



PMAT Submission Guide

This guide was created to help the Tasmanian community comment on the *Position Paper on a proposed Development Assessment Panel Framework* which closed on the 30 November 2023

Say yes to a healthy democracy/Say no to the Liberals new planning panels

The Liberal Government proposes legislation to empower the Planning Minister to remove assessment and approval of developments from the normal local council process and have it done by planning assessment panels. **This fast-track process will remove elected councillors from having a say on the most controversial and destructive developments affecting local communities. There will be no right for the community to appeal the final decision to the planning tribunal.** The criteria being considered would enable virtually any development to be taken out of the normal local council assessment process and instead be assessed by planning panels, including developments already refused such as the kunanyi/Mt Wellington cable car, high-rise buildings in Hobart and new developments such as large-scale subdivisions such as the Skylands development at Droughty Point.

The Planning Minister can take a development assessment from councils mid-way through the development assessment process if the developer doesn't like the way it is heading.

The Planning Minister would also have new powers to instruct councils to commence planning scheme changes, but perversely, only when a local council has rejected such an application.

Transparency, independence and public participation in decision-making are critical for a healthy democracy – **please make a submission to say no to the Liberals new planning panels.**

YOUR URGENT ACTION NEEDED PLEASE – MAKE A SUBMISSION BY 5 PM, 30 NOVEMBER 2023 IN 5 EASY STEPS

STEP 1 – Copy and paste the submission email into your 'To' field

yoursay.planning@dpac.tas.gov.au

STEP 2 - Copy and paste into your "CC" field Members of the House of Assembly and Legislative Council:

rob.valentine@parliament.tas.gov.au; dean.harriss@parliament.tas.gov.au;

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guy.barnett@parliament.tas.gov.au; mark.shelton@parliament.tas.gov.au;
john.tucker@parliament.tas.gov.au; roger.jaensch@parliament.tas.gov.au;
simon.behrakis@parliament.tas.gov.au

STEP 3 – Suggested email subject heading:

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

STEP 4 – Copy and paste suggested email text:

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 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.

Feel free to also write why this is important to you...

Youse sincerely,

Include your name.

STEP 5 – Please send your email 😊 ASAP.

WANT TO KNOW MORE?

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*.

Web Links

ICAC Report

<https://www.icac.nsw.gov.au/media-centre/media-releases/2012-media-releases/icac-recommends-changes-to-the-nsw-planning-system-to-minimise-corruption-risks>

Sydney Morning Herald article

<https://www.smh.com.au/national/how-unelected-faceless-men-and-women-keep-approving-nsw-developments-20210804-p58ftv.html>