



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

Background Report for Consultation

February 2025

We acknowledge and pay our respects to all Aboriginal people in Tasmania; their identity and culture.

© Crown in Right of the State of Tasmania 2025

State Planning Office, Department of State Growth
Level 6 – 144 Macquarie Street | GPO Box 536, Hobart TAS 7001
Phone: 1300 703 977
Email: spo@stateplanning.tas.gov.au

Table of Contents

- 1.0 Background.....4
- 2.0 Summary of DAP Bill 20244
 - 2.1 DAP assessment pathway4
 - 2.2 Ministerial direction to prepare a draft amendment5
- 3.0 Summary of changes - revised draft DAP Bill 20256
- 4.0 Next Steps8

1.0 Background

In July 2023, the Premier of Tasmania, the Honourable Jeremy Rockliff MP, announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to provide an alternative planning pathway for certain development applications.

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

The State Planning Office (SPO) prepared a [Development Assessment Panel \(DAP\) Framework Position Paper](#) (the Position Paper) to explore these matters. The Position Paper included a draft DAP framework, based on statements made in the Premier’s announcement and initial consultation with key stakeholders. Submissions were invited on matters raised in the Position Paper and on the draft framework. There were 542 submissions received during the consultation period on the Position Paper which are published on the SPO [website](#).

A [Report on Consultation - DAP Framework Position Paper](#) (Report on Consultation) was published in October 2024. The Report on Consultation summarised the issues raised in the submissions, provided a response to those issues and outlined a revised DAP framework and model for the Minister to direct a planning authority to prepare a draft amendment to its LPS.

The findings from the Report on Consultation were used to inform the drafting of the [draft Land Use Planning and Approvals Amendment \(Development Assessment Panels\) Bill 2024](#) (DAP Bill 2024) which was open for a 5 week public consultation period, closing on 12 November 2024. A total of 461 submissions were received which are also available for viewing on the SPO [website](#). The draft DAP Bill 2024 underwent some modifications following consultation feedback prior to being tabled in Parliament on 19 November 2024.

A copy of the tabled DAP Bill 2024, related documents and results of debate in the House of Assembly and the Legislative Council, including access to Hansard records, can be found on the [Parliament website](#).

2.0 Summary of DAP Bill 2024

2.1 DAP assessment pathway

The DAP Bill 2024 provided an option for certain discretionary development applications to be determined by an independent DAP, established by the Commission, subject to the application satisfying one or more of the following criteria:

- being for social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by or on behalf of Homes Tasmania or a registered community housing provider;

- where the applicant, or the planning authority with the consent of the applicant, requests a DAP to determine the application and the application is for development valued at over \$5M in metropolitan areas or over \$2M in non-metropolitan areas;
- where the council is both the applicant and planning authority, and the development is valued at over \$1M;
- it falls within a class of application prescribed by regulations; or
- an application that, upon request by the applicant or planning authority is deemed, by the Minister, to be suitable for DAP determination if:
 - it is for the provision of social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by a developer other than Homes Tasmania or a registered community housing provider;
 - the development is significant or important to the local area or the State;
 - it requires a level of technical expertise that the planning authority is unable to provide;
 - it is controversial;
 - there is a real perceived conflict of interest or bias involving the planning authority; or
 - it falls within a class of application prescribed by regulations.

The DAP Bill 2024 allowed eligible applications to be lodged directly with a DAP or for applications to be transferred to a DAP by the Minister partway through the planning authority's assessment process.

Applications lodged directly with a DAP were subject to set statutory timeframes for the completion of assessment tasks. The time taken for the DAP to determine an application to a permit issued is 98 days or 112 days with a possible extension being granted. Applications referred to a DAP partway through the planning authority's assessment had their assessment process and timeframes determined by the DAP on an individual basis.

The requirement for the DAP to assess the application against the provisions of the planning scheme were strengthened in the draft Bill following submissions received during consultation that it was unclear.

The DAP was required to undertake public exhibition of the application, invite representations and hold public hearings. The decision of the DAP was final with no right of appeal based on planning merit.

2.2 Ministerial direction to prepare a draft amendment

The DAP Bill 2024 also enabled the Minister to direct a council to prepare a draft amendment to its LPS where the review process under section 40B of the Act had been exhausted.

The Ministerial direction can only occur if the Commission requests the council to reconsider its rejection of a draft amendment. A draft amendment prepared under the

Minister's direction only commences the Commission's assessment process rather than any approval or making of an amendment to the LPS.

