



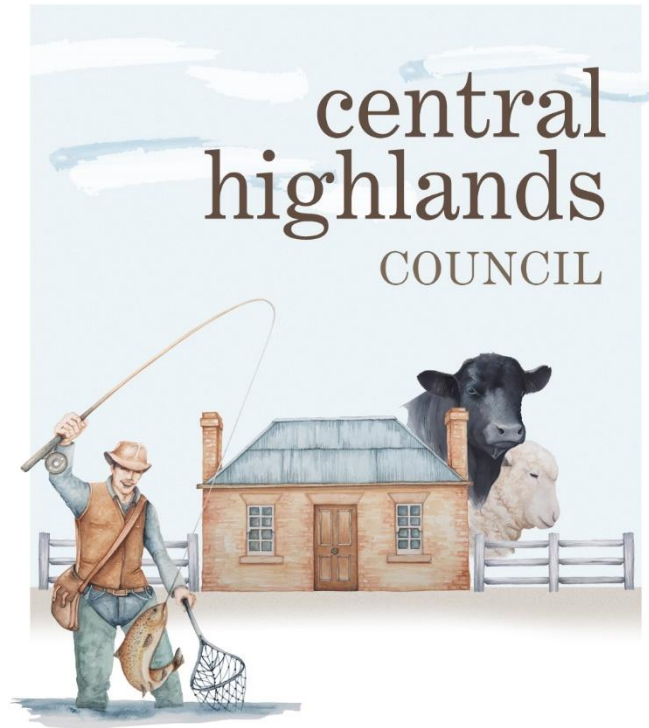
Agenda Attachments

15 April 2025

Ordinary Council Meeting
Bothwell Council Chambers

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Council Meeting Minutes

18th March 2025

Hamilton Council Chambers

Notice of Meeting of Council – Tuesday 18th March 2025

To Councillors,

In accordance with the Local Government (Meeting Procedures) Regulations 2015, Notice is hereby given, that an Ordinary Meeting of Central Highlands Council is scheduled to be held in the Council Chamber, **Hamilton** on **Tuesday 18th March 2025**, commencing at **9.00am** with the business of the meeting to be in accordance with the following agenda paper.

In accordance with the Local Government (Meeting Procedures) Regulations 2015 Part 2, Division 1, a notice of the meeting was published on the Council website on 1 August 2024.

General Manager's Certification

PURSUANT to Section 65 (1) of the Local Government Act 1993, I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

- A. such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
- B. where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.

Section 65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated at Bothwell this **13th** day of **March 2025**.



Stephen Mackey
Acting General Manager

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The meeting commenced at 9.00 a.m.

AUDIO RECORDING DISCLAIMER

As per *Regulation 33 (2) (a) of the Local Government (Meeting Procedures) Regulations 2015*, audio recordings of meetings will be made available to Councillors, staff and members of the wider community including Government Agencies at no charge and will be made available on Council's website as soon as practicable after each Council Meeting. Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

The Mayor advises the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website in accordance with Council's Policy 2017-50.

The Mayor also advises, that members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

ACKNOWLEDGEMENT OF COUNTRY

I acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge and pay respect to Elders, past, present and emerging.

CONDUCT OF COUNCIL MEETING

Central Highlands Council takes safety seriously. We have a duty to ensure that we provide a safe workplace for our Employees, Councillors, Contractors and members of the public while present at Council's workplaces.

These premises form part of the Council's workplace, and it is expected that everyone who attends Council meetings will behave in a polite and respectful manner. People should refrain from using offensive or derogatory language or comments and not be aggressive, threatening or speak in a hostile manner.

1. PRESENT

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller

Cr A Archer attended the meeting at 9.09 am

1.1 IN ATTENDANCE

Mr Stephen Mackey (Acting General Manager), Mr Zeeshan Tauqeer (Accountant), and Mrs Katrina Brazendale (Minute Secretary).

1.2 APOLOGIES

Nil

2. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil.

3. DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST BY COUNCILLORS AND STAFF

3.1 DECLARATIONS OF PECUNIARY INTEREST

PURPOSE

In accordance with Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson requests Councillors to indicate whether they or a close associate have or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) or conflict of interest in any Item of the Agenda.

Stephen Mackey – Item 4.1 CLOSED Session Notice of Motion Cr R Cassidy

3.2 DECLARATIONS OF CONFLICT OF INTEREST

PURPOSE

Under the **Model Code of Conduct** made by Order of the Minister responsible for Local Government the following will apply to a Councillor –

PART 2 – Conflict of Interest that are not Pecuniary.

(6) A Councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
- (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.

4. MINUTES

4.1 CONFIRMATION OF DRAFT ORDINARY COUNCIL MEETING MINUTES – 11 FEBRUARY 2025

RESOLUTION 01/03.2025/C

Moved: Cr J Honner

Seconded: Cr J Hall

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 11 February 2025 be confirmed.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to confirm the Council Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

4.2 RECEIVAL OF DRAFT OF AUDIT PANEL MEETING MINUTES – 17 FEBRUARY 2025

RESOLUTION 02/03.2025/C

Moved: Deputy Mayor J Allwright

Seconded: Cr D Meacheam

THAT the Draft Minutes of the Audit Panel Meeting of Council held on Monday 17 February 2025 be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to receive the Planning Committee Minutes. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

5. NOTIFICATION OF COUNCIL WORKSHOP(S) HELD

- 15th February 2025 (Saturday) **Ellendale**
- 18th February 2025 and 25th February 2025

RESOLUTION 03/03.2025/C

Moved: Cr J Honner

Seconded: Cr J Hall

THAT the Council notes the following Council Workshop(s) conducted by Council since its last ordinary Council meeting.

| Date | Attendance | Purpose |
|---------------------------|---|--|
| 15/02/2025 (Ellendale) | <p>Present: Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.</p> <p>Mr Stephen Mackey (Acting General Manager), Mrs Katrina Brazendale (Executive Assistant) and Kat Cullen (Community Development Officer).</p> <p>Apologies: Cr R Cassidy</p> | <p><i>For Council to better understand the needs and aspirations of Ellendale and surrounds, and for this to be considered in Strategic Plan</i></p> |
| 18/2/2025 | <p>Present: Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner and Cr D Meacheam</p> <p>Mr Stephen Mackey (Acting General Manager)</p> <p>Apologies: Mayor L Triffitt and Cr Y Miller (both attended the Women in Leadership conference in Hobart)</p> | <p><i>Discussions undertaken on the following item(s):-</i></p> <ul style="list-style-type: none"> • <i>Local Government Act Review</i> |
| 25/2/2025 | <p>Present: Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr J Hall; Cr J Honner; Cr D Meacheam; Cr R Cassidy and Cr Y Miller.</p> <p>Mr Stephen Mackey (Acting General Manager) and Mrs Katrina Brazendale (Executive Assistant).</p> <p>Apologies: Cr D Meacheam</p> | <p><i>Discussions undertaken on the following items:-</i></p> <ul style="list-style-type: none"> • <i>Council Committee and Council Representatives</i> • <i>General Managers Performance Review</i> |

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

Cr A Archer attended the meeting at 9.09 a.m.

5.1 FUTURE WORKSHOP(S)

PURPOSE

The purpose of the report is for Councillors to note the Council Workshop date(s).

The proposed next Council Workshop will be held on the following date(s).

- 22nd March 2025 (Saturday) **Miena**
- 1st April 2025 **Bothwell** 9.00am start

Budget Workshops Schedule

Tuesday, 8th April

Tuesday, 29th April

Tuesday, 13th May

Tuesday, 27th May

Tuesday, 10th June (only if required)

These budget workshops would take place at the Bothwell Council Chambers, starting at 10:00 am.

6. CLOSURE OF THE MEETING TO THE PUBLIC

RESOLUTION 04/03.2025/C

Moved: Cr J Honner

Seconded: Cr R Cassidy

THAT pursuant to Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015, Council, by an absolute majority, close the meeting to the public to consider the following matters in Closed Session:

| Item Number | Matter | Outcome |
|--------------------|--|--|
| 2.1 | <i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 11 February 2025.</i> | <i>Regulation 15 (2)(G) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i> |
| 4.1 | <i>Notice of Motion – Cr R Cassidy</i> | <i>Regulation 15 (2)(G) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i> |

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

PURPOSE

Under Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015* states that at a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub-regulation (2).

As per *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority.

MEETING CLOSED to the public at 9.15 am.

7. RE-OPEN MEETING TO THE PUBLIC

The meeting re-opened to the public at **10.00 am**. The Mayor again advises, to the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website.

Members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

Members attending in the gallery are: -

Damian Bester and Stephen Loring

8. PUBLIC RELEASE ANNOUNCEMENT(S)

The Chairperson announced that pursuant to Regulation 15(8)(9) of the Local Government (Meeting Procedures) Regulations 2015 and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

| Item Number | Matter | Decision |
|--------------------|--|---|
| 2.1 | <i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 11 February 2025.</i> | THAT <i>the Minutes of the Closed Session of the Ordinary Meeting of Council held on 11 February 2025 be confirmed</i> |
| 4.1 | <i>Notice of Motion – Cr R Cassidy</i> | <p>THAT <i>Council resolve to extend Mr Stephen Mackey's current appointment as Acting General Manager pursuant to section 61B(4) of the Local Government Act 1993 (Tas), to act in the office of General Manager during every absence of the General Manager, on the same terms and conditions until Friday 21 November 2025; and</i></p> <p>THAT <i>the Letter of Appointment be signed by the Mayor and Deputy Mayor</i></p> |

9. PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum to enable members of the public to ask question on Council related matters.

A period of 15 minutes, if required, will be set aside at the beginning of each Ordinary Council Meeting to conduct Public Question Time. If a response to a question cannot be provided at the meeting a written response will be provided as soon as practicable.

A member of the public may give written notice to the General Manager, 7 days before a meeting of a question to be put to the Meeting.

The Chairman may invite any member of the public present at a meeting to ask questions, without notice, relating to activities of the Council, subject to the provisions of Clause 2 below.

1. Once Question Time commences the Chairman will determine the order in which questions are heard.
2. Questions may relate to any business of the Council capable of being discussed in the open portion of the meeting, and which is not listed as an item for consideration on the Agenda for the Council Meeting.
3. Members of the public proposing a question are required to be present at the Council Meeting at which their question is to be read. Where a person submits a question for Public Question Time but fails to attend the meeting, the question will be treated as general correspondence and a written response will be provided at the earliest opportunity.
4. A person asking a question, when called upon by the Chairman is requested to:
 - Stand,
 - State their name and address,
 - Read out their question.
5. The Chairman retains the right to accept or decline questions and to determine if the question is to be answered at the meeting by the appropriate Councillor or employee or written down and taken on notice. The decision to take the question on notice may also be taken by the Councillor or employee to whom the question is directed. Questions taken on notice will be answered at a later meeting.
6. The Chairman may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, insulting, improper or relates to any matter which would normally be discussed in the closed portion of the meeting as defined in the *Local Government (Meeting Procedures) Regulations 2015*.
7. Public Question Time forum will be limited to a maximum of 15 minutes in duration and will be declared closed following the expiration of the allocated time period, or where all valid questions have been dealt with, whichever is the sooner.
8. Each question is to be asked by the proponent who will be allowed a maximum of three minutes in which to put the question.
9. The Chairman will **not allow** any discussion or debate on either the question or the response.
10. Where a person proposes more than one question at any one forum, and there are a number of persons wishing to lodge questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.

11. The minutes of the Council Meeting will contain a summary of each question asked by members of the public and the response given.
12. Public Statements (as opposed to questions) **will not** be accepted for the reason that statements could be considered a form of participation.

Pertaining to any Planning Authority agenda item within this agenda, Council will do so in accordance with Council's Policy 2017-49.

Both the Public Question Time Procedure above and Council's Policy 2017-49 'Public Comment on Planning Agenda Items' will be available for the public to view at the meeting.

Nil

10. PETITIONS / DEPUTATIONS / PRESENTATIONS

10.1 PETITIONS

Nil

10.2 DEPUTATIONS

Nil

10.3 PRESENTATIONS

Nil

11. NOTICE OF MOTIONS

PURPOSE

Under Regulation 16 of the Local Government (Meeting Procedures) Regulations 2015 relating to Motions on Notice. It states the following:

- (5) *A Councillor may give to the general manager, at least 7 days before a meeting, give written notice of a motion, together with supporting information and reasons, to be included on the agenda of that meeting.*

Nil

12. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

Nil

13. ORDINARY COUNCIL MEETING RESUMED

Not Required

14. MONTHLY MAYORAL AND ELECTED MEMBERS ACTIVITY

RESOLUTION 05/03.2025/C

Moved: Cr D Meacheam

Seconded: Cr Y Miller

THAT the Council notes the Mayoral and Elected Members Activities.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

| | |
|-----------------------------------|--|
| Strategic Plan | 6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities |
| Council Policy | Councillor Code of Conduct Policy |
| Legislative Context | Local Government Act 1993 Local Government (General) Regulations 2015 Local Government (Model Code of Conduct) Order 2024 |
| Consultation | The community and stakeholders. |
| Impact on Budget/Resources | Not applicable. |
| Risk | Allocations for Councillor Conference attendance are included in the operational budget. |

PURPOSE

This report aims to provide an overview of the Mayor and Elected Member's monthly activities.

BACKGROUND

The Mayor and Elected members can provide an activity report each month summarising any civic events they attend.

DISCUSSION

The Mayor and Elected Members represent the council at public and civic events and are the political interface between other bodies, governments, and the Council. In accordance with the Local Government Act 1993, the Mayor is designated as the spokesperson for the Council as well as a representative for the Council on regional organisations and at intergovernmental forums at regional, state, and federal levels. Reports below are provided outside the general functions of a Councillor, whereby Councillors meet with ratepayers and attend workshops.

Mayor Loueen Triffitt

| | |
|---------------------|---|
| 8 February 2025 | CWA Show (Bothwell) |
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 12 February 2025 | CWA Meeting (Bothwell) |
| 15 February 2025 | Workshop (Ellendale) |
| 17-19 February 2025 | Women in Leadership (Hobart) |
| 24 February 2025 | Minister Palmer Meeting (Ouse School) |
| 25 February 2025 | Workshop (Bothwell) |
| 26 February 2025 | Education Representatives Meeting (Ouse School) |
| 1 March 2025 | Hamilton Show (Hamilton) |
| 9 March 2025 | Miena Shack Owners Meeting (Meina) |

- Business of Council x **8**
- Ratepayer and community members – communications **1**
- Elected Members - communications **20**
- Council Management communications **11**

Deputy Mayor J Allwright

| | |
|------------------|-------------------------------------|
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 15 February 2025 | Workshop (Ellendale) |
| 17 February 2025 | Audit Panel Meeting (Hamilton) |
| 18 February 2025 | Workshop (Bothwell) |
| 25 February 2025 | Workshop (Bothwell) |

Cr A Bailey

| | |
|------------------|-------------------------------------|
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 15 February 2025 | Workshop (Ellendale) |
| 17 February 2025 | Audit Panel Meeting (Hamilton) |
| 18 February 2025 | Workshop (Bothwell) |
| 25 February 2025 | Workshop (Bothwell) |

Cr R Cassidy

| | |
|------------------|-------------------------------------|
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 18 February 2025 | Workshop (Bothwell) |
| 25 February 2025 | Workshop (Bothwell) |

Cr J Hall

| | |
|------------------|-------------------------------------|
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 15 February 2025 | Workshop (Ellendale) |
| 18 February 2025 | Workshop (Bothwell) |
| 25 February 2025 | Workshop (Bothwell) |
| 26 February 2025 | Bushwatch Meeting (Westerway) |
| 9 March 2025 | Miena Shack Owners Meeting (Meina) |

Cr J Honner

| | |
|------------------|-------------------------------------|
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 15 February 2025 | Workshop (Ellendale) |
| 18 February 2025 | Workshop (Bothwell) |
| 22 February 2025 | Seisiun Event (Miena) |
| 23 February 2025 | Great Lake Community Centre AGM |
| 25 February 2025 | Workshop (Bothwell) |

Cr D Meacheam

| | |
|------------------|-------------------------------------|
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 15 February 2025 | Workshop (Ellendale) |
| 17 February 2025 | Audit Panel Meeting (Hamilton) |
| 17 February 2025 | Hatch Meeting (Ouse) |
| 18 February 2025 | Workshop (Bothwell) |

Cr Y Miller

| | |
|---------------------|-------------------------------------|
| 11 February 2025 | Ordinary Council Meeting (Bothwell) |
| 15 February 2025 | Workshop (Ellendale) |
| 18-19 February 2025 | Women in Leadership (Hobart) |
| 25 February 2025 | Workshop (Bothwell) |

14.1 MAYORAL ANNOUNCEMENTS

Luke Horne – Police Inspector discussions (Road Safety)

Her Excellency's Official Visit to the Central Highlands Municipality – 28th March 2025

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY WELL-BEING)**Build capacity to enhance community spirit and sense of wellbeing**

- 1.1 Continue to upgrade existing public open spaces and sporting facilities and encourage community use
 - 1.2 Advocate for improved health, education, transport and other government and non-government services within the Central Highlands
 - 1.3 Continue to strengthen partnerships with all tiers of government
 - 1.4 Support and encourage social and community events within the Central Highlands
 - 1.5 Provide support to community organisations and groups
 - 1.6 Foster and develop an inclusive and engaged community with a strong sense of ownership of its area
 - 1.7 Foster and support youth activities in the Central Highlands
-

15.1 HEALTH AND WELLBEING PLAN 2020-2025 – MONTHLY PROGRESS REPORT

RESOLUTION 06/03.2025/C

Moved: Cr J Honner

Seconded: Cr Y Miller

THAT the Health and Wellbeing monthly report be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

| | |
|-----------------------------------|---|
| Strategic Plan | 1.5 Provide support to community organisations and groups |
| Council Policy | Health & Wellbeing Plan 2020-2025 |
| Legislative Context | <i>Local Government Act 1993</i> |
| Consultation | As required |
| Impact on Budget/Resources | As per Council's approved budget |
| Risk | The council must ensure that it meets its legislative and governance responsibilities in accordance with the Local Government Act 1993. |

REPORT BY Kat Cullen, Community Development Officer

BACKGROUND

The following activities were performed during **February and March 2025**.

COUNCIL CORE BUSINESS

Council Community Grant Program

Administration of Community Grants Program and School support funding.

Grant Applications – the TAS Active infrastructure grants are currently open and close 30 April. Projects are currently being scoped which will be suitable grant applications.

Events

- 22 March Community Workshop – Miena
- 26 March International Women's Day – Tas Government grant application not successful. Event will now be held 26 March, in partnership with Gretna Green Hotel, and featuring Health and Wellbeing presenters, and a panel of local speakers.
- 25 April ANZAC day – planning for event underway with event details being finalised
- 17-25 May Volunteer Week – working with Rural Business Tasmania to develop workshop for local volunteering groups, and Volunteer Week Event.

Digital Inclusion Needs – working with Ouse Online Access Centres and Libraries Tasmanian to look at digital inclusion needs in community.

Tasmanian Tourism Showcase – investigating Council participating in this event 26 July.

Community thanks received – thankyou email and grant acquittal received from Bothwell School Association for previous year's community grant for Breakfast Club at school. Thankyou email received from Meina Seisun for Community Grant for recent event.

COMMUNITY ENGAGEMENT

- Promotions of Ellendale and Miena Community workshops. Facilitation of Ellendale Community workshop with around 30 community members attending.
- Assistance with obtaining Community feedback for Structure Plan draft.

Meetings attended

Meeting with Atmos Renewables regarding Cattle Hill Wind Farm Community fund, Communities for Children reference committee meeting, Central Highlands Health and Wellbeing Network meeting, Tasmanian Council of Social Services policy workshop, HATCH meeting and Bothwell Playgroup attendance

STRATEGIC PROJECTS

1. Bothwell Childcare

Meetings have been held with Communities for Children, Bothwell High School, Playgroup Tasmania, Family Daycare Australia, and Ouse Daycare to discuss options for establishing long-day care in Bothwell. Childcare investment was also discussed at a meeting at the School with Atmos Renewables, the new owners of Cattle Hill Windfarm.

Three potential models for long-daycare in Bothwell have been identified so far:

- Family Daycare – establishing in an existing home, or building, in the community.
- Establishment of long Daycare at Bothwell School – would require instigation by DCYP and retrofitting of buildings, and potential new buildings. Potential to be co-located alongside after and before school care.
- Establishment of new facility – requiring funding through State or Federal Gov.

2. Central Highlands Community Health Centre – Innovative Model of Care Project

Primary Health Tasmania has received federal funding for three years to trial an Innovative Model of Care project at the Health Centre at Ouse.

Meeting have been held with following partners to discuss strategic direction of project: Corumbene Rural Health, Tasmanian Health Service and HATCH. The roll-out of this project has slowed due to re-hiring of Project Coordinator at Primary Health Tasmania.

3. Ouse School

Attendance at Community drop-in session with Department of Education, Children and Young People at Ouse 26 March. Promotion of flyer requesting feedback regarding school. Meeting with General Manager and DECYP representatives scheduled for 22 March.

COMMUNICATION

Council social media (Facebook) update - 06 February – 11 March 2025

Audience: 2,649 followers. Net followers increase: 22 in last 28 day; 581 in the last year.

Posts: Community workshop at Ellendale; Online Access Centre coordinator advertisement, profiling of Australia Day award recipients; free hazardous waste collection service; Bothwell swimming pool update; Miena Seisun (recipient of Community Grant) promotion; Hamilton Show promotions; Miena Community Workshop promotion; Bulky Waste collection; RAW Mental Health First Aid promotion; Ouse District School community consultation promotion; Women of the Highlands (IWD) Event.

15.2 ORAL HEALTH ACTION PLAN

RESOLUTION 07/03.2025/C

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT the Central Highlands Council supports oral health promotion by integrating oral health initiatives into Councils' respective Strategic Plans.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacham and Cr Y Miller.

BACKGROUND

Why promote oral health?

A healthy mouth is important to the overall health and wellbeing to Tasmanian people of all ages. Poor oral health can lead to pain, impact quality of life, and has connections to systemic conditions such as cardiovascular disease, type 2 diabetes, respiratory disease, adverse pregnancy outcomes, cognitive decline and inflammatory bowel diseases. Many oral diseases are preventable and linked to modifiable risk factors like tobacco use, alcohol consumption, and excessive sugar intake, which are common to other chronic diseases.

Oral health is about the health of the whole mouth, not just the teeth and gums. The main diseases, dental caries (tooth decay), periodontal disease (gum disease), oral cancer and trauma are mostly preventable yet remain some of the most common and costly chronic health problems experienced by Australians. Poor oral health has an economic impact comparable to other common chronic diseases including heart disease and diabetes.

Oral diseases serve as a significant indicator of disadvantage in Tasmania. Communities that face particular challenges with oral health include those who are socially disadvantaged or on low incomes, Aboriginal and Torres Strait Islander people, people living in regional and remote areas and people with additional or specialised health care needs.

Local councils in Tasmania have an opportunity to make an impact by creating and supporting environments and settings that promote oral health and prevent oral diseases within their communities. This guide presents a variety of evidence-based actions that Councils can consider incorporating in their Plans and Strategies.

Statistics

Although largely preventable, poor oral health still affects many Tasmanian children and adults. 40 percent of children aged 5-10 years have signs of tooth decay. 1 in 4 children aged 6–14 have experienced decay in their permanent teeth. About 37 percent of tooth decay in high- risk preschoolers is in early stages, and is preventable. More than 90 percent of adults are also affected by tooth decay, with one in three experiencing untreated tooth decay.

Opportunities for Councils to improve oral health outcomes

Acknowledge and embed oral health as an integral part of overall health and wellbeing when preparing Municipal Public Health and Wellbeing plans, Children and Families Strategy, and other plans and policies.

Promote fluoridated tap water as the preferred drink of choice

Improve access to drinking water in public places through further installation of drinking water fountains.

Create additional smoke and vape-free areas in public spaces which are not covered by state legislation.

Promote healthy foods and drinks at Council led functions and settings.

Embed healthy food and drink choices and low sugar choices in policies and plans Encourage local workplaces, health services, sport and recreation centres, parks and other public settings to increase access to healthy food and drinks through their retail outlets, vending machines and catering

Build capacity for oral health promotion in Council Programs

Promote oral health by celebrating events such as

Dental Health Week

World Oral Health Day

Sharing consistent evidence-based oral health messages.

Summary

The Local Government Council Oral Health Action Plan aims to enhance oral health and reduce disparities within Tasmania by implementing evidence-based strategies at the community level. By promoting oral health education and encouraging healthy behaviours, local councils can play a pivotal role in addressing oral health challenges. This plan provides a framework for councils to incorporate oral health considerations into their policies and initiatives, ultimately contributing to the overall well-being of their communities.

Prepared by:

Dr Gavin Quek

BDS (Adel), FPFA, FIML, FIADFE, MAICD

Secretary, Councillor, ADA Tasmania

Chair, Oral Health Promotion Committee, ADA Tasmania

Chair, Federal Oral Health Committee, Australian Dental Association Ltd

Supported by

Oral Health Services Tasmania (OHST)

Australian Dental and Oral Health Therapists' Association (ADOHTA) Dental Hygienists Association of Australia (DHAA)

Australian Dental Prosthetists Association (ADPA)

15.3 COMMUNITY GRANT REQUEST - GREтна CRICKET CLUB

RESOLUTION 08/01.2025/C

Moved: Cr J Honner

Seconded: Cr A Bailey

THAT Council contribute \$250 to Gretna Cricket Club for the 2025 Junior and Senior Trophy Presentations from the Community Grants allocation.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Kat Cullen, Community Development Officer

Attachments – Letter dated 12th February 2025

BACKGROUND

Council have received a Community Grant Application from Gretna Cricket Club.

The Club is currently seeking support for their upcoming Junior and Senior Trophy Presentations. The club has requested Council donating towards the purchase of the trophies.

The club has not requested a particular amount for this donation; however, Council contributed \$250 in the 2024-25 financial year for this purpose. There is sufficient allocation remaining in the Community and Economic Development Budget for this donation.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE AND FACILITIES)

Manage Council's physical assets in an efficient and effective manner

- 2.1 Develop and implement a 10 year Asset Management Plan for all classes of assets
- 2.2 Continue to lobby at regional and state levels to improve transport and infrastructure
- 2.3 Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
- 2.4 Ensure that the standard of existing assets and services are maintained in a cost effective manner

Jason Branch (Works & Services Manager) and Barry Harback (Works Supervisor) attended the meeting at 10.21 am

16.1 WORKS & SERVICES MONTHLY REPORT – FEBRUARY 2025

RESOLUTION 09/03.2025/C

Moved: Cr A Bailey

Seconded: Cr Y Miller

THAT the Works & Services monthly report for February 2025 be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Jason Branch, Works & Services Manager

BACKGROUND

The following activities were performed during **February 2025** by Works & Services –

| | |
|--------------------------------|---|
| Grading & Sheeting | Silver Planes Road |
| Maintenance Grading | Shoulder Grade Dennistoun Road |
| Potholing / shouldering | |
| Spraying: | Spray Gorse Rotherwood Road |
| Culverts / Drainage: | Replace Culverts Meadowbank Road Clean culverts Meadowbank Road Drainage Waddamana Road Drainage Rother wood Road Install Culverts Cramps Bay Repair culverts Glovers Road Repair Culverts Silver Plains Road Drainage Cramps Bay Culverts Wood springs |

| | |
|---------------------------------------|--|
| Occupational Health and safety | <ul style="list-style-type: none"> • Monthly Toolbox Meetings • Day to day JSA and daily prestart check lists completed. • Monthly workplace inspections completed. • Playground Inspections |
| Bridges: | |
| Refuse / recycling sites: | Cover Hamilton Tip twice weekly |
| Other: | Remove dangers tree limbs Dawsons Road Clean up land slip 14 Mile Replace signs Morrass Bay Repair and paint gates Bothwell Recreation Ground Paint flagpole Bothwell Recreation Ground Repair washouts Siver Planes Road Clean stock grids Interlaken Road Install Sign Jean Banks Road Continue Thousand Acre Lane Repairs and maintenance on informatician Booth Queens Park Gide post Holow Tree Road Hamilton Recreation Ground Power upgrade Repair Bothwell toilet block Repair power stand Bothwell Caravan Park Hamilton Show set up Clean up Bronty Waste Transfer Station Dig footings Gretna Change room facilities' Drum muster collections Paint edge line Bothwell intersection |
| Slashing: | Slash Hamilton Recreation Ground Slash Ouse Recreation Ground |
| Municipal Town Maintenance: | <ul style="list-style-type: none"> • Collection of town rubbish twice weekly • Maintenance of parks, cemetery, recreation ground and Caravan Park. • Cleaning of public toilets, gutters, drains and footpaths. • Collection of rubbish twice weekly • Cleaning of toilets and public facilities • General maintenance • Mowing of towns and parks • Town Drainage |
| Buildings: | |
| Plant: | Air valve replacement dog trailer PM605 PM774 cat grader service PM709 Cat loader investigate engine miss PM723 Cat traxavater hose repair PM801 John Deere mower new tyres PM838 Kubota mower new tyres PM839 Kubota mower new tyres PM821 Komatsu Grader new tyres PM840 Toyota Hilux service PM863 Mitsubishi Triton service |
| Private Works: | Water delivery x 3 Gravel delivers Pip Allwright |
| Casuals | Toilets, rubbish and Hobart Hamilton general duties |
| Program for next 4 weeks | Stage 4 Thousand Acre Lane Reconstruction Pothole Municipal roads Town mowing and brush cutting Culverts Victoria Valley Road Tunnel erosion drain Victoria Valley Road |

| | |
|--|--|
| | Drain Curlys Lane Clean up Osterley Cemetery Drainage and culverts |
|--|--|

TRAFFIC COUNTER DATA

Councils' decision to install traffic counters on all Municipal roads over the next few years to gain data to help support Councils decision making when prioritising capital works commenced last year and so far, 16 roads have had data taking from them.

Councils Works Manager and Supervisor have first had data collected from two of Councils highest volume sealed roads and majority of Councils profound unsealed roads.

Typically, the traffic counters are installed for 3 weeks to gain sufficient data.

Please see reports on the following roads so far.

Arthurs Lake Road (sealed)

- The total vehicle movements were 1329 (averaging 63/day).
- 73.5% of vehicle movements were cars, with 10.6 towing trailers. The most common heavy vehicle types were two axle trucks (16.6%) and three axle articulated vehicles (7.6%).
- Assuming an 80km/h speed limit (gravel), only two cars (0.2% overall) were non-compliant. This is likely due to the counter being placed at a bridge, passively slowing vehicles. Only 24 vehicles (1.8%) travelled over 60km/h.
- There was no clear pattern of peak travel times. Unusually, Friday-Sunday (75-82.5) had higher average traffic than weekdays (48.7-58) – likely due to weekend recreational use.

Bashan Road (unsealed)

- The total vehicle movements were 653, averaging 30/day.
- 89.9% of vehicles were cars, with 9.8% towing trailers. The most common heavy vehicle types were two axle trucks (4.4%) and six axle articulated vehicles (2.9%).
- For a speed limit of 80km/h, only 5% of vehicles were non-compliant (all were cars).
- There was no clear pattern of travel days/times. There was less of a drop in travel over Christmas/Boxing Day compared to Waddamana.

Dennistoun Road (sealed)

- The total vehicle movements were 5551 (averaging 264/day).
- 57.3% of vehicle movements were cars, with 0.7% towing trailers. The most common heavy vehicle types were two axle trucks (32.1%) and three axle trucks (5.1%).
- Only 1.2% of vehicles were non-compliant for a 100km/h limit (0.2% cars, 1% heavy vehicles).
- There was no strong pattern of peak travel times, with the bulk of travel being between 6am-7pm. Weekend traffic was lower than weekday traffic. Friday traffic appeared slightly higher than other weekdays (avg 326 compared to 280-293), but with only two full day records it's difficult to confirm a pattern.

Ellendale Road (sealed)

- The total vehicle movements were 9473 (averaging 451/day).
- 77.8% of vehicle movements were cars, with 5.7% towing trailers. The most common heavy vehicle type was two axle trucks (11.6%).
- Only 2% of vehicles were non-compliant at 100km/h (1.5% cars, 0.5% heavy vehicles). 6 cars and 3 heavy vehicles were recorded in the 120-130 bin, 2 cars in 130-140 and 1 car each in 140-150 and 150-160 – at around 4pm and 8pm respectively, so not even late-night hooning.
- The morning peak was in the 11am-12pm range for every weekend during the recording period. There was no strong pattern of peak travel times otherwise, with the bulk of travel being between 6am-7pm. Weekend traffic was again lower than weekday traffic.

Fourteen Mile Road (unsealed)

- The total vehicle movements were 1316, averaging 63/day.
- 75.1% of vehicles were cars, with 5.9% towing trailers. The most common heavy vehicle type was two axle trucks (19.1%).
- For a speed limit of 80km/h, 14.9% of vehicles were non-compliant (10.0% cars and 4.9% heavy vehicles). 8 vehicles were in the 100-110 bin (4 cars, 4 two axle trucks) and one car was recorded at 154km/h between 10-11am – hopefully nothing else was around then.
- There was no clear pattern of travel days/times aside from lower travel on Saturdays. Unlike Bashan Rd, traffic was lower on Australia Day than other Sundays.

Hollow Tree Road (sealed)

- The total vehicle movements were 5863 (averaging 279/day).
- 94.5% of vehicles were cars, with 6.6% towing trailers. The most common heavy vehicle types were two axle trucks (1.8%) and six axle articulated vehicles (1.4%).
- At a speed limit of 80km/h (assumed), 5.8% of vehicles are non-compliant. Only 1 heavy vehicle exceeded 80km/h, and only 3 vehicles (0.1%) exceeded 100km/h. The relatively lower speeds at this site are likely due to the counter's location near a bridge and recommended 55km/h bend.
- Average Monday travel (271) seemed slightly lower than other weekdays (299-310), and weekend numbers (233-237) were distinctly lower than weekday travel.
- Peak travel times varied throughout the day, with the bulk of travel occurring between 5am-6pm.
 - A distinct shift was visible at the start of daylight savings, showing that the traffic counters do not automatically adjust. It looks like the Highlands counters run on AEDT by default, so previous counts may be an hour off. Given how low travel typically is around 11pm-1am this is unlikely to notably change daily numbers and should only matter if travel timing is important.

Interlaken (Highlands Road End, unsealed)

- The total vehicle movements were 4727, averaging 225/day.
- 76.5% of vehicles were cars, with 8.3% towing trailers. The most common heavy vehicle type was two axle trucks (18%).
- For a speed limit of 80km/h, 7.4% of vehicles were non-compliant (6.4% cars and 1% heavy vehicles). Only three vehicles were recorded over 100km/h (2 cars and 1 three axle truck).
- Weekend travel was generally lower than weekday traffic. Higher vehicle movements were recorded during the Hobart Regatta Day long weekend (and the Friday before it).

Strickland Road (unsealed)

- The total vehicle movements were 1764 (averaging 84/day).
- 73.4% of vehicle movements were cars, with 4.5% towing trailers. The most common heavy vehicle type was two axle trucks (13.3%).
- Also assuming 80km/h speed limit, 1.2% of vehicles (20 cars, 1 two axle truck) were non-compliant. 10% of vehicles travelled over 70km/h, and 37.8% of vehicles travelled between 60-70km/h.
- There was no clear pattern of peak travel times. Weekends (46.7-48.3) had notably lower average traffic than weekdays (92-107).

Thousand Acre Lane (sealed)

- The total vehicle movements were 4466 (averaging 213/day).
- 84.8% of vehicles were cars, with 7.9% towing trailers. The most common heavy vehicle types were two axle trucks (5.2%) and B-doubles (4.1%). One vehicle was registered as a triple road train in the 30-40km/h bin – this may be an error with registering tyre patterns, which appears to be more likely at lower speeds. There were also 4 double road trains recorded, all in the 50-60km/h bin.
- At a speed limit of 80km/h, 28.8% of vehicles are non-compliant. There was a higher non-compliance rate for cars (33%) than heavy vehicles (12.1%). 0.9% of vehicles exceeded 100km/h (which some vehicles may have assumed to be the speed limit as the 80 sign had fallen down when I was last up).
- Aside from lower traffic volumes on weekends, there was no distinct pattern in recorded vehicle movements on different days. Peak travel times were similar to Hollow Tree Rd.

Victoria Valley Road (sealed)

- The total vehicle movements were 2525, averaging 126/day.
- 92.2% of vehicles were cars, with 4.2% towing trailers. The most common heavy vehicle type was two axle trucks (5.2%).
- For the speed limit of 100km/h, only four vehicles (2 cars and 2 two axle trucks) were non-compliant. The counter's location at a bridge on and near curves would have helped with this compliance level.
- There was no clear pattern to travel times. Weekdays (123.3-147.7) higher average travel than weekends (103-108.7), though there were some weekday records lower than weekend records.

Wadamana Road (Cross Roads to Ouse River, unsealed)

- The total vehicle movements were 1204, averaging 57/day.
- 81.1% of vehicles were cars, with 6.6% towing trailers. The most common heavy vehicle types were two axle trucks (6.6%) and three axle trucks (5.0%).
- Assuming a speed limit of 80km/h, only 2.5% of vehicles were non-compliant (11 cars and 19 heavy vehicles). No vehicles were recorded over 100km/h.
- There was no clear pattern of travel days/times aside from slightly lower travel on Saturdays. Travel was high on Australia Day (26th), but also on Mon 20th.

Wadamana Road (South Hermitage, unsealed)

- The total vehicle movements were 610, averaging 28/day.
- 77.2% of vehicles were cars, with 6.9% towing trailers. The most common heavy vehicle type was two axle trucks (19.7%).
- For a speed limit of 80km/h, 23% of vehicles were non-compliant (13.8% cars, 9.2% heavy vehicles). At a limit of 100km/h, the non-compliance rate is 2.9% (0.8% cars, 2.1% heavy vehicles).
- There was no clear pattern of travel days/times aside from slightly higher travel on Fridays. There was also a notable drop in travel on Christmas/Boxing Day, understandably.

Wayatinah Road (sealed)

- The total vehicle movements were 4727, averaging 225/day.
- 76.5% of vehicles were cars, with 8.3% towing trailers. The most common heavy vehicle type was two axle trucks (18%).
- For a speed limit of 60km/h, (Traffic Counter was installed 60mtrs inside the 60 zone from the end of the 100 zone) a concerning **60.1% of vehicles were non-compliant** (43.6% cars and 16.5% heavy vehicles). 4.3% of vehicles were travelling over 100km/h (98 cars, 106 heavy vehicles). 2 two axle trucks were recorded between 140-150km/h.
- Weekend travel was generally lower than weekday traffic. Higher vehicle movements were recorded during the Hobart Regatta Day long weekend (and the Friday before it).

