Local Government Association Tasmania

Our Ref: JS | BM

18 May 2026

Sean McPhail
Acting Director
State Planning Office

Sent via email: haveyoursay@stateplanning.tas.gov.au;

Dear Sean,

Preventing Delays in Development Assessment Timeframes

Thank you for the opportunity to provide a submission on the *Preventing delays in development assessment timeframes* position paper. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of Tasmanian local government in collaboration with our members; all 29 councils.

Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

Local government is actively engaged in the planning system every day and is uniquely placed to identify both opportunities for improvement and the risks of poorly targeted reform. Local government must be treated as a constructive partner in planning reform, not as a problem, or cause of inefficiency. Tasmania's planning system is performing strongly by national standards, with independent and sector evidence demonstrating efficient, timely, and consistent assessment processes across the State.

A co-design approach to reform is essential and local government is ready to assist in developing a schedule of targeted, practical reforms that support an efficient and effective planning system for Tasmania. Reform should be evidence-based, prioritising investment in system capability, and strengthening strategic planning and infrastructure frameworks.

Please contact Jon Stanger if you have any questions or would like further information, at jon.stanger@lgat.tas.gov.au or 0437 374125.

Yours sincerely,

Dion Lester
Chief Executive Officer

LGAT Submission: Preventing Delays in Development Assessment Timeframes discussion paper

General Comments

Local government supports continual improvement of the planning system. However, reform must focus on addressing the underlying causes of delay rather than the statutory mechanisms that enable planning authorities to make robust and defensible decisions. Delays are most often driven by upstream issues such as application quality, system complexity, and resourcing constraints.

Our submission focuses on the strengths of Tasmania's planning system and provides a broad list of opportunities for improvement identified by local government as 29 planning authorities.

The Position Paper identifies additional information requests under Section 54 of the *Land Use Planning and Approvals Act 1993* (LUPAA) as a potential contributor to delay. However, evidence from councils indicates that these requests are a necessary and appropriate mechanism for proper assessment against the Tasmanian Planning Scheme, ensuring defensible decisions. Reported delays are often driven by incomplete applications rather than any misuse of the provision.

Upstream issues are the primary causes of avoidable delay, including:

- Poor quality or incomplete applications that require further information.
- Ambiguity in planning scheme provisions and outdated provisions requiring qualitative performance criteria.
- Lack of clear and consistent interpretation guidance across the system.
- Limited knowledge of the planning system within the private sector.

These issues necessitate additional information requests and extend assessment timeframes. Partnering with local government to address issues at the source will deliver more effective outcomes than attempting to constrain existing statutory processes.

The Position Paper cites "anecdotal concerns" about delays in the assessment process. It is essential that planning reform be based on robust evidence, rather than isolated or anecdotal experiences.

Planning system performance

Independent and sector evidence consistently demonstrates that Tasmania's planning system performs efficiently and effectively relative to other jurisdictions. In the Business Council of Australia's Regulation Rumble 2025, Tasmania ranked second overall for "Best land use and planning system in 2025", with strong performance across efficiency, consistency and certainty. We have consistently noted that Tasmania's assessment process is one of, if not the fastest, in the country, and we encourage the State Government to acknowledge and celebrate these shared achievements.

The consolidated data collection (CDC) confirms that planning authorities process thousands of development applications each year, well within statutory timeframes across both discretionary and permitted use categories.

Across Tasmania, the average number of statutory days to determine discretionary applications is below 40 days and for permitted applications is 19 days. Further to this, the CDC indicates that the median time to determine an application, including the time taken by applicants to respond to RFIs and other clock stop provisions, is 46 and 22 days for discretionary and permitted applications respectively (unweighted average of reported medians). Notwithstanding the "anecdotal concerns", the evidence clearly indicates the system is functional well.

Only a very small proportion of decisions by planning authorities are subject to appeal and local government's decisions are generally supported through review processes. The below table provides insights into the performance of the system. In the five-year period 2020-2025 less than two percent of discretionary use decisions were appealed. That represents 490 appeals over five years and 28,100 decisions. Only 256 development applications were refused a permit across those five years, showing appeals outnumber permit refusals. Around half of appeals lodged (253) are from a third party, not the applicant.

