

Development Assessment Panel Framework Position Paper

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From:
Sent: Saturday, 25 November 2023 1:12 AM
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.
- * Anecdotal 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: Suzanne Duyster

Your email:

My additional comments::

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. Please remember that it's common citizens who live in Tasmania. It's them that see what happens around them. It's them that notice the destruction of their democracy, their flora and fauna, their environment and climate, not foreign developers or even some non-foreign developers. IT'S THE COMMON CITIZENS THAT VOTE!!!!!!

From:

Sent:

Saturday, 25 November 2023 1:08 AM

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Your name: J Michel

Your email:

My additional comments:: I'm very disappointed with the government trying to subvert the authority and independence of planning bodies by claiming they are against development. The existing planning legislation is not discretionary, when plans are not approved it's because they don't meet the requirements of the legislation. Let the existing laws do the work and if anything, strengthen them.

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Sent: Saturday, 25 November 2023 12:54 AM
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Your name: Robyn Conway

Your email:

My additional comments::

From:
Sent: Sunday, 26 November 2023 10:29 PM
To: State Planning Office Your Say
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Your name: James Fraser

Your email:

My additional comments::

From:
Sent: Sunday, 26 November 2023 10:18 PM
To: State Planning Office Your Say
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Your name: John Daniels

Your email:

My additional comments::

From: Mike Walsh
Sent: Saturday, 25 November 2023 10:57 PM
To: State Planning Office Your Say
Cc: Mike Walsh
Subject: No to liberals planning scheme panels

Hello

Local planning evaluation and hearing the voices of local people is essential.

- **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.**

Thanks Mike

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Sent:

Sunday, 26 November 2023 9:29 PM

To:

State Planning Office Your Say

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Your name: Susie Eade

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 9:26 PM

To:

State Planning Office Your Say

Subject:

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Your name: Penny Riddoch

Your email:

My additional comments::

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Your name: Prue Slatyer

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 8:58 PM

To:

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Your name: Alison Lazaroff-Somssich

Your email:

My additional comments:: This proposal damages the democratic rights of our community!

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Sent: Sunday, 26 November 2023 8:36 PM
To: State Planning Office Your Say
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Your name: Gaby Jung

Your email:

My additional comments::

Comments on Development Assessment Panel (DAP) Framework Position Paper

I understand that the Position Paper has been prepared as part of a proposal “to take ... politics out of planning decisions”. The planning system (including planning decisions) is inherently political, because it is about balancing competing public and private interests. Therefore the proposal cannot achieve its stated purpose.

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

There is also a suggestion in the Position Paper that applications over a certain value should be determined by a development assessment panel rather than an elected local council. Proponents of controversial developments often make questionable claims about the value of their proposals. The suggestion seems likely to encourage this practice, which runs counter to making of well-informed planning decisions. Of particular concern is the suggestion that “complex” planning development applications may be referred to DAPs. Any development application on reserved land has the potential to be deemed “complex” because it needs to demonstrate compliance with both the National Parks and Reserves Management Act 2002 and the Land Use Planning and Assessment Act 1993. Hence there is potential for any development application on reserved land to be assessed by a DAP with no right of appeal. A number of options are suggested in the Position Paper for allowing applicants for development approvals to have a role in choosing that their applications be decided by DAPs. I believe these options are inappropriate. I also believe that the suggested option for the Minister to nominate applications for assessment by DAPs is inappropriate, and likely to increase controversy around proposed developments and perceptions of undue political influence in the planning system.

The Position Paper suggests that provision for appeals to an independent tribunal from decisions of development assessment panels is not warranted, in part because of the expertise of the Tasmanian Planning Commission and panellists. Longstanding Australian Government guidance indicates that expertise of decision-makers is not a valid justification for denying merits review of their decisions. It is not clear from the Position Paper what degree of expertise or independence panellists will have. The paper refers to various Acts as possible models, but only one of them (the Land Use Planning and Assessment Act 1993) currently provides for development assessment panels (in Division 2A of Part 4). Those provisions allow the Minister a significant degree of influence in the appointment of a development panel, given that the Minister can determine what qualifications or experience of the required appointees to the panel need to have.ⁱⁱⁱ Those appointees could constitute a majority of the quorum of panellists. This hardly seems a model “to take ... politics out of planning decisions”.

The proposed framework will not only fail "to take ... politics out of planning decisions", but will cause further political problems by diminishing accountability through removing decisionmaking from elected local representatives and denying appeals. The framework and wider proposal of which it forms part should therefore be abandoned.