Wihareja Road (unsealed)

- The total vehicle movements were 3095, averaging 155/day.
- 64.9% of vehicles were cars, with 10.3% towing trailers. The most common heavy vehicle types were two axle trucks (21.1%) and three axle articulated trucks (6.4%).
- For the speed limit of 80km/h, 14.3% of vehicles were non-compliant (4.3% cars, 10.1% heavy vehicles). 1.8% of vehicles were over 100km/h. Three heavy vehicles were recorded at 130-140, and one car recorded at 140-150.
- There was no clear pattern to travel times. Vehicle movements were inconsistent across the days – Fri 6th-Sat 7th had notably higher vehicle movements than the other days.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – FINANCIAL SUSTAINABILITY)

Manage Council's finances and assets to ensure long term viability and sustainability of Council

- 3.1 Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services
- 3.2 Review annually, Councils Long Term Financial Management Plan and Council's Long Term Asset Management Plan
- 3.3 Where efficiency gains can be identified, resource share services with other local government councils
- 3.4 Endeavour to, and continue to lobby for, an increase in the level of grant income
- 3.5 Encourage development to expand Council's rate base
- 3.6 Identify revenue streams that could complement/substitute for existing resources
- 3.7 Develop and maintain sound risk management processes

17.1 MONTHLY FINANCE REPORT TO 28 FEBRUARY 2025

RESOLUTION 10/03.2025/C

Moved: Cr J Hall

Seconded: Cr Y Miller

THAT the Monthly Finance Report to 28 February 2025 be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

| | |
|-----------------------------------|---|
| Strategic Plan | 3.1 Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services |
| Council Policy | Not applicable |
| Legislative Context | The council's decision-making is under the provisions of the Local Government Act 1993, and the report details the basis for the recommendation |
| Consultation | The financial statements form part of the public record within the Council minutes |
| Impact on Budget/Resources | As attached |

| | |
|-------------|---|
| Risk | The council must ensure that it meets its financial obligations. This report captures the ongoing financial performance |
|-------------|---|

REPORT BY Zeeshan Tauqeer, Accountant

BACKGROUND

Financial Expenditure Analysis Report - For the Period Ended 28 February 2025

Executive Summary

As of 28 February 2025, the overall operational expenditure for the fiscal year 2024-2025 stands at **\$4.90 million**, representing **70.38%** of the annual budgeted figure of **\$6.96 million**.

Capital expenditure utilization is substantially lower, with **\$1.81 million** spent against a total capital budget of **\$5.12 million**, equating to **35.31%** of the available funds.

This mid-year review identifies areas of both fiscal discipline and potential budgetary risk. While operational spending trends appear broadly consistent with forecasted targets, several functional areas have exceeded budget allocations.

1. Operating Expenditure Performance

Summary Table – Department Operating Expenditure

| Department | Budget (\$) | Actual Expenditure (\$) | % of Budget Spent | Balance Remaining (\$) |
|--------------------------------------|------------------|-------------------------|-------------------|------------------------|
| Corporate & Financial Services | 2,250,194 | 1,542,005 | 68.53% | 708,189 |
| Development & Environmental Services | 1,900,763 | 1,281,264 | 67.41% | 619,499 |
| Works & Services | 2,804,469 | 2,072,266 | 73.89% | 732,203 |
| Total Operating Expenditure | 6,955,426 | 4,895,536 | 70.38% | 2,059,890 |

Key Insights and Variance Analysis

- **Corporate & Financial Services**

- Overall expenditure is within acceptable parameters at **68.53%** of the budget.
- The **Medical Centres** program shows underutilization (**55.65%**).

- **Development & Environmental Services**

- The **Swimming Pools** function has exceeded its budget by **18.80%**, representing an unfavourable variance of **\$5,686**, likely due to unforeseen maintenance or increased operating costs.
- **Development Control** remains underutilized at **50.11**.
- **Environment Protection** expenditure is critically low at **5.68%**.

- **Works & Services**

- Expenditure is slightly above the two-thirds benchmark at **73.89%**; however, multiple cost centres are significantly overspent:
 - **Parks & Gardens (108.41%)**
 - **Halls (105.36%)**
 - **Footpaths, Kerbs & Gutters (115.48%)**
- Conversely, **Bridge Maintenance** expenditure is well below budget at **25.42%**,

2. Capital Expenditure Performance

Summary Table – Capital Expenditure

| Department | Budget (\$) | Actual Expenditure (\$) | % of Budget Spent | Balance Remaining (\$) |
|--------------------------------------|--------------------|--------------------------------|--------------------------|-------------------------------|
| Corporate & Financial Services | 51,500 | 28,584 | 55.50% | 22,916 |
| Development & Environmental Services | 5,000 | 1,870 | 37.40% | 3,130 |
| Works & Services | 5,060,585 | 1,776,175 | 35.10% | 3,284,410 |
| Total Capital Expenditure | 5,117,085 | 1,806,629 | 35.31% | 3,310,456 |

Capital Investment Analysis

- **Corporate & Financial Services**
 - Capital expenditure is at **55.50%**, with notable investments in computer purchases. However, **equipment** and **miscellaneous** capital allocations remain fully unutilized.
- **Development & Environmental Services**
 - Minimal capital investment (**37.40%**) has been made, primarily in swimming pool upgrades.
- **Works & Services**
 - Expenditure is concentrated in **Plant Purchases (61.48%)** and **Road Construction & Reseals (28.74%)**.
 - Projects such as **Public Conveniences** and **Bridges** require urgent progress monitoring, with **\$150,000** and **\$18,065**.
 - Low spend rates in **Drainage (0% of budget allocated)** and **Parks & Gardens Capital (2.09%)**

3. Conclusion

In summary, the financial analysis of year-to-date expenditures (July 2024 – Feb 2025) reveals a generally well-managed **operating budget** with overall spending slightly ahead of schedule, and a **capital program** that is substantially behind schedule. With around 30% of operating funds and 65% of capital funds still available, there is capacity to deliver remaining services and projects.

Grant and Community Support Report

For the Period Ending February 2025

Overview

This report outlines the grants, donations, and community support contributions allocated and expended by the **Community & Economic Development Department** during the 2024-2025 financial year up to February 2025.

The total **budget** for Grants and Community Support for 2024-2025 is **\$157,100**. Year-to-date expenditure stands at **\$41,957.89** as of February 2025.

Budget Summary

| Category | Budget Allocation | Year to Date Expenditure |
|---|-------------------|--------------------------|
| Community & Economic Development Support | \$5,000 | \$180.00 |
| Support/Donations | \$9,500 | \$280.00 |
| Further Education Bursaries | \$1,800 | \$1,000.00 |
| Central Highlands School Support | \$3,000 | \$400.00 |
| ANZAC Day | \$6,000 | |
| Hamilton Show | \$5,000 | \$13,134.90 |
| Australia Day | \$2,500 | \$3,503.28 |
| Church Grants | \$5,000 | |
| Suicide Prevention Program | \$2,000 | |
| Anglers Alliance Sponsorship | \$3,000 | |
| Royal Flying Doctor Service | \$1,000 | |
| Youth Activities | \$5,000 | \$500.00 |
| Australasian Golf Museum Power Contribution | \$5,000 | |
| South Central Region Projects | \$5,000 | |
| Local Govt Shared Services Project | \$2,000 | |
| 200 Years of Hamilton Celebration | \$20,000 | |
| Health & Wellbeing Plan Implementation | \$5,000 | |
| Visitors Centre | \$5,000 | |
| Grant Assistance | \$15,000 | |
| Design/Concept Contractors - Grants | \$25,000 | |

| Category | Budget Allocation | Year to Date Expenditure |
|--------------------------------|-------------------|--------------------------|
| Healthy Connect Project | \$10,000 | |
| Highlands Digest Support | \$10,800 | \$10,859.26 |
| Children's Services - Bothwell | \$500 | |

Grants and Donations Issued

Below is a summary of specific grants and donations provided during the reporting period:

| Date | Recipient/Project | Amount (\$) |
|------------|--|-------------|
| 31/07/2024 | Brighton Family Day Care | 5,000.00 |
| 07/08/2024 | Lions Club of Bothwell | 500.00 |
| 07/08/2024 | Community Grant - Miena Seisun | 1,500.00 |
| 07/08/2024 | Great Lake Community Centre - Heating System | 2,000.00 |
| 07/08/2024 | Bothwell Golf Club | 900.00 |
| 03/08/2024 | Westway Community Hall Association | 1,500.00 |
| 27/01/2025 | Hamilton District Agricultural Show Society | 500.00 |
| 31/10/2025 | Catherine Watson - 50% Travel Reimbursement | 225.90 |
| 02/12/2024 | Rotary Club of Hobart - Magic Show | 254.55 |

Notable Contributions and Projects Supported

- **Hamilton Show:** \$13,134.90 allocated for event support.
- **Australia Day Celebrations:** \$3,503.28 towards festivities and awards.
- **Highlands Digest:** \$10,859.26 contribution supporting community information dissemination.
- **Youth Activities:** \$500 allocated to youth-centered programs.
- **Further Education Bursaries:** \$1,000 to support local education initiatives.
- **Central Highlands School Support:** \$400 allocated for school-related support.

Remaining Budget

- **Total Budget:** \$157,100
- **Expenditure to Date:** \$41,957.89
- **Remaining Funds:** \$115,142.11

Bank Reconciliation as at 28 Feb 2025

| | 2024 | 2025 |
|--|-----------------------|-----------------------|
| Balance Brought Forward | \$7,178,586.99 | \$5,505,552.40 |
| Receipts for month | \$648,115.40 | \$1,502,244.63 |
| Expenditure for month | \$1,062,382.15 | \$1,843,766.99 |
| Balance | \$6,764,320.24 | \$5,164,030.04 |
| Represented By: | | |
| Balance Commonwealth Bank | \$1,211,747.75 | \$1,269,324.28 |
| Balance Westpac Bank | \$140,400.41 | \$245,496.01 |
| Investments | \$5,411,622.08 | \$3,648,659.75 |
| Petty Cash & Floats | \$550.00 | \$550.00 |
| | \$6,764,320.24 | \$5,164,030.04 |
| Plus Unbanked Money | | |
| | \$6,764,320.24 | \$5,164,030.04 |
| Less Unpresented Cheques | \$0.00 | \$0.00 |
| Unreceipted amounts on bank statements | \$0.00 | |
| | \$6,764,320.24 | \$5,164,030.04 |

Rates Reconciliation as at 28 Feb 2025

| | 2024 | 2025 |
|-----------------------------------|-----------------------|-----------------------|
| Rates in Debit 30th June | \$135,606.82 | \$196,877.36 |
| Rates in Credit 30th June | -\$171,244.88 | -\$145,341.00 |
| Balance 30th June | -\$35,638.06 | \$51,536.36 |
| Rates Raised | \$4,486,365.49 | \$4,729,920.23 |
| Penalties Raised | \$28,420.94 | \$36,021.97 |
| Supplementaries/Debit Adjustments | \$18,894.84 | \$25,577.02 |
| Total Raised | \$4,533,681.27 | \$4,791,519.22 |
| Less: | | |
| Receipts to Date | \$3,476,427.32 | \$3,460,748.41 |
| Credit Journals | \$0.00 | \$19,188.78 |
| Pensioner Rate Remissions | \$119,626.72 | \$129,513.82 |
| Remissions/Supplementary Credits | \$17,862.55 | \$10,566.41 |
| Balance | \$884,126.62 | \$1,223,038.16 |

| | BUDGET 2024/2025 | ACTUAL TO 28-Feb-25 | % OF BUDGET SPENT | BALANCE OF BUDGET |
|--|---------------------|------------------------|----------------------|----------------------|
| CORPORATE AND FINANCIAL SERVICES | | | | |
| ADMIN HAMILTON | \$1,870,264 | \$1,374,582 | 73.50% | \$495,682 |
| ELECTED MEMBERS EXPENDITURE(AMEH) | \$256,040 | \$188,472 | 73.61% | \$67,568 |
| MEDICAL CENTRES(MED) | \$127,141 | \$70,752 | 55.65% | \$56,389 |
| STREET LIGHTING(STLIGHT) | \$34,357 | \$22,388 | 65.16% | \$11,969 |
| ONCOSTS | (\$498,049) | (\$543,926) | 109.21% | \$45,877 |
| COMMUNITY & ECONOMIC DEVELOPMENT & RELATIONS(CDR+EDEV) | \$460,441 | \$429,738 | 93.33% | \$30,703 |
| TOTAL CORPORATE & FINANCIAL SERVICES | \$2,250,194 | \$1,542,005 | 68.53% | \$708,189 |
| DEVELOPMENT AND ENVIRONMENTAL SERVICES | | | | |
| ADMIN BOTHWELL | \$321,446 | \$242,214 | 75.35% | \$79,232 |
| ENVIRON HEALTH SERVICES (EHS) | \$33,455 | \$20,896 | 62.46% | \$12,559 |
| ANIMAL CONTROL(AC) | \$11,375 | \$10,535 | 92.61% | \$840 |
| PLUMBING/BUILDING CONTROL (BPC) | \$182,083 | \$110,990 | 60.96% | \$71,093 |
| SWIMMING POOLS (POOL) | \$30,241 | \$35,927 | 118.80% | (\$5,686) |
| DEVELOPMENT CONTROL (DEV) | \$351,850 | \$176,314 | 50.11% | \$175,536 |
| WASTE SERVICES | \$928,956 | \$682,040 | 73.42% | \$246,916 |
| ENVIRONMENT PROTECTION (EP) | \$41,357 | \$2,349 | 5.68% | \$39,008 |
| TOTAL DEVELOPMENT & ENVIRONMENTAL SERVICES | \$1,900,763 | \$1,281,264 | 67.41% | \$619,499 |
| WORKS AND SERVICES | | | | |
| PUBLIC CONVENIENCES (PC) | \$287,145 | \$117,955 | 41.08% | \$169,190 |
| CEMETERY (CEM) | \$16,732 | \$11,264 | 67.32% | \$5,468 |
| HALLS (HALL) | \$80,732 | \$85,061 | 105.36% | (\$4,329) |
| PARKS AND GARDENS(PG) | \$97,057 | \$105,216 | 108.41% | (\$8,159) |
| REC. & RESERVES(Rec+Tennis) | \$119,900 | \$74,457 | 62.10% | \$45,443 |
| TOWN MOWING/TREES/STREETSCAPES(MOW) | \$193,285 | \$152,009 | 78.65% | \$41,276 |
| HOUSING (HOU) | \$116,424 | \$98,973 | 85.01% | \$17,451 |
| CAMPING GROUNDS (CPARK) | \$18,884 | \$10,480 | 55.50% | \$8,404 |
| LIBRARY (LIB) | \$2,346 | \$1,687 | 71.90% | \$659 |
| ROAD MAINTENANCE (ROAD) | \$1,056,382 | \$789,420 | 74.73% | \$266,962 |
| FOOTPATHS/KERBS/GUTTERS (FKG) | \$13,813 | \$15,951 | 115.48% | (\$2,138) |
| BRIDGE MAINTENANCE (BRI) | \$23,026 | \$5,853 | 25.42% | \$17,173 |
| PRIVATE WORKS (PW) | \$50,743 | \$14,174 | 27.93% | \$36,569 |
| SUPER. & I/D OVERHEADS (SUPER) | \$812,468 | \$762,007 | 93.79% | \$50,461 |
| QUARRY/GRAVEL (QUARRY) | (\$181,998) | (\$12,432) | 6.83% | (\$169,566) |
| NATURAL RESOURCE MANAGEMENT(NRM) | \$128,847 | \$84,485 | 65.57% | \$44,362 |
| SES (SES) | \$2,000 | \$305 | 15.23% | \$1,696 |
| PLANT MTCE & OPERATING COSTS (PLANT) | \$640,571 | \$390,678 | 60.99% | \$249,893 |
| PLANT INCOME | (\$756,571) | (\$702,786) | 92.89% | (\$53,785) |
| DRAINAGE (DRAIN) | \$42,124 | \$39,644 | 94.11% | \$2,481 |
| OTHER COMMUNITY AMENITIES (OCA) | \$40,559 | \$23,324 | 57.51% | \$17,235 |
| WASTE COLLECTION & ASSOC SERVICES (WAS) | \$0 | \$4,542 | | (\$4,542) |
| FLOOD REPAIRS | | \$0 | | |
| TOTAL WORKS & SERVICES | \$2,804,469 | \$2,072,266 | 73.89% | \$732,203 |
| DEPARTMENT TOTALS OPERATING EXPENSES | | | | |
| Corporate Services | \$2,250,194 | \$1,542,005 | 68.53% | \$708,189 |
| Dev. & Environmental Services | \$1,900,763 | \$1,281,264 | 67.41% | \$619,499 |
| Works & Services | \$2,804,469 | \$2,072,266 | 73.89% | \$732,203 |
| Total All Operating | \$6,955,426 | \$4,895,536 | 70.38% | \$2,059,890 |

| | BUDGET 2024/2025 | ACTUAL TO 28-Feb-25 | % OF BUDGET SPENT | BALANCE OF BUDGET |
|---|---------------------|------------------------|----------------------|----------------------|
| CAPITAL EXPENDITURE | | | | |
| | | | | |
| CORPORATE AND FINANCIAL SERVICES | | | | |
| Computer Purchases | \$41,500 | \$28,584 | 68.88% | \$12,916 |
| Equipment | \$5,000 | \$0 | 0.00% | \$5,000 |
| Miscellaneous | \$5,000 | \$0 | 0.00% | \$5,000 |
| | \$51,500 | \$28,584 | 55.50% | \$22,916 |
| DEVELOPMENT & ENVIRONMENTAL SERVICES | | | | |
| Swimming Pool | \$5,000 | \$1,870 | 37.40% | \$3,130 |
| | \$5,000 | \$1,870 | 37.40% | (\$4,182) |
| WORKS & SERVICES | | | | |
| Plant Purchases | \$760,000 | \$467,215 | 61.48% | \$292,785 |
| Camping Grounds | \$0 | \$0 | | \$0 |
| Public Conveniences | \$150,000 | \$0 | 0.00% | \$150,000 |
| Bridges | \$0 | \$18,065 | 0.00% | (\$18,065) |
| Road Construction & Reseals | \$2,918,000 | \$838,643 | 28.74% | \$2,079,357 |
| Drainage | \$20,000 | \$4,898 | 0.00% | \$15,102 |
| Parks & Gardens Capital | \$11,440 | \$239 | 2.09% | \$11,201 |
| Infrastructure | \$82,145 | \$28,235 | 34.37% | \$53,910 |
| Footpaths, Kerbs & Gutters | \$40,000 | \$28,185 | 70.46% | \$11,815 |
| Rec Grounds | \$570,000 | \$188,601 | 33.09% | \$381,399 |
| Halls | \$60,000 | \$11,755 | 19.59% | \$48,245 |
| Buildings | \$449,000 | \$190,339 | 42.39% | \$258,661 |
| | \$5,060,585 | \$1,776,175 | 35.10% | \$3,284,410 |
| TOTAL CAPITAL WORKS | | | | |
| Corporate Services | \$51,500 | \$28,584 | 55.50% | \$22,916 |
| Dev. & Environmental Services | \$5,000 | \$1,870 | 37.40% | \$3,130 |
| Works & Services | \$5,060,585 | \$1,776,175 | 35.10% | \$3,284,410 |
| | \$5,117,085 | \$1,806,629 | 35.31% | \$3,310,456 |

BANK ACCOUNT BALANCES AS AT 28 Feb 2025

| No. | Bank Accounts | Investment Period | Current Interest Rate % | Due Date | BALANCE | |
|--------------------------------------|--|----------------------|----------------------------|------------|--------------|--------------|
| | | | | | 2024 | 2025 |
| 11100 Cash at Bank and on Hand | | | | | | |
| 11105 | Bank 01 - Commonwealth - General Trading Account | | | | 1,211,747.75 | 1,269,324.28 |
| 11106 | Bank 02 - Westpac - Direct Deposit Account | | | | 140,400.41 | 245,496.01 |
| 11110 | Petty Cash | | | | 350.00 | 350.00 |
| 11115 | Floats | | | | 200.00 | 200.00 |
| 11199 TOTAL CASH AT BANK AND ON HAND | | | | | 1,352,698.16 | 1,515,370.29 |
| 11200 Investments | | | | | | |
| 11207 | Bank 6 | 0 | 0.00 | | 0.00 | 0.00 |
| 11207 | Bank 5 | 0 | 0.00 | | 3,101,930.88 | 0.00 |
| 11115 | Bank 04 | 30 | 4.41% | 3/03/2025 | - | 1,000,000.00 |
| 11110 | Tascorp | 90 | 4.49% | 29/04/2025 | 82,259.93 | 86,625.35 |
| 11115 | Bank 16 | 60 | 4.70% | 21/03/2025 | 2,227,431.27 | 2,562,034.40 |
| 11299 TOTAL INVESTMENTS | | | | | 5,411,622.08 | 3,648,659.75 |
| TOTAL BANK ACCOUNTS AND CASH ON HAND | | | | | 6,764,320.24 | 5,164,030.04 |

Comprehensive Income Statement

28/02/2025

| | Budget 2023-2024 | Actual to date prior year | Actual to Date | Budget 2024-2025 | Comments |
|-----------------------------------|---------------------|------------------------------|--------------------|---------------------|------------------------------------|
| Recurrent Income | | | | | |
| Rates Charges | \$4,469,863 | \$4,477,140 | \$4,717,569 | \$4,682,233 | |
| User Fees | \$355,450 | \$176,611 | \$201,959 | \$494,250 | |
| Grants - Operating | \$124,860 | \$274,432 | \$437,256 | \$30,000 | |
| Other Revenue | \$453,200 | \$495,910 | \$413,729 | \$704,366 | |
| Grants received in Advance | \$2,998,566 | \$3,031,386 | \$2,782,241 | \$3,206,515 | FAGs received Jun 2024 for 2024/25 |
| Total Revenues | \$8,401,939 | \$8,455,479 | \$8,552,754 | \$9,117,364 | |
| Expenditure | | | | | |
| Employee Benefits | \$2,553,663 | \$1,607,560 | \$1,857,125 | \$2,584,261 | |
| Materials and Services | \$2,012,016 | \$1,852,594 | \$1,823,192 | \$2,447,768 | |
| Other Expenses | \$1,715,852 | \$1,212,771 | \$1,295,645 | \$1,892,738 | |
| Depreciation and Amortisation | \$2,260,000 | \$1,606,545 | \$1,473,349 | \$2,327,800 | |
| Total Expenditure | \$8,541,531 | 6,279,470 | 6,449,311 | 9,252,567 | |
| Operating Surplus(Deficit) | (139,592) | 2,176,009 | 2,103,443 | (135,203) | |
| Capital Grants & Other | \$2,407,078 | \$330,100 | \$1,101,244 | \$2,424,996 | |
| Surplus(Deficit) | 2,267,486 | 2,506,109 | 3,204,687 | 2,289,793 | |
| Capital Expenditure | \$8,107,503 | \$2,868,410 | \$1,806,629 | \$5,117,085 | |

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – NATURAL ENVIRONMENT)

Encourage responsible management of the natural resources and assets in the Central Highlands.

- 4.1 Continue to fund and support the Derwent Catchment Project
- 4.2 Continue with existing waste minimisation and recycling opportunities
- 4.3 Promote the reduce, reuse, recycle, recover message
- 4.4 Continue the program of weed reduction in the Central Highlands
- 4.5 Ensure the Central Highlands Emergency Management Plan is reviewed regularly to enable preparedness for natural events and emergencies
- 4.6 Strive to provide a clean and healthy environment
- 4.7 Support and assist practical programs that address existing environmental problems and improve the environment

Jason Branch (Works & Services Manager) and Barry Harback (Works Supervisor) left the meeting at 10.54 am

18.1 DERWENT CATCHMENT PROJECT

RESOLUTION 11/03.2025/C

Moved: Cr J Honner

Seconded: Cr A Archer

THAT the Derwent Catchment Project Report for March 2025 be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.



Derwent Catchment Project March 2025

General business

The final components of the technological upgrade at the Hamilton community centre has been completed as part of the FRRR Grant. These upgrades will allow community groups to carry out presentations on digital displays and connect via video conference calls. With support from David Meacheam and his role as the Central Highlands Representative to the DCP, we were successful in securing funding from the Cattle Hill Community Grant Program. The funding will allow easier access to weed treatment equipment for the community and ensure it is kept in a safe and secure location.

Weed Management Programs

Central Highlands Weed Management Plan

Strategic Actions 4.4 Continue the program of weed reduction in the Central Highlands, and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

The team have finished off their survey and treatment of Ragwort around the Poatina region. Further spray work has been carried out at Dee Lagoon. The team have worked their way through the large infestations and will be working on individual plants within the native bush next year. As per the request by the council, the team have also been treating a large gorse infestation along Rotherwood Road and the adjoining side roads. The primary treatment has gone well.



Treated gorse along Rotherwood Road

Hamilton Native Plant Nursery

Karen was at the Hamilton show providing an opportunity for the public to look at and purchase native plants. This time of year, is great opportunity for people to be asking questions about establishing plants and preparing for an autumn planting. Karen will also be at the New Norfolk weekend markets every Saturday this month.

Agri-best practice programs

Strategic Actions 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Derwent Pasture Network

The Derwent Catchment Projects Pasture Network, in partnership with NRM South, has secured funding to deliver a four-year program of activity that aims to support our farming communities to increase sustainable production and climate resilience. This project will allow us to continue our work with dryland pastures and grazing within the Derwent catchment and further develop a program of activities that support grazing managers and their enterprises. A new element of this project will be engagement and information sharing with producers with similar issues across the East Coast, Southern Midlands and Coal River Valley. Planning and prioritising is now being undertaken following signing of the delivery contract in February.

Activity planning begins with an Integrated Pest Management (IPM) workshop at the Hamilton Resource Centre on March 13. Experts Paul Horne and Rebecca Addison will cover IPM principles for local pasture pests like diamond back moth, pasture grubs, and red legged earth mite. Peter Ball from Derwent Catchment Project will also share insights from local demonstration sites.

Meanwhile, pasture species trial results were presented at a walk and talk in Westerway, attended by seven producers. They observed differences in Phalaris and cocksfoot across two trial blocks, with the oldest trial now four years in. Tracking these trials over time offers valuable insights, with the Derwent Catchment Project ensuring continued engagement to maximise project investments.

Restoration and Conservation

Strategic Actions: 4.1 Continue to fund and support the Derwent Catchment Project and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Rivers

Tyenna River Recovery

Morgan went over the work done so far with landholders and was happy with how things are going. However, log jams are causing problems by trapping live willow, leading to in-stream infestations. Managing woody

debris is also challenging, especially in tough-to-reach spots. The DCP is looking into the dense willow infestations and working with the lead volunteers to come up with a plan.

Clyde River – Flood Resilience

We have completed the Clyde River 3-year implementation plan, which has been sent to the National Emergency Management Agency (NEMA) for review. A contract is expected by April to begin the planning phase.

Miena Cider Gum

As part of the work funded by Hydro Tasmania, the DCP has been undertaking a comprehensive health assessment and census. This program is collecting the accurate (~15 cm) location of each tree and their health status of the remaining Miena cider gums. The goal of this program to gain a thorough understanding of how many trees are in good enough condition to set seed and provide natural recruitment opportunities. The results will be published in a conservation status assessment.

Yours Sincerely,

The Derwent Catchment Team

Key Contacts:

Josie Kelman (CEO) 0427044700

Eve Lazarus (Program Manager) 0429170048

Morgan McPherson (Operations Manager) 0418 667 426

Karen Phillips (Nursery Manager) 0400 039 303

18.2 NRE TAS LAKES SORELL AND CRESCENT WATER LEVEL OPERATING PROCEDURES

RESOLUTION 12/03.2025/C

Moved: Cr A Archer

Seconded: Cr R Cassidy

THAT the report be received for information.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

IMPLICATIONS AND FINANCIALS

| | |
|-----------------------------------|--|
| Strategic Plan | 4.7 Support and assist practical programs that address existing environmental problems and improve the environment. |
| Management Plans | Lakes Sorell and Crescent Water Management Plan (2005) |
| Legislative Context | Local Government Act 1993 |
| Consultation | Council's Senior Management Team |
| Impact on Budget/Resources | May have an impact on the Council approved budget, as additional resources maybe required to meet the increased service level with the NRE Tas Lakes Sorell and Crescent Water Level Operating Procedures. |
| Risk | May pose a safety risk to the environment and council resources during flood events. |

REPORT BY Adam Wilson, Deputy General Manager

Attachments

- Letter from Department of Natural Resources and Environment Tasmania dated 3 March 2025.
- NRE Tas Lakes Sorell and Crescent Water Level Operating Procedures.

BACKGROUND

The NRE Tas Lakes Sorell and Crescent Water Level Operating Procedures is a document outlines a set of water level operating procedures for Lake Sorell and Lake Crescent to support delivery of management objectives in the Lakes Sorell and Crescent Water Management Plan (2005) (Lakes Plan).

NRE Tas as the 'Water Manager' is responsible for administration and oversight of the Lakes Plan including operational oversight at the Lakes. These Procedures support NRE Tas to meet their

responsibilities, as well as supporting the River Clyde Trust to fulfil their obligations as the owner and operator¹ of their water supply infrastructure in the Lakes Plan area in accordance with the Lakes Plan as the Water. Entity Responsible for water supply in the River Clyde Irrigation District. The Procedures has been produced to support open communication and information sharing between water managers and other key groups including Central Highlands Council, TasWater, Lakeside property owners and Inland Fisheries Service.

The NRE Tas Lakes Sorell and Crescent Water Level Operating Procedures states there is a need for collaborative management is critical in the small number of years (typically less than one in ten years) when lake levels are approaching levels that could present a risk to one or more values. In these years the Plans' rules and greater levels of collaboration is necessary to support coordinating and prioritising water management to minimise risk to a range of important values. In most years it is likely that the management considerations will be easily applied under the Lakes Plan rules and will support all management objectives. In the small number of years where there may be a need to prioritise access in accordance with the Plan rules. These procedures will also support greater understanding and efficient and collaborative management of water resources by all key stakeholders with water management and other related resource management responsibilities.

These procedures only relate to arrangements under the 2005 Lakes Sorell and Crescent Water Management Plan. The purpose of these procedures is to:

- Set out clear arrangements to plan for and coordinate achievement of monthly, seasonal and annual operational strategies and Water Management Plan requirements in relation to water level management and water releases from and between the lakes.
- Define the operational roles and responsibilities for decision making and communications and operations in the Lakes Plan area.

Ms Amanda Locatelli, Director Water at Department of Natural Resources and Environment Tasmania, Primary Industries and Water has written to Council on the 3 March 2025 regarding the NRE Tas Lakes Sorell and Crescent Water Level Operating Procedures (the Procedures).

Ms Locatelli states that the Department of Natural Resources and Environment Tasmania is pleased to advise that the Procedures have been approved and include some minor revisions to take account of feedback and to update contact details. The approved Procedures are included in the attachments.

The key revisions include:

- Interim operational arrangement until 30 September 2025 reflecting the Inland Fisheries Service (with support from NRE Tas) continuing to maintain operational control of the Lakes Sorell outlet gates, in place of the River Clyde Trust.
- Revisions to simplify the Procedures to only contain operational details and remove the supporting information as this information is largely duplicated and already available in the Lakes Plans and in other NRE Tas documents.

Ms Locatelli states that prior to the start of the 2025/26 irrigation season, NRE Tas will be undertaking further work to clarify operational responsibilities and arrangements related to dams and related water supply infrastructure at the lakes. This work may then inform consideration of any further updates to the Procedures at that time.

19. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ECONOMIC DEVELOPMENT)

Encourage economic viability within the municipality

- 5.1 Encourage expansion in the business sector and opening of new market opportunities
- 5.2 Support the implementation of the Southern Highlands Irrigation Scheme
- 5.3 Continue with the Highlands Tasmania and Bushfest branding
- 5.4 Encourage the establishment of alternative industries to support job creation and increase permanent residents
- 5.5 Promote our area's tourism opportunities, destinations and events
- 5.6 Support existing businesses to continue to grow and prosper
- 5.7 Develop partnerships with State Government, industry and regional bodies to promote economic and employment opportunities
- 5.8 Work with the community to further develop tourism in the area

19.1 DEVELOPMENT & ENVIRONMENTAL SERVICES

RESOLUTION 13/03.2025/C

Moved: Cr J Honner

Seconded: Cr D Meacheam

THAT the Development & Environmental Services Report be received.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Graham Rogers, Manager DES

PLANNING PERMITS ISSUED UNDER DELEGATION

The following planning permits have been issued under delegation during the past month.

DISCRETIONARY

| DA NO. | APPLICANT | LOCATION | PROPOSAL |
|---------|-----------------------------------|--------------------------|--|
| 2025/01 | Philip Lighton Architects Pty Ltd | 14 Allport Road, Brandum | Demolition and Dwelling (Retrospective) |
| 2024/65 | J Batchelor | 3 Trout Crescent, MIENA | Outbuilding |
| 2024/66 | M C Planners | Last Street, Bothwell | Water Treatment Plant & Associated Works |

| | | | |
|---------|-------------------------------|---|-------------------|
| 2024/17 | Charlie Ellis Architecture | 2246 Tunbridge Tier Road, Interlaken | Boat Shed & Jetty |
|---------|-------------------------------|---|-------------------|

PERMITTED

| DA NO. | APPLICANT | LOCATION | PROPOSAL |
|---------|---------------|----------------------|--|
| 2025/07 | A E R Dunstan | 67 Jones Road, Miena | Change of Use to Visitor Accommodation |
| 2025/10 | L J Beveridge | 4 Berry Drive, Miena | Visitor Accommodation |

NO PERMIT REQUIRED

| DA NO. | APPLICANT | LOCATION | PROPOSAL |
|---------|---------------|-------------------------------------|--|
| 2025/06 | Tierney Law | Fenwick Street, Hamilton | Adhesion Order |
| 2025/11 | PDA Surveyors | 15352 Lyell Highway, Derwent Bridge | Strata |
| 2025/04 | CPB UGL JV | 379 Ellendale Road, Fentonbury | Subdivision of Land For use of Utilities |

ANIMAL CONTROL

Total Number of Dogs Registered in 2023/2024 Financial Year – 998

Total Number of Kennel Licences Issued for 2023/2024 Financial Year – 29

2024/2025 Dog Registration Renewal have been issued and were due by 31 July 2024.
Infringement Notices have now been issued for the 10 unregistered dogs.

| Statistics as of 11 March 2025 | |
|--|-----|
| Number of Dogs Impounded during last month | 0 |
| Number of Dogs Currently Registered | 933 |
| Number of Dogs Pending Re-Registration | 10 |
| Number of Kennel Licence Renewals | 33 |

19.2 LAKE CRESCENT BOAT RAMP WALKWAY / LANDING**RESOLUTION 14/03.2025/C**

Moved: Cr R Cassidy

Seconded: Cr D Meacheam

THAT Council give approval to Inland Fisheries to construct Boat Ramp Walkway/ Landing on Council owned property at Lake Crescent, and that council make application to the State Government for a lease on the portion of crown land over which the structure will be built;

THAT Council contribute \$5,000 towards the construction of the Walkway/Landing on the condition that the contribution be made in the 2025/26 financial year; and

THAT council take over the ownership and maintenance of the walkway/Landing after any defect's liability period in the construction contract has expired.

AMENDMENT TO THE MOTION**Moved:** Cr A Archer**Seconded:** Cr A Bailey

THAT Council give approval to Inland Fisheries to construct Boat Ramp Walkway/ Landing on Council owned property at Lake Crescent, and that council make application to the State Government for a lease on the portion of crown land over which the structure will be built;

THAT Council contribute \$5,000 towards the construction of the Walkway/Landing on the condition that the contribution be made in the 2025/26 financial year; and

Cr R Cassidy left the meeting at 11.14 am.

AMENDMENT BECOME THE MOTION**RESOLUTION 15/03.2025/C****Moved:** Cr A Archer**Seconded:** Cr A Bailey

THAT Council give approval to Inland Fisheries to construct Boat Ramp Walkway/ Landing on Council owned property at Lake Crescent, and that council make application to the State Government for a lease on the portion of crown land over which the structure will be built;

THAT Council contribute \$5,000 towards the construction of the Walkway/Landing on the condition that the contribution be made in the 2025/26 financial year; and

LOST 4/4**For the Motion**

Cr A Archer; Cr A Bailey; Cr J Hall; and Cr Y Miller.

Against the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr J Honner and Cr D Meacheam

Cr R Cassidy returned the meeting at 11.17 am.

RESOLUTION 16/03.2025/C**ORIGINAL MOTION****Moved:** Cr R Cassidy**Seconded:** Cr D Meacheam

THAT Council give approval to Inland Fisheries to construct Boat Ramp Walkway/ Landing on Council owned property at Lake Crescent, and that council make application to the State Government for a lease on the portion of crown land over which the structure will be built;

THAT Council contribute \$5,000 towards the construction of the Walkway/Landing on the condition that the contribution be made in the 2025/26 financial year; and

THAT council take over the ownership and maintenance of the walkway/Landing after any defect's liability period in the construction contract has expired.

CARRIED 5/4

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr R Cassidy; Cr J Honner and Cr D Meacheam

Against the Motion

Cr A Archer; Cr A Bailey; Cr J Hall; and Cr Y Miller.

REPORT BY Stephen Mackey, Acting General Manager

BACKGROUND

Trout fishing is a key economic driver of the Central Highlands economy and is an important recreational activity for over 26,000 licensed anglers. Lake Crescent ranked as the 9th most popular trout fishery in the State in 2022-23 and is drawing large numbers of anglers seeking the trophy sized fish which Lake Crescent contains. (Refer photo of boat ramp car park.)

In addition to the much-needed recent upgrading of the vehicle/trailer parking area at Lake Crescent, a need was also identified to improve access and amenity for anglers when getting into and out of their boats. The Council owned boat ramp is the only public access point for boaters to the lake.

To assess options, a joint site visit was undertaken by Marine and Safety Tasmania (MAST), the Inland Fisheries Service (IFS) and Anglers Alliance Tasmania (AAT). It was resolved that the most effective way to make it easier for boaters and their passengers to enter and leave their craft was to construct a timber and Fibreglass reinforced plastic (FRP) walkway/landing along the side of the boat ramp allowing boat users safe access to their craft irrespective of the water level.

As a result of this meeting:

- Mast has advised that the principal component of the construction costs could be met through the MAST Small Craft Boating Fund.
- IFS has provided \$5000 for Project Design Drawings – copy attached.
- IFS has agreed to make a financial contribution towards construction.
- AAT has agreed to a \$5000 contribution towards the project.

Matters to consider and determine:

- The proposed structure will be predominantly on Council owned land with a small portion on Crown Land.
- Landowner (Council) permission is required for an application for funding to be submitted to MAST for the structure to be built.
- A licence application will be required for the portion of the jetty on Crown Land.
- If MAST approves funding a Development Application will need to be submitted to Council.

- An owner of the facility, responsible for ongoing maintenance is required and needs to be determined (See discussion below).
- MAST's costing estimate for completion of the project is approximately \$85,000 with these costs being met by MAST, IFS and AAT.
- Council may want to consider a financial contribution towards the project.

DISCUSSION

As the existing boat ramp and car park is owned by Council and the structure will be situated almost entirely on Council land, it would be preferable that the structure become the property of Council and Council licences or leases the adjoining Crown Land required.

Maintenance: MAST have many years' experience with the construction and maintenance of similar facilities regarding construction method, materials used and expected service life. It should also be noted that the MAST Small Boating Fund is available for any future maintenance work required.

'The proposed walkway to be built alongside the Lake Crescent Boat Ramp is predominantly constructed using treated pine framing with a fiberglass grating (FRP) deck. It is attached to the ramp with a concrete abutment. This type of construction has been widely used by Councils and Hydro Tasmania throughout the state at both fresh and saltwater sites.