Table 1. Summary of CDC planning data 2020-2025

	Total	Percentage + comment
Total DAs accepted	37,828	
No Permit Required Developments	8,611	
DAs issued a planning permit - Discretionary Use	27,846	99% of discretionary use DAs are issued a permit
DAs refused a planning permit - Discretionary Use	256	1% of discretionary use DAs are refused a permit
DAs issued a planning permit - Permitted Use	5,942	15.7% of DAs issued are permitted use
DAs refused a planning permit - Permitted Use	0	0%
Number of appeals (permitted applications)	0	0%
Number of appeals (discretionary applications)	490	1.7% of discretionary applications are appealed.
Appeals lodged by a third party - Discretionary Use	253	51.6% of appeals are lodged by a third party (not the applicant).

LGAT analysis of TasCAT Resource and Planning Stream decisions found that of 55 full appeals spanning 2021-2025 (excluding mediated outcomes, costs and administrative decisions):

- 37 were council approvals, 18 refusals
- 21 were appealed by applicant, 34 by third parties
- 17 decisions disagreed with the council (31% of appealed decisions) and 38 decisions affirmed the council's original decision (69%).

The data suggests that the system is functioning precisely as intended and that perceived problems may not reflect systemic issues.

Investment in the planning system is critical

Local government has consistently highlighted the impact of under-resourcing key parts of the planning system, particularly the State Planning Office (SPO). The result of under-resourcing includes:

- Slowing reform implementation and reducing the provision of guidance and support to planning authorities.
- Project-based funding and diversion of resources to new initiatives undermines long-term system improvement.
- Workforce shortages are intensified and essential relationships between developers, industry, planning authorities, the SPO, and Tasmanian Planning Commission are strained and undeveloped.

Sustained investment in both State and local government capacity is required to achieve meaningful improvements in assessment processes. The limited capacity within the SPO is further strained with there being an almost constant stream of knee jerk reform proposals in response to "anecdotal concerns". This comes at the cost of meaningful and impactful reform.

Strategic planning and infrastructure are key to improving outcomes

Local government consistently emphasises that efficient development assessment is dependent on strong strategic foundations. We note that development outcomes are shaped by the underlying framework, including legislation, planning policies and regional strategies.

Significant gaps remain in:

- strategic planning frameworks and implementation
- infrastructure planning and funding to support development
- alignment between planning, building and other regulatory systems.

A consistent statewide infrastructure contribution framework is required to support the infrastructure needed to unlock development across Tasmania. Without this, first-mover developers are disincentivised, infrastructure planning and development fails to support strategic planning, and planning authorities are required to assess applications without key enabling infrastructure available.

Opportunities for improvement

The position paper provides an opportunity to identify broad areas for improvement. Local government, who implement the planning system on a daily basis, is best placed to propose and co-design improvements. The sector can also help to support the focus on critical strategic and regular review processes that remain significantly under-resourced, rather than reform proposals based on anecdotes.

Local government has identified some key areas for improvement:

- Invest in technology, data systems and parallel process improvements to better support applicants and planning authorities.
- Review planning scheme standards to identify supported opportunities that expand acceptable solutions and reduce unnecessary discretionary pathways, including shifting qualitative standards to measurable performance criteria where appropriate.
- Ensure the definition of a valid application is clear and definitive. Incomplete applications are a significant source of delay and there is strong scope to improve application quality; however broader interpretation and discretion (e.g. “minimum requirements”) at lodgement should be avoided.
- Consistent definitions and timeframes across LUPAA and align planning, building, and NCC definitions to reduce conflicts and delays.
- Amend LUPAA s.59(5) to provide TasCAT with discretion to determine costs, rather than mandating costs against councils who may not be responsible for delays. In other jurisdictions, better planning outcomes are achieved through collaboration when all parties understand that costs for tribunal intervention will be attributed on merit.
- Strengthen pre-lodgement, education and guidance mechanisms to improve application quality, as well as strengthening mediation and collaboration processes within the assessment framework.
- Improve the representation process to improve relevance while maintaining the system objective of encouraging public involvement in resource management and planning.
- Review mechanisms for amending applications during assessment, rather than requiring a new application.
- Improve consistency in rules across referral agencies, better align RFI stop-clock provisions across legislation and agencies, and educate proponents and agencies on planning processes to better understand the referral process.
- Enable councils to make a determination on substantial commencement to avoid expensive and protracted court processes.

We have provided significant, often detailed, reform proposals to the State Government on behalf of the local government sector and look forward to a partnership approach that prioritises these reforms, schedules them, and allocates the required resources.