3.0 Summary of changes - revised draft DAP Bill 2025

The following table provides a summary of the main changes made to the revised draft DAP Bill 2025 and the reasons for those changes.

Modification	Reason
Removal of the option for an applicant or planning authority to request the Minister to transfer an application to a DAP for determination partway through a council assessment process.	<p>This pathway was removed because it was overly complex and provided uncertainty to both the applicant and planning authority in the assessment process.</p> <p>It also causes the assessment process to take longer and potentially duplicating assessment tasks performed by the DAP and planning authority.</p>
Modifying the criteria for when the Minister can refer a new application to a DAP for determination by removing certain statements, such as where an application is likely to be 'controversial'.	<p>The removal of ambiguous or subjective criteria helps provide certainty regarding the eligibility of applications to enter the DAP assessment process.</p> <p>This matter is also helped by the requirement of the Commission to prepare guidelines for the Minister to use when making a determination to refer an application (see below for further details).</p>
Increasing the value thresholds for an application to be referred to a DAP from \$5 million to \$10 million in a city, and from \$2 million to \$5 million in other areas.	In response to concerns that the threshold values are too low and that it would allow too many applications to enter the DAP process.
Allowing the Commission to issue guidelines to assist the Minister in determining whether to refer an application to a DAP and a requirement for the Minister to take these guidelines into account when making that determination.	To provide greater certainty and accountability regarding what applications are eligible for referral to a DAP for determination.
Clarifying that the DAP can use alternate dispute resolution techniques when making a determination and trying to resolve issues between parties.	Although dispute resolution and mediation processes are implicit in the Commission's proceeding, the proposed inclusion of explicit provisions gives greater certainty to aggrieved parties.

Modification	Reason
Clarifying that the DAP can modify hearing dates and times subject to giving notice and that hearings can occur during an agreed extension of time.	Modification made to provide greater flexibility for conducting hearings to account for availability of the parties to attend hearings, or the need to add additional hearings days to consider the issues raised in the submissions.
Including provisions that allow the Commission to appoint a substitute panel member should a previously appointed member become unavailable.	Modification made to allow flexibility in the Panel membership in case a member becomes unavailable so that it does not hold up the assessment process.
Clarifying that the Heritage Council, in providing its advice to the DAP, are to have regard to the relevant matters that it would normally for an application under s.39(2) of the <i>Historic Cultural Heritage Act 1995</i> .	Modification made to clarify the extent of advice provided by the Heritage Council to the DAP.
Clarifying that the Heritage Council retains its normal enforcement functions following the issuing of a permit approved by the DAP.	Modification to clarify that the Heritage Council retains its enforcement function regarding any heritage conditions it may have recommended be imposed on the permit consistent with post approval functions under other assessment pathways.

The most significant changes to the revised draft Bill 2025 have been made to the scope of eligibility for applications to enter the DAP process.

The following provides a summary of the revised eligibility criteria:

A development application may be eligible for DAP determination if it is for a discretionary permit and is not subject to the *Environmental Management and Pollution Control Act 1994*.

An applicant, or the relevant planning authority with the consent of the applicant, can apply to the Commission for a development application to be determined by a DAP subject to satisfying one or more of the following:

1. The application relates to development that includes social or affordable housing or a subdivision to facilitate social and affordable housing, made by, or on behalf of, Homes Tasmania or a registered community housing provider.

2. The application relates to development that exceeds the following value thresholds:
 - a) over \$10 Million or such other amount prescribed, if all, or any part of the development, is located in a city;
 - b) over \$5 Million or such other amount prescribed, where the development is located elsewhere ;
 - c) over \$1 Million if council is the applicant and the planning authority, or such other amount prescribed in Regulations; or
 - d) a class of application prescribed in Regulations.

The applicant or the relevant planning authority may request the Minister to refer an application to the Commission to be determined by a DAP subject to the Minister being satisfied that one or more of the following criteria are met. In making this decision, the Minister must have regard to the guidelines prepared by the Commission:

1. The application relates to development that includes social or affordable housing, or a subdivision to facilitate social and affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market;
2. the application is for development that is considered to be of significance to the local area or State;
3. the applicant or planning authority is of the view that the planning authority does not have the technical expertise to assess the application;
4. the planning authority has, or is likely to have a conflict of interest, or there is perceived bias on the part of the planning authority; or
5. a class of application prescribed in Regulations.

4.0 Next Steps

A copy of the draft Bill 2025 is available for viewing and download on the SPO website.

The draft Bill will undergo a 8 week consultation period during which time submissions are invited through the SPO's [Have your say](#) platform.