Paul Le Fevre

From: Bronwyn Kimber <>
Sent: Sunday, 26 November 2023 7:46 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

Please say **no** to the Liberals new planning panels! They are undemocratic and common sense must prevail!

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 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 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*.

I am a third generation Tasmanian, and have lived with every government, both liberal and labour, implementing one corrupt initiative after another. Please be the first generation of government to ensure we have a fully transparent and democratic system.

Yours sincerely,
Bronwyn Kimber

From:
Sent: Sunday, 26 November 2023 7:27 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.
- * Anecdotal 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: Veronica McShane

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 7:24 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

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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: Jan Spaulding

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 7:18 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

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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: Zoe Magnus

Your email:

My additional comments::

I work in the building design industry and each year I am involved in submitting about 50 Development Applications to various councils (mostly in the southeast of the state). Generally, councils deal with these development applications very efficiently. Occasionally there is over-zealousness, but as a member of the public, I would prefer thoroughness in assessments rather than a fast-tracked system. There has been a lot of work put into the Tasmanian Planning Scheme, councils are currently using it fairly and efficiently, and I believe we should let it do it's job rather than introduce another pathway that opens up room for corruption and division, and puts democratic processes aside. Kind regards, Zoe

From:
Sent: Sunday, 26 November 2023 7:01 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

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Issue 2 An enhanced role for the Minister

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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: Sunday, 26 November 2023 6:01 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

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Issue 2 An enhanced role for the Minister

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Issue 3 Retaining local input

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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: Marly Flynn

Your email:

My additional comments:: It appears that this is another step to remove meaningful consultation and community input

From: Gill Gravell <>
Sent: Sunday, 26 November 2023 5:35 PM
To: State Planning Office Your Say
Cc: Say no to the Liberals proposed Bill "Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024
Subject:

Hello

I oppose a proposed Development Assessment Panel and increased ministerial power for the following reasons:

- It would allow property developers to bypass local councils and communities. Local concerns could be ignored in favour of developers, who could be foreign owned.
- It will remove merit based planning appeal rights via the planning tribunal, which could potentially increase the risk of corruption and reduce good planning options.
- The Planning Minister will have the power, if a local council has rejected an application, to force the initiation of planning scheme changes, threatening transparency and good strategic planning. Increased ministerial power over the planning system increases the politicisation of planning and risk of corrupt decisions.
- Where is the justification? Only about 1% of council planning decisions go to appeal and Tasmania's planning system is already among the fastest in Australia when it comes to determining development applications. The Panel would also add more complexity to the existing planning system.

For a healthy democracy, please ensure that transparency, independence, accountability and public participation in decision-making within the planning system remain. I also call on you to prohibit property developers from making donations to political parties and to create a strong anti-corruption watchdog.

Yours sincerely

Gillisan Gravell

From:
Sent: Sunday, 26 November 2023 5:34 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.
- * Anecdotal 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: Anne Harrison

Your email:

My additional comments::

I am against the establishment of Development Assessment Panels. It is a highly political move as will greatly increase Ministerial powers. It is anti democratic and will reduce the input of residents, ratepayers and community. People do NOT want a centralized, remote, unelected body such as a DAP with the potential for vested interests, dominating the development approvals process and deciding our future. The current system works, with only approx 1% DAs going to TasCAT under appeal. Currently, trained professional planners at Councils interpret and apply the TPS under delegation. Elected members only decide on DAs which are discretionary. Sadly, with the mandatory statewide planning scheme, the government has already reduced the ability of Councilors to fully represent their community. The Tasmanian Planning System needs to implement the strategic, sustainable and democratic goals of the RMPS. A thorough review of the SPPs is urgently required, guided by strong clear high level TPPs or Planning Policies which can be delivered through the SPPs. Good planning laws can assist in retaining the unique character and qualities of Tasmania , loved by locals and visitors alike - our comparative advantage. Please confirm receipt of my comments about DAPs at earliest possibility. Thank you. Anne Harrison 0419585291

From:
Sent: Sunday, 26 November 2023 5:21 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.
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Issue 3 Retaining local input

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Issue 4 Resolving issues associated with requests for, and responses to, further information

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Issue 5 Appeal rights and assessment time frames.

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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: Liam Cole

Your email:

My additional comments::

From: Rokeby Hills <>
Sent: Sunday, 26 November 2023 11:00 PM
To: State Planning Office Your Say
Cc:
Subject: Rokeby Hills Community Landcare Group Inc - Submission - Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024

We 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 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

We call on you to ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for a healthy democracy. Keep decision making local 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.