Treated pine was chosen for the framing as it can be easily fabricated and installed to suit the constraints and aesthetics of the site. This is an important consideration at the more remote and secluded sites. Fiberglass grating is now the predominant material specified by MAST and other authorities like the Tasmanian Parks and Wildlife Service for outdoor structures as it provides a great non-slip surface with minimal trip hazards and has a long service life (30 years +). There can be ongoing maintenance issues using other types of material.

The proposed construction should provide a facility with a service life of at least 25-30 years with minimal maintenance required apart from regular inspections for checking fixings and for impact damage.'

MANAGEMENT COMMENT

At this stage there has been no communication with the Clyde Water Trust regarding the development of this structure. Conversation with Mr Byard suggests that there will be no impediments to the trust in this structure being placed in this location.

Council will need to apply to the Crown (State Government) for a lease on the portion of Crown land on which the structure will be crossing. There may be some costs associated with this, but I would suggest that a lease payment would be in the order of a dollar if demanded as per many Crown Land Leases.

The matter of long-term maintenance is an unknown save to say an annual inspection to see that there are no trip hazards, and that all balustrading is in good order and all fixings are secure.

Discussion have been held with representative of the River Clyde Trust regarding the installation of the jetty. They have written to council advising as follows:

The River Clyde Trust is aware of a proposal by the Inland Fisheries Service, MAST and the Anglers 'Alliance to build a jetty alongside the Lake Crescent boat ramp into the canal that supplies the Clyde River.

Over time silt builds up in the canal. At low lake levels during dry periods this has to be cleaned out in order to maintain a supply for town, stock and domestic water to Bothwell and the river. The River Clyde Trust was concerned that a structure in the canal could make desilting difficult. After reviewing the plans and the site we have no reservations.

The River Clyde Trust supports the jetty proposal.

20. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GOVERNANCE AND LEADERSHIP)

Provide governance and leadership in an open, transparent, accountable and responsible manner in the best interests of our community

- 6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
- 6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities
- 6.3 Ensure appropriate management of risk associated with Council's operations and activities
- 6.4 Provide a supportive culture that promotes the well-being of staff and encourages staff development and continuous learning
- 6.5 Provide advocacy on behalf of the community and actively engage government and other organisations in the pursuit of community priorities
- 6.6 Consider Council's strategic direction in relation to resource sharing with neighbouring councils and opportunities for mutual benefit
- 6.7 Support and encourage community participation and engagement
- 6.8 Ensure that customers receive quality responses that are prompt, accurate and fair
- 6.9 Council decision making will be always made in open council except where legislative or legal requirements determine otherwise.

20.1 CONSIDERATION OF AMENDMENTS TO THE CENTRAL HIGHLANDS COUNCIL SCHEDULE OF FEES AND CHARGES (2024-2025) FOR PLANNING SCHEME AMENDMENT – DEVELOPMENT AND ENVIRONMENTAL SERVICES

RESOLUTION 17/03.2025/C

Moved: Cr J Honner

Seconded: Cr R Cassidy

THAT Council amend the Schedule of Fees and Charges (2024-2025) - Development and Environmental Services for Amendments to the Planning Scheme as follows:

- Planning Scheme Amendment Assessment - \$6,000
- Statutory Advertising - \$1,876
- Tasmanian Planning Commission Fee (payable to TPC if amendment initiated) – Current fee as set by TPC

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY, Louisa Brown (Senior Planning Officer – Contracted Planner)

Attachment – Investigation of other LGA's Schedule of Fees and Charges

Issue

Council to consider increasing the fee for Planning Scheme Amendment of the current *Schedule of Fees and Charges 2024-2025*.

Currently the fee for Amendments to the Planning Scheme are;

- \$1,741 assessment fee (plus DA fee for combined applications)
- \$938 advertising fee for 2 adverts, as required
- \$374 current fee set by the TPC as of July 2024

An Investigation of other similar LGA's Schedule of Fees and Charges document is provided. It is evident that the current fees for Central Highlands Council are low in comparison. Additionally, the current fee may not cover the cost to council of the work involved.

Background

A Planning Application for Planning Scheme Amendment is a significant process which requires a substantial level of Council staff involvement. The process of making a planning scheme amendment may take 12 months and requires hearings with the Tasmanian planning Commission.

Although Central Highlands Council has not undergone a Planning Scheme Amendment for possibly over 15 years, it is highly likely that Council will be approached to consider a Scheme Amendment in the near future to enable significant development in the area. With this in mind, Council has undertaken a review of Planning Scheme Amendment Schedule of Fees and Charges for similar Councils.

Methodology

Council Officers have reviewed the schedule of fees and charges for Planning Scheme Amendments for other similar Councils. These Councils were chosen based on the following similarities.

- Neighbouring LGA's; and
- Rural LGA's.

Discussion

The matter is subject to Council decision, based on the information provided.

20.2 COUNCIL COMMITTEES AND COUNCIL REPRESENTATIVES

RESOLUTION 18/02.2025/C

Moved: Cr Y Miller

Seconded: Cr J Honner

THAT Council consider the development of the following committee structure to undertake specific function of Councils operations with the following councillors nominated to these committees.

It should also be noted that nominations will also be sought from members of the community to be on the Economic Development Special Committee and the Economic Development Special Committee, nominations for community representatives will be for a two-year period

CARRIED**For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Stephen Mackey, Acting General Manager

DISCUSSION

There has been some discussion over the past few months regarding the number of committees are whether they are still appropriate or if there should be less those that meet infrequently or if there should be more to undertake other functions.

| Council Committee | Representative | Meeting Schedule |
|--|--|-------------------------|
| Audit Panel | Deputy Mayor J Allwright Cr A Bailey Cr (Dr) Meacheam (Proxy) | Quarterly |
| Derwent Catchment Project | Deputy Mayor J Allwright Cr R Cassidy (Proxy) | As required |
| Health Action Team Central Highlands (HATCH) | Mayor L Triffitt Cr Y Miller Cr J Honner (Proxy) | As required |
| Independent Living Units | Mayor L Triffitt (Chair) Cr A Bailey Cr Y Miller Cr J Hall | As Required |
| Local Government of Tasmania (LGAT) | Mayor L Triffitt Deputy Mayor J Allwright (Proxy) | Quarterly |
| Southern Tasmanian Council Authority (STCA) | Mayor L Triffitt Deputy Mayor J Allwright (Proxy) | Quarterly |
| South Central Sub-Regional (SCS) Working Group | Mayor L Triffitt Deputy Mayor J Allwright (Proxy) | Quarterly |
| Plant Committee | Cr A Archer (Chair) Cr A Bailey Cr J Hall | As required |
| Economic Development Special Committee | Cr (Dr) Meacheam (Chair) Deputy Mayor J Allwright Cr R Cassidy Community Member (4) | Quarterly |

| | | |
|--|--|-------------|
| Community Development Special Committee | Mayor L Triffitt (Chair) Cr J Honner Cr Y Miller Community Members (4) | As required |
| Finance Committee | Cr (Dr) Meacheam Cr A Archer Deputy Mayor J Allwright Cr J Hall (Proxy) | Quarterly |

20.3 LGAT GENERAL MEETING – NOTICE OF MOTIONS

RESOLUTION 19/03.2025/C

Moved: Cr A Archer

Seconded: Cr Y Miller

THAT Council agree with the motion Funding for the Line Marking on Local Government Roads from Hobart City Council

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Stephen Mackey, Acting General Manager

DISCUSSION

Council has received notification from the Local Government Association of Tasmania with regard to the upcoming General Meeting on the 2 April 2025 on motions that have been put forward.



Details of Motion

Motion Title **Funding for Line Marking on Local Government Roads**

Decision Sought

The Local Government Association of Tasmania lobby the Tasmanian Government to urgently increase the allocation of State-based funds for line marking on Local Government roads to more closely align with the quantum required to meet safe operating standards

Background Comment

In the past, the State Government was responsible for the maintenance of line marking with little or no involvement from Local Government. However, over the last decade and a half, there has been a progressive movement by the State Government to make Local Government more responsible for line marking on Local Government control.

The intent of providing line marking on our roads is fundamentally to guide and improve safety for all road users. It is critical that adequate funding is provided to ensure that roads are suitably line marked to meet current road safety standards.

Road line marking is an important function which must be adequately funded and resourced. Indeed, the *Towards Zero Tasmanian Road Safety Strategy 2017-2026* includes a direction to 'Reduce serious casualties through improved delineation (e.g. line marking).

Although a nominal amount of \$850,000 has been allocated, currently the State Government only provides between \$400,000-\$450,000 in funding to Local Government for line marking which is sourced from the State's Road Safety Levy.

There is clearly a need for the State Government, who collect or receive fees and taxes for road maintenance and improvements, to allocate adequate funding for Local Government to ensure the requirements for adequate road line markings met current safety standards.

Given this is a statewide issue for the Local Government sector, the City of Hobart has requested that this motion be presented to the next LGAT meeting requesting that a formal approach be made to the State Government seeking an urgent increase to line marking funding.

The City of Hobart recently completed a line marking inventory analysis, which has identified that the City requires a catch-up spend of \$500,000 per year over three years and then an annual spend of \$250,000 thereafter to maintain our line markings. These figures are based on an assessment that 20% of line markings should be renewed each year for the next three years (to catch-up) and, after that time, 10% of line marking should be replaced each year.

RESOLUTION 20/03.2025/C**Moved:** Cr R Cassidy**Seconded:** Cr D Meacheam

THAT Council agree with the motion Adoption of 7-star Energy Efficiency Requirements from Hobart City Council

LOST 2/7**For the Motion**

Cr R Cassidy and Cr D Meacheam

Against the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr J Hall; Cr J Honner and Cr Y Miller

REPORT BY Stephen Mackey, Acting General Manager**DISCUSSION**

Council has received notification from the Local Government Association of Tasmania with regard to the upcoming General Meeting on the 2 April 2025 on motions that have been put forward.



Details of Motion

Motion Title Adoption of 7-star Energy Efficiency Requirements

Decision Sought

The Local Government Association of Tasmania lobby the Tasmanian Government to adopt the 7-star energy efficiency requirements of the National Construction Code 2022 to provide more comfortable homes with lower energy running costs for Tasmanians.

Background Comment

The 2022 National Construction Code (NCC) requires all new Australian houses and apartments to meet a minimum energy efficiency rating of 7 stars under the Nationwide House Energy Rating Scheme (NatHERS). With all States (with WA beginning 1 May 2025) and the ACT rolling out 7-star efficiency requirements since then, Tasmania continues to lag behind this vital requirement.

Energy efficient design is about creating homes that are comfortable for people to live in all year round. That is, naturally cool in summer and warm in winter without the need for costly energy sources. Temperature and light are maintained at comfortable levels with a minimum requirement for active systems such as heaters, air conditioners and daytime lighting.

Energy efficiency is of particular importance in Tasmania, given our weather extremes between our cold winters and hot summer days. Tasmania also has a large amount of poorly-insulated and inefficient housing stock that results in significantly higher energy bills over the lifetime of the building.

The results of setting a minimum energy efficiency rating of 7 stars are homes that are considerably cheaper for homeowners to run, with a higher capital value, and with a lower demand on the energy grid resultant emissions; It is expected that this will offset the additional construction cost that is associated with the 7-star requirement.

The 7-star energy efficiency ratings in the NCC have also been combined with initial condensation provisions set in NCC 2019, further measures in NCC 2022, and additional refinements and measures are anticipated for NCC 2025. Building elements that will assist in meeting 7 stars, such as improved insulation and double-glazing, are expected to reduce condensation risk.

In 2022, the then Tasmanian Minister for Workplace Safety and Consumer Affairs Elise Archer said that the Tasmanian Government would be “deferring consideration of the compulsory 7 Star energy efficiency rating until the next iteration of the NCC in 2025”. More recent communications suggest that this has been deferred again with a commitment to an implementation date unclear. Given the impending 2025 update of the NCC, it is timely that the Tasmanian Government agrees to the existing national standards.

RESOLUTION 21/03.2025/C**Moved:** Deputy Mayor J Allwright**Seconded:** Cr D Meacheam**THAT** Council disagree with the motion Public Open Space Contributions from Brighton Council**CARRIED 8/1****For the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; and Cr Y Miller.

Against the Motion

Cr D Meacheam

REPORT BY Stephen Mackey, Acting General Manager**DISCUSSION**

Council has received notification from the Local Government Association of Tasmania with regard to the upcoming General Meeting on the 2 April 2025 on motions that have been put forward.

Motion Title Public Open Space Contributions**Decision Sought**

That LGAT lobbies the Minister for Housing, Planning and Consumer Affairs and the State Planning Office to work with Councils to introduce an Open Space Policy that includes contribution requirements for all forms of subdivision including strata developments.

Background Comment

Recently the Minister for Housing, Planning and Consumer Affairs, Felix Ellis MP announced plans to repeal the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP) to streamline the approvals of subdivisions. This has presented an opportunity to look at addressing the issue of Public Open Space (POS) contributions, specifically for the inclusion of strata developments.

Under the current provisions, Councils have the ability to require land or payment in lieu of an open space land contribution for subdivisions [Division 8, ss116 and 117 LGBMP]. However, there has been no such requirement for Strata Developments. This raises the issue of equity and fairness as strata developments generally being of a higher residential density create a greater demand for open space than a standard subdivision.

It is well known that POS contributions are crucial for sustainable urban development, enhancing community amenities and supporting balanced growth. Infrastructure planning is essential for a community's economic and social well-being. New developments must provide cost-efficient and appropriate infrastructure such as roads, electricity, telecommunications and POS. POS offers recreational opportunities and green spaces for residents, visitors, and workers, serving various purposes like recreation, nature, events, and drainage.

Furthermore, in most growth areas around Tasmania, the share of residential development that is made up of medium density strata development rather than traditional broad acre subdivision, is much higher than in the past.

As new residential lots increase housing demands, so too does the need for POS. Meeting or upgrading POS needs is a joint responsibility of the government and developers. This has been recognised across other states in Australia and Policy decisions have reflected this. For instance, the Western Australian Government have a draft policy position that '*all forms of land subdivision, that increase the demand for POS, can be subject to a contribution requirement, including all types of strata subdivision*'. It is noted that the POS contribution requirements vary in each state and range from 5% up to 12.5%.

This is a matter that concerns all councils, and a consistent approach is vital. The intention with the advocacy would be to develop a Policy which addresses the current fairness and equality issues and provides clear requirements for developers and Councils in relation to POS contributions.

20.4 PROPOSED CHANGES TO THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2025

RESOLUTION 22/03.2025/C

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT Council support the proposed changes to the Local Government (General) Regulations 2025.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Stephen Mackey, Acting General Manager

DISCUSSION

Below are the detailed changes sought by the Local Government Division to the Local Government (General) Regulations

37 Prescribed matters for annual report (AMENDED)

For the purposes of section 72(1)(e) of the Act, The following matters are prescribed as matters that must be contained in an annual report prepared by a council:

- (a) A statement of the number of disputes in respect of the council, subject to a dispute resolution process, that –
 - (i) Were received in the financial year to which the report relates: and
 - (ii) Were determined or withdrawn in the financial year to which the report relates;
- (b) A statement of the number of disputes in respect of the council that are on foot but not yet determined or withdrawn in the financial year to which the report relates;
- (c) A statement of the total costs to the council in relation to all disputes in respect of that council, dealt with by a dispute resolution process, in the financial year to which the report relates;
- (d) A statement of the core learning and development activities, as determined by the Director, that each councillor has completed in the financial year to which the report relates.

Schedule 4 Allowances for elected members (AMENDED)

| Column 1 Council | Column 2 Allowance for Councillors | Column 3 Additional Allowance for Deputy Mayor | Column 4 Additional Allowance for Mayor |
|---------------------|--|---|--|
| Central Highlands | \$11,599 | \$12,177 | \$28,842 |

Schedule 6 Questions

Part 1 – Statutory Notices and Orders

Part 12 of the Local Government Act 1993

No Question

1. Fencing and land repair notices under Division 2 of Part 12 of Act
 - (a) Has the council a record of having served a notice under Division 2 of Part 12 of the Act in relation to the specified land and the notice has not been satisfied?
 - (b) If YES (a), provide particulars
2. Abatement notice under section 200 of Act
 - (a) Has the council a record of having served an abatement notice on the owner under section 200 of the Act in relation to a nuisance affecting the specified land and the notice has not been satisfied?
 - (b) If YES to (a), has the council decided to take action to abate the nuisance at the owner's expense?
 - (c) If YES to (b), provide particulars.
3. Court order for abatement of nuisance
 - (a) Has the council a record showing that a nuisance still exists affecting the specified land in contravention of a Court order made under section 203 of the Act?

20.5 PROPOSED CHANGES TO THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2025

Cr D Meacheam left the meeting at 11.46 am and returned at 11.47 am.

RESOLUTION 23/03.2025/C

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT Council support the proposed changes to the Local Government (Meeting Procedures) Regulations 2025 with the removal of section 50 (3) A leave of absence may not be granted retrospectively.

CARRIED

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.

REPORT BY Stephen Mackey, Acting General Manager

DISCUSSION

Below are the detailed changes sought by the Local Government Division to the Local Government (Meeting Procedures) Regulations

Convening Council Meetings Was **regulation 4 now Regulation 5**

New Wording is as Follows:

(1) In this regulation –

Majority, of councillors at a meeting, means a majority of councillors other than-

(a) The Mayor: or

(b) In the absence of the Mayor, the Deputy Mayor acting as the Mayor.

Regulation 8 Statement to be made at meetings (NEW)

The chairperson of a meeting is to make a verbal statement at the beginning of a meeting, so far as is practicable, to the effect of-

- (a) That an audio or audio visual recording is being made of the meeting; and
- (b) That all persons attending the meeting are to be respectful of, and considerate towards, other persons attending the meeting; and
- (c) That language and conduct at the meeting that could be perceived as offensive, defamatory or threatening to a person attending the meeting, or listening to the recording, is not acceptable.

Regulation 10 Agenda (AMENDED)

- (e) notification of a leave of absence for parental leave;
- (f) declaration of a pecuniary interest of a councillor: **(or close associate has been removed)**

New Regulation (7)

- (7) For the purposes of subregulation (1), a copy of an advice of a qualified person under section 65 of the act is an associated report and document.

Regulation 13 Quorum New section 4

- (4) A councillor who participates in a meeting by audio link, or audio visuals link, is taken to be part of the quorum.

New Section (6)

- (6) if a permission under subregulation (5) is given, the general manager is to record the details of that permission in the minutes of that meeting.

Regulation 17 Closed meetings (AMENDED)

(b) Industrial relations matter;

(h) information that is –

- (i) Of a personal and confidential nature; or
- (ii) Provided to the council on the condition that it is kept confidential; (

(j) notification by councillors of a leave of absence for parental leave;

18 Motions generally (RESTRUCTURED AND AMENDED IN PART)

- (1) The chairperson of a meeting is not to allow a motion to be debated or otherwise dealt with unless it has been moved and seconded by one councillor and seconded by another councillor.
- (2) The chairperson of a council committee meeting may waive the requirement for a motion to be seconded.
- (3) A councillor moving a motion for an adjournment of the debate on another motion is to include in the motion the reason for the adjournment.
- (4) If a councillor, who has given notice of a motion in accordance with regulation 19 (1), that has not been refused under subregulation (6), does not move the motion at the meeting, the motion lapses.
- (5) A councillor who has moved a motion, whether it is being debated or not, may only withdraw the motion –
 - (a) With the consent of the seconder, if a seconder was required; or
 - (b) With the consent of the meeting.
- (6) The chairperson of a meeting may refuse to accept a motion under regulation 19 or 20 if, in the opinion of both the general manager and the Mayor, the motion –
 - (a) Is defamatory; or
 - (b) Contains offensive language; or
 - (c) Is unlawful; or
 - (d) Does not relate to the activities, or functions, of the council.

19 Written notice of motion (RESTRUCTURED AND AMENDED IN PART)

- (1) A councillor may give to the general manager, at least 7 days before a meeting-
 - (a) Written notice of a motion; and

- (b) Supporting information and reasons for the inclusion of the motion on the next meeting agenda.
- (2) If a councillor gives to the general manager written notice of a motion less than 7 days before a meeting, or during a meeting, the chairperson, in consultation with the general manager, may –
 - (a) Permit the councillor to debate the motion at the meeting; or
 - (b) Set aside the motion for inclusion in the agenda of a later meeting.
- (3) The general manager is to include a motion with notice on the agenda of the next meeting if the motion –
 - (a) Was given in accordance with subregulation (1); and
 - (b) Was not refused under regulation 18 (6).
- (4) A period referred to in subregulation (1) or (2) includes Saturdays, Sundays and statutory holidays, but does not include –
 - (a) The day on which notice is given under that subregulation; and
 - (b) The day of the meeting.

20 Motions without notice (RESTRUCTURED AND AMENDED IN PART)

- (1) A councillor may, during a meeting, move a motion of which notice has not been given in accordance with regulation 19.
- (2) If a councillor intends to move a motion without notice –
 - (a) the chairperson of the meeting may require the councillor to provide a written copy of the motion; and
 - (b) the subject matter of the motion must relate to a matter that is listed on the agenda of that meeting.

33 Question Generally (NEW)

- (1) In this regulation –
Question, means –
 - (a) a public question without notice; or
 - (b) a public question on notice; or
 - (c) a question without notice; or
 - (d) a question on notice;

relevant entity, in relation to refusing a question, means –

- (a) if the question asked is a question without notice or a public question without notice, the chairperson of the meeting; or
 - (b) if the question asked is a question on notice or public question on notice, the general manager.
- (2) A question asked at a meeting is to, as far as is practicable –
 - (a) Be concise; and
 - (b) Be clear; and
 - (c) Not be a statement; and
 - (d) Have minimal pre-amble

- (3) A relevant entity may refuse to accept a question if the relevant entity is of the opinion that the question –
 - (a) Is defamatory; or
 - (b) Contains offensive language; or
 - (c) Is unlawful; or
 - (d) Does not relate to the activities of the council; or
 - (e) Does not meet the requirements specified in subregulation (2).
- (4) If a relevant entity refuses a question under subregulation (3), the relevant entity is to give reasons for that refusal.
- (5) If a question on notice or public question on notice is refused under subregulation (3), the question is not to be reproduced in the agenda for that meeting.

34 Questions without notice by councillors (RESTRUCTURED)

- (1) A councillor at a meeting may ask a question without notice –
 - (a) Of the chairperson; or
 - (b) Through the chairperson, of –
 - (i) Another councillor; or
 - (ii) The general manager.
- (2) In asking a question without notice, a councillor must not –
 - (a) Offer an argument or opinion; or
 - (b) Draw any inference or make any imputations –
Except so far as may be necessary to explain the question.
- (3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager, who is asked a question without notice at a meeting may decline to answer the question.
- (5) The chairperson of a meeting may require a councillor to put a question without notice in writing.

35 Questions on notice by councillor (RESTRUCTURED)

- (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.
- (2) An answer to a question on notice must be in writing.

36 Question by member of the public (RESTRUCTURED)

- (1) The chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of the meeting is made available for questions by members of the public.
- (2) A question asked by a member of the public under regulation 37 or 38, and the answer given to that question, is not to be debated at the ordinary council meeting.

- (3) A council is to determine any other procedures to be followed in respect of public question time at an ordinary meeting.

37 Questions without notice by members of the public (RESTRUCTURED)

- (1) A member of the public may, on invitation by the chairperson of an ordinary council meeting, ask a question without notice of the meeting.
- (2) A public question without notice must relate to the activities of the council.
- (3) The chairperson of an ordinary council meeting may require a public question without notice to be –
 - (a) Put on notice in writing; and
 - (b) Answered at a latter ordinary council meeting.

38 Questions on notice by members of the public (RESTRUCTURED)

- (1) A member of the public may, at least 7 days before an ordinary council meeting, give written notice, to the general manager, of a question to which the member of the public seeks an answer at the meeting.
- (2) A public question must relate to the activities of the council.
- (3) The chairperson of an ordinary council meeting may address a public question on notice.
- (4) The period referred to in subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include –
 - (a) The day on which notice is given under that subregulation; and
 - (b) The day of the ordinary council meeting.

39 Minutes (AMMENDED)

- (1) Subject to regulation 40(1), the general manager is to ensure that the minutes of a meeting of a meeting accurately record, as a minimum, the following matters as relevant to that meeting:
 - (a) Each matter discussed at the meeting;
 - (b) Each decision made at the meeting;
 - (c) If the Act or any regulations made under the Act require the making of a decision by absolute majority, that the decision was by absolute majority;
 - (d) A summary of each address, statement or report made or provided on an invitation under regulation 49;
 - (e) Each motion moved during the meeting;
 - (f) If a declaration of a pecuniary interest of a councillor is made, the following information is to be recorded:
 - (i) The name of the councillor to which the declaration relates;
 - (ii) The nature of the pecuniary interest as described by the councillor's declaration;
 - (iii) The period in which the councillor was not present during the meeting;
 - (g) If a question is asked by a councillor –
 - (i) each question on notice asked that was not refused and the answer given to that question; and

- (iii) Each question without notice that was not refused and the answer given to that question;
 - (h) If a question is asked by a councillor on notice, or without notice, and is refused, only the following information is to be recorded;
 - (i) that the acceptance of the question was refused;
 - (ii) the reason given under these regulations for that refusal;
 - (iii) the name of the councillor that asked the refused question;
 - (iv) the meeting date on which the refused question was asked;
 - (i) if a question is asked by a member of the public –
 - (i) each public question on notice asked that was not refused and the answer given to that question; and
 - (ii) each public question without notice asked that was not refused and the answer given to that question;
 - (j) if a question is asked by a member of the public and is refused, only the following information is to be recorded:
 - (i) that acceptance of a public question on notice, or public question without notice, was refused;
 - (ii) the reason given under these regulations for that refusal;
 - (iii) the name of the person that asked the refused question;
 - (iv) the meeting date on which the question was asked;
 - (k) each absence of any councillor during the meeting, including the times of leaving and returning to the meeting.
- (2) The general manager is to ensure that –
- (a) Copies of the minutes of the meeting are kept as records of the council; and
 - (b) Those copies are available to councillors.
- (3) For the avoidance of doubt, the minutes of a meeting are the true record of that meeting.

43 Audio recording of meetings (AMENDED)

- (1) In this regulation –
- Audio recording, of a meeting, includes part of an audio recording of a meeting.
- (2) Subject to subregulation (3), a council must make an audio recording of a meeting.
- (3) A council that does not make an audio recording of a meeting in accordance with subregulation (2) will be taken to be compliant with that subregulation if –
- (a) The council was unable to record, in full or in part, the audio of the meeting due to technical difficulties; and
 - (b) The council publishes on its website, within 5 business days after the day of the meeting the following information:
 - (i) That the audio of the meeting, or part of the meeting, could not be recorded due to technical difficulties;

- (ii) The date of the meeting;
 - (iii) The time that meeting commenced;
 - (iv) If known, the time the council became aware of the technical difficulties;
 - (v) If known the time the council became aware that the technical difficulties had been resolved.
- (4) The audio recording of a meeting is to be retained by the Council for a period of at least 12 months, commencing after the day of the meeting.
- (5) The audio recording of a meeting, that is not a closed meeting –
 - (a) Is to be, subject to subregulation (7), made available on the council's website –
 - (i) Within 5 business days after the day of the meeting; and
 - (ii) For a continuous period of not less than 12 months after the day of the meeting; and
 - (b) May be an edited, in full or in part, audio recording of the meeting.
- (6) If, after the minutes of a meeting have been confirmed as a true record, a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next meeting, is to review the audio recording and either –
 - (a) Confirm that the minutes are a true record of the meeting; or
 - (b) Amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record of the minutes.
- (7) The general manager of a council may, in relation to the audio recording of a meeting, edit the audio recording if the manager considers that the audio recording –
 - (a) Would place the safety of a person at risk if not withheld from publication; or
 - (b) Is evident, or likely to be evident, of –
 - (i) Copyright infringement; or
 - (ii) A breach of privacy, or
 - (iii) An unlawful disclosure of personal information; or
 - (iv) A breach of the Personal Information Protection Act 2004; or
 - (v) Disclosure of privileged or confidential information of the council; or
 - (c) is defamatory, contains offensive language or is unlawful.
- (8) A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.
- (9) For the avoidance of doubt, a recording made in accordance with this regulation is a state record within the meaning of the Archives Act 1983.

45 Requirements to attend meetings in person (NEW)

Subject to regulations 46 and 47, a councillor is required to attend a meeting in-person.

46 Participation in meetings by audio or audio visual link (NEW)

- (1) A councillor may request the authorisation of the chairperson to attend a meeting, or part of a meeting, by audio link or audio visual link.
- (2) A request under subregulation (1) –
 - (a) Must
 - (i) State the reason for the request; and
 - (ii) Only be made on the basis that the councillor is unable to attend the meeting in-person due to one or more of the reasons specified in subregulation; and
 - (b) Must specify the date of the meeting to which the request relates; and
 - (c) Must be submitted to the chairperson not less than 2 hours before the commencement of the meeting to which the request relates; and
 - (d) Is to be in writing; and
 - (e) Is to identify the councillor making the request.
- (3) For the purposes of subregulation (2) (a), the following are specified reasons for which a councillor may request to attend a meeting by audio link, or audio visual link:
 - (a) The councillor is physically unable to attend the meeting in-person due to –
 - (i) A natural disaster that is preventing, or is likely to prevent, the councillor from being able to safely attend the meeting in-person; or
 - (ii) A severe weather event that is preventing, or is likely to prevent, the councillor from being able to safely attend the meeting in-person; or
 - (iii) A road closure that is preventing, or is likely to prevent, the councillor from being able to attend the meeting in-person; or
 - (iv) Being outside of Tasmania as a consequence of the councillor's ordinary employment;
 - (b) The councillor's in-person attendance at the meeting would risk the health, or safety, of –
 - (i) The councillor, or
 - (ii) Other persons attending that meeting;
 - (c) the councillor, the councillor's spouse or partner, or member of the councillor's family, is required to travel for medical treatment;
 - (d) the councillors required to travel for compassionate reasons;
 - (e) the councillor is required to provide care or support to a member of the councillor's family, or to the councillor's spouse or partner;
 - (f) the councillor is suffering from an injury.
- (4) Before the meeting to which the request under subregulation (1) relates, the chairperson is to –
 - (a) Grant the authorisation, if reasonably satisfied that the councillor has provided a reason specified under subregulation (3); or
 - (b) Refuse to grant the authorisation –

- (i) If not reasonably satisfied that the councillor has provided a reason specified under subregulation (3); or
 - (ii) If reasonably satisfied that the councillor's attendance at the meeting by audio link or audio visual link would result in the councillor being unable to comply with regulation 48.
- (5) The chairperson may, during a meeting, revoke with immediate effect an authorisation granted under subregulation (4) (a) in relation to a councillor if the chairperson, during the meeting, forms the opinion that the councillor is not providing, or is unable to provide, the councillor's complete attention to the conduct of that meeting.
- (6) If a councillor attends a meeting, or part of a meeting, by audio link or audio visual link, in accordance with this regulation, the councillor is taken to be present at the meeting, or part of the meeting, if the councillor was simultaneously in audio contact with each other person at the meeting.
- (7) If a councillor attends a meeting, or part of a meeting, by audio link or audio visual link that is a closed meeting, the councillor must maintain the confidentiality of that meeting by ensuring that, with respect to the councillor's attendance –
- (a) No other person, other than the attendees of that meeting, can hear the conversation of that closed meeting; and
 - (b) No other person, other than the attendees of that meeting, can see visual materials or writing presented at, or used in connection with, that meeting.

47 Whole meeting by audio link or audio visual link (NEW)

- (1) The Mayor may, if reasonably satisfied that exceptional circumstances exist –
- (a) Determine that a meeting, or part of a meeting is to be conducted, and participated in, only by audio link or audio visual link; and
 - (b) Authorise each councillor to attend the meeting by audio link or audio visual link; and
 - (c) Invite members, of the public to attend that meeting by audio link or audio visual link.
- (2) For the avoidance of doubt, if a meeting, or part of a meeting, held by audio link or audio visual link in accordance with subregulation (1) is a closed meeting, the chairperson –
- (a) Is to exclude members of the public from the closed meeting; and
 - (b) May exclude the general manager from the closed meeting if the matter to be discussed relates to the contract of employment, or the performance, of the general manager, and
 - (c) May invite any person to remain at the meeting to provide advice or information.
- (3) Participation in a meeting held in accordance with subregulation (1) does not form part of a councillor's compliance with regulation 48.

48 Maximum attendance at meetings by audio link

A councillor must not attend more than one-third of scheduled meetings, in a calendar year, by audio link or audio-visual link.

50 Leave of absence (AMENDED)

- (1) If a councillor intends to take a leave of absence, other than for parental leave under regulation 51, in respect of one or more meetings, the councillor, or the chairperson on behalf of the councillor, may request that leave of absence.
- (2) At a meeting –
 - (a) The council may grant a request under subregulation (1) for a leave of absence from one or more of its meetings or one or more of its council committee meetings, or both; and
 - (b) A council committee may grant a request under subregulation (1) for a leave of absence from one or more of its meetings.
- (3) A leave of absence may not be granted retrospectively
- (4) The purpose for which a councillor is granted a leave of absence and the period involved are to be recorded in the minutes.
- (5) A leave of absence granted under this regulation must not be taken concurrently with leave of absence for parental leave under regulation 51.

51 Parental leave (NEW)

- (1) A councillor is entitled to a leave of absence for parental leave from one or more meetings for a period not exceeding 6 consecutive months, beginning on the day that the councillor, or the councillor's spouse or de facto partner –
 - (a) Gives birth; or
 - (b) Either alone or with another person, adopts, becomes the guardian or foster parent of, a child under the age of 16.
- (2) A councillor who intends to take a leave of absence for parental leave is to –
 - (a) Give written notice of that intention to the council before commencing the leave of absence; and
 - (b) Include with that written notice, information supporting the councillor's intention.
- (3) The purpose for which the councillor gives written notice of a leave of absence for parental leave and the period involved are to be recorded in the minutes.
- (4) A leave of absence for parental leave under this regulation cannot be taken concurrently with a leave of absence granted under regulation 50.

54 Powers and functions of regulations to commissioner under section 232 (AMENDED)

- (1) In this regulation –
meeting procedures means the meeting procedures under these regulations.
- (2) A commissioner may conduct meetings of a council in accordance with the meeting procedures.
- (3) Despite subregulation (2), a commissioner may vary the meeting procedures, in relation to a council, if the commissioner considers it necessary in the circumstances.
- (4) If a commissioner varies the meeting procedures in relation to a council under subregulation (3), the commissioner must –
 - (a) Table a copy of the variation to the meeting procedures; and

- (b) Conduct meetings in accordance with the tabled meeting procedures; and
- (c) Ensure that a copy of the variation is available during business hours for public scrutiny –
 - (i) At the public office of the council; and
 - (ii) At council meetings.

20.6 DRAFT RESPONSE TO THE LOCAL GOVERNMENT ELECTORAL BILL

RESOLUTION 24/03.2025/C

Moved: Cr R Cassidy

Seconded: Cr Y Miller

THAT Council support the proposed changes to the Local Electoral Bill subject to the following amendments.

1. The election of Mayor and Deputy Mayor both to be elected around the table at the first council meeting after the election.
2. Only three electors required to sign nomination form.
3. \$400 nomination fee to be removed.
4. Method of voting by Postal vote to remain for at least the next Council election.

LOST 3/6

For the Motion

Cr A Archer; Cr A Bailey and Cr D Meacheam

Against the Motion

Mayor L Triffitt, Deputy Mayor J Allwright; Cr R Cassidy; Cr J Hall; Cr J Honner and Cr Y Miller.

REPORT BY Stephen Mackey, Acting General Manager

DISCUSSION

Below are the detailed changes sought by the Local Government Division to the Local Government Electoral Bill

Scenario A: Change to voting in person as the primary means of participation

Move to universal attendance elections with a weeklong polling period, or a polling day, including an extended pre-poll period and postal voting for persons on the supplementary electoral roll.

Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.

Scenario B: Flexible additions to the status quo (a “hybrid “model)

Provide for a Hybrid Model where:

- All electors are mailed a ballot paper and candidates information pamphlet
- There is a minimum four-week polling period, enabling the early return of postal votes.
- There are more issuing places in each municipality, to enable the hand return of ballots by electors until close of polls
- Ballots may be returned to issuing places until close of polls

Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.

Response

For areas such as the Central Highlands holding a polling day would be extremely costly as we would be required to have numerous locations to cater for the dispersed population.

There would appear to be no real reason to change the current postal voting system at least until an electronic voting system is in place. Even with such an electronic system in place, there will be a need for postal voting being available to households without electronic access.

Reforming the franchise: should non-citizens enjoy a continuing entitlement to vote at local government elections?

If this entitlement were to continue, it is proposed a person's ordinary place of residence must have been in Tasmania for the 12 months prior to making an application for enrolment (or otherwise must own property in Tasmania in a personal capacity).

This would be, in effect a 'non-citizen' electoral capacity.

Response

If they are allowed to vote at state and federal elections, then they should be entitled to vote at Local Government elections

If they aren't entitled to vote at state and federal elections, then they should not be entitled to vote at local government elections.

Reforming the entitlement to nominate as councillor

If an enrolment for non-citizen to vote is preserved, require that a person must appear on the House of Assembly roll to be eligible to hold the office of councillor, in addition to appearing on that role or the supplementary electoral roll at an address in the municipal area.

Response

If the entitlement for non-citizen is preserved then the must be on the House of Assembly roll in addition to being on the supplementary electoral roll for an address in the municipal area.

Remove the direct election of the deputy mayor

Instead, the councillors are to elect the deputy mayor at the first ordinary meeting of the term of the council. Otherwise, the role of deputy mayor could be removed entirely or made optional in favour of provision for acting mayors, including supplementary allowances.

Response

If the deputy mayor is to be elected by the council, then it also essential that the position of Mayor is also determined by the councillors at the first meeting of the new council. This will go a long way to reducing the cost of holding council elections and take away the confusion of voting for the Mayor and Deputy Mayor as well as voting for them as a councillor.

Reform1: Reduce prescription in the statutory framework, to enable the Tasmanian Electoral Commission to approve the electoral process.

Response

The electoral office is already charged with the task of running the local government Elections in the most part so it would appear prudent that they be authorised to approve the electoral process.

Reform 2: Enable the Tasmanian Electoral Commission to approve procedures for voting, including by telephone and electronic means, for interstate and overseas electors and electors with impediments to ordinary participation, or for other classes of person prescribed by regulation.

Response

This should be part of their process in conducting the local government elections.

Reform 3: Legislate that the Tasmanian Electoral Commission is required to approve procedures in accordance with universal franchise principles, namely all electors, including electors with additional barriers to participation, are to be afforded an opportunity to vote in an independent, secret and verifiable manner.

Reform 4: Requires the Electoral Commission to publish after each election a statement of the implementation of the accessibility principles, after information, including relevant statistics and initiatives to promote universal participation in the election.

Response

If this is not too onerous then the electoral commission should be requested to satisfy this requirement.

Reform 5: Increase the number of elector signatures required to support a notice on nomination to the lesser of 30 or one percent of the number of electors in the municipal area.

Response

If this requirement is put in place, it could mean that for an election of 10 nominations and with the separate voting for the mayor and deputy mayor may require some 360 electors to sign the forms which in relation to the number of formal votes cast at the last election require nearly 18% of votes in the Central Highlands to sign nomination forms.

