not identify criteria by which the Minister would make such a determination or address the procedural fairness issues that are likely to arise from such a broad and subjective ministerial power.

Any finding by a minister that councils (or individual councillors) are biased or compromised could likely damage those councillors' public standing and reputation, and therefore, their future election prospects. The Position Paper does not explain how procedural fairness would be guaranteed in those circumstances. At a minimum, a councillor in relation to whom a Minister considers making such a finding should be given the opportunity to know the material on which the Minister will rely and to present their own evidence to the Minister before a decision is made.

[37] For example, under s 61(5).
[38] Op. cit., 1, at 5 and 7.

To give the Minister for Planning the power to override Council decisions risks more, rather than, less politicisation of re-zoning applications. Given the established practice of councillors recusing themselves if they are conflicted,[39] this reform proposal is neither necessary nor appropriate.

4. The reforms may reduce public confidence in planning decisions

As noted in Independent Review of the TPC:

> Regardless of who makes decisions, where decision-making involves windfall gains there will always be some risk of potential or actual or perceived conflict of interest. Because complaints about conflicts of interest can undermine the impartiality of decision making and public confidence in planning systems, it is imperative independent statutory bodies manage conflicts effectively.[40]

The reason Tasmania has local government development assessment processes, backed by merits review through TasCAT, is to ensure that people affected by planning decisions can have confidence in the integrity of the system. Even if they are disappointed by the outcome, they can have confidence that their views have been fairly taken into account.

Providing developers with an alternative pathway through a DAP, without the possibility of merits review by TasCAT, is likely to have a negative impact on public confidence. This is shown by the escalation of conflicts over development decisions in Western Australia.[41] Western Australia allows the use of DAPs for developments over $2 million. There are generally no third party merits review rights in relation to planning decisions in Western Australia.[42] Both the Western Australian Local Government Association (WALGA) and community groups strongly oppose the state's DAP system, including through conducting extensive public campaigns for both third party merits review[43] and to 'Scrap the DAP'.[44] Given the strong local government opposition and community objection to the Western Australian planning system, its approach is unlikely to be sustainable in the long term.

It has also been shown that '[where] third party appeals have become embedded practice, most stakeholders are supportive of the practice'.[45] Given the strong culture of merits review in Tasmania's planning system it is likely that removing access to TasCAT merits review will be poorly received by both the community and Tasmania's 27 councils.

---

[39] As illustrated in the Interim Report: Op cit. 7, 70.
[40] Op. cit. 33, 26.
[41] See https://www.watoday.com.au/national/western-australia/wa-s-small-property-tank-where-big-fish-bump-into-each-other-20190513-p51mv4.html and https://www.watoday.com.au/national/western-australia/state-development-assessment-panel-antidemocratic-bayswater-councillor-dan-bull-20160218-gmxvk4.html.
[42] https://www.sat.justice.wa.gov.au/_files/Info_Sheet_6.pdf.
[43] https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Planning/Third-Party-Appeal-Rights-for-decisions-made-by-Development-Assessment-Panels-FINAL-DRAFT.pdf.aspx?lang=en-AU.
[44] https://www.abc.net.au/news/2016-07-22/john-day-dismisses-cause-c%C3%A9l%C3%A8bre-dap-opponents/7653556; https://www.watoday.com.au/national/western-australia/scrap-the-dap-perth-councils-rally-against-development-assessment-panels-20160321-gnnio5.html; https://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/37EC833DC716AD7048257EBA00275961/$file/us.pdr.150908.rpf.093.xx.pdf, and https://www.watoday.com.au/national/western-australia/dap-forum-reveals-community-anger-at-state-development-assessment-panels-20160502-gok1ry.html.
[45] Western Australia Local Government Association, *Third Party Appeal Rights in Planning*: *Discussion Paper*, undated, Page 10 at https://www.sjshire.wa.gov.au/profiles/sj/assets/clientdata/documents/uploads/ocm/ocm-2017/scm006.1.07.17.pdf.

Conclusion

For the reasons set out above we oppose the proposals set out in the *Development Assessment Panels Framework: Position Pape*r as they are currently drafted.

The existing development application processes through councils and with the possibility of review by TasCAT helps ensure decisions on planning applications are made fairly, transparently and with integrity. As currently drafted, the proposals set out in the *Development Assessment Panels Framework: Position Pape*r risk undermining the confidence of citizens that planning decisions are fair and valid. The corrosive impact of undermining public institutions by avoiding due process should not be underestimated. Such due process is integral to the rule of law and democracy.

Thank you again for the opportunity to make a submission on the Position Paper. We would be happy to discuss this submission with you, and we look forward to participating in any future consultation processes about this proposed reform. Enquiries can be directed to Anja Hilkemeijer (anja.hilkemeijer@utas.edu.au) and Cleo Hansen-Lohrey (cleo.hansenlohrey@utas.edu.au).