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

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,

Rokeby Hills Community Landcare Group Inc

From:

Sent:

Sunday, 26 November 2023 4:49 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.
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- * Councils can share skills and resources in the planning area to ensure access to deal with complex issues.

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Your name: Carolyn

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 4:34 PM

To:

State Planning Office Your Say

Subject:

Submission against Development Assessment Panels

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- * they will add further complication to the existing system
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Your name: M T Black

Your email:

My additional comments::

From:

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Sunday, 26 November 2023 4:12 PM

To:

State Planning Office Your Say

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Your name: Kate McDonald

Your email:

My additional comments::

From:
Sent: Sunday, 26 November 2023 4:09 PM
To: State Planning Office Your Say
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Your name: Jenni Connor

Your email:

My additional comments::

From:
Sent: Sunday, 26 November 2023 4:08 PM
To: State Planning Office Your Say
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Your name: Marie Ramsay

Your email:

My additional comments:: Tasmanian citizens don't need another expensive level of bureaucracy duplicating functions already held by government departments or councils or by undermining state powers.

From:
Sent: Sunday, 26 November 2023 3:56 PM
To: State Planning Office Your Say
Subject: Submission against Development Assessment Panels

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Your name: Peter Black

Your email:

My additional comments:: This proposed change is fixing a nonexistent problem. It will make things worse not better.

From:

Sent:

Sunday, 26 November 2023 3:54 PM

To:

State Planning Office Your Say

Subject:

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Your name: Graeme Smith

Your email:

**My additional
comments::**

From:

Sent:

Sunday, 26 November 2023 3:46 PM

To:

State Planning Office Your Say

Subject:

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Your name: Julie McConaghy

Your email:

My additional comments::

SUBMISSION IN RESPONSE TO THE DRAFT LAND USE PLANNING AND APPROVALS (DEVELOPMENT ASSESSMENT PANEL) AMENDMENT BILL 2024

Submitted by Gail Cork
20 November 2023

I am writing to record my strenuous objection to the Draft Land Use Planning and Approvals Amendment Bill 2024, on the following grounds:

1. The legislation would allow developers to bypass democratically elected local councils and push forward with projects, regardless of cultural, aesthetic, socio-economic and environmental concerns.

It is proposed that the Planning Minister would have the power to take any development application away from council if the developer was unhappy with the way it was proceeding. I submit that this would make a mockery of transparent and accountable due process. A hand-picked, state government-appointed planning panel would, almost by its very nature, prioritise political interests over community concerns. It would inevitably favour profit-driven developers who may have little understanding of, or respect for values cherished by the community that stands to be directly affected by their project. Such a panel could critically undermine robust democratic and merit-based local decision-making.

2. The proposed legislation is unnecessary because the current system is working. The main ‘problem’ with the current status quo appears to be that the government has been frustrated by the decision outcomes of a system based on evidence and merits rather than political interests. Only about 1% of council planning decisions go to appeal and Tasmania’s turnaround of development applications is one of the fastest in Australia. Why increase the complexity of an already complex system that works?

3. The legislation would remove merit-based planning appeal rights. Under the draft bill, development decisions could only be appealed through the Supreme Court, based on a point of law or process. This expensive and onerous avenue of appeal would render impossible the majority of appeals arising from legitimate community, cultural, environment and aesthetic concerns such as height, bulk, scale, appearance of buildings, impacts on streetscapes, traffic, noise, light and other potential amenity impacts.

4. Removing merits-based planning appeals carries a risk of increasing corruption and reducing good planning outcomes. The NSW Independent Commission Against Corruption recommended the *expansion* of merit-based planning appeals as a deterrent to corruption. There is ample evidence that increased ministerial power over the planning system increases the politicisation of planning decisions and the associated risk of pork-barrelling.

Finally, I submit that this bill is a transparent gambit by the Liberal government to create a free pass for deeply unpopular development projects such as the kunanyi/Mt Wellington cable car, Gorge Hotel Launceston and high-rise buildings in Hobart. If passed, it would undermine the integrity and accountability of decision-making by replacing merit-based assessment with a process powered by political interests.

Thank you for your consideration.

Submitted by:
Gail Cork

From:

Sent:

Sunday, 26 November 2023 3:13 PM

To:

State Planning Office Your Say

Subject:

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Your name: Rowan Sproule

Your email:

My additional comments::

From:
Sent: Sunday, 26 November 2023 3:07 PM
To: State Planning Office Your Say
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Your name: Kim Dudson

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 3:04 PM

To:

State Planning Office Your Say

Subject:

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Your name: Simon K Gould

Your email:

My additional comments::

From:
Sent: Sunday, 26 November 2023 2:40 PM
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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: Janet Hohnen

Your email:

My additional comments:: It is possible to retain and even enhance the liveability and productivity of Hobart by preserving height limits and sight lines, as well as intact groupings of high value heritage buildings. Please don't make the process unnecessarily obfuscating and complex

From:
Sent: Sunday, 26 November 2023 2:37 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.