In the case of Hobart, the percentage if there were 20 candidates and the Lord Mayor and Deputy Lord Mayor the percentage would be just over 2%

If the same percentage was applied to the Central highlands each candidate would need only 4.

Increasing the number required to sign the nomination or if note they pay \$400 would appear to be a measure against attempting to get more people nominating for local government elections.

Reform 6: Move administration of the 'general managers' roll' from councils to the Tasmanian Electoral Commission, including administration of the process through which land occupier and corporate nominee (supplementary electoral roll) electors are to enrol.

Response

This would be the most appropriate method for the administration of the general managers roll and the supplementary electoral roll.

Reform 7: Provide a definition for the purpose of occupiers' land that establishes an occupier holds a leasehold interest or licence over land, and/or the person's ordinary place of residence is in the municipal area.

Response

This would appear to be a reasonable option

Reform 8: Provide that a person seeking enrolment on the supplementary roll must complete a land occupier declaration and provide documentation of the leasehold or licence over land, or evidence of their period of residence in Tasmania to the satisfaction of the Commissioner.

Response

This appears to be a responsible option

Reform 9: Implement the 'one person, one vote' principle and require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be the nominee.

Response

This is not supported by Council as the option for plural voting especial for rural land holdings has been in place and acceptable for many years.

Reform 10: Provide that all intending candidates (other than incumbent councillors) must complete a prescribed program of pre-nomination training prior to their submission of a notice on nomination.

Response

We see this as extremely important so that all candidates will have at least some basic information regarding their role as a councillor.

Reform 11: Require that the Tasmanian Electoral Commission provides all people submitting a notice of nomination the opportunity to provide a candidate information statement (in an approved format, providing prescribed information) and the Tasmanian Electoral Commission is to publish candidate information through appropriate means.

Response

There is no concern regarding this requirement.

Reform 12: Provide that the Director of Local Government may provide a statement to be published by the Tasmanian Electoral Commission alongside the candidate information.

Response

We would need more information regarding this before we would support the proposal

Reform 13: Establish that nomination by a registered party is to be included in the information published by the Tasmanian Electoral Commission, and printed on the ballot paper, with the candidate's name to be printed alongside the name of the registered party.

Response

Totally agree with this proposal.

Reform 14: Provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.

Response

If the candidate requests this then we would support the proposal.

Reform 15: Corresponding to the Electoral Act Review Final Report and the amended section 197 of the Electoral Act 2004, introduce new prohibitions on the dissemination of misleading and deceptive statements.

Response

Council totally supports this proposal.

Reform 16: Remove the general restriction upon a person, without the consent of the candidate or intending candidate, printing, publishing or distributing any electoral advertising that contains the name, photograph or a likeness of a candidate or intending candidate at an election, other than 'how to vote' material intended to instruct an elector in the completion of their vote.

Response

We do not support this option

Reform 17: Clarify the definition of electoral advertising.

Response

It is extremely important that there is no confusion of what constitutes electoral advertising.

Reform 18: Provide that only a candidate, intending candidate, or a person so nominated in the notice of nomination by a candidate, may incur electoral expenditure by other persons to promote or procure the election of a candidate or intending candidate is an offence.

Response

Council supports this proposal

Reform 19: Institute authorisation requirements for electoral advertising and associated material.

Response

Council supports this proposal

Reform 20: Replace advertising expenditure limits with a general expenditure limit, with reference to the expenditure limit for Legislative Council elections under the Electoral Disclosure and Funding Act 2023.

Response

Council supports this proposal

Reform 21: Requires that a candidate is to report expenditure made on their behalf in their electoral expenditure return, in the same manner as personal expenditure. The present requirement to attribute, in full, to each candidate so featured the value of advertising featuring multiple candidates (for instance, multiple party candidates) will be retained.

Response

Council does not support this proposal

Reform 22: Prohibit any person from incurring any expenditure for or on behalf of a registered party with a view too promoting or procuring the election of a candidate or intending candidate.

Response

Council supports this proposal

Reform 23: Maintain the \$50 threshold for the disclosure of gifts and benefits and extend this requirement from incumbent councillors to all candidates, who will be required to lodge two candidate donation returns with the Tasmania Electoral Commission. The new Bill will also require the publication of initial donations disclosures on the Commission's website during the polling period and until the certificate of election.

Response

Council supports this proposal except that the limit should be increased to \$100

Reform 24: Provide that it is an offence for a person other than a candidate or intending candidate to accept a gift or benefit for the purpose of promoting or procuring the election of a candidate, or for the dominant purpose of influencing the way electors vote in an election; and that it is an offence to make a gift or donation to a person other than a candidate or intending candidate for this purpose.

Response

Council supports this proposal

Reform 25: Provide that it is an offence for a councillor, intending candidate or candidate, at any time, to accept a donation for the purpose of promoting or procuring the election of a candidate or intending candidate at a local government election:

- Over \$50, including services or goods valued in kind, without recording the basic details of that donor
- Over \$50 in cash
- Over \$50 from a foreign donor

Response

Council supports this proposal except that the limits should be increased to \$100

Reform 26: Provide that a local government election or by-election may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.

Response

Council totally supports this proposal

Reform 27: Provide the Tasmanian Electoral Commission with power of investigation.

Response

Council totally supports this proposal.

Reform 28: Alignment of electoral offences and sanctions with the Electoral Act.

Response

Council supports this proposal.

Reform 29: Provide a statutory caretaker framework, applying from the notice of election to the date of the issue of the certificate of election for all elections other than by-elections and countbacks.

Response

Council supports this option but is of the view that the period should finish on the date of the first meeting or when the councillors sign their declaration.

Reform 30: Provide that during the caretaker period, prohibit a council from making any major policy or financial decisions, namely decisions:

- Relating to the appointment, reappointment, remuneration or termination of a General Manager, other than a decision in respect of the appointment of an acting general manager under section 61B
- Committing the council to expenditure greater than one per cent of general and service rating and fees and charges revenue raised in the preceding financial year., or \$100,000 whichever is the larger.
- directing council resources in a manner intended, or likely to, influence voting at the election.
- Relating to a matter the council considers it could reasonably defer until after the election period, other than
 - decisions relating to a matter the council is required to determine in that period under statute
 - Decisions of a routine and operational nature

Response

Council supports this proposal

Reform 31: Provide during the caretaker period, it is an offence for a council to:

- Publish any material in any format which promotes any candidate or group of candidates for election, or otherwise seek to influence voters in the election
- Publish material in relation to the election other than information to promote participation in the election and in relation to election process, or other material of a kind published by the Electoral Commissioner
- Make resources available to the advantage of any candidate, which are not equally available to all candidates for election

Response

Council supports this proposal.

Reform 32: Provide that a major policy or financial decision of a council during the caretaker period are of no effect and provide that person who incur loss or damage due to an ineffectual decision of a council, who acted in good faith, are entitled to recover compensation from the council.

Response

Council supports this proposal.

Reform 33: Increase the proportion of electors signing a petition required to compel a council to hold an elector poll to 20 per cent; while restricting the matters about which an elector poll may be held to matters with a legitimate connection to the exercise of a council's functions or powers or to the incorporation of the council, as determined by the council.

Response

Council feels that this percentage should be set at 30% and that as suggested there be restrictions the matters about which an elector poll can be held.

21. CONSIDERATION OF SUPPLEMENTARY AGENDA ITEMS TO THE AGENDA

Nil

22. CLOSURE

Mayor Triffitt thanked everyone for their contribution and declared the meeting closed at **12.04 pm**.

Mayor L Triffitt

Dated: 15 April 2025



ANZAC DAY
LEST WE FORGET
25 APRIL

2025 ANZAC Day Services in the Central Highlands

25 April is the anniversary of the day Australian and New Zealand soldiers landed on the beaches of Gallipoli in 1915 as part of the Allies' invasion. We recognise more than 1.5 million men and women who have served Australia in all conflicts, wars and peacekeeping operations. It is a time to remember some 103,000 Australians who lost their lives while serving.

All are welcome to attend the following ANZAC Day services on April 25:

6am Gretna Dawn Service Memorial Cenotaph

- gathering after at Gretna Green Hotel

6am Fentonbury War Memorial

- gathering after at the Westerway Community Hall

6am Arthurs Lake – meet at Arthurs Lake Roadhouse

- gathering after at the Roadhouse

6am Bronte Park – in Historic Village area

- community BBQ to follow

9am Great Lake Community Centre commemoration - Miena

- gathering after at Community Centre

11am Hamilton Memorial Cenotaph

- gathering after at 1826 Bar and Bistro - Hamilton Inn

11am Bothwell Memorial Cenotaph - Queen's Park

- gathering after at The Castle Hotel

Please note:

- Start times listed here are when services commence – please arrive earlier to find parking and walk to service location.
- All post-ANZAC service gatherings include complimentary food.



CENTRAL HIGHLANDS COUNCIL COMMUNITY DONATIONS PROGRAM APPLICATION FORM

Please ensure you have read and understand the Program Guidelines prior to completing this form.

1. APPLICANT DETAILS

Applicant's Name : **Cooper Smythe**

Contact Details
Residential Address:

Phone: (Business hours)

Mobile:

Fax:

Email:

Signature

Jodie O'Byrne- Mother

Amount Applied for \$**150**
(Maximum as per Guidelines)

2. INTERSTATE OR INTERNATIONAL REPRESENTATION

Where are you competing/attending? **WA Athletics Stadium, Perth**

What sport/activity are you competing in, and at what level?
Athletics State Team, Long Jump & 4x100m Relay

If you are a sports competitor, are you competing as an amateur?

Yes

What dates are you competing/participating?

10th-12th April 2025

Please provide details to support your application

Please see attached endorsement letter
provided by Athletics Tasmania

3. MEDICAL ASSISTANCE

What type of medical/rehabilitation treatment will you be receiving?

Where will the treatment be administered?

Please provide any additional information to support your request.



CENTRAL HIGHLANDS COUNCIL COMMUNITY DONATIONS PROGRAM APPLICATION FORM

Please ensure you have read and understand the Program Guidelines prior to completing this form.

1. APPLICANT DETAILS

Applicant's Name :

Reuben Stott

Contact Details

Residential Address:

Phone: (Business hours)

Mobile:

Fax:

Email:

Signature

Amount Applied for \$500
(Maximum as per Guidelines)

2. INTERSTATE OR INTERNATIONAL REPRESENTATION

Where are you competing/attending? Perth WA

What sport/activity are you competing in, and at what level? U16

If you are a sports competitor, are you competing as an amateur?

What dates are you competing/participating?

6-12 July 2025 - Tasmanian U16
Indoor Cricket National Championships

Please provide details to support your application

See Attached.

3. MEDICAL ASSISTANCE

What type of medical/rehabilitation treatment will you be receiving?

Where will the treatment be administered?

Please provide any additional information to support your request.



NATIONAL CHAMPIONSHIPS 2025

6 – 12 July @ Bouncer Sports Centre, Joondalup
(Perth)



UNDER 16s

Lucas **ANDREWS**
Ollie **BONNICE**
Jacob **CHAMPION**
Kydan **DICKINS**
George **DURKIN**
Riley **GILLIE**
Thomas **HARRIS**
Joshua **McADIE**
Amartya **SHENOY**
Reuben **STOTT**
Cooper **TASKER**
Hudson **STOTT (emergency)**

Coach: Ben **TASKER**
Manager: Lauren **TASKER**



Attention: Kat Cullen,

ABN 99 117 585 976

PO BOX 207, Longford 7301

E: hobartrazz@showsponsor.com.au

T: 1800 614 708

F: 1800 550 440

Central Highlands Council Hamilton

03 Apr 2025

www.razzamatazzshow.com.au

www.idfa.org.au

Dear Kat,

Thank you for your interest in supporting the annual fundraising event "Razzamatazz". Razzamatazz provides special needs and disadvantaged children from Hobart and the surrounds, along with their carers and families, a unique opportunity to experience a show to remember! This year's show will be held at the Federation Concert Hall – Hobart Grand Chancellor.

Featuring Australia's top performers, we have juggling, magic and good old-fashioned humour designed to entertain and inspire, with funds raised from this year's show going towards the provision of critical support and equipment for the IDFA, to help those families with children that have an immune deficiency.

If you have supported the Razzamatazz Show in the past, we thank you. This year, with your help, we are aiming to get as many disabled and disadvantaged young and adult Tasmanians, their carers and families involved as we can – but for this to happen, **we need your support**.

By purchasing passes on behalf of these children and families, you can help us ensure that no one misses out and it's all thanks to the kind contribution of business and community members like you.

If you have any questions, please contact a member of our friendly team on **1800-614-708**.

Individual tickets are \$70.00 – Enabling one special needs guest to attend.

This year Show Passes are \$140 For a Guest and Carer to see the show, or a Family Pass is \$350

7 Tickets = \$490

6 Tickets = \$420

4 Tickets = \$280

(Ticketing costs are inclusive of GST)

If you'd like to support, you can make payment using the following methods and we will send you an invoice promptly: Direct deposit can be made online or at any Westpac Bank branch

BSB: 032 513 ACC: 255 363 Reference: 3293

OR Credit Card as below:

| | | | | | | | | | | | | | | | | | | | |
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| Credit card: | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | - | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | - | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | - | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Card type: | <input type="checkbox"/> | | <input type="checkbox"/> | | Expiry date: | <input type="text"/> | <input type="text"/> | / | <input type="text"/> | <input type="text"/> | Payment: \$ | <input type="text"/> | | | | | | | |
| Name on card: | <input type="text"/> | | | | | | | | | | Signature: | <input type="text"/> | | | | | | | |

Thank you

Carolyn Dews, Executive Officer, Immune Deficiencies Foundation Australia



Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025

Background Report for Consultation

February 2025

We acknowledge and pay our respects to all Aboriginal people in Tasmania; their identity and culture.

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1.0 Background

In July 2023, the Premier of Tasmania, the Honourable Jeremy Rockliff MP, announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to provide an alternative planning pathway for certain development applications.

The stated intent for introducing DAPs was ‘to take the politics out of planning’ by providing an alternate approval pathway for more complex or contentious development applications.

The State Planning Office (SPO) prepared a [Development Assessment Panel \(DAP\) Framework Position Paper](#) (the Position Paper) to explore these matters. The Position Paper included a draft DAP framework, based on statements made in the Premier’s announcement and initial consultation with key stakeholders. Submissions were invited on matters raised in the Position Paper and on the draft framework. There were 542 submissions received during the consultation period on the Position Paper which are published on the SPO [website](#).

A [Report on Consultation - DAP Framework Position Paper](#) (Report on Consultation) was published in October 2024. The Report on Consultation summarised the issues raised in the submissions, provided a response to those issues and outlined a revised DAP framework and model for the Minister to direct a planning authority to prepare a draft amendment to its LPS.

The findings from the Report on Consultation were used to inform the drafting of the [draft Land Use Planning and Approvals Amendment \(Development Assessment Panels\) Bill 2024](#) (DAP Bill 2024) which was open for a 5 week public consultation period, closing on 12 November 2024. A total of 461 submissions were received which are also available for viewing on the SPO [website](#). The draft DAP Bill 2024 underwent some modifications following consultation feedback prior to being tabled in Parliament on 19 November 2024.

A copy of the tabled DAP Bill 2024, related documents and results of debate in the House of Assembly and the Legislative Council, including access to Hansard records, can be found on the [Parliament website](#).

2.0 Summary of DAP Bill 2024

2.1 DAP assessment pathway

The DAP Bill 2024 provided an option for certain discretionary development applications to be determined by an independent DAP, established by the Commission, subject to the application satisfying one or more of the following criteria:

- being for social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by or on behalf of Homes Tasmania or a registered community housing provider;

- where the applicant, or the planning authority with the consent of the applicant, requests a DAP to determine the application and the application is for development valued at over \$5M in metropolitan areas or over \$2M in non-metropolitan areas;
- where the council is both the applicant and planning authority, and the development is valued at over \$1M;
- it falls within a class of application prescribed by regulations; or
- an application that, upon request by the applicant or planning authority is deemed, by the Minister, to be suitable for DAP determination if:
 - it is for the provision of social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by a developer other than Homes Tasmania or a registered community housing provider;
 - the development is significant or important to the local area or the State;
 - it requires a level of technical expertise that the planning authority is unable to provide;
 - it is controversial;
 - there is a real perceived conflict of interest or bias involving the planning authority; or
 - it falls within a class of application prescribed by regulations.

The DAP Bill 2024 allowed eligible applications to be lodged directly with a DAP or for applications to be transferred to a DAP by the Minister partway through the planning authority's assessment process.

Applications lodged directly with a DAP were subject to set statutory timeframes for the completion of assessment tasks. The time taken for the DAP to determine an application to a permit issued is 98 days or 112 days with a possible extension being granted. Applications referred to a DAP partway through the planning authority's assessment had their assessment process and timeframes determined by the DAP on an individual basis.

The requirement for the DAP to assess the application against the provisions of the planning scheme were strengthened in the draft Bill following submissions received during consultation that it was unclear.

The DAP was required to undertake public exhibition of the application, invite representations and hold public hearings. The decision of the DAP was final with no right of appeal based on planning merit.

2.2 Ministerial direction to prepare a draft amendment

The DAP Bill 2024 also enabled the Minister to direct a council to prepare a draft amendment to its LPS where the review process under section 40B of the Act had been exhausted.

The Ministerial direction can only occur if the Commission requests the council to reconsider its rejection of a draft amendment. A draft amendment prepared under the

Minister's direction only commences the Commission's assessment process rather than any approval or making of an amendment to the LPS.

3.0 Summary of changes - revised draft DAP Bill 2025

The following table provides a summary of the main changes made to the revised draft DAP Bill 2025 and the reasons for those changes.

| Modification | Reason |
|---|---|
| Removal of the option for an applicant or planning authority to request the Minister to transfer an application to a DAP for determination partway through a council assessment process. | <p>This pathway was removed because it was overly complex and provided uncertainty to both the applicant and planning authority in the assessment process.</p> <p>It also causes the assessment process to take longer and potentially duplicating assessment tasks performed by the DAP and planning authority.</p> |
| Modifying the criteria for when the Minister can refer a new application to a DAP for determination by removing certain statements, such as where an application is likely to be 'controversial'. | <p>The removal of ambiguous or subjective criteria helps provide certainty regarding the eligibility of applications to enter the DAP assessment process.</p> <p>This matter is also helped by the requirement of the Commission to prepare guidelines for the Minister to use when making a determination to refer an application (see below for further details).</p> |
| Increasing the value thresholds for an application to be referred to a DAP from \$5 million to \$10 million in a city, and from \$2 million to \$5 million in other areas. | In response to concerns that the threshold values are too low and that it would allow too many applications to enter the DAP process. |
| Allowing the Commission to issue guidelines to assist the Minister in determining whether to refer an application to a DAP and a requirement for the Minister to take these guidelines into account when making that determination. | To provide greater certainty and accountability regarding what applications are eligible for referral to a DAP for determination. |
| Clarifying that the DAP can use alternate dispute resolution techniques when making a determination and trying to resolve issues between parties. | Although dispute resolution and mediation processes are implicit in the Commission's proceeding, the proposed inclusion of explicit provisions gives greater certainty to aggrieved parties. |

| Modification | Reason |
|--|--|
| Clarifying that the DAP can modify hearing dates and times subject to giving notice and that hearings can occur during an agreed extension of time. | Modification made to provide greater flexibility for conducting hearings to account for availability of the parties to attend hearings, or the need to add additional hearings days to consider the issues raised in the submissions. |
| Including provisions that allow the Commission to appoint a substitute panel member should a previously appointed member become unavailable. | Modification made to allow flexibility in the Panel membership in case a member becomes unavailable so that it does not hold up the assessment process. |
| Clarifying that the Heritage Council, in providing its advice to the DAP, are to have regard to the relevant matters that it would normally for an application under s.39(2) of the <i>Historic Cultural Heritage Act 1995</i> . | Modification made to clarify the extent of advice provided by the Heritage Council to the DAP. |
| Clarifying that the Heritage Council retains its normal enforcement functions following the issuing of a permit approved by the DAP. | Modification to clarify that the Heritage Council retains its enforcement function regarding any heritage conditions it may have recommended be imposed on the permit consistent with post approval functions under other assessment pathways. |

The most significant changes to the revised draft Bill 2025 have been made to the scope of eligibility for applications to enter the DAP process.

The following provides a summary of the revised eligibility criteria:

A development application may be eligible for DAP determination if it is for a discretionary permit and is not subject to the *Environmental Management and Pollution Control Act 1994*.

An applicant, or the relevant planning authority with the consent of the applicant, can apply to the Commission for a development application to be determined by a DAP subject to satisfying one or more of the following:

1. 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.

2. The application relates to development that exceeds the following value thresholds:
 - a) over \$10 Million or such other amount prescribed, if all, or any part of the development, is located in a city;
 - b) over \$5 Million or such other amount prescribed, where the development is located elsewhere ;
 - c) over \$1 Million if council is the applicant and the planning authority, or such other amount prescribed in Regulations; or
 - d) a class of application prescribed in Regulations.

The applicant or the relevant planning authority may request the Minister to refer an application to the Commission to be determined by a DAP subject to the Minister being satisfied that one or more of the following criteria are met. In making this decision, the Minister must have regard to the guidelines prepared by the Commission:

1. The application relates to development that includes social or affordable housing, or a subdivision to facilitate social and affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market;
2. the application is for development that is considered to be of significance to the local area or State;
3. the applicant or planning authority is of the view that the planning authority does not have the technical expertise to assess the application;
4. 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
5. a class of application prescribed in Regulations.

4.0 Next Steps

A copy of the draft Bill 2025 is available for viewing and download on the SPO website.

The draft Bill will undergo a 8 week consultation period during which time submissions are invited through the SPO's [Have your say](#) platform.

TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT (DEVELOPMENT ASSESSMENT
PANELS) BILL 2025**

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**LAND USE PLANNING AND APPROVALS
AMENDMENT (DEVELOPMENT ASSESSMENT
PANELS) BILL 2025**

*(Brought in by the Minister for Housing, Planning and
Consumer Affairs, the Honourable Felix Ashton Ellis)*

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993* and to consequentially amend the *Historic Cultural Heritage Act 1995*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Act 2025*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

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Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

Consultation Draft

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**PART 2 – LAND USE PLANNING AND APPROVALS
ACT 1993 AMENDED**

4. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

5. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *discretionary permit* and substituting the following definition:

discretionary permit means a permit to which –

- (a) section 57 applies or to which, but for section 40Y(5), section 57 would apply; or
- (b) Division 2AA of Part 4 applies;

6. Section 8A amended

Section 8A of the Principal Act is amended as follows:

- (a) by renumbering the section as subsection (1);

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(b) by inserting the following subsection after subsection (1):

(2) For the purposes of Division 2AA of Part 4, the Commission may issue guidelines for the purpose of assisting the Minister in determining whether –

(a) a development includes –

(i) social or affordable housing; or

(ii) a subdivision, within the meaning of Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, that includes social or affordable housing; or

(b) an application to the Minister under that Division should be referred to the Commission for the purpose of establishing an

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Assessment Panel under
that Division.

7. Section 40BA inserted

After section 40B of the Principal Act, the following section is inserted in Division 2:

40BA. Minister may review certain decisions

- (1) If a person has received notice from the planning authority under section 40B(6)(b) that the planning authority does not intend to prepare a draft amendment to the LPS, the person may apply to the Minister for a review of that decision of the planning authority (the *reviewable decision*).
- (2) An application to the Minister under subsection (1), in respect of a reviewable decision –
 - (a) is to be in a form approved by the Minister; and
 - (b) is to contain the information prescribed for the purposes of the application; and
 - (c) is to include a copy of the following documents:
 - (i) the notification given by the planning authority under section 40B(6)(b)

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in respect of the
reviewable decision;

(ii) the notice of the
Commission given to the
applicant under
section 40B(5) in respect
of the reviewable
decision;

(iii) the notice under
section 38(3) to which the
reviewable decision
relates;

(iv) the request under
section 37(1) to which the
reviewable decision
relates;

(v) any other prescribed
document.

(3) If an application is made to the Minister
under subsection (1), in respect of a
reviewable decision –

(a) the Minister is to provide a copy
of the application to the relevant
planning authority and the
Commission; and

(b) within 7 days after receiving the
copy of the application –

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-
- (i) the relevant planning authority is to provide the Minister, in writing, with its reasons for making the decision under section 40B(6) in respect of the reviewable decision and its opinion as to the merits of the reviewable decision; and
 - (ii) the Commission may provide the Minister, in writing, with any further information that the Commission considers relevant in respect of the reviewable decision.
 - (4) After receiving an application under subsection (1) and reviewing the information provided in respect of the application under subsection (3), the Minister may –
 - (a) in accordance with section 40C, direct the relevant planning authority to prepare a draft amendment on an LPS in relation to the request made under section 37(1) to which the relevant reviewable decision relates; or

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- (b) refuse to take any action in respect of the application.
- (5) The Minister may only make a direction under subsection (4)(a) if, in the opinion of the Minister, the draft amendment meets the LPS criteria.
- (6) Before making a decision under subsection (4) in respect of an application, the Minister may inform himself or herself, in the manner the Minister thinks appropriate, in relation to any matter that is relevant to the application.
- (7) As soon as practicable after making a decision under subsection (4) in respect of an application, the Minister is to give written notice of the decision, and the reasons for the decision, to the relevant planning authority, the Commission and the applicant.
- (8) For the avoidance of doubt, an application may be made under this section in respect of a request under section 40B(1), whether or not an application has also been made under section 40T(1) that relates to the request.

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8. Section 40C amended (Direction to prepare draft amendments of LPS)

Section 40C(1) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

- (da) to implement a decision of the Minister under section 40BA(4) to prepare a draft amendment;

9. Part 4, Division 2AA inserted

After section 60A of the Principal Act, the following Division is inserted in Part 4:

***Division 2AA – Development Assessment Panels
Subdivision 1 – General***

60AA. Interpretation of Division

- (1) In this Division –

Assessment Panel, in relation to an application under this Division, means the Development Assessment Panel that –

- (a) is constituted in accordance with section 60AB; and
- (b) is established, in respect of the application, by the

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Commission under
section 60AE;

city has the same meaning as in section
16A of the *Local Government Act*
1993;

exhibition period, in relation to an
application under this Division,
means the 14-day period
commencing on the day specified
in the notice published under
section 60AH(1)(b) in respect of
the application;

Homes Tasmania has the same
meaning as in the *Homes*
Tasmania Act 2022;

party, in relation to an application,
includes –

- (a) the proponent for the
development to which the
application relates; and
- (b) the relevant planning
authority;

**registered community housing
provider** has the same meaning as
it has in the Community Housing
Providers National Law
(Tasmania);

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reviewing entity, in relation to an application under this Division, includes –

- (a) the planning authority for each relevant municipal area to which the application relates; and
- (b) the relevant regulated entity, within the meaning of Division 2A; and
- (c) the Heritage Council, within the meaning of the *Historic Cultural Heritage Act 1995*, if the application relates to a development that includes heritage works within the meaning of Part 6 of that Act; and
- (d) a pipeline licensee, within the meaning of Division 2A, if the application relates to land that is wholly or partly within a gas infrastructure planning corridor, within the meaning of the *Gas Industry Act 2019*;

subdivision, in relation to a development, has the same

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meaning as in Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

- (2) For the avoidance of doubt, the *Tasmanian Planning Commission Act 1997* applies to this Division as if a reference in this Division to an Assessment Panel were a reference to the Commission.

60AB. Constitution of Assessment Panel

- (1) In establishing an Assessment Panel under this Division, the Commission is to appoint 3 persons as members of the Assessment Panel.
- (2) Despite subsection (1), the Commission may appoint more than 3 persons, but no more than 5 persons, as members of an Assessment Panel, in respect of a permit application, if the Commission –
- (a) is of the opinion that the scale, specialist nature or complexity of the development to which the application relates requires the Assessment Panel to include persons with particular qualifications or experience to assist in the assessment of the application; and

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-
- (b) the Commission is satisfied, on reasonable grounds, that more than 3 persons are required as members of the Assessment Panel to ensure that the Assessment Panel has those qualifications and experience.
 - (3) If a position on an Assessment Panel established under this Division is vacated, the Commission may appoint a person under this section to fill the vacancy.
 - (4) For the avoidance of doubt, the performance of a function or the exercise of a power of an Assessment Panel, under this Division, is not invalid solely on the basis that the function is performed, or the power is exercised, while –
 - (a) a member of the Assessment Panel is absent; or
 - (b) a position on the Assessment Panel is vacant.

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***Subdivision 2 – Certain applications may be determined by
Assessment Panel***

**60AC. Certain permit applications may be made to
Commission**

- (1) A person may apply to the Commission for an application for a discretionary permit to be determined by an Assessment Panel if –
 - (a) the application –
 - (i) is being made by, or on behalf of, Homes Tasmania or a registered community housing provider; and
 - (ii) relates to a development that includes social or affordable housing or a subdivision that includes social or affordable housing; or
 - (b) the application relates to a development that is valued in excess of –
 - (i) \$10 000 000 or such other amount as may be prescribed – if all, or any part, of the development

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is to be located in a city;
or

(ii) \$5 000 000 or such other
amount as may be
prescribed – in any other
case; or

(c) the council is both parties in
relation to the application, and the
application relates to a
development that is valued in
excess of \$1 000 000 or such
other amount as may be
prescribed; or

(d) the application falls within a class
of applications prescribed for the
purpose of this section.

(2) An application under subsection (1) –

(a) may only be made by –

(i) the applicant for the
discretionary permit; or

(ii) the relevant planning
authority, with the
consent of the applicant
for the discretionary
permit; and

(b) is to –

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- (i) be in a form approved by the Commission; and
 - (ii) contain the prescribed information; and
 - (iii) be accompanied by evidence that the application meets one or more of the requirements specified in subsection (1).
- (3) An application may not be made under subsection (1) if the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies.
- (4) If the Commission requires further information in respect of whether an application falls under subsection (3), the Commission may seek further information from the Board, within the meaning of the *Environmental Management and Pollution Control Act 1994*.
- (5) Within 7 days after receiving an application under this section, the Commission is to do one or more of the following:
 - (a) request further information from either party to the application;

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- (b) return the application to the applicant if, in the opinion of the Commission –
 - (i) the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; or
 - (ii) the purported application does not meet the requirements for an application under this section;
- (c) establish an Assessment Panel under section 60AE in respect of the application.

60AD. Minister may refer certain permit applications to Commission

- (1) A party to an application for a discretionary permit may request that the Minister direct the Commission to establish an Assessment Panel in respect of the application if –
 - (a) the application relates to a development that includes social or affordable housing, or a subdivision that includes social or

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affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market; or

(b) the application relates to a development that may be considered significant, or important, to –

(i) the area in which the development is to be located; or

(ii) the State; or

(c) either party to the application believes that the relevant planning authority does not have the technical expertise to assess the application; or

(d) the relevant planning authority may have, in respect of the proponent or development –

(i) a conflict of interest or a perceived conflict of interest; or

(ii) a real or perceived bias, whether for or against the proponent or development; or

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-
- (e) the application falls within a class of applications prescribed for the purpose of this section.
- (2) An application for a discretionary permit, that is the subject of a request under subsection (1) –
- (a) is to be in a form approved by the Commission; and
 - (b) must include a statement as to why the party to the application is making the request that the Minister refer the application to the Commission; and
 - (c) must be accompanied by evidence that the application meets one or more of the requirements specified in subsection (1); and
 - (d) must contain the prescribed information.
- (3) If the Minister receives a request under subsection (1), in relation to an application for a discretionary permit, that is only made by one party to the application, the Minister is to ensure that each other party to the application is –
- (a) provided with a copy of the request and the application; and

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- (b) notified that the party has a right to respond to the Minister, in respect of the request, within 7 days after the party is provided with a copy of the request under paragraph (a).
- (4) The Minister may refer an application for a discretionary permit to the Commission if, in the opinion of the Minister after considering any relevant guidelines issued under section 8A(2) –
 - (a) the application meets one or more of the requirements specified in subsection (1); and
 - (b) the application is not an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies.
- (5) Before the Minister refers an application for a discretionary permit under subsection (4), the Minister is to consult with such part of the Department, that is responsible for the administration of this Act, in respect of the application.
- (6) The Minister may refuse to refer an application for a discretionary permit to the Commission, under this section, for any reason.

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- (7) Within 7 days after receiving an application referred by the Minister under this section, the Commission may –
- (a) return the application to the applicant if, in the opinion of the Commission –
 - (i) the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; or
 - (ii) the purported application does not meet the relevant requirements under this Division for such an application; or
 - (b) establish an Assessment Panel under section 60AE in respect of the application.

60AE. Commission to establish Assessment Panel – new applications

- (1) The Commission is to establish an Assessment Panel to undertake an assessment of an application made under section 60AC, or an application referred to the Commission under section 60AD,

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if the Commission is satisfied, on reasonable grounds, that –

- (a) the application is not an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; and
 - (b) the application meets the relevant requirements of this Division for such an application.
- (2) If an Assessment Panel is established under this section in respect of an application, the *Historic Cultural Heritage Act 1995* does not apply in respect of the assessment of the application under this Division.

***Subdivision 3 – Assessment of applications by Assessment
Panel***

60AF. Applications for permits to be provided to certain entities

- (1) As soon as practical after the Commission establishes an Assessment Panel under section 60AE in respect of an application, the Assessment Panel is to provide a copy of the application to each reviewing entity for that application.

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- (2) Within 28 days after being provided a copy of an application under subsection (1) –
- (a) each planning authority must provide advice, to the Assessment Panel, relating to the application on the following matters:
 - (i) any matters that the planning authority would consider, in respect of the application, under the *Local Government (Building and Miscellaneous Provisions) Act 1993*;
 - (ii) issues and concerns that the planning authority has in respect of the matter to which the application relates including, but not limited to, engineering concerns or the impacts on assets or infrastructure owned or operated by the planning authority;
 - (iii) suggested terms and conditions that should be imposed on a permit if it is granted under the application and the

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reasons for those terms
and conditions;

- (iv) any other matter that the
planning authority
considers relevant to the
application; and
 - (b) each planning authority may
provide advice, to the Assessment
Panel, relating to the application
of the relevant planning scheme
to the application; and
 - (c) each other reviewing entity for
the application is to provide
advice, to the Assessment Panel
relating to the application, on any
matter that the reviewing entity
considers relevant to the
application including, but not
limited to, suggested terms and
conditions that should be imposed
on a permit if it is granted under
the application and the reasons
for those terms and conditions.
- (3) If the Heritage Council is provided with a
copy of an application under
subsection (1), the Heritage Council is to
have regard to the following matters
before providing advice in respect of the
application in accordance with
subsection (2):

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- (a) the likely impact of work performed under a permit, if granted under the application, on the historic cultural heritage significance, within the meaning of the *Historic Cultural Heritage Act 1995*, of –
- (i) the place or area on which the work is to be performed under the permit; and
 - (ii) any place or area adjoining the place or area on which the work is to be performed under the permit;
- (b) any relevant works guidelines, within the meaning of the *Historic Cultural Heritage Act 1995*, or matters prescribed for the purposes of section 39 of that Act;
- (c) any matters prescribed for the purposes of this subsection.
- (4) For the purposes of Division 5B of Part 3 of the *Electricity Supply Industry Act 1995* –
- (a) an application under this Division is taken to be an application for a

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permit within the meaning of that
Division of that Act; and

- (b) if an Assessment Panel is established in respect of an application under this Division, a reference to a planning authority in respect of an application, in that Division of that Act, is taken to be a reference to the Assessment Panel established in respect of the application.

60AG. Additional information may be required

- (1) Within 14 days after receiving a copy of an application under section 60AF(1), a reviewing entity may make a request to the Assessment Panel for further information in respect of the application to enable the reviewing entity to provide advice on the application under section 60AF.
- (2) A planning authority may only request further information under subsection (1) in relation to the following matters:
 - (a) for the purpose of determining the impact of the use and development on the infrastructure of the council in the relevant municipal area if the application were to be approved and the permit issued;

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- (b) any matter that the planning authority considers relevant for the purpose of preparing advice, to the Assessment Panel, relating to the application of the relevant planning scheme to the application;
 - (c) to assist in the preparation of recommended conditions to be imposed on the permit in respect of the impact of the use and development on the infrastructure of the council;
 - (d) any matters that the planning authority is entitled to consider, in respect of the application, under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- (3) If a reviewing entity makes a request for further information under subsection (1) in respect of an application, the Assessment Panel may notify the reviewing entity, in writing –
- (a) that the Assessment Panel believes that the requested information is not relevant to the application; and
 - (b) the reasons for that belief; and

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- (c) that the requested information is not information that will be provided under this section.
- (4) At the expiry of 21 days after providing copies of an application under section 60AF(1), the Assessment Panel is to –
 - (a) make a request, in writing, that the applicant provide the further information requested under subsection (1), or such further information requested by the Assessment Panel, in respect of the application, as the Assessment Panel is satisfied that –
 - (i) the information is relevant to the application; and
 - (ii) the Assessment Panel does not already have the information; and
 - (b) send a copy of the written request to the reviewing entities for the application.
- (5) If an applicant provides further information to the Assessment Panel as the result of a request made under subsection (4) –

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- (a) the Assessment Panel is to provide a copy of the further information to all the reviewing entities for the application; and
 - (b) each reviewing entity is to notify the Assessment Panel if –
 - (i) the reviewing entity is satisfied that the additional information provided meets the requests so made; or
 - (ii) in the opinion of the reviewing entity, further information was requested and has not been provided by the applicant.
 - (6) Within 7 days after receiving further information as a result of a request under subsection (4), the Assessment Panel must –
 - (a) determine that –
 - (i) all further information so requested has been provided by the applicant; or
 - (ii) the applicant has provided all the further information so requested that is reasonably able to be

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provided by the applicant;
or

- (b) notify the applicant that the Assessment Panel is not satisfied that the applicant has complied with all requests under subsection (4) in respect of the application.
- (7) If an Assessment Panel makes a request to an applicant under subsection (4) for further information, all relevant time periods under this Act do not run in respect of the application until, in the opinion of the Assessment Panel, all requests for further information have been answered.
- (8) For the avoidance of doubt, nothing in this section entitles a reviewing entity to request new information, in respect of an application under section 60AF(1), if more than 14 days have passed since the Assessment Panel provided the reviewing entity with a copy of the application as required under this section.

60AH. Exhibition of applications

- (1) Within 14 days after the expiry of the period specified in section 60AF(2) in respect of an application, the Assessment Panel is to –

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- (a) prepare a draft assessment report in relation to the application; and
 - (b) ensure that an exhibition notice is published that specifies, in relation to the documents and information specified in paragraph (d) –
 - (i) the day on which the exhibition of the documents and information is to commence; and
 - (ii) that the documents and information are or will be available for viewing by the public during the exhibition period at the premises specified in the notice; and
 - (iii) that the documents and information may be downloaded by the public from the website specified in the notice; and
 - (c) provide a copy of a notice under paragraph (b) to all property owners who own land adjoining the land to which the application relates; and

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- (d) exhibit the following documents and information, in respect of the application, in accordance with the exhibition notice published under paragraph (b):
 - (i) the application;
 - (ii) each document, or piece of information, provided by a reviewing entity under section 60AF in respect of the application;
 - (iii) any further information provided by the applicant under this Act in accordance with section 60AG;
 - (iv) the draft assessment report;
 - (v) if the draft assessment report recommends that a permit be granted, a draft permit, including each proposed condition to be imposed in respect of the permit;
 - (vi) the date on which, and the location at which, a hearing under section 60AI may be held in respect of the

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application, being a date
that is not less than 10
days after the close of the
exhibition;

(vii) a statement that the
hearing may be cancelled
in accordance with
section 60AJ.