Signed by:

Ms Anja Hilkemeijer

Ms Cleo Hansen-Lohrey

Professor Jan McDonald

Professor Ben Richardson

Dr Phillipa McCormack

Dr Emille Boulot

About the Signatories

Ms Anja Hilkemeijer teaches and researches in constitutional law, and Ms Cleo Hansen-Lohrey teaches and researches in administrative law. Professor Benjamin Richardson and Professor Jan McDonald have wide-ranging teaching and research expertise in environmental and climate law and policy. Dr Phillipa McCormack is a climate, environmental and administrative law researcher, and has previously taught administrative law. Dr Emille Boulot is a multidisciplinary researcher in national and international environmental law and governance.

Appendix A

TPC, DAP AND TASCAT SELECTION PROCESSES AND APPOINTMENT CONDITIONS.

	Tasmanian Planning Commission	Development Assessment Panels	TASCAT President and Deputy Presidents	TASCAT Senior and Ordinary Members
Relevant legislation	*Tasmanian Planning Commission Act*, 1997	Land Use Planning and Approvals Act, 1993	*Tasmanian Civil and Administrative Tribunal Act,* 2020	*Tasmanian Civil and Administrative Tribunal Act,* 2020
Criteria for eligibility	Must have '*experience'* in planning/public administration/resource conservation etc. Plus: one must be recommended by the Local Government Association; one must be a state service employee and one must be nominated by the Water and Sewerage Corporation (s 5(1)).	Must have '*relevant* qualifications and experience.' * Government representatives on TPC may not be nominated to a DAP (S60W LUPAA)	*President must be a Magistrate or eligible to be appointed as a Magistrate (s12(2)) *Deputy President must be a lawyer with no less than 5 years standing as legal practitioner (s26(3))	Must be: 1. Lawyer of no less than 5 years or 2. Have '*extensive knowledge, expertise or experience'* and, where required, hold necessary qualification or authority to engage in a relevant profession (s 44)
Selection process	Ministerial decision, may consult who they wish (Schedule 2, s 3)	TPC decision: maximum two members of TPC and minimum one other person (s60W LUPAA)	Ministerial decision	Minister appoints a panel which recommends selection criteria. Panel interviews and assesses candidates against selection criteria and advises Minister on appointments (s 43). Appointments made by Governor on advice of Minister (s 44)
Publicly advertised	No requirement	No requirement	No requirement	Panel must assess 'candidates' (43(b)) which implies persons must have opportunity to apply for positions.
Length of appointment	Fixed term of no more than 5 years (Schedule 2, s 4)	Duration of major project determination.	*President is minimum 7 years (12 (3)) *Deputy President for 5 years or appointed for a particular proceeding.	Minimum 5 years (s44(5))
Security of Appointment	* Four of the members (2 of whom are government representatives: removal limited to serious grounds. *The remaining four members may be dismissed without reason by the Minister as per Schedule 2, s10(2)).	May be revoked by TPC at any time (LUPAA s60W(6)) no reasons required.	Strong protections – may be removed only by both Houses of Parliament. (s 19 and s 33)	Removal by the Minister but only on four specified and serious grounds. (s 47)

From:
Sent: Friday, 24 November 2023 12:27 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

To Whom it may concern,

Say no to the Liberals new planning panels

I opppose the creation of planning panels and increasing ministerial power over the planning system, for the following reasons:

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

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

Remove merit-based planning appeal rights via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. Developments will only be appealable to the Supreme Court based on a point of law or process.

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

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

Flawed planning panel criteria. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

Undermines local democracy and removes and local decision making. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

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.

Poor justification – there is no problem to fix. Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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.

The Position Paper on a proposed Development Assessment Panel (DAP) Framework public comment has been invited between the 19 October and 30 November 2023.

The submissions received on the Position Paper will inform a draft Bill which will be released for public comment most likely in January 2024, for a minimum of five weeks, before being tabled in Parliament in early 2024.

The proposed Bill name is Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024.

Youse sincerely,

Annie Parmentier

From: Julia Gibson <
Sent: Friday, 24 November 2023 11:47 AM
To: State Planning Office Your Say
Subject:

Protect our local democracy - say no to the Liberals new planning panels

Dear Elected Member,

Say no to the Liberals new planning panels

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

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

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

- **Remove merit-based planning appeal rights** via the planning tribunal on issues like height, bulk, scale or appearance of buildings; impacts to streetscapes, and adjoining properties including privacy and overlooking; traffic, noise, smell, light and other potential amenity impacts and so much more. **Developments will only be appealable to the Supreme Court based on a point of law or process.**

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

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

- **Flawed planning panel criteria**. Changing an approval process where one of the criteria is on the basis of 'perceived conflict of interest ' is fraught. The Planning Minister has political bias and can use this subjective criteria to intervene on any development in favour of developers.

- **Undermines local democracy and removes and local decision making**. State appointed hand-picked planning panels are not democratically accountable, they remove local decision making and reduce transparency and robust decision making.

- **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.

- **Poor justification – there is no problem to fix.** Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest, if not the fastest, in Australia when it comes to determining development applications.

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

Say yes to a healthy democracy

- **I call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system**, as they are critical for a healthy democracy. Keep decision making local with opportunities for appeal. Abandon the planning panels and instead take action to improve governance and the existing Council planning process by providing more resources to councils and enhancing community participation and planning outcomes.

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

I urge you to make this a matter of priority and look forward to hearing your response.

Kind Regards
Julia Gibson