



State Planning Office
Department of Premier and Cabinet
HOBART. TAS. 7000

9 November 2024

Dear Madam/Sir

The Taroona Community Association (TCA) wishes to lodge a submission regarding the Government's proposed draft *Land Use Planning and Approvals (Development Assessment Panels) Bill 2024*.

Taroona is a southern suburb of Hobart located in the Kingborough local government area. It has a population of just over 3000. The Taroona Community Association (TCA) seeks to:

- enrich the lives of Taroona residents by helping them connect with each other, utilise the services within our community, and enjoy and care for our foreshore and other parks and reserves
- promote Taroona's community services and groups
- effectively represent Taroona residents on matters of community interest
- liaise with Kingborough Council on general maintenance of our public areas and on development proposals within our community.

It is noted that the Government received 544 submissions on the previously released Position Paper with the majority stating a lack of support for these reforms. The TCA lodged a submission conveying our strong concerns about Development Assessment Panels proposal when the position paper was released.

The main overall concerns conveyed in these submissions regarding the Position Paper were:

- Tasmania's planning system is actually performing well and there is no demonstrated need to introduce a new development assessment pathway
- The DAP framework does not achieve its stated intent of deconflicting local governments roles
- There are valid fears that the Government will select panel members, thereby introducing bias and political interference in the planning process
- Taking planning decisions away from elected members undermines local democracy and reduces community participation in planning processes
- The removal of merit appeal rights is very unjust
- It will further complicate an already complicated system.

However the Tasmanian Government has pushed on with the introduction of these planning reforms without addressing community and local government concerns.

The TCA is opposed to the DAP proposed framework and bill. Our reasons are the same as those provided in our earlier comments on the Position Paper. They are outlined below:

- *The proposed DAPs create another development approval pathway which is unnecessary.* The current system works well. Only about 1% of council planning decisions go to appeal and Tasmanians planning system is already amongst the fastest in Australia.
- *There are many conflicting and contradicting issues with the DAP framework that will actually lead to greater time frames.*

The proposed framework where a DAP undertakes the assessment of a referred applications appears to increase 'red tape' and assessment timeframes.

- *There is a strong risk of losing the local knowledge in the development approvals process.*
Handpicked state appointed planning panels will decide on development applications not our elected local council representatives from their respective local governments areas.
- *The ability for applicants to 'opt in' or 'opt out' in a referral to DAP body is not appropriate*
Ministerial determination of requests for the transfer of an application from Local Government to a DAP contradicts the intent of the draft Bill which is 'to take the politics out of planning'.
- *The criteria to determine eligible applications for referral are far too broad and require further refinement to have transparency and rigour so cannot be applied objectively.*
Objectivity and consistency cannot possibility be applied using such broad criteria.
- *The DAP model does not consider and account for the practical implications of ongoing permit enforcement in the assessment process,* which post approval will be Local Government's responsibility to manage and enforce.
- *The Tasmanian Planning Commission (TPC) is not independent.* DAP members will be handpicked without selection criteria and objective processes. The TPC also does not have the resources or expertise to assess planning applications. Sourcing experts in development planning assessment (such as traffic and transport engineers, development engineers, hydraulic engineers, cultural heritage officers, etc) is difficult, even for local government as it is hard to fill positions from such a small pool of experienced professionals.
- *The draft bill provides for Ministerial power over the planning system.* It allows for the Minister to direct a planning authority to prepare a draft amendment to its Local Provisions Schedule (LPS) under certain circumstances where a review under Section 40B of LUPA 1993 has been exhausted. This is inherently political and is in conflict with the intent of the draft bill.
- *The draft bill removes merit-based planning appeal rights via TASCAT which is unjust and undemocratic.* TASCAT review of government decisions is an essential part of the rule of law and a democratic system of government based on checks and balances.

Overall the proposed DAP framework will make it easier to approve large scale contentious developments. The framework has the potential to increase corruption, reduce good planning outcomes, favour developers and undermine democracy.

A truly transparent and open State Government should listen to the people who elected it and to local government which acts as the democratically elected Planning Authority. The TCA calls on the government to respond to our concerns as these are critical issues that will impact the Tasmania we know and its inherent values and character; it will also impact on our health, well-being and social values.

Yours sincerely



Jill Hickie
TAROONA COMMUNITY ASSOCIATION