- (2) An exhibition notice under
subsection (1)(b) is to be published as
prescribed.
- (3) An exhibition under subsection (1)(d) is
to be held for a period of 14 days from
the day specified in the notice published
under subsection (1)(b), excluding any
days on which the premises, where the
exhibition is occurring, are closed to the
public during normal business hours.
- (4) A person may make comments, and
provide feedback, to the Assessment
Panel in respect of an application during
the exhibition period for the application.
- (5) If the Assessment Panel has exhibited,
under subsection (1)(d), the date and
location of a hearing under section 60AI,
the Assessment Panel may do either or
both of the following by giving notice in
accordance with subsection (6):

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- (a) alter the date on which the hearing may be held to a later date specified in the notice;
 - (b) alter the location at which the hearing may be held to a location specified in the notice.
- (6) As soon as practicable after an Assessment Panel gives notice, under subsection (5), to alter a hearing under section 60AI in respect of an application, the Assessment Panel must ensure that a copy of the notice –
 - (a) is published in the manner prescribed under subsection (2); and
 - (b) is exhibited with the documents and information exhibited under subsection (1)(d) in respect of the application; and
 - (c) is given to –
 - (i) each party to the application; and
 - (ii) each reviewing entity; and
 - (iii) all persons who made a representation, in respect of the application, who have provided contact

details to the Assessment
Panel.

60AI. Hearings in respect of applications

- (1) The Assessment Panel is to hold a hearing in respect of an application, as specified in the notice published under section 60AH(1)(b) in respect of the application, except where the hearing is cancelled in accordance with section 60AJ.
- (2) A hearing under this section, in respect of an application, is to be open to –
 - (a) each party to the application; and
 - (b) each reviewing entity; and
 - (c) all persons who made a representation in respect of the application.
- (3) A hearing under this section in respect of an application, if not cancelled in accordance with section 60AJ, must be completed –
 - (a) within 28 days after the close of the exhibition period in respect of the application or such further period as agreed under section 60AM; and

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- (b) before the Assessment Panel takes an action specified in section 60AL(1) in respect of the application.
- (4) Without limiting the ability of the Assessment Panel to regulate the proceedings of a hearing in respect of an application, the Assessment Panel may use such dispute resolution techniques including, but not limited to, mediation as part of a hearing under this section, if the Assessment Panel considers it appropriate in the circumstances.

60AJ. Hearing may be cancelled in certain circumstances

- (1) The Assessment Panel for an application under this Division may cancel a proposed hearing to be held under section 60AI in respect of the application if –
 - (a) during the assessment of the application, no reviewing entity requested that a hearing be held, under section 60AI, in respect of the application; and
 - (b) during the exhibition period for the application –

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- (i) no representations were made in respect of the application; or
 - (ii) the representations that were made in respect of the application were in support of the application or specified that the person making the representation does not wish to be heard at a hearing under section 60AI.
 - (2) If a hearing in respect of an application is cancelled in accordance with subsection (1), the Assessment Panel may direct the relevant planning authority to issue a permit in accordance with the draft assessment report prepared under this Division in respect of the application.
 - (3) If the Assessment Panel cancels a hearing under subsection (1) in respect of an application, the Assessment Panel is to give written notice that –
 - (a) the hearing is not to be held, under section 60AI, in respect of the application; and
 - (b) the relevant planning authority has been directed to issue a

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permit in respect of the
application.

- (4) A written notice under subsection (3) that relates to the cancellation of a hearing in respect of an application must be given to –
- (a) each party to the application; and
 - (b) each reviewing entity for the application; and
 - (c) each person who made a representation in respect of the application.
- (5) For the avoidance of doubt, nothing in this section requires the Assessment Panel to cancel a hearing under subsection (1).

60AK. Frivolous or vexatious representations

If, in the opinion of the Assessment Panel for an application, a representation that is frivolous or vexatious has been made during the exhibition period for the application –

- (a) as soon as practical after forming the opinion, the Assessment Panel is to notify the person who made the representation –

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- (i) that the Assessment Panel is of the opinion that the representation is frivolous or vexatious; and
 - (ii) of the grounds on which the Assessment Panel has formed that opinion; and
- (b) the representation is not a representation for the purposes of this Subdivision.

60AL. Determination of application by Assessment Panel

- (1) Within 28 days after the close of the exhibition period in respect of an application, the Assessment Panel must –
 - (a) refuse the application and notify the following persons of that decision:
 - (i) each party to the application;
 - (ii) each reviewing entity for the application;
 - (iii) each person who made a representation in respect of the application; or

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- (b) subject to subsection (3), approve the application and subsequently –
 - (i) notify the following persons of that decision:
 - (A) each party to the application;
 - (B) each reviewing entity for the application;
 - (C) each person who made a representation in respect of the application; and
 - (ii) direct the relevant planning authority to issue a permit as specified by the Assessment Panel in the direction.
- (2) In making a decision under subsection (1) in respect of an application, the Assessment Panel must –
 - (a) apply the provisions of the relevant planning scheme, as in effect on the day on which the application was made; and

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- (b) seek to further the objectives set out in Schedule 1; and
- (c) have regard to any advice provided by a reviewing entity under section 60AF in respect of the application; and
- (d) take into consideration –
 - (i) such of the prescribed matters as are relevant to the development to which the application relates; and
 - (ii) the matters set out in representations made to the Assessment Panel, under this Division, in respect of the application; and
 - (iii) the submissions made at any hearing held under section 60AI in respect of the application; and
- (e) accept a relevant bushfire hazard management plan, or other prescribed management plan relating to environmental hazards or natural hazards, that has been certified as acceptable by an accredited person or a State Service Agency; and

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- (f) if the application relates to any land within Wellington Park, as defined in the *Wellington Park Act 1993*, take into account the standards, values and conditions set out in each management plan, within the meaning of that Act, in force as at the date of the application.
- (3) An Assessment Panel must not make a decision under subsection (1) in respect of an application if, had the application been made to a planning authority under section 51, the planning authority would have been unable to make the same decision in respect of the application under that section.
- (4) If a permit is granted under this section, section 53 applies to the permit as if a reference in that section to the planning authority were a reference to the Assessment Panel.

60AM. Extension of certain time periods

- (1) If an Assessment Panel needs an extension of the period specified in section 60AL(1), including for the purpose of extending the period specified in section 60AI(3), the Assessment Panel may make a request to the Minister that

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the period be extended in accordance with subsection (2).

- (2) At the request of the Assessment Panel under subsection (1), the Minister may grant one extension, of not more than 21 days, of the period specified in section 60AL(1) if the Minister considers the extension reasonable in the circumstances.
- (3) Subsections (1) and (2) do not apply to an Assessment Panel if the Assessment Panel and the applicant agree to –
 - (a) an extension of the period specified in section 60AL(1) in respect of an application; and
 - (b) the duration of that extension.
- (4) If an extension is granted under subsection (2) or agreed under subsection (3) in respect of an application, the Assessment Panel is to notify the following persons that the extension has been granted, or agreed, and the duration of that extension:
 - (a) each party to the application;
 - (b) each reviewing entity for the application;

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- (c) each person who made a representation in respect of the application.

Subdivision 4 – Miscellaneous

60AN. Application may be withdrawn by applicant

- (1) At any stage before an Assessment Panel gives a direction under section 60AJ(2) or section 60AL(1)(b) in respect of an application, the applicant may withdraw the application by written notice to the Assessment Panel.
- (2) If an application has been withdrawn under subsection (1), the Assessment Panel is to notify the following persons that the application has been withdrawn:
 - (a) each reviewing entity who has been provided with the application under section 60AF;
 - (b) if the application was exhibited in accordance with section 60AH, each person who made a representation under that section in respect of the application.

60AO. Effect of issuing permit in respect of certain applications

- (1) If a planning authority issues a permit at the direction of an Assessment Panel

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under section 60AJ(2) or
section 60AL(1)(b) –

- (a) the planning authority must issue the permit within 7 days after receiving the direction of the Assessment Panel; and
 - (b) the planning authority may only issue the permit as directed and may not impose any further conditions on the permit; and
 - (c) the permit comes into effect on the day on which it is issued or such later day as is specified by the Assessment Panel; and
 - (d) there is no right of appeal under this Act, in respect of the permit, on merit grounds; and
 - (e) the provisions of this Act relating to enforcement and minor amendments apply to the permit.
- (2) If a planning authority issues a permit at the direction of an Assessment Panel under section 60AJ(2) or section 60AL(1)(b) in relation to a subdivision, a reference in that Part to the council, in respect of a prescribed function or prescribed power of the council under that Part, includes a reference to the Assessment Panel.

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- (3) If a planning authority issues a permit at the direction of an Assessment Panel under section 60AJ(2) or section 60AL(1)(b) in relation to a heritage works within the meaning of Part 6 of the *Historic Cultural Heritage Act 1995*, that Act applies to the permit as if that Part had been complied with in respect of the application for the permit.

60AP. Fees under this Division

- (1) For the purposes of this Division, the regulations may prescribe one or more of the following:
- (a) the fees payable in respect of an application, matter or assessment under this Division;
 - (b) the maximum fees that may be payable in respect of an application, matter or assessment performed under this Division by an Assessment Panel or a planning authority;
 - (c) the method of calculating a fee that may be payable under this Division.
- (2) Nothing in this section limits or restricts a power to make regulations under section 87 in respect of this Division including, but not limited to, making

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provision for or with respect to a matter specified in section 87(2)(b).

- (3) The Commission may waive or remit all or any part of a fee that is payable under this Division.
- (4) A planning authority, or reviewing entity, may only charge a fee prescribed under this Act in respect of an application, matter or assessment under this Division.

60AQ. Review of Division

- (1) The Minister is to cause a review of the operation of this Division to be carried out as soon as practicable after the fifth anniversary of its commencement.
- (2) A review under subsection (1) may include, but is not limited to, the operation of any time period specified in this Division.
- (3) The persons who carry out the review under subsection (1) are to give the Minister a written report on the outcome of the review.
- (4) The Minister is to cause a copy of the report, given to the Minister under subsection (3), to be tabled in each House of Parliament within 10 sitting-days of that House after the report is given to the Minister.

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Part 3 – Historic Cultural Heritage Act 1995 Amended

**PART 3 – HISTORIC CULTURAL HERITAGE ACT
1995 AMENDED**

10. Principal Act

In this Part, the *Historic Cultural Heritage Act 1995** is referred to as the Principal Act.

11. Section 33 substituted

Section 33 of the Principal Act is repealed and the following section is substituted:

33. Application of Planning Act to heritage works is subject to this Part

- (1) Subject to subsection (2), the provisions of this Part prevail, to the extent of any inconsistency, over the provisions of the Planning Act and any planning scheme or special planning order or planning directive in force under that Act.
- (2) This Part does not apply to –
 - (a) a permit application that is to be determined by an Assessment Panel under Division 2AA of Part 4 of the Planning Act; and
 - (b) heritage works that are to be performed under a discretionary permit that is issued as a result of

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a permit application referred to in
paragraph (a).

Consultation Draft

Report on Consultation

Development Assessment Panel (DAP)
Framework Position Paper

Author:
State Planning Officer

Publisher:
Department of Premier and Cabinet

Date:
October 2024

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1. Introduction

The Premier of Tasmania, the Honourable Jeremy Rockliff, announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to take over some of councils' decision-making functions on certain development applications.

The stated intent for introducing DAPs is 'to take the politics out of planning' by providing an alternate approval pathway for more complex or contentious development applications.

The initial scope of the project was broadened to consider whether there should be an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

The State Planning Office (SPO) prepared a Development Assessment Panel (DAP) Framework Position Paper (the Position Paper) to explore these matters. The Position Paper included a draft DAP framework, based on statements made in the Premier's announcement and initial consultation with key stakeholders. Submissions were invited on both the matters raised in the Position Paper and on the draft framework. Copies of submissions can be viewed on the Planning in Tasmania website

The then Minister for Planning, the Hon Michael Ferguson, wrote to councils, State agencies, community groups and industry groups informing them that the SPO had published a Position Paper on its website and advised stakeholders of a 6 week consultation period between 19 October to 30 November 2023 in which to make comment.

There were 542 submissions received during the consultation period. The SPO would like to acknowledge the time and effort taken to make a submission and appreciates the level of work required to comment on complex planning process matters.

The Report on Consultation – DAP Framework Position Paper (Report on Consultation) summarises the issues raised in the submissions, provides a response to these issues and outlines a revised framework DAP framework and model for Ministerial direction to the planning authority to prepare a draft amendment to its LPS, the detail of which are included in Attachments 1 (A and B) and 2.

2. Glossary

The following acronyms and abbreviations are used in this report.

| | | |
|----------------|---|--|
| SPO | - | State Planning Office |
| Act | - | <i>Land Use Planning and Approvals Act 1993</i> |
| DAP | - | Development Assessment Panel |
| RAA | - | Reserve Activity Assessment |
| TPC | - | Tasmanian Planning Commission |
| Commission | - | Tasmanian Planning Commission |
| LPS | - | Local Provisions Schedule |
| Position Paper | - | Development Assessment Panel (DAP) Framework Position Paper |
| Interim Report | - | Future of Local Government Review Stage 2 Interim Report |
| TasCAT | - | Tasmanian Civil and Administrative Tribunal |

3. Summary of issues raised in submissions

Of the 542 submissions received approximately 80 percent of them were generated from 2 pro-forma submission templates that were then forwarded to the SPO by individual submitters.

There was an overall sense of opposition to the introduction of a DAP framework in providing an alternative development assessment pathway.

The main reasons for this opposition, as expressed in the submissions, are as follows:

- Tasmania’s planning system is 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 council’s roles;
- 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 unjust;
- further complicates an already complicated system.

Other issues raised in the submissions related to specific questions in the Position Paper or elements of the proposed DAP framework. These issues included:

- ambiguity around the detail of the proposed framework;
- further justification and explanation for the types of development applications that are suitable for DAP referral;
- various opinions on who, how, and when a development application may be suitable for referral to a DAP;
- that the timeframes are either unacceptably too long or are inadequately too short;

The Position Paper also sought feedback on providing a greater role for the Minister in directing council to prepare an amendment to its Local Provisions Schedule (LPS). The majority of submissions opposed this siting that it would undermine local democracy and threaten local strategic planning.

Attachment 3 of the Report on Consultation provides a more detailed overview of the issues raised with a corresponding response to each of those issues.

4. Discussion of issues raised in DAP submissions

This section of the Report on Consultation discusses the main issues raised in the submissions received on the Position Paper. Each subheading identifies a broad issue that is followed by a discussion of that issue and then an outcome, which, where appropriate, informs a modified assessment framework.

4.1 Justification for a DAP framework

Discussion

Section 3 of the Position Paper identified the issues that supported the need for an alternate development assessment pathway.

The Position Paper acknowledged that Tasmania's existing development assessment process is working well and provided statistics to demonstrate this efficiency.

One of the justifications for the proposed DAP framework comes from findings from the Future of Local Government Review Stage 2 Interim Report (the Interim Report) which found that Councillors were often conflicted in their role as a planning authority

under section 48 of the *Land Use Planning and Approvals Act 1993* (the Act) and representing the interest of the constituents by whom they were elected.

The terms of reference for the Future of Local Government Review were amended following the publication of the Interim Report by removing reference to councils' development assessment roles and referred this function to the (then) Minister for Planning for further consideration. As such, the Future of Local Government Review - Final Report, published in October 2023 provides no recommendations relating to councils' roles as a planning authority.

The DAP framework was presented as providing an option by which these conflicting roles can be resolved, allowing for Councillors to act in accordance with their perceptions of constituent preferences in cases where they are not required to act as a planning authority. The framework and Position Paper sought to tease out situations where this might be appropriate.

The Position Paper identified applications for social and affordable housing as being potentially suitable for DAP determination because the government had become aware of apparently compliant development being refused causing delays in the delivery of housing to help overcome the homelessness and cost of living crisis being experienced by many in the community. Addressing this issue is of primary concern to government and is another underlying reason for the introduction of the DAP framework.

Submissions made by social and affordable housing providers provided anecdotal evidence of bias towards some of their applications and detailed how this had impacted the delivery housing. While some councils acknowledged that on occasion there was strong community opposition for social and affordable housing, most submitted that this does not interfere with its role as a planning authority in objectively determining these types of applications. There was general acceptance that applications for social and affordable housing should not be subjected to social prejudice, nor should it influence the decision of a development application, especially where the application clearly demonstrates compliance with the planning scheme.

Since the release of the Position Paper there is evidence of important social housing projects being refused by elected members against the advice of their planning experts.

The Position Paper sought submissions on what types of applications might benefit from being determined by a panel. There was some support for applications where council is the applicant and planning authority however, most councils contended that this situation is manageable.

It was also submitted that the value of a development was not a reliable indicator of how complex or contentious a development application might be. There were concerns around how a development application could be determined to be 'contentious' or 'subject to bias' and that this introduced more uncertainty and complexity into the planning system.

The referral of applications for critical infrastructure were not supported on the basis that the concept was too vague and there is already a process to deal with larger infrastructure projects. Infrastructure providers also commented that they did not necessarily want all 'critical' infrastructure applications going through the DAP process because it was longer.

Outcome

Many of the submissions acknowledged that the planning system is operating well and there is no need for the introduction of an alternative assessment pathway. While this is a good consultation outcome, advice from social and affordable housing providers and the development industry cannot be ignored. With the State Government's commitment to delivering 10,000 new social and affordable homes, many of which rely on federal funding requiring construction within specified timeframes which if not met may be lost, greater certainty within the planning system is needed.

The framework allows for development applications to be determined by a DAP if they are listed as a 'prescribed purpose'. The revised DAP framework provides for 'prescribed purposes' as being development applications for subdivision to facilitate social and affordable housing or for the construction of social and affordable housing, that is endorsed by the board of Homes Tas for determination by a DAP. It also provides pathways for applications over \$10M, or \$5M in a non-metropolitan municipality, to enter the DAP process by the choice of the applicant, or the planning authority with the consent of the applicant. Alternatively, an applicant or a planning authority may request the Minister to refer an application to a DAP where the Minister is satisfied that the 'DAP criteria'¹ is met and agrees that it is suitable for DAP determination.

There is also an option for a council to refer an application of over \$1M in value to a DAP for determination where it is the applicant and planning authority.

¹ Refer to section 6 of this Report

The revised framework provides various options for applications to be referred to a DAP for determination. This provides for greater flexibility in the planning system allowing it to respond to emerging issues as they arise.

4.2 Local democracy

Discussion

Many submissions expressed concern that the DAP framework undermines local democracy because it removes decision making functions from councils.

As explained in the Position Paper, council should not be acting democratically in the sense of responding to a majority view on a development application when it performs its development assessment and determination functions as a planning authority under the Act. Section 48 of the Act is very specific in its intent that 'where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use and development undertaken within the areas to which the planning scheme relates'.

Local democracy is implemented through the planning scheme being consistent with the expressed values and interests of council when they approve strategic land use plans and the local component of their planning scheme.

Expression of local democracy, or a vote of popularity, at the time of development appraisal does not provide certainty to the planning system and invites decisions to be made that are politically motivated which is the very issue that the DAP framework is seeking to address.

Outcome

The issues raised relating to the perceived loss of local democracy in determining development applications do not warrant modification to the proposed framework.

4.3 Membership of DAPs

Discussion

Many of the pro-forma generated submissions expressed concern that the DAP would be comprised of members that have been 'hand-picked' by government to generate a particular assessment outcome.

The Tasmanian planning system is characterised by not having Ministerial decisions on determining development applications. Planning decisions are either made by council acting as a planning authority with an appeal to an expert panel established by TasCAT or by a similarly constituted expert panel established by the Tasmanian Planning Commission (TPC).

The Position Paper explained that DAPs would be established by the TPC, which is an independent statutory body at arm's length from government.

The TPC is established under the *Tasmanian Planning Commission Act 1997* and consists of eight people. Each member is required to hold specific skills/experience in different areas – e.g. one member must possess planning experience, one member must possess expertise and management experience in resource conservation and so on. All members are appointed by the Governor on the nomination of the Minister. They hold office for a term not exceeding 5 years.

The TPC performs many functions in the Resource Management and Planning System, often drawing on a pool of delegates, many of which are members of the Tasmanian Civil Administrative Tribunal (TasCAT), to establish assessment panels.

The TPC already establishes development assessment panels under the Act. For example, a panel in relation to a Major Project consists of:

- a member of the TPC, or another person nominated by the TPC, who is to be the chairperson of the Panel; and
- a member of the TPC, or another person, nominated by the TPC; and
- a person who is not a member of the TPC and who, in the opinion of the TPC, has qualifications and experience that are relevant to the assessment of the project.

In relation to the last member of the panel, a person has appropriate qualifications and experience if the person has:

- qualifications or experience in land use planning, urban and regional development, commerce or industry; or
- practical knowledge of, and experience in, the provision of building or other infrastructure.

The TPC has a discretion to appoint two more panel members if the complexity of the Major Project warrants it.

It is not expected that the development applications proceeding to DAPs for assessment will be as complex as Major Projects.

A copy of the TPC's Code of Conduct for the Executive Commissioner, Commissioners, Delegates and Major Project Panels can be found [here](#).

By way of comparison, TasCAT is established under the *Tasmania Civil and Administrative Tribunal Act 2020* and consist of:

- the President;
- each Deputy President;

- senior members; and
- the ordinary members

All members are generally appointed by the Governor and hold office for five years. Supplementary members are appointed by the Minister and hold office for a term of not more than two years.

A person may only be appointed as a Deputy President if the person is an Australian lawyer of not less than 5 years' standing as an Australian legal practitioner. A person may only be appointed as a senior or ordinary member of TasCAT if the person

- is an Australian lawyer of not less than 5 years' standing as an Australian legal practitioner; or
- has extensive knowledge, expertise or experience relating to a type of matter in relation to which functions or powers may be performed or exercised by the Tribunal and holds a particular qualification or an authority to engage in a profession that relates to that type of matter.

There is no legislative requirement for the TasCAT members to be nominated by the Minister, but the Minister in effect nominates persons for appointment through the Cabinet and Executive Council processes. The Minister must consult the President of TasCAT before the appointment of a Deputy President, senior member and ordinary member is made, although it would be possible for an appointment to be made despite the wishes of the President.

The Resource and Planning stream determines matters under a number of Acts set out in clause 3 of Part 8 of Schedule 2 of the *Tasmania Civil and Administrative Tribunal Act 2020*. Clause 4 provides that, for such matters, the Tribunal is to be constituted by:

- a legally qualified member; or
- a legally qualified member who is assigned to the stream and not more than 4 other members, and is either a legally qualified member or has expertise in the subject matter to which the proceedings relate, which may include any of the following matters:
 - i) planning resource economics;
 - ii) science;
 - iii) engineering;
 - iv) medicine;
 - v) environmental management;
 - vi) industry process operations;
 - vii) building;

- viii) architecture;
- ix) building surveying;
- x) plumbing;
- xi) local government;
- xii) disability access to buildings;
- xiii) environmental and public health.

Typically, tribunals established by TasCAT have greater legal representation consistent with adversarial processes while the TPC is generally more inquisitorial in their procedures.

The DAP framework does not specify the makeup of the panel. The TPC has its own protocols for establishing assessment panels and can determine the number of panellists and their necessary experience on a case-by-case basis depending on the nature of the development application.

Outcome

The independence of the TPC is well known and highly regarded in the planning system. The framework retains the proposal of not having any role for the Minister in determining applications and utilises the systems and respected processes of the TPC. The only role for the Minister is to decide on whether an application should be referred to a DAP for determination. The TPC and its delegates uphold a high degree of integrity in the functions it performs. While the *Tasmanian Planning Commission Act 1997* gives some latitude on the TPC's procedures, the principle of natural justice must be followed at all times. Commissioners and delegates must not have any conflict of interest, or are required to register any perceived conflict of interest, and must bring an open and unprejudiced mind to all matters. Any decision made by the TPC is subject to judicial review which would reveal any bias or perception of bias.

The revised framework will be modified to make it clearer that the DAP is to be established by the TPC.

4.4 Rights of Appeal

Discussion

There was considerable opposition to the removal of rights of a merit appeal for decisions made by the DAP.

The purpose of appealing a planning authority's decision to TasCAT is to provide an independent review of the process, in a public forum and without political interference. The actual process becomes one where TasCAT assumes the role of the planning authority and assesses the application *de novo*.

The DAP framework proposed the removal of rights of appeal on the basis that the DAP framework provides for all those elements within the initial assessment process by being open to the public, giving parties the opportunity to test one another's evidence and appeal directly to the decision maker.

With the exception of the TPC acting as the planning authority under the *Major Infrastructure Development Approvals Act 1999*, no other decisions made by it are subject to a merit appeal.

Other States have alternate assessment pathways for certain types of development that are seen as important economic drivers that are determined by the Minister, panels appointed by the Minister or independent panels, and which have no, or very limited rights of appeal.

By way of comparison to social and affordable housing applications being assessed in other States, the following table describes the nature of the approval process and the status of any subsequent right to a merit appeal of the decision.

| State | Approval process | Subject to merit appeal |
|--------------|---|---|
| QLD | Social and affordable housing can be declared a State Facilitated Development (SFD) by the Minister. A SFD application is processed by government's SFD team and determined by the Chief Executive. | Limited appeal rights |
| NSW | Social and affordable housing projects can be declared by the Minister or Independent Planning Commission as being State Significant Development (SSD) which is subject to an alternate approval pathway. The assessment of an SSD is coordinated by the Department of Planning, Housing and Infrastructure with the decision being made by a 'consent authority' which can be the council or the Independent Planning Commission where the council objects to the project or the project receives significant community opposition. NSW's own property development agencies have self-assessment pathways for social and affordable housing projects at certain scales. | No appeal rights if the decision is made by the Independent Planning Commission and it held a hearing prior to determination. |

| | | |
|-----|--|------------------------------|
| Vic | There are multiple pathways for obtaining housing approvals. Housing in accordance with 'Victoria's Big Housing Build' and carried out fully or partially by the State's Director of housing are subject to clause 52.2 of the Victorian Planning Provisions which removes the need for a planning permit and replaces it with a development approval process where the Minister determines the application. | No third-party appeal rights |
| SA | State Commission Assessment Panel (SCAP), established by the State Planning Commission, assess all Housing SA developments providing advice to the Minister who makes the final decision. | No appeal rights |
| WA | Community housing projects can opt-in for the application to be determined by an independent DAP. DAPs are established through regulations and are independent of government but hosted by a government department. | No third-party appeal rights |

Response

The TPC, including decision making functions delegated to a DAP, are bound by the rules of natural justice which establish the right to procedural fairness. To achieve this, it requires that parties to an assessment:

- have an opportunity to be heard; and
- have an adequate opportunity to comment on all material or information on which the DAP may base their conclusions.

The process involves the exhibition of a draft assessment of the development application including, where the application is supported, a draft permit and conditions of approval. This allows all the parties to be aware of the decision makers' initial thinking and to challenge elements of that thinking. The publication of all representations following the exhibition period provides parties with the opportunity to scrutinise each other's submissions and test them in a public hearing and before the decision makers. This is a similar process to the Major Projects and Project of State Significance approval pathways which similarly do not have the rights to a merit appeal.

Allowing a right of appeal when the framework already has the safeguards in place to provide a legally sound process that obeys the rules of natural justice in the initial decision, introduces unnecessary time delays and costs to the community.

It is also considered inappropriate for the State's peak planning body to be subject to a merit appeal on planning grounds. As discussed, any decision of a DAP will be subject to judicial review.

4.5 Details of DAP framework

4.5.1 General issues

Discussion

The Position Paper provided a draft DAP framework to act as a catalyst for discussion and further thought on what type of development applications might be suitable for referral, how that referral would take place and some timeframes around those processes.

Many submissions commented that the proposed framework lacked the detail required to fully understand how it would work and therefore what the implications would be.

The draft framework proposed two options for development application referral, a mandatory referral process for 'prescribed purposes' and a discretionary referral process that was subject to complying with a DAP criteria.

General concern was that the proposed framework was unnecessarily complicated in terms of determining the types of applications to be referred and the process for referral and assessment.

Outcome

It is acknowledged that parts of the proposed framework would introduce additional processes into the planning system. However, that complexity is born by those parties that choose that pathway, or in the case of a request being made to the Minister, the pathway provides for the other party to have a right of reply and make a submission why referral to a DAP is not appropriate. To address concern regarding the planning authority having to determine if an application met the DAP criteria, the revised framework requires the Minister to determine if an application meets the DAP criteria.

For social and affordable housing applications and other eligible applications that enter the DAP process at the beginning of the assessment, the revised process will be simpler as it provides a single approach with a more streamlined process with the DAP coordinating the entire assessment process.

For those eligible applications that enter the DAP process part way through an assessment, the DAP determines how to proceed to complete the process. There are no statutory timeframes associated with that pathway.

4.5.2 Duplication of assessment

Discussion

The proposed DAP framework required the planning authority to undertake the initial assessment of the application. The Position Paper justified this on the basis that it is the same process for assessments under section 40T of the Act and that it provides for the input of local knowledge into the assessment process.

Planning authorities did not support having to undertake an assessment of the application and prepare a recommendation report to the DAP. In their view this simply caused double handling of the assessment and compounded existing issues regarding resourcing and access to technical expertise.

Outcome

Council's concerns regarding the proposed duplication of assessment by the planning authority and DAP are acknowledged. The framework has been revised to allow social and affordable housing proposals endorsed by Homes Tasmania and applications over \$10M, or \$5M in a non-metropolitan area where the applicant, or the planning authority with the consent of the applicant, agree to a DAP assessment and lodge the application directly with the TPC who will coordinate the assessment process.

Similarly, an applicant or planning authority can request the Minister to refer their application to a DAP for determination subject to meeting the DAP criteria². This request can occur prior to lodgement with the planning authority (in a request from the applicant) or anytime during the assessment process. Where a request is granted prior to lodging the application with the planning authority there is no duplication of process.

Where an application is referred to a DAP mid-assessment process there will be inevitable duplication of process. In this case the revised framework proposes that the DAP is to provide parties with an outline of the assessment processes it needs to undertake to complete the assessment and specify timeframes for these tasks.

Where an application is lodged with the DAP, it will refer the application to planning authorities who will provide advice, and any conditions, on the impact of the proposal on council owned and managed infrastructure and any other local matters they may wish to raise.

² Refer to section 6 of this Report

The revised framework has limited the duplication of assessment as much as possible. And while it requires the planning authority to be engaged in referral and hearing processes, these requirements already exist in terms of defending decisions made by the planning authority that are subsequently appealed.

See section 4.7 of this report for discussion on fees.

4.5.3 Further information requests

Discussion

The Position Paper identified requests for further information as being a source of frustration in delaying the approval process. Opinions were either that it was the fault of the applicant in submitting a substandard application or that Council's requests were unreasonable.

The proposed framework provided the applicant with the ability to refer the request for additional information to the DAP to determine if it was within the realms of what could be requested under the planning scheme and in accordance with section 54 of the Act. While this was seen by some as a reasonable solution, there were concerns about the added time and complexity caused by referring additional information requests between the applicant, DAP and planning authority.

Outcome

The assessment of the application under the revised framework will be managed by the TPC who will oversee any request for further information. The planning authority can request further information regarding the impact of the use and development on council's infrastructure when it has been referred the application by the DAP. The DAP will coordinate the request for further information.

The framework allows for the applicant to query or seek clarification on the DAP's request for further information.

4.5.4 Exhibition of draft assessment report

Discussion

As discussed in the Position Paper, the proposed framework adopted a similar approach to the process under section 40T of the Act which provides for a draft assessment report to be published for comment. The reason for adopting this approach was that it is an existing process, and that it provided the public with an initial assessment that they could subsequently scrutinise and provide comment on in their representations. By having an early understanding of the assessment issues, all parties are more informed when it comes to public hearings and discussing the issues with the decision makers.

Submissions from councils expressed concern that the requirement to undertake an assessment of the development application prior to it undergoing public exhibition did not allow them to have the benefit of public input prior to the assessment.

Outcome

The TPC will undertake the preliminary assessment and exhibit the draft report, including any proposed permit if recommended for approval. This gives the public the opportunity to comment on the draft assessment and helps all parties to understand the initial thoughts of the decision maker and the issues that are likely to be raised at the hearing.

It also exposes all parties to any permit conditions allowing any issues to be discussed at the hearing.

4.5.5 Timeframes and hearings

Discussion

There was support for the hearings to be held locally, however, there were concerns that the time provided to prepare for hearings was insufficient. Observations on general assessment timeframes ranged from it being too long or that the time allocated to undertake certain assessment tasks was not adequate.

Outcome

The allocated timeframes seek to balance the expectations of the development industry with what is considered reasonable. The timeframes for social and affordable housing are tighter in an effort to expeditiously address the housing crisis. There are certain discrete tasks, such as public exhibition, that align with existing statutory timeframes.

The revised framework for social and affordable housing proposes a maximum assessment timeframe of 98 days, which is a week shorter than the original framework.

Early lodgement or early referrals to a DAP propose a maximum assessment timeframe of 119 days. There is no statutory timeframe specified for applications that are referred by the Minister part way through the assessment process. The framework provides for the DAP to determine the remaining assessment processes that it needs to undertake and inform the parties of those processes and the proposed timeframe to undertake those tasks.

To allow more time to prepare for hearings, the revised framework is proposing to require notification of the scheduling of a hearing date at the time the DAP exhibits its draft assessment. This puts people on notice of the hearing, which must be not less

than 10 days after the close of exhibition, allowing representors to view each other's representations and prepare for the hearing.

The proposal to hold hearings locally is retained.

4.6 Role of planning authorities

Discussion

Under the framework proposed in the Position Paper, the planning authority received the development application, determined its validity, was responsible for referring it to other entities, coordinated the request for further information, prepare a draft assessment report, exhibit the application and comment on the merit of the representations to the DAP. Councils did not support having to undertake these functions when they were not the final decision maker and expressed concern regarding the additional administrative burden.

The submissions supported that the planning authority must have a role in the assessment process to ensure local knowledge is transferred and development engineering conditions are in place to manage any impact on council's assets.

The framework proposed that council would retain post approval functions including issuing and enforcing the permit and determining any minor amendments to the permit. The post approval functions of council were generally supported.

Outcomes

As already discussed, the DAP will manage the assessment process and will refer the application to the planning authority for advice, thereby removing many of the administrative functions of council but still requiring its input on the assessment.

Post approval functions of council will be retained.

4.7 Fees and Resourcing

Discussion

Concerns were raised that the introduction of the DAP framework will distract planners from more important planning reform outcomes.

There was also concern that councils do not have the resources to undertake additional assessment tasks and attend hearings.

Many of the submissions queried how fees were going to be calculated and administered and, if the assessment was being undertaken by the planning authority and the DAP, who was eligible to collect application fees.

Outcome

While there are important planning reforms underway, there is still a need to undertake regular maintenance on the planning system and address issues as they arise. The Government considers that an alternate pathway providing an efficient and independent assessment of certain development applications, especially given the importance of delivering social and affordable housing projects, is a required reform.

Under the current settings councils would ordinarily be required to assess all these development applications. It would also have to allocate additional resources if the decision was appealed and attendance at a TasCAT hearing was required. The revised framework does remove some of the administration of the assessment away from council by requiring the DAP to coordinate the assessment.

The revised framework provides that fees may be prescribed in the regulations. The SPO will consult further on matter of fees for the assessment of applications by DAPs and the work undertaken by referral entities.

5. Ministerial role to direct an LPS amendment

Discussion

As part of seeking feedback on a legislative framework for DAPs, the Position Paper also explored whether it is appropriate for the Minister, under certain circumstances, to have the power to direct a council to prepare a planning scheme amendment.

The Position Paper proposed an additional Ministerial direction based on the outcomes of a request by an applicant under section 40B of the Act. Section 40B allows an applicant to request the Commission to review the planning authority's decision to refuse an application to amend the planning scheme. The Commission can direct the planning authority to reconsider its decision but cannot direct the outcome of that process. Where that has occurred, and the planning authority still does not agree to prepare the draft amendment, the Position Paper proposed that the Minister may intervene, subject to being satisfied that the LPS criteria is met.

There was considerable opposition to any additional role by the Minister to direct a planning authority to prepare a planning scheme amendment. However, what seemed to be overlooked in the submissions was that section 40C of the Act already allows for the Minister to direct a planning authority to prepare an amendment under any of the following circumstances:

- To ensure that the LPS will comply with the SPPs;
- To ensure that the LPS is, as far as practicable, consistent with the RLUS;
- To ensure the satisfactory application of a State Policy;

- To ensure the LPS is in accordance with a direction of the Minister under this Act;
- On the advice of the Commission, any other purpose the Minister thinks fit.

It is unclear if the opposition to an additional Ministerial direction was caused by a misunderstanding that such a direction would result in the approval of the amendment rather than initiating the commencement of the TPC's assessment of the draft amendment.

The basis of the opposition was that it was inappropriate for the Minister to override the decision of a council and interfere with how it intends to implement its local land use strategy.

Outcomes

The proposal was simply to allow an amendment to be placed on exhibition and be considered by the public and subsequent assessment by the independent TPC. Currently, there is no process to intervene in the preparation of a draft planning scheme amendment where an error in judgment has been uncovered by the TPC in a review of the planning authority's determination to refuse to prepare a draft amendment to its LPS. The proposed process only allows Ministerial intervention when the TPC has reviewed Council's decision and directed it to reconsider the request to amend the LPS.

The additional Ministerial direction provides a pathway for a suitable application to amend a planning scheme to be reviewed and assessed that otherwise would not proceed to the TPC. This provides an opportunity for the applicant to seek recourse which is currently not available under the existing process. It does not allow for the Minister to approve the application to amend the planning scheme but rather allows the commencement of the TPC's assessment process.

The applicant may request the Minister to review the planning authority's decision. Where this occurs the Minister it to consider the planning authority's original refusal and the TPC's direction to it to reconsider the preparation of a draft amendment. The Minister also invites the planning authority to provide reasons as to why the Minister should not direct it to prepare a draft amendment. This provides council with the opportunity to demonstrate how approving a draft amendment might interfere with its local land use strategy as raised in submissions. If the Minister directs a planning authority to prepare a draft amendment, the Minister must be satisfied that it meets the LPS criteria.

As already stated, the additional Ministerial direction is only for the planning authority to initiate a draft amendment, allowing it to go on public exhibition and be assessed by the TPC.

For further detail regarding the proposed additional role for the Minister to direct a planning authority to prepare an LPS amendment refer to Attachment 2.

6. Revised DAP framework

The framework has been revised to address many of the issues raised in the submissions. One of these issues was associated with the complexities associated with referring DAP applications to the Environmental Protection Authority (EPA) in accordance with the *Environmental Management and Pollution Control Act 1994* (EMPCA). As a result of these complexities, the revised DAP framework excludes applications that are subject to EPA referral.

Applications that are subject to the *Historic Cultural Heritage Act 1995* are eligible for determination by a DAP. The DAP will refer relevant applications to the Heritage Council seeking its advice.

