



Environmental Defenders Office

Have your say on the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025

The State Planning Office has released a draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025 (**2025 DAP Bill**) for public consultation.

The 2025 DAP Bill seeks to change the *Land Use Planning and Approvals Act 1993* (**LUPA Act**) to provide a pathway where certain applications can be referred by the Minister to the Tasmanian Planning Commission (**Commission**) for assessment and determination by an Assessment Panel.

Submissions can be made by post to the State Planning Office,¹ or by email to haveyoursay@stateplanning.tas.gov.au by **24 April 2025**.

Further information is available at the State Planning Office's website [here](#).

What is the 2025 DAP Bill?

The 2025 DAP Bill seeks to make changes to the LUPA Act to:

- Allow an applicant, or the relevant planning authority with the consent of the applicant, to apply to the Commission for a development application to be determined by an Assessment Panel, if:
 - 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; or
 - the application relates to development that exceeds certain value thresholds: over \$10 Million if the development is located in a city; over \$5 Million where the development is located elsewhere; or over \$1 Million if council is the applicant and the planning authority.
- Allow an applicant or planning authority to request the Minister to refer an application to the Commission to be determined by an Assessment Panel, if the application satisfies one or more of the following criteria:
 - the application relates to development that includes social or affordable housing, or a subdivision to facilitate social and affordable housing, for

¹ State Planning Office, Department of State Growth, GPO Box 536, Hobart TAS 7001

- persons who may otherwise be unable to access suitable accommodation in the private rental or property market;
 - the application is for development that is considered to be of significance to the local area or State;
 - the applicant or planning authority is of the view that the planning authority does not have the technical expertise to assess the application;
 - 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
 - it is in a class of application prescribed in Regulations.
- provisions to allow 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 the *Land Use Planning and Approvals Act 1993* (the Act) has been exhausted;
- Remove the rights of communities to appeal a decision to TasCAT where the decision was made by an Assessment Panel.

The 2025 DAP Bill is a slightly amended version of the the Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 (**2024 DAP Bill**), which was voted down by the Legislative Council in November 2024.

The [Background Report](#) for the 2025 DAP Bill contains information about the 2025 DAP Bill and a summary of the changes from the 2024 DAP Bill to the 2025 DAP Bill.

Key issues with the 2025 DAP Bill

EDO's policy and law reform experts have reviewed the Discussion Paper and have identified key issues of concern. You can use these in your submission and/or come up with your own ideas.

EDO does not support the passage of the 2025 DAP Bill, for the following reasons.

The 2025 DAP Bill does not “take the politics out of planning”

- The Government says the intent of the 2025 DAP Bill is “to help ‘take the politics out of planning’ for more complex or contentious development applications.”
- We think it does the opposite to this- it allows for the Minister to get involved in key decisions at the request of a project applicant, such as:
 - for a project permit to be determined by an Assessment Panel rather than a planning authority;
 - requiring a planning authority to prepare a draft Local Provisions Schedule at the request of an applicant, overturning the planning authority's original decision.

- The 2025 DAP Bill also removes the rights of the community to appeal a decision to an independent body such as the TasCAT. This removal of independent oversight is also not consistent with the aim of taking the politics out of planning.

Removal of third party merits review rights for projects approved by an Assessment Panel is very concerning- it reduces community input and removes independent oversight

- The 2025 DAP Bill provides that, where a planning authority issues a permit at the direction of an Assessment Panel, there is no right of merits appeal for the permit (proposed new s 60AO(1)(d)).
- Currently, s 61 of the LUPA Act provides that certain third parties (including those who made representations of a proposal under s 57 of the LUPA Act) may appeal a decision on its merits to TasCAT.
- Third party merits review is an important accountability and anti-corruption mechanism that improves decision making and fosters community confidence in a decision-making framework.
- In our view, decisions made by an Assessment Panel should be subject to third party merits review.
- The proposed hearing processes for Assessment Panels at proposed new s 60AI do not provide the requisite level of independence, oversight, or scrutiny to displace the need for third party merits review to be available.