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Issue 2 An enhanced role for the Minister

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Your name: Jo Errey

Your email:

My additional comments::

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Your name: Andrew Hudspeth

Your email:

My additional comments:: The currently available processes are not broken!! The community at large can recognise an attempt to bypass standard structures when it sees it.

From:
Sent: Sunday, 26 November 2023 1:56 PM
To: State Planning Office Your Say
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Your name: Julie Payne

Your email:

My additional comments:: As per issue 2, the minister responsible would seldom, if ever, have the skills to make an informed assessment. Instead, a self serving, vision less political outcome would be more likely scenario.

From: Chris Beadle <>
Sent: Sunday, 26 November 2023 1:54 PM
To: State Planning Office Your Say
Cc: Protect our local democracy - say no to the Liberals new planning panels
Subject:

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 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

Chris Beadle

From: Ian Robson <>
Sent: Sunday, 26 November 2023 1:50 PM
To: State Planning Office Your Say
Cc: michael.gaffney@parliaments.tas.gov.au; janie.finlay@parliament.tas.gov.au
Subject: Planning Submission

I am against the government's 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 and residents would not have a voice.

There is nothing democratic about trying to bypass councils and the people they represent.

I think that having this planning legislation in Tasmania the whole of the island would be destroyed.

Government planning panels would not have any idea of what each region and infrastructure would be able to support as each council has different values of what their electorate can cope with and needs.

Ian Robson

From:
Sent: Sunday, 26 November 2023 1:50 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

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- * Special pathways are not faster, cheaper, simpler or FAIRER.
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simplification to the process or reduction of Council work loads but simply adds more red tape and cost.

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Your name: Suzanne Morris

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 1:47 PM

To:

State Planning Office Your Say

Subject:

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Your name: Dr Paul Turner

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 1:43 PM

To:

State Planning Office Your Say

Subject:

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Your name: Helen Perry

Your email:

My additional comments::

From: Donald Hine <>
Sent: Sunday, 26 November 2023 1:34 PM
To: State Planning Office Your Say
Cc:
Subject: Protect our local democracy - say no to the Liberals new planning panels

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- **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.
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Your name: Penny Morton

Your email:

My additional comments::

From:

Sent:

Sunday, 26 November 2023 1:31 PM

To:

State Planning Office Your Say

Subject:

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Your name: Sarah L Stewart

Your email:

My additional comments::

From: caitlin ross <>
Sent: Sunday, 26 November 2023 1:21 PM
To: State Planning Office Your Say
Subject: Opposition to the development assessment panel framework position paper

To Whom it May Concern,

my name is Caitlin Ross and I am writing to you to express my opposition to the proposal set out here https://mcusercontent.com/2e74facc92b5b780303405e09/files/f075c7ae-78cc-9da0-3e3f-9fafc369cd29/Position_Paper_Development_Assessment_Panel_Framework_October_2023.pdf?mc_cid=8938245bec that an independent development assessment panel should take over some of the work of the council. This idea is very distressing to me, I am 20 and I have lived in Tasmania all my life and would never want to live anywhere else and I strongly feel that one of the things that makes this city great is the local spirit and initiative shown by the Hobart community. This is spearheaded by our strong local council who have direct contact to the locals and I think having a parliamentary minister who does not and can never have the connection our local council does to the people and what they want in charge of local planning schemes is inherently wrong. I am especially concerned about how this would effect the cable car project up our beautiful kunanyi and cradle mountain valley. These are two amazing beautiful places which so special for their untouched beauty and the development would completely ruin this. There are so many other reasons that the cable car has been rejected many times and should be many times again and all of these have been seen by the local councils and expressed in large part because they can see that the majority of local resents are strongly against these cable cars something which the Tasmanian government who are meant to be representing us fail to acknowledge.

I urge the rejection of this proposal and hope that development planing will always be kept local and democratic and that the minister should never be given the power to change local planning schemes

Kind Regards Caitlin Ross

From:
Sent: Sunday, 26 November 2023 1:22 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.
- * Anecdotal 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: Phil Everist

Your email:

My additional comments::

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Sent: Sunday, 26 November 2023 1:17 PM
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Your name: Richard Boyle

Your email:

My additional comments::

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Your name: peter kibbey

Your email:

**My additional
comments::**