The revised framework proposes a number of entry points into the DAP process. To be eligible for DAP referral the application must be for a permit in accordance with section 57 of the Act, that is not subject to EPA referral under EMPCA, and is for 'prescribed purposes' (as shown in Attachments 1A and 1B) and described as follows:

Prescribed Purpose

- a) Applications including social and affordable housing declared suitable for DAP determination by the Board of Homes Tasmania;
- b) Subdivision, to accommodate social and affordable housing, declared suitable for DAP determination by the Board of Homes Tasmania;
- c) Where an applicant, or the planning authority with the consent of the applicant, refers an application to a DAP for determination, provided the application is over \$10M or \$5M in a non-metropolitan area, or \$1M where council is the applicant and planning authority;
- d) On request to the Minister, by either the applicant or the planning authority, and the Minister is of the opinion that the application satisfies the DAP criteria and is suitable for DAP determination. The **DAP criteria** is as follows:

- i. the application is considered to be of a technical or complex nature in a municipality where the planning authority does not have the adequate skills or resources to undertake the assessment;
- ii. the application is expected to be, or is, highly contentious, controversial or subject to influence by matters outside the relevant planning considerations;
- iii. the application is considered to have significant social or economic importance to the local or broader area;
- iv. where 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.

The DAP framework also includes an option to prescribe additional purposes and additional value thresholds at a later date.

An application for subdivision to facilitate social and affordable housing or for the development of social and affordable housing, that is declared by the board of Homes Tasmania to be determined by a DAP, are eligible to be assessed through the DAP process. In this case, applications are made directly to the DAP and follow a statutory timeframe.

Applications for prescribed purposes c) and d) can enter the DAP process at the beginning of the assessment or part way through the assessment. Where an application is either lodged with, or referred to, a DAP at the commencement of the assessment the DAP coordinates the process and it follows a similar pathway to prescribed purpose a) albeit additional time is given to complete assessment tasks. The justification for allowing more time for these applications is that their scope is broader than just residential development.

Applications that are lodged directly with the TPC undergo a validity check and are then referred to the relevant regulated entities (eg Tas Water) and planning authority, seeking advice on matters that are relevant primarily to how the development will impact their infrastructure and any condition they may wish to impose on a subsequent permit.

The TPC establishes a DAP, in accordance with its usual delegation powers, who co-ordinates any requests for further information. Similar to existing processes, the statutory clock stops until the applicant has provided the additional information to the satisfaction of the DAP. Once the DAP has the relevant information it undertakes a preliminary assessment and prepares a draft report, and if recommending approval, a draft permit. The draft report, application and advice from the planning authority

and referral entities are exhibited for 14 days, consistent with existing statutory exhibition requirements for applications under section 57 of the Act. The exhibition notice also includes a hearing date which is to be scheduled not less than 10 days from the close of exhibition. The DAP receives representations and publishes them on the TPC's website.

Following the exhibition period, the DAP holds hearings and invites all parties to attend to give evidence and be heard. The DAP then considers all the matters and makes a decision on the application and gives notice of its decision. If the decision is for approval, the DAP directs the planning authority to issue a permit in accordance with its decision.

Because the process involves a public hearing involving all parties, the decision of the DAP is not subject to a merit appeal by TasCAT, however, it is subject to judicial review.

The maximum statutory timeframe for the DAP framework is 98 days for social and affordable housing applications and 119 days for other applications that are referred to the DAP prior to the planning authority commencing its assessment.

Applications that are midway through the assessment process will have their timeframes determined by the DAP based on what assessment process have occurred.

All pathways provide options for extensions of time based on agreement between the DAP and applicant or, where an agreement cannot be reached, approval by the Minister.

If the DAP approves the application, it directs the planning authority to issue a permit. The planning authority is responsible for the enforcement of the permit. A planning authority can also receive, assess and determine an application for a minor amendment under the existing provisions of section 56 of the Act.

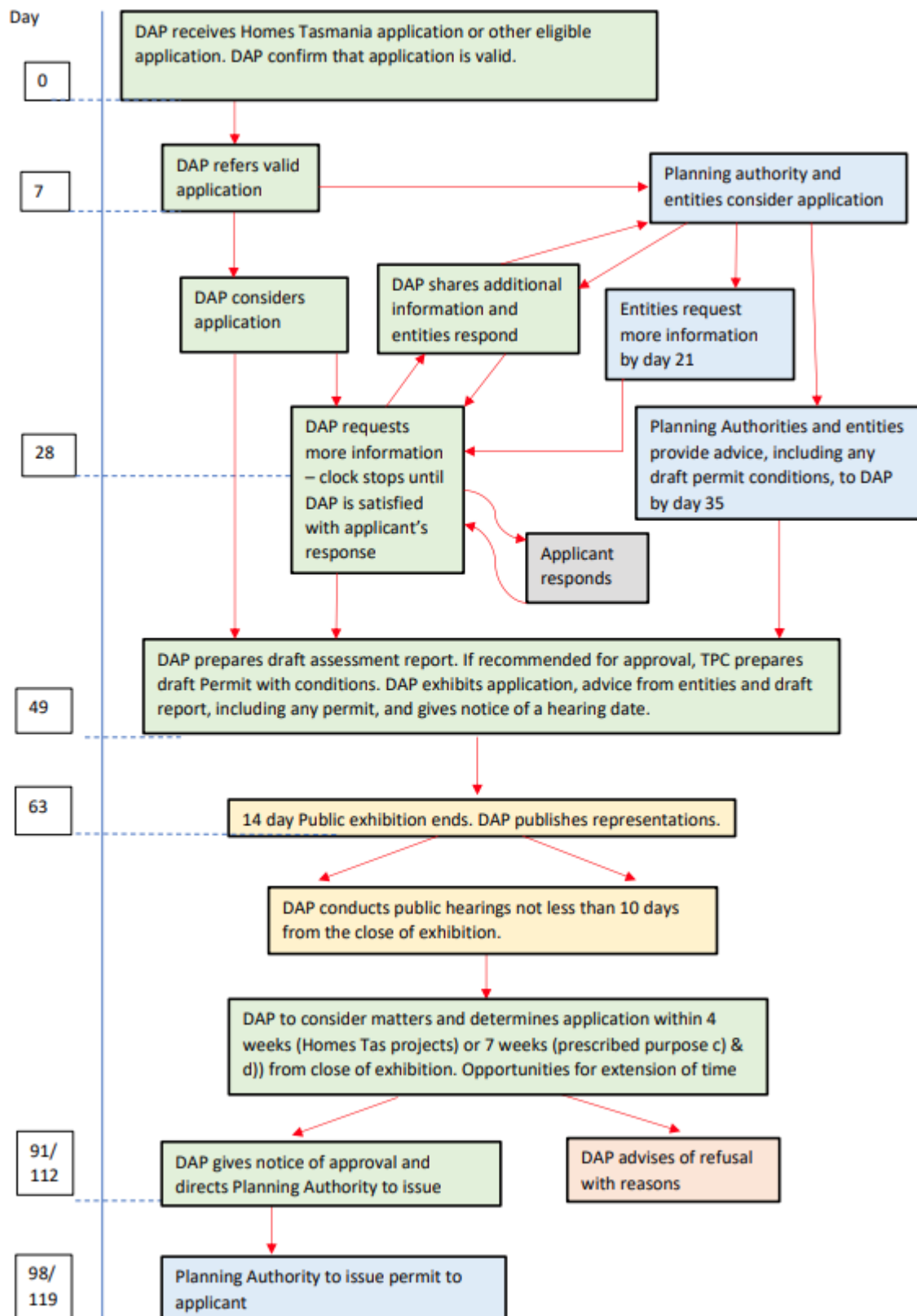
An overview of the proposed DAP framework is provided in a flow diagram below and tables with more detail are provided in Attachments 1A and 1B.

7. Next Steps

The revised DAP framework has informed the drafting of a Bill to amend the Act. A copy of the draft Bill will be made available on the SPO website at [Have your say | Planning in Tasmania \(stateplanning.tas.gov.au\)](https://www.stateplanning.tas.gov.au). The draft Bill will undergo a 5 week consultation period with submissions invited through the SPO's ['Have your say'](#) platform.

It is anticipated that a draft Bill will be tabled in Parliament towards the end of the year.

Proposed DAP Framework flowchart



Attachment 1A - Revised Development Assessment Panel Framework

Applications for Social and Affordable Housing – Prescribe Purposes a) and b)

| Ref | Stage of assessment process | Responsible person/ authority | Stat Clock (max time) | Proposed Framework | Comments |
|-----|---|----------------------------------|-----------------------|--|---|
| 1 | Pre-lodgement discussions between applicant and Council | Planning Authority and applicant | | <p>Informal process, no need to legislate.</p> <p>Pre-lodgement discussion with council still encouraged to identify issues early in the process.</p> | <p>Existing informal processes undertaken on an as needs basis.</p> <p>Pre-lodgement discussions with Council to identify issues eg, stormwater, and discuss that the application may be for a prescribed purpose and subject to determination by a DAP</p> |
| 2 | Determining Social and affordable housing applications | | | <p>Informal process, no need to legislate.</p> <p>Homes Tasmania will determine which applications for social and affordable housing will be subject to DAP determination.</p> <p>Social and affordable housing providers may request Homes Tasmania to consider their applications to be suitable for DAP determination.</p> <p>Applications for Social and affordable housing must be accompanied by notification from Homes Tasmania determining that it is eligible for DAP determination.</p> | Administrative function carried out between social and affordable housing providers and Homes Tasmania |
| 3 | Lodge Development Application with | Applicant | 0 | A development application suitable for DAP referral means an application for a permit in | |

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| | Tasmanian Planning Commission | | <p>accordance with section 57 of the Act, that is not subject to EPA referral under EMPCA, and is for a prescribed purpose.</p> <p>Prescribed purpose:</p> <ul style="list-style-type: none"> a) Social housing³ or affordable housing⁴ declared as suitable for DAP determination by the Board of Homes Tasmania; or b) subdivision, to accommodate social and affordable housing, declared as suitable for DAP determination by the Board of Homes Tasmania; c) where an applicant, or the planning authority with the consent of the applicant, refers an application to a DAP for determination, provided the application is valued over: <ul style="list-style-type: none"> i. \$10M; ii. \$5M in a non-metropolitan area; or iii. \$1M if the Council is the planning authority and applicant d) an application that, upon request to the Minister by the planning authority | <p>This table provides the DAP framework for Prescribed Purposes a) and b).</p> <p>Attachment 1B outlines the DAP framework for Prescribed Purposes c), d) and e)</p> <p>Homes Tasmania are to determine which of its applications are to be assessed by a DAP.</p> <p>The Commission will establish a DAP based on its usual delegation practices.</p> <p>Any other prescribed purpose added later would be subject to consultation and parliamentary process.</p> |
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³ “Social Housing –means both housing provided by the government (public housing) and non-government organisations (community housing) with below-market rent prices.”

⁴ “Affordable Housing – means housing for purchase and rental, including social housing, that is appropriate for the needs of very low-, low- and moderate-income households. This is generally understood to mean housing that costs no more than 30 per cent of a household’s gross income.”

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| | | | | <p>or applicant, is deemed to satisfy the DAP criteria and is declared as suitable for DAP determination by the Minister;</p> <p>e) <i>As prescribed</i> (potential for others to be set out in Regulation later)</p> <p>The application is to include details, if any, of consultation with persons who may have an interest and pre-lodgement discussions with Council and any endorsement by Homes Tasmania that it is for a prescribed purpose.</p> | |
| 4 | Determination of valid application and confirmation that the application is for a prescribed purpose | Executive Commissioner/DAP | | <p>Executive Commissioner/DAP receives an application and confirms that the application is for a prescribed purpose.</p> <p>The DAP reviews the application and determines if it is valid in accordance with the existing provisions of the Act.</p> <p>If not valid, the DAP seeks appropriate action from the applicant.</p> <p>This must be done within 7 days of receiving application.</p> | <p>If a DAP has not been established the Executive Commissioner can carry out the administrative functions of the DAP.</p> <p>DAP to determine that an application for a prescribed purpose is valid in accordance with the existing process under the Act.</p> <p>Potentially use S51(1AA) form to demonstrate validity, including payment of fees, and that the application is for a prescribed purpose.</p> |
| 5 | Referral to planning authority and other entities | DAP | Start Clock 0-7 | <p>Statutory assessment clock commences once the DAP is satisfied that the application is valid.</p> <p>When the DAP determines that the application is valid, it must, within 7 days, refer it to the relevant planning authority and other entities, such as TasWater or regulated entities under the <i>Gas Industry Act 2019</i>.</p> | Planning authorities currently refer applications to regulated entities. |

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| 6 | Request for further information (RFI) | Planning authority, referral entities and DAP | 7-21 | <p>Within 14 days of being referred an application from the DAP, the planning authority and referral entities are to provide the DAP with any RFI or advise the DAP that no additional information is required.</p> <p>The Planning Authority can only request further information from the applicant regarding:</p> <ul style="list-style-type: none"> determining the impact of the use and development on council infrastructure to inform draft permit conditions that address the impacts of the use and development on council infrastructure; any matters that council would otherwise consider under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>, such as the provision of public open space, if the application is for subdivision. | |
| 7 | DAP reviews RFI and notifies applicant of RFI | DAP | 21- 28 | <p>DAP to review and consolidate any RFI from the planning authority and referral entities and include additional matters as the DAP may require.</p> <p>The DAP can also request additional information that relates to the assessment of the application from the planning authority or regulated entities.</p> <p>The DAP is to give notice to the applicant of any request for information within 28 days of determining the application is valid.</p> | |

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| | | | | <p>The applicant can query the DAP on its request for further information within 7 days of being notified of the request for further information.</p> <p>Statutory Clock stops once the applicant is notified of the request for further information.</p> | |
| 8 | Applicant provides DAP with a response to the RFI | Applicant | Stop clock | <p>Applicant to provide the DAP with further information as requested.</p> <p>DAP circulates the additional information received from the applicant to the planning authority and referral entities.</p> <p>Referral entities, planning authority and DAP have 7 days to review the additional information. Within that 7 days the planning authority and referral entities either determine that they are satisfied with the information provided and give notice to the DAP to that effect or provide a list of outstanding matters to the DAP.</p> <p>If the referral entities, planning authority and DAP are all satisfied that the applicant provided the information requested, the statutory clock recommences.</p> <p>If the DAP has outstanding matters, or receives notice of outstanding matters from the planning authority or referral entities, the DAP has 7 days to review and consolidate the list of outstanding matters and, if deemed necessary for the assessment of the application, notifies the applicant requesting that there are outstanding matters to be addressed.</p> | |

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| | | | | <p>The applicant can query the DAP on its outstanding matters notice.</p> <p>If there are still outstanding matters, the clock remains stopped.</p> | |
| 9 | Planning authority and referral entities provide advice on application to the DAP | Planning authority and referral entities | 35 | <p>Within 28 days (excluding clock stop days) of being referred the application, the planning authority and referral entities provide their advice on the application to the DAP.</p> <p>The advice from the planning authority must (where relevant) include;</p> <ul style="list-style-type: none"> – An infrastructure impact statement outlining the impact of the application on Council's infrastructure; – Any draft permit conditions it would like to impose to address the impact of the use and development on council infrastructure; – any matters that council would otherwise consider under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>, such as the provision of public open space, if the application is for subdivision. <p>The advice from the planning authority may include:</p> <ul style="list-style-type: none"> – A statement of merit in relation to the planning scheme requirements; | <p>This approach requires the planning authority to address infrastructure and open space issues and allows them the opportunity to bring any other matter to the DAP's attention.</p> <p>The nature of advice from other referral entities are covered through their own Acts.</p> |

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| | | | | <ul style="list-style-type: none"> Any other matter that the planning authority would like to bring to the attention of the Commission. | |
| 10 | DAP assesses application and prepares a draft assessment report and recommendation | DAP | 35-49 | Within 14 days of receiving the advice from the planning authority and referral entities, the DAP undertakes the initial assessment and prepares a draft assessment report. | The Commission can clarify matters, if needed, with the planning authority and referral entities on an informal basis. |
| 11 | exhibition and calls for reps | DAP | 49 - 63 | <p>DAP exhibits application, additional information, referral advice and its draft assessment report and draft permit (if recommended for approval) for 14 days during which time representations are invited.</p> <p>DAP to notify adjoining property owners, planning authority and referral entities at the commencement of the 14 day exhibition period.</p> | <p>While the planning authority and referral entities are already a party to the proceedings, they may wish to make a representation in response to the Commission's draft report and any draft permit.</p> <p>Elected members can also make a representation outside their role as a member of the planning authority.</p> |
| 12 | Exhibition to include notification of hearing | DAP | 49-63 | The notification must include setting a date for a hearing not less than 10 days from the close of exhibition. | Notification of hearing is done at exhibition to put all parties on notice of when and where the hearing will be held. |
| 13 | DAP publishes Representations and may dispense with a hearing | DAP | 63-66 | <p>DAP publishes representations on the Commission's website.</p> <p>The DAP may dispense with holding a hearing if:</p> <ul style="list-style-type: none"> a. No representations where received; or b. Representations received supported the draft recommendations; and | If hearing is dispensed, and the DAP directs the planning authority to issue a permit in accordance with the draft assessment report, the permit is issued within 7 days (or by day 70 on the statutory clock) in accordance with row 16. |

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| | | | | <p>no parties to the proceedings, including the applicant, wish to attend a hearing.</p> <p>DAP to give notice to all parties of their decision to dispense with a hearing.</p> <p>If hearing is dispensed, the DAP may direct the planning authority to issue a permit in accordance with draft assessment report ie draft report can become decision.</p> | |
| 14 | Review reps and hearing preparation | All parties | 66-73 | <p>Minimum time between publication of representations and hearing is 7 days. Parties prepare for hearings.</p> <p>The DAP can request an extension of 21 days for complex matters.</p> | <p>The requirement for an extension of time is likely to become apparent after exhibition.</p> <p>Request for extension of time is to the Minister.</p> |
| 15 | DAP to hold hearings, make determination and give notice of decision | All parties /DAP | 73-91 (112) | <p>Hearings encouraged to be held locally.</p> <p>Following the hearings, the DAP considers all the information presented and makes a decision on the development application.</p> <p>The DAP is to give notice of its decision to the planning authority, regulated entities, applicant and representors within 4 weeks (or 7 weeks if extension of time is granted) of the completion of the exhibition period.</p> | |
| 16 | Issuing of Permit | DAP/ Planning Authority | 98 (119) | <p>If the decision of the DAP is to grant a permit, the DAP must, in its notice to the planning authority above, direct it to issue a permit in accordance with its decision within 7 days of receiving the notice from the DAP.</p> <p>The permit becomes effective the day it is issued by the planning authority.</p> | |

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| | | | | If the permit is for a subdivision, the DAP also approves it in accordance with the provisions of <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> . | |
| | | | | | |
| 17 | Withdrawal of application | Applicant | | <p>The applicant may withdraw its application at any stage of the assessment process by notification to the DAP.</p> <p>The DAP must notify referral entities and the planning authority that the applicant has withdrawn the application.</p> <p>If the application has been exhibited, the DAP must also notify any representors.</p> | |
| 18 | Extension of time | Applicant and DAP | | <p>At any time after the close of exhibition, the applicant and DAP, may agree to an extension of time to determine the application.</p> <p>If the applicant does not agree to an extension of time, the DAP may request an extension of time from the Minister.</p> | |
| 19 | Commission to take over Council's functions under LGBMP Act | Commission | | The Commission to take on particular functions of Council under the <i>Local Government Building and Miscellaneous Provisions Act 1993</i> that involve an application for subdivision. | |
| 20 | Enforcement | Planning Authority | | The planning authority is responsible for enforcing the permit. | This is the same process for permits issued by TasCAT. |

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| 21 | Appeal rights | All parties | | There is no right of appeal on the grounds of planning merit as the decision has been made by the DAP having been through a public process with all parties participating and being afforded natural justice. | While DAP decisions are not subject to a merit appeal, they are subject to judicial review by virtue of the <i>Judicial Review Act 1997</i> . |
| 22 | Minor amendment to permits | Planning Authority | | A planning authority can receive a request for a minor amendment to a permit involving an application that has been determined by the DAP without seeking the permission of the DAP. | Minor amendments to permits are assessed by the planning authority against the existing provisions of section 56 of the Act. |
| 23 | Fees for DAP assessment and referral advice | Applicant | | The fee for the DAP and planning authority will be prescribed in regulations. The Commission may refund or waive some or all of the fees payable to it. | Further consultation will occur to determine an appropriate fee structure for the DAP and planning authority to charge for their respective involvement in the assessment. |

Attachment 1B - Proposed Development Assessment Panel Framework – Prescribed Purpose c) and d).

Applications referred to DAP by applicant, or planning authority with the consent of the applicant, subject to meeting value thresholds or where an applicant or the planning authority request that the Minister refers the application to a DAP for determination.

| Ref | Stage of assessment process | Responsible person/ authority | Proposed Framework | Comments |
|-----|--|----------------------------------|--|---|
| 1 | Pre-lodgement discussions between applicant and planning authority | Planning Authority and applicant | Informal process, no need to legislate. | Existing informal processes undertaken on an as needs basis. May discuss the application being determined by a DAP and whether the applicant and/or planning authority would support DAP determination. |
| 2 | Applications suitable for DAP referral | | A development application suitable for DAP referral means an application for a permit in accordance with section 57 of the Act, that is not subject to EPA referral under EMPCA, and is for a prescribed purpose. Prescribed purpose: | Prescribed purpose a) and b) follow the social and affordable housing DAP determination framework (see ATTACHMENT 1A). The following DAP framework only applies to prescribed purpose c) and d) . Any other prescribed purpose added later would be subject to consultation and parliamentary process. |

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| | | | <p>f) Social housing⁵ or affordable housing⁶ declared as suitable for DAP determination by the Board of Homes Tasmania; or</p> <p>g) subdivision, to accommodate social and affordable housing, declared as suitable for DAP determination by the Board of Homes Tasmania;</p> <p>h) where an applicant, or the planning authority with the consent of the applicant, refers an application to a DAP for determination, provided the application is valued over:</p> <p>iv. \$10M;</p> <p>v. \$5M in a non-metropolitan area; or</p> <p>vi. \$1M if Council is the planning authority and applicant</p> <p>i) an application that, upon request to the Minister by either the planning authority or applicant, is deemed to satisfy the DAP criteria and is declared as suitable for DAP determination by the Minister;</p> <p>j) <i>As prescribed (potential for others to be set out in Regulation later)</i></p> <p>The application is to include details, if any, of consultation with persons who may have an interest and pre-lodgement</p> | |
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⁵ “Social Housing –means both housing provided by the government (public housing) and non-government organisations (community housing) with below-market rent prices.”

⁶ “Affordable Housing – means housing for purchase and rental, including social housing, that is appropriate for the needs of very low-, low- and moderate-income households. This is generally understood to mean housing that costs no more than 30 per cent of a household’s gross income.”

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| | | | discussions with Council and any endorsement by Homes Tasmania that it is for a prescribed purpose. | |
| 3 | DAP criteria | | <p>In accordance with prescribed purpose d), DAP criteria means where the Minister considers the application would benefit from being determined by a DAP for any one or more of the following reasons:</p> <ul style="list-style-type: none"> the application is considered to be of a technical or complex nature in a municipality where the planning authority does not have the adequate skills or resources to undertake the assessment; the application is expected to be, or is, highly contentious, controversial or subject to influence by matters outside the relevant planning considerations; the application is considered to have significant social or economic importance to the local or broader area; Where 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 As prescribed. | |
| 4 | <p>Prescribed Purpose c)</p> <p>An applicant, or the planning authority with the consent of the applicant, may lodge an application to a DAP for determination.</p> | Applicant, or planning authority with the consent of the applicant | <p>Prescribed Purpose c)</p> <p>Prior to an application being lodged with a planning authority, or at any time during the assessment of a development application, the applicant, or the planning authority with the consent of the applicant, may lodge an application that satisfies Prescribed Purpose c) with the DAP for determination.</p> <p>An application lodged with a DAP for determination in accordance with Prescribed Purpose c) must include:</p> | <p>Pathway to provide for a Prescribed Purpose c) application to be lodged with the DAP or to opt into the DAP process at any time during the assessment.</p> |

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| | Information to accompany application | | <ul style="list-style-type: none"> – A copy of the development application and where applicable, requests for further information and responses to the requests for further information, referral advice and representations; – A statement whether the application is for initial lodgement with the DAP or if the assessment of the application has commenced by the planning authority; – If the application has been referred to a DAP after the commencement of the assessment, advice from the parties that details the assessment process to date. – any correspondence between the applicant and the planning authority; – A copy of the agreement between the planning authority and applicant to refer the application to the DAP; – A statement of the value of the application to comply with prescribed purpose c); | |
| 5 | <p>Prescribed purpose d)</p> <p>An applicant or planning authority may request the Minister to refer an application to a DAP for determination.</p> <p>Information to accompany request</p> | Applicant or planning authority | <p>Prescribed purpose d)</p> <p>Prior to an application being lodged with a Planning authority, or at any time during the assessment of a development application, the applicant may request that the Minister refers the development application to a DAP for determination subject to demonstrating compliance with the DAP criteria.</p> <p>Once the Planning authority has received an application, or at anytime during the planning authority's assessment of the application, the planning authority may request that the Minister refers the development application to a DAP for determination subject to demonstrating compliance with the DAP criteria.</p> | <p>Pathway to provide for the applicant or planning authority to request the Minister for a Prescribed Purpose d) application to be referred to a DAP for determination.</p> <p>A request by an applicant under prescribed purpose d) can occur prior to the application being lodged with the planning authority or anytime during the assessment.</p> |

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| | | | <p>Any request by the applicant or planning authority for the Minister to refer an application to a DAP for determination must include, where possible:</p> <ul style="list-style-type: none"> – A copy of the development application and where applicable, responses to requests for further information, referral advice and representations; – A statement whether the application is for initial lodgement with the DAP or if the application commenced being assessed by the planning authority; – any correspondence between the applicant and the planning authority; and – a submission demonstrating how the request satisfies the DAP criteria. <p>Depending on which party makes the request, the Minister must inform the other party (applicant or planning authority) of the request and give them the opportunity to respond and provide reasons why the request should or should not be granted.</p> <p>The Minister considers the response and request and then gives notice of his decision to the Planning authority and applicant. If the decision of the Minister is that the request satisfies the DAP criteria, the Minister directs the DAP to determine the application.</p> <p>If the Minister does not agree to the request, the Minister directs the planning authority to undertake the assessment.</p> | <p>The planning authority can request the Minister for a Prescribed purpose d) application to be referred to a DAP for determination once they have received an application, or any time during the assessment of the application.</p> |
| 6 | Provision of information by Planning authority | Minister and planning authority | <p>Where the applicant has requested a DAP referral for a prescribed purpose d) after the commencement of the planning authority's assessment, and the Minister agrees, he</p> | <p>The purpose of this section is for the planning authority to provide information on the development application and advise what stage</p> |

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| | | | <p>must, in his notice to the Planning Authority, direct it to provide the following information;</p> <ul style="list-style-type: none"> – any correspondence between the planning authority and applicant; – the development application as lodged and, where applicable, responses to requests for further information, referral advice and copies of representations; and – advice that details the assessment process to date. | <p>the planning authority is up to in its assessment of the development application where that assessment has commenced and the applicant may not be aware.</p> |
| 7 | <p>Prescribed purpose c) and d) referred to DAP mid assessment process</p> <p>DAP to establish the assessment process for the referred applications and give notice of it to all parties</p> | DAP | <p>Where the DAP has received an application under row 6 above (prescribed purpose d) that is part way through the assessment process) or a prescribed purpose c) application referred to it during the planning authority's assessment, the DAP determines how it wishes to proceed with the assessment of the development application in terms of the process set out below.</p> <p>The DAP must notify all parties, including representors (if it has already been through public exhibition), advising them of the process and providing estimated timeframes for the completion of the various assessment tasks, including a timeframe for determination.</p> | <p>Where an application for Prescribed purpose c) and d) are referred to a DAP for determination mid assessment process, the DAP is to determine the remaining stages of the assessment process. The DAP needs satisfy itself as it sees fit which may include revisiting some stages of the assessment, such as requesting further information, which, incidentally, may give cause for re-exhibition.</p> <p>Statutory clock does not apply to these applications. Process is to broadly follow DAP assessment procedures but with timeframes at the discretion of the DAP.</p> <p>These applications return to following the statutory timeframe at row 21</p> |

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| 8 | Early DAP referral or initial lodgement with DAP | DAP | Development applications that have been referred to the DAP under prescribed purpose c) or prescribed purpose d) that have not yet been lodged with the planning authority or the planning authority has not yet commenced the assessment process, can proceed in accordance with the framework set out below. | Early referral of an application to a DAP under prescribed purpose c) and d) allow the DAP to coordinate the assessment process in accordance with the statutory timeframes provided below. |
| 9 | Applications approved for early referral | DAP | The DAP reviews the application and determines if it is valid in accordance with the existing provisions of the Act. If not valid, the DAP seeks appropriate action from the applicant. This must be done within 7 days of receiving application. | |
| 10 | Referral to planning authority and other entities | DAP Start Clock (0-7) Max days | Statutory assessment clock commences once the DAP is satisfied that the application is valid. When the DAP determines that the application is valid, it must, within 7 days, refer it to the relevant planning authority and other entities, such as TasWater or regulated entities under the <i>Gas Industry Act 2019</i> . | |
| 11 | Request for further information (RFI) | Planning authority, referral entities and DAP (7-21) | Within 14 days of being referred an application from the DAP, the planning authority and referral entities are to provide the DAP with any RFI or advise the DAP that no additional information is required. The Planning Authority can only request further information from the applicant regarding: <ul style="list-style-type: none"> determining the impact of the use and development on council infrastructure to inform draft permit conditions that address the impacts of the use and development on council infrastructure; | |

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| | | | <ul style="list-style-type: none"> any matters that council would otherwise consider under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>, such as the provision of public open space, if the application is for subdivision. | |
| 12 | DAP reviews RFI and notifies applicant of RFI | DAP (21-28) | <p>DAP to review and consolidate any RFI from the planning authority and referral entities and include additional matters as the DAP may require.</p> <p>The DAP can also request additional information that relates to the assessment of the application from the planning authority or regulated entities.</p> <p>The DAP is to give notice to the applicant of any request for information within 28 days of determining the application is valid.</p> <p>The applicant can query the DAP on its request for further information within 7 days of being notified of the request for further information.</p> <p>Statutory Clock stops once the applicant is notified of the request for further information.</p> | |
| 13 | Applicant provides DAP with a response to the RFI | Applicant STOP CLOCK | <p>Applicant to provide the DAP with further information as requested.</p> <p>DAP circulates the additional information received from the applicant to the planning authority and referral entities.</p> <p>Referral entities, planning authority and DAP have 7 days to review the additional information. Within that 7 days the planning authority and referral entities either determine that they are satisfied with the information provided and give notice to the DAP to that effect or provide a list of outstanding matters to the DAP.</p> | |

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| | | | <p>If the referral entities, planning authority and DAP are all satisfied that the applicant provided the information requested, the statutory clock recommences.</p> <p>If the DAP has outstanding matters, or receives notice of outstanding matters from the planning authority or referral entities, the DAP has 7 days to review and consolidate the list of outstanding matters and, if deemed necessary for the assessment of the application, notifies the applicant requesting that there are outstanding matters to be addressed.</p> <p>The applicant can query the DAP on its outstanding matters notice.</p> <p>If there are still outstanding matters, the clock remains stopped.</p> | |
| 14 | Planning authority and referral entities provide advice on application to the DAP | Planning authority and referral entities 35 | <p>Within 28 days (excluding clock stop days) of being referred the application, the planning authority and referral entities provide their advice on the application to the DAP.</p> <p>The advice from the planning authority must (where relevant) include;</p> <ul style="list-style-type: none"> – An infrastructure impact statement outlining the impact of the application on Council’s infrastructure; – Any draft permit conditions it would like to impose to address the impact of the use and development on council infrastructure; – any matters that council would otherwise consider under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>, such as the provision of public open space, if the application is for subdivision. | <p>This approach requires the planning authority to address infrastructure and open space issues and allows them the opportunity to bring any other matter to the DAP’s attention.</p> <p>The nature of advice from other referral entities are covered through their own Acts.</p> |

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| | | | <p>The advice from the planning authority may include:</p> <ul style="list-style-type: none"> – A statement of merit in relation to the planning scheme requirements; – Any other matter that the planning authority would like to bring to the attention of the Commission. | |
| 15 | DAP assesses application and prepares a draft assessment report and recommendation | DAP (35-49) | Within 14 days of receiving the advice from the planning authority and referral entities, the DAP undertakes the initial assessment and prepares a draft assessment report. | The DAP can clarify matters, if needed, with the planning authority and referral entities on an informal basis. |
| 16 | Exhibition and calls for reps | DAP (49-63) | <p>DAP exhibits application, additional information, referral advice and its draft assessment report and draft permit (if recommended for approval) for 14 days during which time representations are invited.</p> <p>DAP to notify adjoining property owners, planning authority and referral entities at the commencement of the 14 day exhibition period.</p> | <p>While the planning authority and referral entities are already a party to the proceedings, they may wish to make a representation in response to the DAP's draft report and any draft permit.</p> <p>Elected members can also make a representation outside their role as a member of the planning authority.</p> |
| 17 | Exhibition to include notification of hearing | DAP (49-63) | The notification must include setting a date for a hearing not less than 10 days from the close of exhibition. | Notification of hearing is done at exhibition to put all parties on notice of when and where the hearing will be held. |
| 18 | DAP publishes Representations and may | DAP (63-66) | <p>DAP publishes representations on the Commission's website.</p> <p>The DAP may dispense with holding a hearing if:</p> | If hearing is dispensed, and the DAP directs the planning authority to issue a permit in accordance with the draft assessment report, |

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| | dispense with a hearing | | <p>c. No representations where received; or</p> <p>d. Representations received supported the draft recommendations; and</p> <p>no parties to the proceedings, including the applicant, wish to attend a hearing.</p> <p>DAP to give notice to all parties of their decision to dispense with a hearing.</p> <p>If hearing is dispensed, the DAP may direct the planning authority to issue a permit in accordance with draft assessment report ie draft report can become decision.</p> | the permit is issued within 7 days in accordance with row 21. |
| 19 | Review reps and hearing preparation | All parties (66-73) | <p>Minimum time between publication of representations and hearing is 7 days. Parties prepare for hearings.</p> <p>The DAP and applicant can agree to an extension of time.</p> <p>If an agreement for an extension of time cannot be reached, the DAP can request an extension from the Minister.</p> | |
| 20 | DAP to hold hearings, make determination and give notice of decision | All parties /DAP (73-112) | <p>Hearings encouraged to be held locally.</p> <p>Following the hearings, the DAP considers all the information presented and makes a decision on the development application.</p> <p>The DAP is to give notice of its decision to the planning authority, regulated entities, applicant and representors within or 7 weeks (unless an extension of time is granted) of the completion of the exhibition period.</p> | As above – for row 7 applications - DAP to satisfy hearing requirements and giving notice to parties but is not bound by the statutory timeframe. |
| 21 | Issuing of permit | DAP/Planning authority (112-119) | If the decision of the DAP is to grant a permit, the DAP must, in its notice to the planning authority above, direct it to issue a permit in accordance with its decision within 7 days of receiving the notice from the DAP. | The timeframes specified in this row and all subsequent rows now apply to row 7 applications. |

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| | | | <p>The permit becomes effective the day it is issued by the planning authority.</p> <p>If the permit is for a subdivision, the DAP also approves it in accordance with the provisions of <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>.</p> | |
| 22 | Withdrawal of application | Applicant | <p>The applicant may withdraw its application at any stage of the assessment process by notification to the DAP.</p> <p>The DAP must notify referral entities and the planning authority that the applicant has withdrawn the application.</p> <p>If the application has been exhibited, the DAP must also notify any representors.</p> | |
| 23 | Extension of time | Applicant and DAP | <p>At any time after the close of exhibition, the applicant and DAP, may agree to an extension of time to determine the application.</p> <p>If the applicant does not agree to an extension of time, the DAP may request an extension of time from the Minister.</p> | |
| 24 | Commission to take over Council's functions under LGBMP Act | DAP/TPC | <p>Allow the Commission to take on particular functions of Council under the <i>Local Government Building and Miscellaneous Provisions Act 1993</i> that involve an application for subdivision.</p> | |
| 25 | Enforcement | Planning authority | <p>The planning authority is responsible for enforcing the permit.</p> | <p>This is the same process for permits issued by TasCAT.</p> |
| 26 | Appeal rights | All parties | <p>There is no right of appeal on the grounds of planning merit as the decision has been made by the DAP having been through a public process with all parties participating and being afforded natural justice.</p> | <p>While DAP decisions are not subject to a merit appeal, they are subject to judicial review by virtue of the <i>Judicial Review Act 1997</i>.</p> |

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| 27 | Minor amendment to permits | Applicant/planning authority | A planning authority can receive a request for a minor amendment to a permit involving an application that has been determined by the DAP without seeking the permission of the DAP. | Minor amendments to permits are assessed by the planning authority against the existing provisions of section 56 of the Act. |
| 28 | Fees | Applicant | Fees for the DAP and planning authority will be prescribed in regulations. | |

Attachment – 2 - Proposed additional role for the Minister to direct a planning authority to prepare an LPS amendment.

| Ref | Stage of assessment process | Responsible authority | Proposed Framework | Comments |
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| 1 | Applicant requests the planning authority to amend its LPS | Applicant | Applicant submits an application to the planning authority to amend its LPS. | Refer to section 37 of the Act. No change to current process |
| 2 | Planning authority to make decision in relation to request | Planning authority | Planning authority can decide to prepare, or refuse to prepare, an amendment to its LPS. | Refer to section 38 of the Act. No change to current process |
| 3 | Applicant requests review of Planning authority's decision to refuse to prepare an amendment to its LPS | Applicant | Where the planning authority has refused to prepare an amendment to its LPS, the applicant can request the Commission to review the decision of the planning authority. | Refer to section 40B(1) of the Act. No change to current process |
| 4 | Commission reviews the planning authority's decision to refuse to prepare an amendment to its LPS | Commission | The Commission reviews the planning authority's decision and can: <ul style="list-style-type: none"> – direct the planning authority to reconsider whether to prepare a draft amendment to its LPS; or – determine that the planning authority took into account the appropriate matters when making its decision to refuse to prepare an amendment to the LPS. | Refer to section 40B(4) of the Act. No change to current process |
| 5 | Planning authority reconsiders whether to prepare draft amendment to its LPS | Planning authority | If the planning authority has been directed by the Commission to reconsider an application to amend the LPS, it must do so and notify the applicant within 7 days of its decision. | Refer to section 40B (6) No change to current process |