Applicant initiated, subjective and undefined criteria for referral of a project to an Assessment Panel

- Criteria for applications that may be requested by an applicant and directed by the Minister to be heard by an Assessment Panel remain subjective and undefined (e.g. “a development that may be considered significant, or important” could mean many things to many people).
- We are concerned that, through this, the Minister is given extremely broad discretion to refer any project the applicant or the Minister sees fit to an Assessment Panel (and, amongst other things, thus removing merits appeal rights).
- This is counter to the rationale provided by the Government for the 2025 DAP Bill and for the creation of Assessment Panels, which is to take the politics out of decisions.
- This essentially allows an applicant to choose the development pathway it thinks will offer least resistance, and to lobby the Minister about it.
- The new requirement at proposed s 60AD(4) for the Minister to consider guidelines before deciding to refer does not fix this issue because it does not require the Minister to comply with the guidelines (and there is no information yet about what the guidelines should or will say).

No process is provided in the 2025 DAP Bill for the establishment of an Assessment Panel

- There remains no real process or criteria for the establishment of an Assessment Panel under the 2025 DAP Bill.
 - This is in contrast to development assessment panels constituted under Div 2A (especially s 60V) of the LUPA Act for major projects.
- This is concerning as it would put assessment and decision-making into the hands of unknown persons at the unfettered discretion of the Commission.
- In our view, the procedure for establishment of Assessment Panels must be set out explicitly in the legislation.

Inappropriate Ministerial review at the applicant's request of decisions of planning authorities not to amend a Local Provisions Schedule

- The 2025 DAP Bill retains the proposed s 40BA, which provides that an applicant who has applied to amend a Local Provisions Schedule and whose application has been refused by the planning authority on reconsideration under s 40B(6) can apply to the Minister for a review of that decision.
- On review of the decision, the Minister may decide to direct the planning authority to prepare a draft amendment to the Local Provisions Schedule (that is, to overturn the decision of the planning authority and direct it to take the action it had refused to do). The Minister may only do this if, in the opinion of the Minister, the draft amendment meets the LPS criteria.
- We oppose this amendment. In our view it is an inappropriate politicization of the planning scheme by allowing the Minister to become directly involved at the request of a proponent.
- This is counter to the stated intent of the 2025 DAP Bill, which the Government says is “to help ‘take the politics out of planning’ for more complex or contentious development applications.”
- This provision is not new to the 2025 DAP Bill- it was also in the 2024 DAP Bill as consulted upon and as introduced to Parliament.

Writing a submission

Your submission should address the main concerns you have about the 2025 DAP Bill. You can use the issues identified above, and/or come up with your own ideas about the 2025 DAP Bill. For the greatest impact, we recommend that you personalise your submission and include issues that matter the most to you.

There is no one formula for writing an effective submission. The aim is to express your point of view as convincingly and persuasively as possible. Remember, the decision-maker may receive many submissions, so you want yours to be easy to read and clearly expressed.

A good submission should:

- Introduce yourself or your group, acknowledge the opportunity to make a submission and note any relevant work you or your group has done.
- Outline your key concerns and focus your discussion on these. It is not necessary to address the whole of the 2025 DAP Bill - choose the issues that are most relevant to you.
- If possible, make recommendations using strong clear statements, e.g., ‘merits review rights for the community must be retained for all decisions by Assessment Panels ...’
- Use evidence or case studies or stories to support your arguments and recommendations. Give specific examples where possible, that draw on your knowledge and experience. For example, occasions where a merits review appeal to TasCAT has resulted in an improved outcome for the community.
- If you can, collect stories that support your argument from others in the community. You can also draw on the work of others, for example scientific publications, government documents, or the work of other organisations.

If you are a member of a group, you should write a submission on behalf of that group, but each member can also write their own submission as well. You may also choose to endorse another group’s submission.

Some last tips for an effective submission

When writing your submission, keep in mind that you are aiming to convince the person reading it of the main points you want to get across. You want to make it easy for the Committee to read your submission, to know who is writing it, and to be able to quickly understand your main points.

The following points may improve the effectiveness of your submission:

- make your submission as clear and concise as possible
- avoid using emotive language
- ensure the tone of the submission is polite
- if your submission is a longer one, include headings and page numbers
- include your name and contact details and date the submission

Finally, remember that a submission can be any length, even just a couple of lines.