Our Ref: DJL | LR

23 April 2025

Mr Anthony Reid
Director – State Planning Office
Department of Premier and Cabinet

Via email: spo@stateplanning.tas.gov.au

Dear Anthony,

Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025

Thank you for the opportunity to provide a submission on the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025* (the Bill). 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.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. 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 LGAT for that specific issue.

At the April LGAT General Meeting councils considered the Bill and voted to reject it in its current form. While the changes made to the previous version of the Bill are an improvement, they are superficial and immaterial to the key issues associated with the Bill.

Overwhelming, our sector questions the need for this legislation.

The Government's own Development Assessment Panels Framework Position Paper in 2023 said, '*Despite the statistical evidence there remains a perception that some Councils are less supportive of new development than others…*'.

The Position Paper goes on to acknowledge that Tasmania's existing development assessment process is working well, '*being one of, if not the fastest in the country'* when it comes to applications.

Discretionary applications are being determined in a median timeframe of 38 days (40 average) and permitted in 21 days (21 average). Compared to other states, Tasmanian councils are, on average:

- 6 days faster than SA
- 15 days faster than NT
- 21 days faster than ACT
- 43 days faster than NSW
- 45 days faster than Qld
- Data is lacking for WA, but we are perhaps around 40-50 days faster
- 89 days faster than Vic

The Future of Local Government Review Board reported that only about one per cent of discretionary applications across the state go to appeal and importantly the determinations made by elected representatives '*were no more likely to be appealed than those by council officers*'.

In response to the 2024 draft Bill the Tasmanian Planning Commission said in their submission that the local government sector already administers development assessment processes efficiently and that this new process will:

- Add further layers to an already complex planning system,
- Require the duplication of administrative and technical functions, and
- Result in a more expensive planning system.

<u>The changes in the current version of the Bill have done nothing to respond to these concerns</u>.

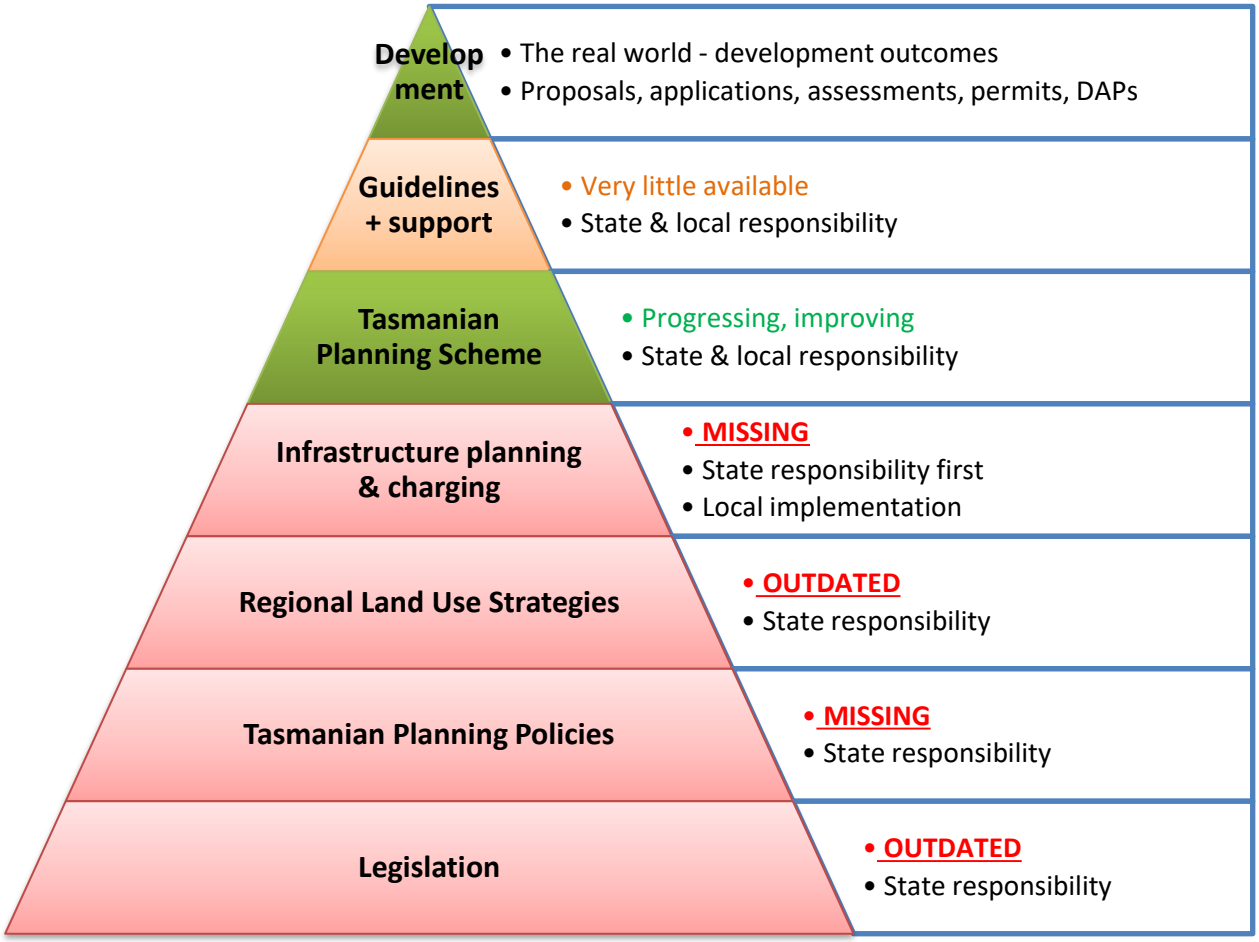
The diverting of precious planning resources to this reform comes at critical time in the development of our planning system, with either incomplete or outdated foundation pieces of our planning system.

The challenges being experienced within our planning system are the results of the planning system that the Government is responsible for administering and it has failed in its role to maintain our planning system. For example:

- Our planning legislation, the *Land Use Planning and Approvals Act 1993* is now over three decades old, and was literally made for a different century.
- The Tasmanian Planning Policies (TPPs), which should express the State Government's policy approach and expectations of development and its regulation, are still not made after over seven years.
- The three Regional Land Use Strategies (RLUSs) are critical to guiding local development and increasing certainty for proponents. They are nearing 15 years old.

While the Government has developed this Bill it has not worked on these critical foundations that support good development outcomes for local communities and proponents. This is demonstrated in the following image.

Each layer of our framework supports the component above. Development assessment and decisions are the result of all the layers beneath it. But when you interrogate those layers, the foundations of our planning system are either outdated, or missing entirely. These are all state responsibilities. The state is failing our system, not councils.



The DAPs proposal presented by this Bill applies only to the outer surface of our planning system, the development assessment process (top) and it only applies to a very small number of proposals. It does nothing to fill the serious gaps at the very foundations of our planning system. The Bill is a superficial response to development issues. Councils want meaningful action on planning.

The local government sector stands willing to work with the Government on the desperately needed improvements to out planning system, but the current DAP proposal is certainly not one of them.

Please contact Dion Lester if you have any questions or would like further information, at dion.lester@lgat.tas.gov.au or 03 6147 3740.

Yours sincerely,



Dion Lester
Chief Executive Officer