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| 6 | Applicant requests that the Minister reviews the planning authority's decision | Applicant | Where the applicant has been notified that, upon reconsideration of the draft amendment, the planning authority has still refused to prepare an amendment to the LPS as requested, the applicant may request that the Minister reviews the planning authority's decision to refuse to prepare a draft amendment. | New process |
| 7 | Minister reviews planning authority's decision | Minister | <p>The Minister reviews the planning authority's decision and can:</p> <ul style="list-style-type: none"> – direct the planning authority to prepare a draft amendment to the LPS; or – refuse to direct the planning authority to prepare a draft amendment to the LPS. <p>If directing the planning authority to prepare a draft amendment to the LPS, the Minister must be satisfied that the draft amendment meets the LPS criteria.</p> | New process |
| 8 | Minister directs the planning authority to prepare a draft amendment to the LPS | Minister | Minister directs the planning authority to prepare a draft amendment to their LPS. | Section 40C contains existing provisions for Ministerial direction to the planning authority to prepare draft amendments to LPSs |
| 9 | Planning authority prepares draft amendment to LPS | Planning authority | The preparation of draft LPS amendments is provided under section 40D of the Act. | No change to existing process. Section 40D also refers to a Ministerial direction under section 40C |
| 10 | Ministerial direction to apply to combined permit and scheme amendment | | Ministerial direction to require a planning authority to prepare an amendment to its LPS, subject to the scenario described above, also applies to combined permit and planning scheme applications pursuant to section 40T of the Act. | New process |
| 11 | Exhibition and assessment of draft LPS amendment | Planning authority/ Commission | Assessment takes place in accordance with existing provisions | No change to current process |

Attachment 3 - Summary of issues raised in submissions on the DAP Position Paper

Consultation on the Development Assessment Panel (DAP) Framework Position Paper.

| 1. General opinion on the proposed introduction of a DAP assessment pathway | | | |
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| Issue | Submission no | Summary of issue raised | Response |
| | 102, 114, 127, 351, 353, 366, 437, 449, 441, 482, 511, 524 | In support of the proposed framework and the economic and social benefits it will provide. | Noted. |
| | 194, 353 | In support of a DAP framework subject to conditions | Noted. |
| | 366 | The ability for an alternate assessment pathway is likely to be beneficial. | Noted. |
| | 351, 441, 482, 500, 524, 535 | In support of the proposed DAP framework as it provides an alternate pathway that will enhance certainty, transparency and effectiveness in planning decisions being made across Tasmania. | Noted. |
| | 351 | The framework sets a benchmark in best practice for dealing with complex and contentious development applications by mitigating political influences in the planning process. | Noted. |
| | 382 | In support of the DAP framework although it provides an assessment advantage to only a few types of applications. | Noted. |
| | 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 110, 111, 112, 113, 115, 117, 118, 119, 120, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 164, 165, 166, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 263, 269, 272, 281, 289, 294, 306, 316, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 356, 357, 360, 361, 362, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 421, 422, 423, 425, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 453, 454, 455, 456, 457, 460, 466, 468, 469, 472, 473, 474, 475, 476, 483, 484, 485, 486, 489, 490, 492, 493, 494, 495, 496, 497, 498, 501, 503, 504, 505, 508, 509, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 527, 529, 530, 536, 537, 538, 539, 540, | 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. | <p>The proposed pathway maintains input from council and communities into the assessment process.</p> <p>Members of the planning panels are appointed by the Tasmanian Planning Commission (TPC), not handpicked by the State government. The TPC is an independent statutory authority that operates at arm's length from the government. Refer to section 4.3 of the Report on Consultation for further detail.</p> <p>Development applications referred to a DAP for determination are still required to undergo public consultation, consistent with the existing process, where local concerns are raised and required to be addressed by the DAP.</p> <p>The planning system does not differentiate between developers that are from Tasmania or elsewhere.</p> <p>The revised DAP framework does not provide an option for a developer to opt out of a council assessment process in favour of a DAP process once it has commenced.</p> |
| | 352, | The DAP framework will introduce as many 'conflicts of interest' as what occurs currently with councils. | <p>The framework's intent is to remove the political tensions that exist, when elected member are required to make a decision that is inconsistent with their personal opinion or that of the constituents they represent.</p> <p>The assessment by an independent panel established by the TPC will remove any conflict between the roles of councillors as members of a planning authority and as elected representatives.</p> |

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| | 50, 439, 531, 541 | DAP framework introduces greater uncertainty and complexity in planning processes. | <p>It is accepted that the framework does introduce another process into the planning system. The framework provides an alternative assessment pathway only. The planning provisions which an application is assessed against remain the same.</p> <p>The DAP framework has been revised to provide simple and streamlined process with the DAP coordinating the assessment process.</p> |
| | 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 193, 207, 208, 209, 210, 214, 215, 216, 218, 221, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 270, 271, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 291, 292, 293, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 314, 315, 317, 318, 322, 323, 325, 326, 327, 339, 340, 343, 344, 346, 348, 349, 350, 359, 371, 378, 380, 394, 398, 415, 434, 448, 480, 533, | DAP framework does not simplify process or reduce redtape. | The intent of the DAP framework is not to simplify the process or reduce redtape but to ensure independent assessment against the planning rules. |
| | 56,59, 60, 61, 62,63,64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 164, 165, 166, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 256, 263, 272, 289, 294, 306, 316, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 356, 357, 360, 361, 362, 363, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 421, 422, 423, 425, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 455, 456, 457, 460, 466, 468, 469, 472, 473, 474, 475, 476, 479, 483, 484, 485, 486, 489, 490, 492, 493, 494, 495, 496, 497, 498, 499, 501, 504, 505, 509, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 529, 530, 536, 537, 538, 539, 540, | 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. | <p>The proposed DAP framework provides for local input into the assessment and decision making.</p> <p>Elected members are required to act as a planning authority when determining development applications. Decisions must be made in accordance with the planning scheme, not the political preference of locally elected members.</p> <p>Decisions being made on individual development applications by the planning authority are not intended to be a democratic process. The local democracy and local input has already been embedded in the local planning instrument that the development applications are being assessed against. Refer to section 4.2 of the Report on consultation for further information.</p> <p>The DAP is appointed by the TPC which is independent from government. Refer to section 4.3 of the Report on Consultation for further information.</p> <p>The Act already provides a pathway for development applications to be determined by a TPC panel under the s40T process.</p> |
| | 2, 50, 55, 212, 347, 352, 354, 355, 364, 424, 451, 465, 516, 527, | Proposed framework politicises planning process and marginalise the role of citizens | The framework removes the politics by allowing development applications to be determined by an independent DAP which is required to consider the opinions of those making representations including the holding of public hearings so those representors can be heard by the panel. |
| | 198, 341, 352, 376, 424, 439, 516, 541 | Proposed legislative amendments undermine public confidence in planning decisions. | The DAP framework provides for decisions to be made by an independent panel where the concerns of representors can be presented to the panel in a public hearing. This provides more input from the public than the existing development assessment process and should increase public confidence in planning decisions by removing political bias. |

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| | 226, 333, 341, 352, 427, | The framework does not reflect or undermines the need for planning decisions to be independent, open for public participation and transparent. | The framework provides for planning decisions to be made by an independent panel with a process that is open for public participation and subject to the rules of natural justice including procedural fairness. |
| | 78, 226, 352, | The DAP framework will allow the State government to ignore the checks and measures provided by the existing system and will act to the detriment of local communities for the purpose of achieving political goals. | DAP decisions are independent of the government and will remove politics from the decision making. The framework does not propose any modification to the planning provisions which applications are assessed against and include the requirement for public engagement and inviting comments from the community. See section 4.3 of the Report on Consultation for more information about how the DAPs are established. |
| | 527 | The planning system should balance social, economic and environmental issues with development and the proposed framework tips too far away from 'social' aspects. | The framework does not alter any of the planning provisions which a development application is assessed against so does not alter the relative weight of social, economic and environmental issues. The framework maintains public engagement and introduces the ability for representors to be heard and examine the evidence of other parties. |

2. General issues associated with the proposed DAP framework

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| Process | 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 111, 113, 115, 117, 118, 119, 120, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 155, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 193, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 291, 292, 293, 294, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 324, 325, 326, 327, 329, 330, 332, 334, 335, 336, 337, 338, 339, 340, 342, 343, 344, 345, 346, 348, 349, 350, 356, 359, 360, 361, 362, 365, 365, 369, 370, 371, 372, 373, 377, 378, 379, 380, 381, 383, 384, 387, 389, 390, 394, 395, 398, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 415, 416, 417, 419, 421, 422, 423, 426, 429, 430, 431, 432, 433, 434, 435, 436, 438, 440, 442, 443, 444, 445, 446, 448, 450, 455, 457, 460, 466, 468, 469, 471, 472, 473, 474, 475, 476, 480, 483, 484, 485, 486, 489, 490, 492, 493, 494, 495, 497, 498, 501, 503, 505, 509, 510, 512, 513, 514, 515, 518, 520, 523, 526, 529, 530, 533, 536, 537, 538, 539, 540, | Increases complexity in an already complex planning system | The revised framework has been simplified to provide for the assessment to be coordinated by the DAP. Refer to section 4.5.1 of the Report on Consultation for further information. |
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| 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 155, 157, 158, 159, 160, 161, 164, 165, 166, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 256, 263, 272, 289, 294, 306, 316, 318, 319, 320, 321, 324, 329, 330, 334, 335, 336, 337, 338, 342, 345, 356, 360, 361, 362, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 386, 387, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 422, 423, 425, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 453, 454, 455, 456, 460, 468, 472, 473, 474, 475, 476, 483, 484, 485, 486, 489, 490, 492, 493, 494, 495, 497, 498, 499, 501, 503, 505, 506, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 529, 530, 536, 537, 538, 539, 540, | Ensure transparency, independence, accountability and public participation in decision-making within the planning system, as they are critical for healthy democracy. Keep decision making local with opportunities for appeal. Abandon 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. | The proposed DAP framework provides for transparency, independence, accountability and public participation. Decisions will continue to be made with local input. Unlike the current local council process the DAP framework includes public hearings where all parties are invited to test each other's evidence in a public forum and in front of the decision makers. The proposed process has all the natural justice and procedural fairness elements of an appeal. The decisions are made by planning experts appointed by the TPC so there is no need for the decision of the DAP to be subject to a planning merit appeal. Refer to section 4.4 of the Report on Consultation for further information. Councils are already required to act independently of their local political interests when assessing a development but there are cases where they introduce matters outside of the planning rules because of their role as a political representative. There is a need to ensure proper independent rules-based assessments. |
| 136 | The framework should mirror the existing process with the DAP determining the application and not the council. | Revised framework seeks to streamline the process with the application only being referred to the council for advice. |
| 376, | Support for the framework adopting the s40T model. | Noted. Although issues raised regarding the duplication of assessment process has resulted in modifying the framework to allow the DAP to coordinate the assessment and councils used as a referral entity. |
| 194, 491, 531, | Unfair for DAP to use council for administration of application assessment. | Noted. Revised framework addresses this by seeking to streamline the process with the DAP coordinating the assessment and referring the application to the council for advice only. |
| 524 | Once trialled the DAP framework should become the normal approval pathway. | The intent of the framework is to address the types of applications that are problematic. |
| 366, 418, 461, 471, 531, | The mechanics of the framework is too ambiguous to determine if it would work. | Noted. The framework presented a concept to encourage discussion and feedback as referenced in the Position Paper. This framework has been revised and simplified. The draft Bill will provide more detail regarding specific processes. |
| 463, 471, 517, | Support for using and improving existing assessment pathways rather than creating new ones. | The justification for the proposed framework is discussed in the body of the Report on Consultation at section 4.1. While a new pathway is proposed the planning rules applying are the same. |
| 482 | Proposes an alternative framework based on DAP models used in WA and QLD. Suggest that Social and affordable housing projects could opt in or out of a DAP assessment. Suggested framework reduces time frames from 105 days to 60 days. | Noted however, these models operate under different planning systems that do not necessarily align and fit in with the Tasmanian system. The revised framework does allow for social and affordable housing to opt in or out based on seeking and obtaining endorsement from Homes Tasmania. The timeframe for determination is longer because it accounts for public hearing processes that removes the need for subsequent appeals. |

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| | 366 | Can council lodge representations and respective appeal rights? | Under the proposed framework provided in the Position Paper a Councillor could make a representation and there was no right of appeal. The revised framework allows the planning authority to advise the DAP on matters relevant to the application and it can also make a representation on the DAPs draft assessment report. A councillor can also make a representation. |
| | 471 | Fears the DAP framework will undermine the Major Projects pathway. | The pathways are different and separated by specific eligibility criteria. The DAP process is simply an alternative pathway for assessment against the existing rules while the Major Project process develops project specific criteria. |
| | 388, 517 | Disagree with the assumption that DAP framework will quash controversy, and that community pressure and political pressure detracts from desirable planning outcomes. | The intent of the framework is simply to provide for an independent panel to make the decision in accordance with the existing planning scheme provisions. |
| | 198, 408 | Bypassing council and TasCAT undermines administrative justice by removing accountability of both the democratic and merits review in exercising planning discretions. | Refer to section 4.4 of the Report on Consultation. |
| | 353 | Suggests use of different terminology to 'discretionary referral' as it could be confused with discretionary application. | Acknowledged. The revised framework no longer refers to a discretionary referral process. |
| Justification | 439, 531, 541, | There is no justification for the need for the planning system to provide another assessment pathway | Refer to section 4.1 of the Report on Consultation for discussion on the justification for the DAP framework. |
| | 462 | Further investigation of the issues that have given rise to the development of the framework need be reviewed in light of deficient planning scheme standards or issues with points of law that could be addressed more simply. | Perceived deficiencies in the planning scheme standards are outside the scope of this project. It is noted that the State Planning Provisions (SPPs) are currently under review. |
| | 531, 541 | Difficult to reconcile that there is compelling justification for the introduction of DAPs, and the issues that the government has identified are limited isolated cases which leads to a reasonable question as to whether there is a problem that warrants this level of intervention? | While the number of cases is limited, the evidence is that they impact more on social and affordable housing projects at a time of critical housing shortage. The revised framework focusses on this particular need and other applications that satisfy the DAP criteria where the applicant or planning authority makes a request to the Minister for the application to be referred to a DAP for determination or where the applicant, or the planning authority with the consent of the applicant choose DAP determination subject to the application meeting value thresholds. . Refer to section 4.1 of the Report on Consultation for further discussion on the justification for the DAP framework. |

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| | 23, 50, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 190, 195, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 256, 263, 269, 272, 281, 289, 294, 306, 316, 318, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 356, 360, 361, 362, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 410, 412, 413, 414, 416, 417, 418, 419, 421, 422, 423, 426, 427, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 453, 455, 456, 457, 460, 465, 466, 468, 469, 471, 472, 473, 474, 475, 476, 479, 483, 484, 485, 486, 487, 489, 490, 491, 492, 494, 494, 495, 497, 498, 499, 501, 503, 504, 505, 506, 509, 510, 512, 513, 514, 515, 517, 518, 520, 523, 526, 529, 530, 531, 534, 536, 537, 538, 539, 540, 541, | Poor justification – there is no problem to fix. | Refer to section 4.1 of the Report on Consultation for discussion on the justification for the DAP framework. |
| Role of Council | 194 | By removing council from some of their planning authority roles allows Councillors to advocate for their constituents on certain matters. | Noted, this is consistent with part of the rationale for the DAP framework as Councillors should be applying the provisions of the planning scheme and not advocating for their constituents on certain matters. |
| | 194, 517, | Should upskill elected members on their decision making behaviour. | Noted. There is an existing educational module produced by the Office of Local Government in conjunction with the SPO for new elected members that explains their role as a member of a planning authority. |
| | 462, 491, | The framework should eliminate all obligations of the planning authority to assess an application and should be used by the DAP as a referral body. | The revised framework refers the application to the planning authority for advice as it has technical information about local conditions that is important to consider. |
| | 23, 50, 71, 163, 388, 439, 458, 491, 506, | Councillors can clearly distinguish between their political and planning authority roles. | It is acknowledged that this is correct in the majority of cases. The framework provides an alternate pathway for certain development applications that have been identified as problematic |
| | 194, 517, | Councillors can manage perceived bias | As above |

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| | 1,5,6, 7,8, 10,12,14,15,16, 17,18, 19, 21, 27, 28, 29, 30, 31, 32, 33,34, 35, 36,37, 39, 40, 41, 42, 43, 44, 45,, 48, 49, 50, 51, 53, 54, 55, 57, 58, 71, 76, 85, 94,96, 104, 106, 156, 162, 163, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186,, 187, 188, 189, 191, 193, 198, 207, 208, 209, 210, 212, 214, 215, 216, 218, 221, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 258, 259, 260, 261, 262, 264, 265, 266, 267, 268, 270, 271, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 290, 291, 292, 293, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 314, 315, 317, 318, 321, 322, 323, 325, 326, 327, 333, 339, 340, 341, 343, 344, 346, 347, 348, 349, 350, 352, 354, 355, 358, 359, 362, 364, 371, 374, 378, 380, 385, 388, 389, 393, 394, 397, 398, 408, 410, 411, 415, 424, 428, 434, 447, 448, 451, 458, 460, 467, 470, 480, 481, 487, 502, 507, 512, 517, 519, 521, 527, 533, 534, | Council should retain their role as planning authority in the assessment of development applications to ensure local democracy in decision making. | <p>Council will retain their decision-making functions on the majority of applications. The revised framework only applies to eligible applications that facilitate social and affordable housing, or where the applicant, or the planning authority with the consent of the applicant support referral, subject to meeting value thresholds, or upon request to the Minister for an application to be referred.</p> <p>The DAP framework provides for local input into the assessment and decision-making process.</p> <p>Elected members are required to act as a planning authority when determining development applications. Decisions must be made in accordance with the planning scheme, not the political preference of locally elected members or their response to constituent pressure.</p> <p>Decisions being made on individual development applications are not intended to be a democratic process in the sense of voting for or against something on personal preference but where pre-determined rules are independently applied. The local democracy and local input into the decision has already been embedded in the planning instrument that the development applications are being assessed against.</p> <p>Refer to section 4.2 for further discussion.</p> |
| | 160, 465 | Local government should not be bound by their role as a planning authority under the Act and should be able to vote on planning matters in a democratic way and as they see fit. | This is inconsistent with the Act and the Resource Management and Planning System and fails to provide certainty for delivering planning outcomes. Planning decisions should be made against transparent planning rules and not involve personal biases. |
| | 382 | Increase state-wide planning regulations and deregulation of assessment power of local councils. | Noted. The Tasmanian Planning Scheme provides for state-wide planning regulations. |
| | 102, 524, | The government should take planning away from local Councils. | Evidence suggests that in most circumstances the planning system is working well. The DAP pathway seeks to address only those problematic applications which are holding up important developments such as social housing. |
| | 102 | The government should amalgamate Councils. | Outside the scope of this project |
| | 462, 478, 531 | Council is best placed to make decisions on planning applications although acknowledges there may be situations where referral to a DAP may be useful to allow elected members to express a different position. | Noted and submission supported. |
| | 462 | The framework does not achieve its objectives of deconflicting the roles of local government. | The framework does not suggest it can deconflict the roles. It simply provides an alternate pathway to alleviate the conflict for certain applications that might be problematic. |
| | 366, 482, 500, 524, | The DAP framework provides a platform to take personal preferences and biases out of planning decisions. | Noted. |

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| | 478, 534, | The framework introduces the potential for greater bias by suggesting that elected members can act as advocates. This places planning staff in a difficult position. | Elected members advocating an outcome under the framework are acting as Councillors, not the planning authority. Where a development is not referred to a DAP it is clear that the elected member has the role to act as a member of the planning authority |
| | 352 | Abandon the proposed framework and take action to improve governance in councils. | Noted. There is an existing educational module produced by the Office of Local Government in conjunction with the SPO for new elected members that explains their role as a member of a planning authority. |
| | 351 | The DAP framework provides a practical solution to the potential conflicting and biased roles that Councillors face as members of a planning authority consistent with issues identified in the Future of Local Government Review Stage 2 Interim Report. | Noted and supported |
| Consultation with Council | 439, 478, 541 | Consultation with local government is inadequate and does not provide sufficient time to fully understand the proposal and the implications for local government. | Noted, however consultation took place in accordance with agreed timeframes for consultation between local government and the State. |
| | 541 | The government should engage directly with local government to develop a DAP framework that is fit for purpose. | Noted and supported. The government did engage directly with local government. |
| Reference to specific proposals | 437, 524 | Provides a detailed example of the Skylands proposal, identifying issues that would have benefited from an independent review by a DAP. | Noted and acknowledged. |
| | 3, 4,7,9,10,11, 14,15, 17, 20, 21, 22,24,25,26, 27, 28, 30, 33, 34, 35, 38, 40, 41, 44, 45, 47, 51, 52, 53, 54, 164, 168, 196, 297, 362, 410, | Concerns that the DAP framework will lead to the approval of the MT Wellington Cable Car | The revised DAP framework prescribes that only certain applications are eligible for DAP determination. Therefore, any future proposed Mt Wellington Cable Car application that satisfies the criteria may be eligible. The DAP process does not change the planning provisions a proposal is assessed against or the need for landowner consent to lodge a development application such as the council owned land in Wellington Park. |
| | 385, 408, 458 | Fears that the DAP framework will lead to inappropriate development in National Parks | The DAP framework does not alter the existing planning scheme provisions that applications are assessed against. It is noted that there is a DAP model being proposed through the review of the National Parks Reserve Activity Assessment process which is separate to this process. |
| | 46, 192 | Objection to the framework on the basis that it will allow the stadium to be approved. | The stadium is a Project of State Significance and is being assessed under a different Act by an independent panel of the Tasmanian Planning Commission. |

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| 56,59, 60,61,62, 63,64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 110, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 164, 165, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 263, 272, 289, 294, 306, 316, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 354, 356, 357, 360, 361, 362, 363, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 420, 421, 422, 423, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 455, 456, 457, 460, 465, 466, 468, 469, 472, 473, 474, 475, 476, 483, 484, 485, 486, 489, 490, 492, 494, 495, 497, 498, 501, 503, 505, 506, 508, 509, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 529, 530, 536, 537, 538, 539, 540, | 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. | The DAP framework does not make it easier to approve large scale contentious developments. It simply proposes to provide an alternate assessment pathway where the existing planning scheme provisions are applied to assess an application but the decision is made by an independent panel established by the TPC. |
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3. Specific issues raised on the proposed DAP framework

3.1 Referral of a development application to a DAP

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| Timing of referral to DAP | 461, 491, | DAP referral must occur at the beginning of the process to allow the DAP to have input into the initial assessment, requests for further information and review of representations. | Supported. The revised framework provides for the opportunity for an application to be lodged directly with the DAP who manages the assessment process. |
| | 471, 462 | Support for referral at the beginning of the process or after consultation. | As above |
| | 136, 262, | Does not support the ability of the planning authority and applicant to opt into the DAP process at anytime. | Noted however, issues may arise midway through the assessment process where it becomes apparent that the assessment of the application is problematic. |
| | 194 , 376, 449, 478, 511 | Support referrals to DAP at different stages of assessment | Noted however the framework has been revised to provide a more streamlined approach to reduce the complexity and double handling of assessment tasks between the planning authority and DAP. |
| | 351 | In support of the framework providing multiple referral points throughout the assessment as it considers and reflects the complexities inherent in the management and assessment of development applications. | Noted. The revised models allow multiple entry points subject to satisfying eligibility criteria. |
| | 522 | Further consideration of appropriateness to refer an application to a DAP later in the development assessment. | As above. |
| | 353 | Queries discretionary DAP referrals being made by council officers or the planning authority as this has time implications. | The revised framework allows the planning authority to make a request to the Minister to refer an application to the DAP. In this instance the statutory clock would have to stop similarly to where the planning authority with the consent of the applicant agree to the referral. |
| | 136, 50 | DAP referral should only be made by the planning authority and occur at the time it is meant to be making its decision. | The revised framework allows multiple entry points to provide for flexibility in the assessment process and to address issues as they arise. |

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| Who is responsible for referral | 353 | Non-mandatory referrals should be at the discretion of the planning authority, not the applicant, however the applicant should have the right to appeal this decision. | The framework has been revised to provide for options for the planning authority or the applicant to request the Minister to refer, or the applicant or planning authority with the consent of the applicant to make a referral to the DAP subject to meeting values thresholds. |
| | 194, 353, 388, 459, 462, 376, 477, 511, | Support Council having the ability to refer an application to a DAP. | The revised framework allows council to request the Minister to refer an application to a DAP, or the planning authority with the consent of the applicant, subject to conditions. |
| | 351 | Support recognition of situations where the applicant can request the planning authority to consider referring the application to a DAP or challenging the planning authority's referral. | Noted, these comments have been incorporated in the revised framework. |
| | 353, 388, 459, 462, 534 | Planning authority should be the only point of referral of a development application to a DAP. | The planning authority with the consent of the applicant may refer an application subject to criteria. A planning authority can also request the Minister to refer an application under other circumstances. The referral of applications and the eligibility criteria is based on capturing those applications that are problematic. |
| | 367, 428, 471, 517, 535, 542, | Referral to a DAP should be undertaken by the Planning authority with consent of the applicant | As above. |
| | 461, 491, | Referral should be from the applicant or Council. Referral process needs to establish different criteria for developer and council referred proposals | As above. |
| Disputes over referral | 449 | Unlikely that planning authority and applicant will always agree to referral. | Noted. The Minister determines if an application is to be referred where the consent of both parties is not achieved. |
| | 522 | Given DAP has to agree to referral, it is unnecessary to require mutual consent of applicant and planning authority to refer. | The framework has been revised so the comment on this matter is no longer relevant. |
| | 462 | The Minister should only intervene if there is dispute over a referral of application. | The revised framework allows the Minister to consider a request by either the applicant or planning authority subject to addressing other criteria. |
| | 353 | Disputes regarding discretionary DAP referral should be resolved by TasCAT. | As above, the Minister responds to requests by either the planning authority or the applicant thereby making a determination to refer where an agreement cannot be reached. |
| Ministerial referral ⁷ | 353, 388, 418, 410, 439, 471, 477, 517, | The Minister should have no power to intervene on referring a development application to a DAP. | The Minister is the most appropriate person to resolve any conflict between the planning authority and applicant regarding the referral of an application to the DAP for determination subject to being satisfied that the DAP criteria is met. |

⁷ Further issues associated with the proposed DAP framework providing a role for the Minister to refer an application to a DAP are identified below.

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| | 367 | Minister should only intervene if there is a breach of statutory responsibility by the planning authority. | Evidence of conflict of interest or perceived bias is one of the DAP criteria. |
| | 522 | Ministerial referrals should require consultation with regulators and state agencies prior to referral. | This is considered unnecessary for a development application being assessed against the planning scheme. |
| | 449, 491, 524, | Support for Ministerial referral process. | Noted. |
| 3.2 Types of development applications that are proposed for DAP referral (consultation issue 1 of Position Paper) | | | |
| Mandatory referral and DAP criteria | 449, 441, 524 | Support for the range of applications for mandatory referral to DAP | Noted, however due to other findings from consultation there are no mandatory referrals in the revised framework. |
| | 194, 462, 463, 491, | DAP framework should be available to those councils that are under resourced or where there is a contentious application | Noted, and supported in revised framework subject to the application meeting value thresholds. |
| | 351, 441, | In support of criteria based referral of an application to a DAP as it provides the proponent with a responsive, efficient, transparent and effective assessment. | Noted. |
| | 452 | Referral of an application to a DAP should only be for prescribed purposes or called- in by the Minister. | The revised framework provides that only applications for 'prescribed purposes' are eligible for consideration by a DAP. These include social and affordable housing endorsed by Homes Tasmanian, where the applicant or the planning authority with the consent of the applicant support the referral subject to meeting a value threshold, or upon request to the Minister by either the planning authority or applicant subject to satisfying the DAP criteria Compliance with the DAP criteria is determined by the Minister consistent with this submission.. |
| | 162, 439, 522, 532, 353 | The proposed DAP criteria are too broad and ambiguous. | Noted. The revised framework has been modified to address ambiguity and require the Minister to determine when an application satisfies the DAP criteria. |
| | 452 | Application from State Agencies or applications where State owns the land should be eligible for DAP referral. | Applications from State agencies are eligible for DAP referral subject to complying with the criteria in the framework. The DAP process does not change the need for landowner consent to lodge a development application. |
| | 461 | Lack of evidence to justify the types of development applications that will be referred to a DAP. | The Position Paper discussed why the types of applications that are proposed to be referred to a DAP would benefit from the being assessed through the DAP pathway. Refer to section 4.1 of the Report on Consultation for further justification of the types of development that are suitable for being determined by a DAP. |
| | 461 | Types of applications referred to DAP must be clarified eg sections 57 and/or 58 and minor amendments | The Position Paper was explicit that the DAP assessment pathway only applied to s 57 applications. |
| | 535 | Include additional criteria to allow developments that do not neatly fit with the planning scheme. | This is outside the scope of the process proposed and would require further consultation to determine parameters around what would be acceptable. There are existing processes that allow these types of projects to be considered including the Major Projects process and the capacity for applicants to seek to amend the planning scheme at the same time as lodging a development application. |

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| Social and affordable housing | 136, 156, 353, 388, 517, | Social housing applications should not be mandatorily referred to a DAP for determination. | The framework proposed that they are only referred to a DAP if the applications is endorsed by Home Tasmanian as being suitable for DAP determinations. |
| | 50 | Social housing will be better dealt with by controlling short stay accommodation and for the government to stop promoting growth. | Noted however, this is outside the scope of this project. The Government is reviewing the Regional Land Use Strategies to guide growth in appropriate locations. There is evidence that social housing projects are not always being assessed without political bias. |
| | 114, 392, 463, 524, | In support of social and affordable housing being assessed by a DAP. | Noted and supported. |
| | 351 | DAP framework will help deliver State government's housing targets. | Noted and supported. |
| | 114 | Recommend definition of 'Social Housing' and 'Affordable Housing' is consistent with the Tasmanian Housing Strategy 2023-43 | Noted, supported. |
| | 471 | Need to define or qualify 'social and affordable housing' | Noted and supported. |
| | 367, 478, 491, | Social and affordable housing applications do not present an issue and are dealt with like all other residential development. | Noted however there is evidence to suggest there have been cases where these applications have been problematic. |
| | 114 | <p>Include definition of 'Registered Community Housing Provider' for the mandatory referral of social housing applications by adopting the national Community Housing Industry Association (CHIA) definition:</p> <p>'Registered Community Housing Provider' – <i>means an organisation established as a constitutional corporation that is:</i></p> <ul style="list-style-type: none"> <i>a) Registered as a charity under the Charities Act 2013 (Cth) by the Australian Charities and Not for Profit Commission (ACNA); and</i> <i>b) Registered as a Community Housing Providers National Law set out in the Appendix to the Community Housing Providers (Adoption of National Law) Act 2012 (NSW) (or jurisdictional equivalent in Tasmania)</i> | Noted and supported however it is not considered necessary to include the definition in the framework as allowing developments proposed by a Registered Community Housing Provider is likely to be an administrative task performed by the Board of Homes Tas when determining that a project is suitable for DAP determination as required under the draft "prescribed purpose" in attachment 1A of this report. |
| | 114, 482 | The proposed process for the assessment of social and affordable housing duplicates tasks undertaken by council and the Tasmanian Planning Commission and could be further streamlined. | Supported and addressed in the revised framework. |
| | 114, 482 | Social and affordable housing should be dealt with separately in a more streamlined process to deliver faster implementation. | Supported and addressed in the revised framework. |
| | 388 | There is no problem with the planning authority's assessment of social housing applications. | Noted however there is evidence to the contrary. |
| | 136, 388, 478, 517, | Lack of evidence to justify referral of social housing applications. | Noted however there is evidence to the contrary. Refer to section 4.1 of the Report on Consultation. |

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| Critical Infrastructure | 136, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 193, 207, 208, 209, 210, 214, 215, 216, 218, 221, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 270, 271, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 291, 292, 293, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 314, 315, 317, 318, 322, 323, 325, 326, 327, 339, 340, 343, 344, 346, 348, 349, 350, 359, 371, 378, 380, 388, 394, 398, 415, 434, 448, 533, | 'Critical infrastructure' applications should not be mandatorily referred to a DAP for determination because there are other pathways available. | The revised framework removes 'critical infrastructure' from being eligible for DAP determination. |
| | 156 | Critical infrastructure should be referred to a DAP where it has statewide impact or affects 2 or more local government areas. | The revised framework removes 'critical infrastructure' from being eligible for DAP determination. |
| | 367, 392, 471, 478, 531, | There are already existing pathways for critical infrastructure | Noted. The revised framework removes 'critical infrastructure' from being eligible for DAP determination. |
| | 50, 351, 471, 491, 517, 522, 542, | 'critical infrastructure' needs to be better defined | Noted. The revised framework removes 'critical infrastructure' from being eligible for DAP determination. |
| Contentious applications | 136, 367, 392, 428, | Difficult to determine if an application will be contentious. The concept is ambiguous and is unsuitable for a DAP criteria. | The revised framework retains applications that are contentious as one DAP criterion. Any request to the Minister to refer an application to a DAP under this criterion is required to provide evidence. It is a matter for the Minister to determine if the application satisfies the criterion. |
| | 136, 353, 441, | Support the referral of an application to a DAP where a certain number of representations are received which represents a contentious application with high community interest. | Noted, the revised framework includes, as a DAP criterion, applications that are expected to be, or is, highly contentious. |
| Perceived bias/conflict of interest | 353, 428, 452, 487, 136, 162 | Do not support referral to DAP on the basis of the applicant considering there is perceived bias on the part of the Council | The framework retains the consideration of this issue as a DAP criterion as it provides an avenue for an alternate assessment pathway if the applicant can demonstrate that there is a conflict of interest or bias. |
| | 367, 388, 449, 452, 491, 496, 534, | No evidence that perceived bias on the part of the decision makers is a problem. Council has own ways of managing. | Acknowledged however there have been cases where this has occurred. |
| | 441, 478, | In support of referral where there is a real or perceived bias on the part of the planning authority | Noted and criterion retained. |
| | 156, 471, | Suitable for referral where quorum cannot be reached or Councillors express conflict of interest | Noted |
| | 461 | Need to establish a process to determine perceived bias. | The framework has been revised to allow the Minister to make this determination. |
| | 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 193, 207, 208, 209, 210, 214, 215, 216, 218, 221, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 258, 259, 260, 261, 262, 264, 265, 266, 267, 268, 270, 271, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 291, 292, 293, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 314, 315, 317, 318, 322, 323, 325, 326, 327, 339, 340, 343, 344, 346, 348, 349, 350, 359, 371, 378, 380, 394, 398, 415, 434, 448, 480, 517, 533, | DAPs will increase the perception of bias | The DAPs are to be established by the TPC which is independent from government. The TPC already performs a number of decision-making functions in the RMPS and has well established and tested procedures to manage perceptions of bias and conflicts of interest. DAP decisions will be subject to judicial review of their assessment process which potentially invalidates decisions where natural justice has not been provided. |

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| Complex development applications | 353, 364, 367, 388, 392, 517, | Do not support the referral of complex development applications to a DAP | The DAP framework retains this criterion and allows the Minister to be satisfied that it is met. Where a request against this criterion has been made by the applicant, the framework also provides an opportunity for the planning authority to make a submission in response. |
| | 522 | In support of complex projects being referred to a DAP. | Noted and as above. |
| Ministerial referral | 353, 364, | Inappropriate for Minister to nominate applications to go to DAP for determination | The Minister is the most appropriate person to resolve any conflict between the planning authority and applicant regarding the referral of an application to the DAP for determination subject to being satisfied that the DAP criteria is met. |
| | 491 | Ministerial call in powers may be appropriate in some cases. | Noted |
| | 56,59, 60,61,62, 63,64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 164, 165, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 263, 272, 289, 294, 306, 316, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 356, 357, 360, 361, 362, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 421, 422, 423, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 455, 456, 457, 460, 466, 468, 469, 472, 473, 474, 475, 476, 483, 484, 485, 486, 489, 490, 492, 494, 495, 497, 498, 499, 501, 503, 505, 508, 509, 510, 512, 513, 514, 515, 518, 520, 523, 526, 529, 530, 536, 537, 538, 539, 540, | 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. | The Ministerial powers only relate to a request by the applicant or the planning authority to refer the application to a DAP. The Minister has no role in determining the application or influencing the outcome of the assessment which is undertaken against the same planning provisions. |
| Council applications | 136, 156, 194, 351, 353, 392, 441, 452, 462, 471, 478, 491, 517, 524, 534 | Support for referral of applications where Council is the applicant | Noted and retained should Council wish to use it subject to a \$1M value threshold. |
| | 388, 428, 439 | Council can manage the assessment of its own applications. | Agree, council has been successfully managing the assessment of its own applications. The framework provides an option for council to make a request to the Minister for its application to enter the DAP process. |
| | 367 | Council applications are assessed by an independent planning consultant. | Noted. As above, the framework provides another option for council should it choose to use it. |
| Developments over certain values | 391, 449, 452, 461, | Need to clarify value amount of application being referred. | Noted and value thresholds have been clarified. |
| | 136, 156, 262, 353, 364, 367, 459, 462, 471, 487, 517, 535 | Do not support the criteria for applications over certain values being referred to DAP for determination because they are not always problematic. | Noted. The revised framework provides an option for these types of applications to proceed to a DAP for determination. |
| | 351 | \$5M threshold for non-metropolitan municipalities is too high and should be reduced to \$1Million for discretionary DAP referral. | The DAP criteria value thresholds are considered reasonable and can be modified if needed in the future. |
| | 522, 542, | Further consultation required for mandatory referral to a DAP based on the value of the application. | Noted. The draft Bill will include proposed values thresholds which will undergo further consultation. |

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| | 463, 491, 511, | Support for DAP referral where a certain value is exceeded. | Noted and retained |
| 3.4 Resolving issues associates with request for further information | | | |
| | 136, 439, 517, | Does not support the DAP reviewing Council's request for further information | <p>The TPC already has this review function under s40V for s40T permits.</p> <p>The framework has been revised so the DAP coordinates the assessment process. This involves referring the application to the planning authority for advice on how the proposed use and development might impact council's infrastructure and any matters under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> if the application is for subdivision.</p> <p>The DAP is required to review the planning authority's request for further information to ensure it is appropriate and the DAP has the information it needs to assess the application.</p> |
| | 522 | In support of the DAP reviewing Council's further information request. | Noted and consistent with revised framework |
| | 50, 439, 471, | Appeals against request for additional information should be made to TasCAT. | With the revised framework now being coordinated by the DAP, it can manage any disputes over further information requests. |
| | 491 | Because the DAP is the decision maker, it should be requesting the further information. | Supported. The revised framework provides for the planning authority to request information relating to the impact of the proposed use and development on council's infrastructure and the DAP to request any further information relating to the assessment against the planning provisions. |
| | 353 | Does the framework provide a timeframe for the planning authority to advise the applicant that the further information request has not been satisfied? | No, it did not. The revised framework allows 7 days. |
| | 452 | No evidence to suggest that requests for further information have been misused. | Submissions have been made to the contrary. |
| | 418 | Unclear how DAPs will deal with any additional information that they require. | The revised framework allows DAPs to request additional information. |
| | 353 | Will the application lapse if further information is not satisfied within a certain time? | The framework does not specify. This will be resolved when detailed drafting commences. |
| | 23, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 193, 207, 208, 209, 210, 214, 215, 216, 218, 221, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 270, 271, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 291, 292, 293, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 314, 315, 317, 318, 322, 323, 325, 326, 327, 339, 340, 343, 344, 346, 348, 349, 350, 353, 359, 371, 378, 380, 394, 398, 415, 434, 448, 480, 488, 496, 517, 533, | Time delays associated with requests for additional information are the fault of developers and not planning authorities. | Agree that this is often the case. |

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| | 353 | Greater understanding of the Tasmanian Planning Scheme application requirements would improve response times for requests for additional information. | Noted. |
| | 366, 524 | Request for further information section of the DAP framework could result in requests for peripheral or superfluous documents and reports that will slow down assessment . | The proposed framework does not alter the scope of what can be requested as additional information. |
| | 482 | The current stop the clock requirements for requests for further information causes major delays in obtaining approval for social and affordable housing projects. | This is unavoidable. The decision maker must have the information it needs from the applicant to determine the application. |
| | 482, 524 | The DAP framework fails to address time delays caused by requests for further information | As above, the decision maker must have all the relevant information it needs to undertake its assessment and determine the application. |
| | 194, 428, 441, 478, 511, | Support of the DAP framework proposed review of request for additional information. | Noted. |
| | 194, 428, | Support for requests for further information to be made at multiple times up to the DAP's hearing | This would be considered unreasonable to the applicant and would serve to frustrate streamlined assessment and approval processes. |
| | 194, 388 | Suggest suspension of statutory time frame for determining development applications between 20 th Dec – 10 January. | Outside the scope of this project. |
| | 367, 376, 471, | Existing provisions around managing disputes over further information requests are sufficient and don't need to be duplicated by this framework. | Noted. With the revised framework now being coordinated by the DAP, it can manage any disputes over further information requests. |
| External referrals | 116 | Retain existing referral provisions under LUPAA to make sure DAP determined applications have input from regulatory authorities during the assessment process. | Supported. |
| | 353 | Need to consider timeframes for referrals | Agree. Considered and modified accordingly |
| | 471 | The framework does not adequately describe how the DAP process would align with referrals and approvals required under Acts outside of LUPA. | Noted and accepted that the proposed framework did not adequately specify how referrals and approvals under other Acts would align. The revised framework excludes applications that are subject to Environmental Protection Authority referral under the <i>Environmental Management and Pollution Control Act 1994</i> or subject to the <i>Cultural Heritage Act 1995</i> |
| 3.5 Incorporating local knowledge into the DAP framework | | | |
| | 353, 388, 392, 428, 471, 535, | Support council maintaining carriage of pre-application, lodgement and validity checks, application review, request for information and preliminary assessment of development application. | Noted, however many did not support the planning authority undertaking these functions and not being the final decision maker. The revised framework has the DAP referring the application to the planning authority for advice on certain matters. The planning authority can make a representation and is a party to the process so will be involved in any hearings. |
| | 367, 459, | Support for locally held hearings. | Noted and supported. |
| | 351 | In support of the planning authority's advisory role in the framework as it ensures local knowledge is included in the decision making process. | Noted and supported. |

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| | 55, 58, 76,96, 162, 171, 191, 212, 290, 321, 341, 347, 352, 358, 362, 376, 389, 408, 410, 411, 424, 427, 507, 516, | The framework will allow developers to bypass councils and communities completely, creating no or limited avenue for community engagement. | The framework does not bypass Councils or communities. Councils provide input through advising the DAP, making a representation and participating in public hearings. The community's involvement occurs through the same consultation period as provided currently and participating in public hearings. |
| 3.6 Timeframes for DAP framework processes | | | |
| | 353, 459, 478, 517, | Exhibition should occur before Council makes its recommended decision. | The Position Paper framework was based on the 40T process whereby the recommendation report and any draft permit is advertised so all parties are privy to the information before it goes to the TPC (or DAP) for hearing and determination. This also allows the conditions to be reviewed by the applicant and any concerns aired at the hearing. The revised framework has the DAP exhibiting its draft report and recommended decision. This is an important process for natural justice, especially when, under the proposed framework, the DAP decision is not subject to appeal. |
| | 511 | DAP should undertake exhibition of application and not council. | The revised framework has the DAP undertaking exhibition of the application, referral advice, draft assessment report and any permit if the DAP is recommending approval. |
| | 351, 461, 517, 524 | Acknowledgment that the DAP framework including the merging of the advisory role of the planning authority, hearings to enable stakeholder to address the panel and DAP determination will take longer than the existing 42 days. | Noted, it is unavoidable that the DAP process will take longer than the existing 42 day statutory timeframe. |
| | 351, 367, 462, | Difficulty for planning authority to refer a development application to a DAP in the 7 days provided in the proposed framework. | Noted. The revised framework provides for eligible applications to be lodged directly with the TPC/DAP removing the need for the planning authority to refer it to a DAP unless the planning authority agrees to the referral or is directed by the Minister to refer the application to the DAP.. |
| | 388, 461, 471, 478, | Clarification is required on many of the timeframes specified in the DAP framework and many of them are unreasonable. | Noted. The revised framework seeks to specify realistic timeframes. |
| | 532 | The practicalities of 7 day timeframe on referral decisions, will be heavily influenced by how any legislative instrument is drafted, as consideration needs to be given to issues of DAP appointments and provision of further information. | The decision to refer has been removed and replaced with an option for applications to be lodged directly with the TPC/DAP who then coordinates referral to entities and the planning authority and coordinates further information requests. |
| | 532 | The 35 day timeframe for a DAP to make decisions would be difficult to achieve given the time taken to arrange hearings. | Noted. The framework has been revised to allow the exhibition notice to include notification of a hearing date not less than 10 days from the close of exhibition. |
| | 418, 428, 462, 471, 478, 522 | Unrealistic timeframes for involvement of parties in hearings and decision processes. | The revised framework provides access to all application material, including representations, for a minimum of one week prior to the hearing. This is considered adequate time to prepare for the hearing. |
| | 452 | Suggests DAP referral request is made and processed prior to lodgement and therefore does not count toward the statutory timeframe. | The framework has been revised to make it clearer what applications are eligible for DAP determination. |
| | 388, 461, | Restricting timeframes for assessment can lead to sub-optimal outcomes. | Noted however there also need to be some certainty for the timely delivery of an outcome for the applicant. |

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| | 452 | Suggest stop clock when request for DAP referral is being processed. | Agree and supported. |
| | 482, 511, 524, | Timeframes are too long and should be shortened. | The revised framework for social and affordable housing has been reduced by 7 days. Timeframes for other prescribed purposes are longer because of the breadth of applications allowed by the DAP criteria. Given the process removes appeal rights, it is an unrealistic expectation that the DAP assessment processes can be undertaken in a shorter timeframe while still achieving procedural fairness and allowing natural justice in the decision making process. |
| | 367, 459, 482 | The process increases the assessment timeframe and therefore provides no benefit. | The purpose of the framework is not necessarily about speeding up the process but rather providing greater certainty in the outcome and that it will be delivered within a reasonable timeframe. However, for social housing projects, where there are examples of applications being rejected initially but approved on appeal, the DAP process will provide a much quicker outcome. |
| | 136 | Proposed DAP framework duplicates the assessment process and requires council staff to undertake assessment within 21 days | The framework proposed 35 days for council to make a recommendation to the DAP. The revised framework removes the duplication of assessments between the planning authority and DAP. |
| | 353 | The time taken for a DAP to determine that a referral is not valid should not count towards the s57 period. | Noted, although the issue is now redundant as the framework has been modified. |
| | 50 | There should be longer timeframes for consultation on more complex development applications. | The consultation period is considered appropriate. |
| | 353, 388, 461, 462, | Timeframes for council to undertake preliminary assessment are too short. | The revised framework does not require the planning authority to undertake a preliminary assessment. The planning authority has 28 days from being referred the application to provide advice to the DAP. |
| | 366 | Are statutory assessment timeframes subject to 'stop the clock' associated with requests for further information? | Yes. |
| 3.7 Proposed removal of merit appeal for DAP determined development applications | | | |
| | 194, 198, 262, 353, 367, 391, 458, 459, 461, 476, 477, 487, 488, | DAP decisions should be subject to TasCAT appeals | Refer to section 4.4 of the Report on Consultation |
| | 1, 23, 37, 50, 55, 156, 162, 163, 198, 212, 333, 341, 364, 385, 408, 411, 424, 451, 461, 467, 502, 507, | Opposition to removal of merit appeals | Refer to section 4.4 of the Report on Consultation |

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| | 56,59, 60, 61, 62,63,64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 110, 111, 112, 113, 115, 117, 118, 119, 120, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 164, 165, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 263, 272, 281, 289, 294, 306, 316, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 356, 357, 360, 361, 362, 363, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 420, 421, 422, 423, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 453, 454, 455, 457, 460, 466, 468, 469, 472, 473, 474, 475, 476, 479, 483, 484, 485, 486, 489, 490, 492, 494, 495, 496, 497, 498, 501, 503, 504, 505, 508, 509, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 529, 530, 536, 537, 538, 539, 540, | 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. | Refer to section 4.4 of the Report on Consultation |
| | 198, 388, 458, 461, 462, 491, | DAP hearing is not equivalent to a merits review by TasCAT. | Refer to section 4.4 of the Report on Consultation |
| | 198, 461 | Under administrative law, it is impossible for a DAP to be both an original decision maker and to conduct a merit review of its own decision | Acknowledged however there are precedents set in other approval pathways under the Act, for example Major Projects and section 40T combined amendment and development application, which provide the same singular assessment process. While it is not a merit review of its own decision, the assessment process allows third parties be heard and participate. The DAP assessment process is still subject to judicial review to ensure that natural justice has been afforded to all parties. |
| | 476 | <p>NSW Independent Commission Against Corruption recommends expanding merit based planning appeals because they are:</p> <ul style="list-style-type: none"> – An important check on executive government; – Third party appeal rights have the potential to deter corrupt approaches by minimising the chance that any favouritism sought will succeed; and <p>The absence of third party appeals creates an opportunity for corrupt conduct to occur, as an important disincentive for corrupt decision-making is absent from the planning system.</p> | <p>While the NSW Independent Commission Against Corruption might have reached this conclusion, many of the planning decisions made in NSW still do not allow a merit appeal or do not allow third party appeals.</p> <p>The DAP does not propose that decisions will be made by executive government but by independent experts appointed by the independent Tasmanian Planning Commission.</p> |

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| | 56,59, 60,61, 62,63,64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 164, 165, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 263, 269,272, 281, 289, 294, 306, 316, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 356, 357, 360, 361, 362, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 421, 422, 423, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 455, 457, 460, 466, 468, 469, 472, 473, 474, 475, 476, 483, 484, 485, 486, 489, 490, 492, 494, 495, 496, 497, 498, 501, 503, 504, 505, 508, 509, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 527, 529, 530, 536, 537, 538, 539, 540, | 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. | As above |
| | 541 | Removal of appeal pathways will heighten community suspicions and foster cynical attitudes to development proposals assessed under the DAP process. | This has not been the case for other assessment processes conducted by the TPC who’s decisions are typically not subject to merit appeal. |
| | 194, 428, 441, 511, 535 | DAP decision should not be subject to TasCAT appeal where a public hearing process has occurred. | This was the position taken in the proposed framework similar to the Major Projects and combined amendment and development application pathways. |
| | 482 | Support for decisions not being subject to third party appeal rights however, the applicant should be able to appeal the decision of the DAP or any imposed conditions, to TasCAT. | Not supported as it unfairly favours the developer. |
| 3.8 Roles of the planning authority post approval | | | |
| | 50, 194, 376, 388, 428, 471, 477, 482, 488, 491, 511, 517, 532, 535 | Administration and enforcement of DAP determined permits should be undertaken by the planning authority. | Noted. This is consistent with the proposed framework. |
| | 351, 418, | Successful enforcement of DAP permits by the planning authority requires clear communication between DAP and planning authority. | Noted and agreed. |
| | 353 | Questions the value of 1 week delay to permit coming into effect if there is not right of appeal. | Supported. The framework has been modified to state that the permit becomes effective on the day it is issued. |
| | 353 | TPC’s expertise does not include compliance considerations which presents issues of practicality and resourcing around enforcement | Noted, it is not the role of the TPC. The planning authority can alert the DAP to any compliance considerations during the assessment process and, where appropriate, advise the DAP on permit conditions. |
| | 351, 367, 462, 478, | Risk of overburdening planning authorities with enforcing DAP permits. | The council would have to enforce the permit if it made the decision. Currently, the council has a legal obligation to enforce permits issues by TasCAT or by the TPC as part of a combined amendment and development application process or a Major Project assessment A council as the planning authority is better placed to enforce a planning permit irrespective of the assessment process it has resulted from. |

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| | 452 | Cost of compliance with a permit can be high and should not be borne by Council if they did not issue the permit. Compliance costs should be met by the developer. | As above, the council would have to enforce the permit if it made the decision. This is one of the roles of the planning authority. |
| | 418, 194, 353 | DAP should be involved in amendments to permits. | The proposed framework allows council to determine minor amendments to DAP permits. By their very nature they are minor and there are clear criteria in the Act by which to assess them. There is no need to involve a DAP to determine a minor amendment. A more significant amendment would be treated as a new application and as such may meet the prescribed criteria to be assessed under the DAP process. |
| | 50, 376, 388, 471, 461, | Requests for minor amendments to DAP determined permits should be processed by the planning authority | Supported. |
| 3.9 Resourcing issues and development application fees for DAP pathway | | | |
| | 194 | Council should be able to charge fees for applications | Supported. Fees will be prescribed in regulations. |
| | 353, 367, 471, 478, | DAP applications would take additional time to consider, process and attend hearings. Additional workload for Council. | The revised framework removes the assessment function from the planning authority but retains certain involvement. The workload on a council is anticipated to be less than conducting a full assessment and participating in any further appeal to TasCAT. |
| | 452 | What viable fee structures, such as a cost recovery model similar to the EPA, could be used, particularly if DAPs rely heavily on existing resources as appears to be intended. | The framework has been revised to reduce the pressure on council. The DAP will refer the application to the planning authority who is only required to comment on how the application impacts its infrastructure and any other matters it may wish to raise. The framework proposes that fees will be prescribed. Further consultation will be undertaken to determine what those fees will be. |
| | 353, 471, 531, 534 | DAP hearings would increase workload of council officers | The full assessment of the application is now undertaken by the DAP. The planning authority is only required to advise on the impact of the application on council's infrastructure, thereby limiting the workload to only those matters. Planning authorities can comment on other matters as they see fit. |
| | 482, 524, 531, 534 | The framework does not address the resourcing issues in councils and places further strain on the limited pool of planning professionals by requiring planners to conduct assessments during both phases of the process. | The revised framework removes the requirement for council officers to undertake the assessment and any future involvement in an appeal to TasCAT. The process reduces the load on expert planners by consolidating all input into a single process and hearing. |
| | 452 | Where will the planning resources come from given the shortage of qualified planners? | The planning system will not require more planners to operate the proposed framework. See previous comment. |
| | 534, 541 | Government resources would be better spent addressing other issues in the planning system. | The Government considers that addressing planning issues connected with housing supply is a priority. |
| | 428, 461, 471, 531 | There is a lack of clarity around the DAP framework including the potential additional costs to council | Noted however the framework presented in the Position Paper was intended to provoke discussion. The revised framework has tried to limit additional costs to councils. |

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| | 482 | Social and affordable housing applications should be exempt from DAP processing fees. | For equity reasons this is not supported. The framework proposes that fees will be prescribed. Further consultation will be undertaken to determine what those fees will be. |
| 3.10 Issues associated with the composition of DAP and | | | |
| | 353, 418 | If panels are to prepare permits then they will require contemporary statutory experience. | Agree. The TPC will consider this when they establish DAPs. The TPC's list of delegates is maintained to reflect the range of work that the legislative framework requires of it and can be expanded to include additional experienced council planners. |
| | 461 | Planning authority should be represented on the DAP. | The framework does not specifically exclude a member of a planning authority being part of a DAP but inclusion of an elected councillor would not be in line with the DAP proposal to separate local politics from planning decisions. The TPC may consider appointing a council planner when they establish a DAP. |
| | 391 | The DAP must be comprised of planning experts and representative of the community | The framework relies on the establishment of panels through the TPC's delegation processes. The framework does not propose to interfere or specify the types of expertise needed in a panel because the TPC will determine that on a case-by-case basis. The DAP process is based on independent experts assessing a proposal not representatives of certain communities. This is the same basis as TasCAT determinations of appeals. |
| | 262 | Lack of detail in the Position Paper on what level of expertise the DAP will have. | As above – the framework leaves that to the TPC to determine consistent with how it establishes panels to perform other functions under the Act. |
| | 396 | DAP membership should include a heritage expert. | The TPC may wish to include a heritage expert on the DAP if an application involves heritage issues. |
| | 366 | How is the DAP formed and with what expertise? | As above, the DAP is established by the TPC considering the expertise that is relevant to the particular development application being assessed. |
| | 418 | Greater representation of local and regional expertise is required in the reporting and membership of the DAP. | As above – the TPC will determine the range of expertise of the panel in response to the nature of the matter being determined. |
| | 353 | Queries appropriateness of pre-lodgement discussions with the TPC regarding DAP referral. | The proposed framework does not propose pre-lodgement discussion regarding DAP referral with the TPC. Any such discussions would be at the discretion of the TPC which has established procedures for managing potential for bias or conflict of interest, its anticipated that it would confine discussions to matters of process. Pre lodgement discussions with the council are encouraged to understand the planning issues as set out in the planning scheme. |
| | 136, 163 | Questions whether the TPC has the technical expertise or resources to undertake assessment. | The TPC has access to a wide range of delegates and planning advisers with the necessary technical expertise. |

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| | 198, 212, 333, 341, 347, 352, 355, 362, 364, 385, 389, 397, 408, 424, 451, 458, 477, 481, 487, 488, | Fears TPC delegates are not independent from government. | The TPC is an independent statutory authority that performs numerous roles and functions under the RMPS. The Minister does not appoint the delegates that the TPC appoints to its register or those selected for any specific assessment. |
| | 354, 408, 424, 427, 439, 451, 465, 512, 527 | The DAP framework will increase the public perception that decisions are being made by panel members chosen by government. | The TPC is an independent statutory authority that performs numerous roles and functions under the RMPS. The Minister does not appoint the delegates that the TPC appoints to its register or those selected for any specific assessment. |
| | 376, 507, | TPC should appoint panel without political interference. | Agreed. The TPC does appoint panel members, and performs all its other functions, free from political interference. |
| | 452 | Will a DAP be part of the TPC, TASCAT, agency or independent statutory authority? | The DAP will be appointed by the TPC as is the case for all the TPC assessments. |
| | 56,59, 60, 61,62,63,64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 111, 113, 115, 117, 118, 119, 120, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 164, 165, 166, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 256, 263, 272, 289, 294, 306, 316, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 352, 356, 360, 361, 362, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 421, 422, 423, 425, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 455, 456, 457, 460, 465, 466, 468, 469, 472, 473, 474, 475, 476, 479, 483, 484, 485, 486, 489, 490, 492, 494, 495, 497, 498, 501, 503, 505, 509, 510, 512, 513, 514, 515, 518, 520, 523, 526, 529, 530, 536, 537, 538, 539, 540, | 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. | NSW has different system for the appointment of panels. See previous comments about the TPC delegates. |
| 4. Proposed Ministerial role to direct LPS amendment and general intervention in planning | | | |
| | 5,6, 7,8,12,14,15, 16, 17, 19, 23, 27, 28, 31, 33, 35, 37, 41, 44, 45, 50, 51, 53,54, 57, 104, 106, 156, 162, 163, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 193, 207, 208, 209, 210, 214, 215, 216, 218, 221, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 270, 271, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 291, 292, 293, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 314, 315, 317, 318, 322, 323, 325, 326, 327, 333, 339, 340, 341, 343, 344, 346, 348, 349, 350, 359, 367, 378, 380, 394, 398, 410, 415, 418, 434, 439, 448, 471, 480, 488, 519, 533, 534, 136, 163, 376, 439, 459, 461, 462, 463, 477, 491, 517, | The Minister should not have additional power to modify the local planning scheme. | The Position Paper did not suggest that the Minister would have the power to modify local planning schemes. For further discussion on this matter refer to section 5 of the Report on Consultation. |

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| 56,59, 60, 61, 62,63,64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 110, 111, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 164, 165, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 263, 269, 272, 289, 294, 306, 316, 319, 320, 321, 324, 329, 330, 332, 334, 335, 336, 337, 338, 342, 345, 356, 357, 360, 361, 362, 363, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 387, 389, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 412, 413, 414, 416, 417, 419, 421, 422, 423, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 453, 454, 455, 457, 460, 468, 469, 472, 473, 474, 475, 476, 479, 483, 484, 485, 489, 490, 492, 494, 495, 497, 498, 501, 502, 503, 505, 508, 509, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 529, 530, 536, 537, 538, 539, 540, | 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. | As above – The model proposes that Ministerial intervention can only occur when the TPC's review has determined to direct Council to reconsider its rejection of the application to amend the planning scheme. The proposed Ministerial direction is only that the Council should commence the assessment process by preparing a draft amendment that is then assessed by the TPC including public exhibition. The Minister has no involvement in the assessment and determination and simply allows a proposal to be considered by the public and the independent TPC For further discussion on this matter refer to section 5 of the Report on Consultation. |
| 198 | Ministerial power to override council rejection of a rezoning application based on a finding of Council bias could be procedurally unfair. | The model proposes that Ministerial intervention can only occur when the TPC's review has determined to direct Council to reconsider its rejection of the application to amend the planning scheme. Council has the opportunity to review its decision before the Minister can intervene, allowing procedural fairness. The TPC provides an independent review of Council's decision and the Minister must consider that review in determining to direct that the amendment be assessed.. The Minister also provides council with the opportunity to provide reasons why the Minister should not direct it to prepare a draft amendment for assessment by the TPC. |
| 353 | Only in support of Ministerial direction to prepare a draft amendment to an LPS if it is demonstrated that the planning authority made an error of judgment and the LPS criteria can be met. | Noted and agreed. |
| 194, 428, 449, 478, 535 | Support Minister directing planning authority to prepare a draft amendment to their LPS in some circumstances. | Noted and agreed. |
| 461 | Where the Minister has required the planning authority to initiate an amendment, the State or Minister must be responsible for processing and assessment of the amendment. | The assessment and determination of a draft amendment to a local planning scheme is always undertaken by the TPC. The Minister's role is simply to overcome the block where a council determines not to start an amendment process. |
| 471 | Suggestion that the Act could be amended to allow for the TPC do undertake a merit review of council's decision in not initiating an amendment to their LPS and direct Council to commence the amendment process. | The Act does allow for the TPC to review a council's decision but that is not a full merit review and there is no power to direct it to prepare an amendment where the TPC has directed reconsideration of the draft amendment. The proposed legislative amendment provides for this process. It is more appropriate for the Minister to initiate the process than the TPC because it might pre-empt a proper merit review by the TPC later. |
| 428, 531, 535, | Support Ministerial direction where the TPC has reviewed the Council's decision and determined an error has been made. | Noted and agreed. |

| 5. Other issues raised | | | |
|------------------------|---|--|--|
| | 382, | State Government is undertaking concurrent policy reviews and introducing planning reform. Fear that these projects are being done in isolation from each other resulting in inconsistent approaches being developed. | Noted that there are concurrent planning reforms and reviews being undertaken in the planning system. The proposal utilises existing processes and bodies rather than creating new ones. It is consistent with other DAP processes that the TPC administers. |
| | 56,59, 60, 61, 62,63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 103, 105, 107, 108, 109, 112, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 155, 157, 158, 159, 160, 161, 164, 165, 167, 168, 169, 170, 190, 195, 197, 199, 200, 201, 202, 203, 204, 205, 206, 211, 213, 217, 219, 220, 222, 225, 256, 263, 272, 289, 294, 306, 313, 316, 319, 320, 321, 324, 329, 330, 334, 335,336, 337, 338, 342, 345, 352, 356, 360, 361, 362, 365, 368, 369, 370, 372, 373, 377, 379, 381, 383, 384, 386, 387, 390, 395, 399, 400, 401, 403, 404, 405, 406, 407, 409, 411, 412, 413, 414, 416, 417, 419, 422, 423, 425, 426, 429, 430, 431, 432, 433, 435, 436, 438, 440, 442, 443, 444, 445, 446, 450, 451, 453, 455, 460, 468, 472, 473, 474, 475, 476, 483, 484, 485, 486, 489, 490, 492, 493, 494, 495, 497, 498, 501, 503, 505, 509, 510, 512, 513, 514, 515, 518, 520, 523, 525, 526, 529, 530, 536, 537, 538, 539, 540, | prohibit property developers from making donations to political parties, enhance transparency and efficiency in the administration of the <i>Right to Information Act 2009</i> , and create a strong anti-corruption watchdog. | Outside the scope of the project. As the Minister does not have any powers to approve or reject either a development or a scheme amendment, there is no capacity for decisions to be influenced by political donations. The DAP proposal removes decisions from elected councillors who can be subject to conflicts of interest. |



Tasmanian
Government

Department of Premier and Cabinet
State Planning Office

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www.stateplanning.tas.gov.au



Tourism Industry
Council Tasmania



Kelly Luck, Tasmanian Tourism Awards Program Manager

225
23 Jan 2025

INFORMATION SESSION 2025

- Key dates
- Why enter?
- Categories and eligibility
- New for 2025
- Submission requirements
- Judging Process
- Consumer Review Score
- Judge's Tips
- Next Steps
- Questions

KEY DATES 2025

- Nominations Close Wednesday 26 Feb
- Submissions Close Friday 11 April
- Consumer Voting 1 May - 31 May (TBC)
- State winners Announced 1 July
- National Awards 10 September at Parliament House, Canberra

WHY ENTER?

- **Profile your town** - All entries are heavily promoted through the consumer judging process, and the social media channels of TICT, Spirit of Tasmania, and other industry partners. This competition also generates a lot of local media coverage.
- **Celebrate your local tourism industry** - Proud of what your town is doing in tourism? This is a chance to bring your local tourism operators, community members, and local government together to share and celebrate your strategies and success.
- **Create great destination marketing resources** - The content and information you bring together in preparing your entry, including the video, itinerary, and article, can be refined and used again in showcasing your town.
- **Winners Announcement Event** - This year's Tassie Top Tourism Towns will be announced at the evening event of TICT's Tasmanian Tourism Conference.

WHY ENTER? (CONT.)

- **You might win** - Each of our three category winners receive marketing promotion from TICT and our partners, celebrating their status as a Top Tourism Town to local and interstate visitors.
- **Tasmanian Winners automatically become National Finalists** - Tasmania's three category winners will automatically become finalists in the Search for Australia's Top Tourism Town, with the winners announced at a major national industry event at Parliament House, Canberra in September.

CATEGORIES & ELIGIBILITY

| | |
|--------------------------|--|
| Top Tourism Town Award | Population over 5,000 |
| Small Tourism Town Award | Population under 5,000, but greater than 1,500 |
| Tiny Tourism Award | Population under 1,500 |

(ABS census data should be referenced to determine population size)

Entries are open to:

- Accredited Visitor Information Centres,
- Local Councils,
- Destination Action Plan groups/committees, and
- Local Tourism Associations



*Only ONE entry per town can be submitted, LGAs are not permitted to enter.

NEW IN 2025

- No changes to categories or questions
- Adjustment made to weighting of scoring:

| | | | |
|--------------------|------------|---|----|
| Introduction | 5 | → | 10 |
| Editorial & Photos | 20 | | |
| Video | 20 | | |
| Itinerary | 20 | | |
| Consumer vote | 25 | → | 10 |
| GRI/ReviewPro | 10 | → | 20 |
| Total | 100 | | |

- Word count expanded for Introduction questions:

| | | | |
|-----------|----------------------|---|----------------------|
| Overview | 200 (2 points) | → | 400 words (5 points) |
| Marketing | 300 words (3 points) | → | 400 words (5 points) |

SUBMISSION REQUIREMENTS

- **Question Reponses** – to be completed within the portal
- A travel/tourism focused **website** showcasing the town and its tourism operators, including online booking functionality
- A feature-style **editorial** with six **high-quality images**
- A short **video** (30-120 seconds)
- A travel **itinerary**
- **Accommodation & Attraction details** for consumer review

PORTAL QUESTIONS (UNSCORED)

- **Media & Promotional** (not scored)
 - Contact details for trophy recipient and media contact
 - 100-word media description
 - Two hero images for media use (these will be viewable by judges but no points are allocated)
- **Entry Details & Website** (not scored)

Provide the URL to your town's travel/tourism focused website, which includes:

 - a copy of the itinerary
 - the video available to view
 - online booking functionality where products included in the itinerary can be booked

PORTAL QUESTIONS (10 POINTS)

- **Overview – 400 words max**
 - Please provide an overview of the town's commitment to growing tourism (5 points)
- **Marketing – 400 words max**
 - Who is the target market for your submission and why have you chosen this target market? (5 points)

Marketing question is particularly important as video, editorial, and itinerary should align to this market

WEBSITE (UNSCORED)

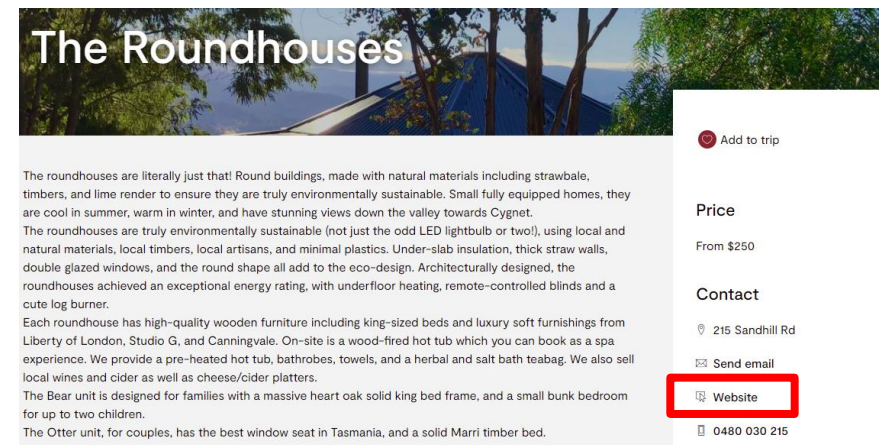
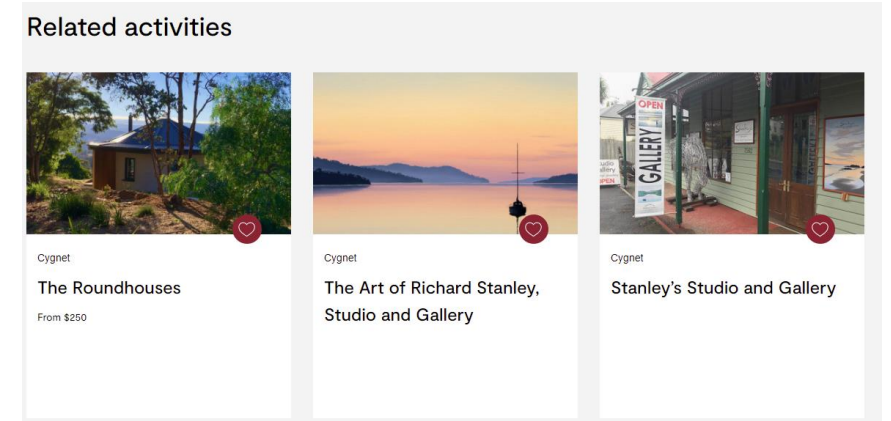
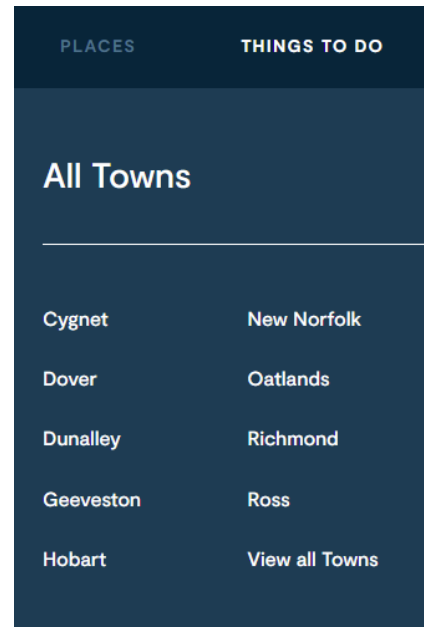
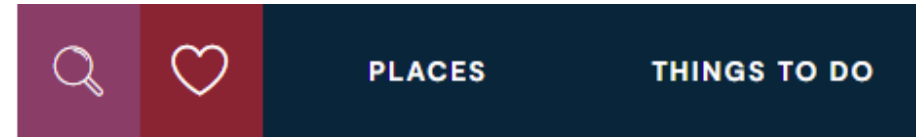
- A travel/tourism focused **website** showcasing the town and its tourism operators, including online booking functionality
- Where online bookings are not available, link(s) on the nominated tourism website to the individual businesses' website(s) is sufficient

WEBSITE OPTIONS

- <https://www.discovertasmania.com.au/>
- <https://hobartandbeyond.com.au/>
- <https://www.eastcoasttasmania.com/>
- <https://northwesttasmania.com.au/>
- <https://visitnortherntasmania.com.au/launceston>
- <https://westcoasttas.com.au/>

WEBSITE OPTIONS

HOBART &
BEYOND



EDITORIAL (16 POINTS)

- No more than 800 words
- Should be written in the style of a feature article for print or online media
- Highlight why visitors should come to your town, and what they could experience during their visit

EDITORIAL (16 POINTS)

SCORING GUIDE:

- Thought, style and theme of the writing is of high quality and in the style of a feature article. (4)*
- Writing has been directed to the visitor (3)*
- Theme is consistent with specified target market and the video and itinerary supplied. (3)*
- The theme reflects the brand and values of the town (3)*
- A compelling and enjoyable proposition for specified market (3)*

IMAGES (4 POINTS)

- Editorial must be accompanied by six high-resolution images relating to the attractions in your town or city
- PNG or .JPG format
- Images must be free of copyright and may be used for awards promotions.

IMAGES (4 POINTS)

SCORING GUIDE:

- *Photos shot in a creative and interesting way to evoke an emotional response. (2)*
- *Photos and editorials are connected. (2)*

VIDEO (20 POINTS)

- Promotional video highlighting the key attractions and experiences in your town
- 30 seconds – two minutes in length
- MP4 format, wide-screen, high definition
- The video must be suitable for public viewing and cannot infringe on the intellectual property, privacy, publicity, ownership or any other legal or moral rights of any third party

VIDEO (20 POINTS)

SCORING GUIDE:

- The video concept is creative and interesting to evoke an emotional response (5)
- Theme reflects brand and values of the town and connects to editorial and itinerary (3)
- Narrative and imagery are connected e.g. the story/description/voice over is connected to what is being viewed throughout the video (3)
- Key attractions and experiences are shown. (3)
- Production of the video is of high quality. (3)
- The town is at the centre of the concept (3)

VIDEO PRODUCTION

- Finalists' videos will feature on major social media channels, incentivising viewers and supporters to vote for (and visit!) your town.
- **Don't be daunted by the video production or discouraged from entering!**
- The video can be produced professional, or simply something done creatively through a smart phone or GoPro - just make it fun and interesting.
- If you are unable to produce a video from within your local tourism network, TICT can put you in touch with a Tasmanian video production team who are able to assist (using existing stock footage will help keep costs minimal)

VISITOR ITINERARY (20 POINTS)

- Provide a self-drive itinerary that starts and finishes in your town
- Clearly state and define the target market for the itinerary
- Include accommodation and activities
- Entries can use products that are not directly in their shire/region, but visitors must be able to reasonably access during their stay
- Provide the itinerary for your target market for the number of days/nights as per your category requirements

VISITOR ITINERARY (20 POINTS)

| | |
|--------------------|-----------------|
| Top Tourism Town | 4 days/3 nights |
| Small Tourism Town | 3 days/2 nights |
| Tiny Tourism Town | 2 days/1 night |

VISITOR ITINERARY (20 POINTS)

SCORING GUIDE

- Theme of itinerary is consistent with specified target market (3)
- Theme of itinerary reflects the brand and values of the town that have been identified in the video and editorial (3)
- The itinerary is achievable (3)
- A range of experiences/attractions are presented, with seasonality noted, if applicable (3)
- A compelling and enjoyable proposition that entices the reader to visit (8)

** Don't forget accommodation options**

ACCOMMODATION & ATTRACTIONS - CUSTOMER REVIEW SCORE (10 MARKS)

- Provide the name and the review site URL (Tripadvisor preferred) for the accommodation and attractions highlighted in your entry – these will be used to determine your consumer review score



CUSTOMER REVIEW SCORE (10 MARKS)

| | |
|--------------------|-----------|
| Top Tourism Town | 5 of each |
| Small Tourism Town | 3 of each |
| Tiny Tourism Town | 2 of each |

JUDGING

There are three components to the judging process, which is overseen by the Chair of Judges (Vin Barron in 2025):

| | | |
|--------------------------|--|-----|
| Submission Review | <ul style="list-style-type: none">• Includes question responses, editorial, video and itinerary• Conducted by three experienced judges – scores combined and averaged | 70% |
| Consumer Vote | <ul style="list-style-type: none">• Public invited to vote for favourite town across all categories | 10% |
| Customer Review | <ul style="list-style-type: none">• GRI obtained from ReviewPro for accommodation and activities listed – combined and averaged | 20% |

TIPS (FEEDBACK FROM PAST JUDGES)

- **Ensure the town is the focus of the entry.** Highlight your town's connection to the broader region and its attraction but remember the town is the important bit.
- **Evoke emotion in the video!** Creativity in the clip and evoking a feeling is more important than production value
- **Ensure the entry is consistent across all the content** If your itinerary showcases your town as a romantic, cultural destination for couples – don't then use upbeat music and feature a young family in the video! Clearly defining the market you are targeting in your written response should set the scene for the media elements.
- **Don't be daunted by the video production** – you'll be surprised how many budding digital video producers and editors might be in your local community who would jump at the chance to cut something like this. Lots of content available from your RTO/LTA/VIC/Council

PREVIOUS TASMANIAN WINNERS

2024

Top Tourism Town: **DEVONPORT** (National GOLD)
Small Top Tourism Town: **RICHMOND** (National BRONZE)
Tiny Top Tourism Town: **STANLEY** (National SILVER)

2023

Top Tourism Town: **DEVONPORT**
Small Top Tourism Town: **QUEENSTOWN** (National GOLD)
Tiny Top Tourism Town: **STANLEY**

2022

Top Tourism Town: **LAUNCESTON**
Small Top Tourism Town: **SHEFFIELD** (National SILVER)
Tiny Top Tourism Town: **STRAHAN** (National GOLD)

NATIONAL MEDALISTS 2024

Top Tourism Town

Gold: Devonport, TAS

Silver: Bendigo, VIC

Bronze: Roma, QLD

Small Tourism Town

Gold: Exmouth, WA

Silver: Daylesford, VIC

Bronze: Richmond, TAS

Tiny Tourism Town

Gold: Huskisson, NSW

Silver: Stanley, TAS

Bronze: Gundaroo, ACT

Need more inspiration?
Click each of the award category
hyperlinks to view the videos and
itineraries of the national
FINALISTS and MEDALISTS.

NEXT STEPS

- **VISIT:** <https://tict.com.au/awards/tassies-top-tourism-towns/>
- **Read** through information provided and **download** Entrant Guidelines & Rules document
- **Nominate** your town via the [Quality Tourism Framework](#) portal (New users will need to register first) and **pay** the \$199 entry fee by Wednesday 26 February
- **Discuss** proposed Accom/Attraction options with Kelly to ensure ReviewPro account and GRI present
- **Book** a review session for written elements (optional)
- **Compile** the required elements and upload to the portal
- **Submit** your entry no later than 5pm, Friday 11 April



QUESTIONS?

CONTACT

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TASSIE'S TOP **TOURISM TOWN**



Tourism Industry
Council Tasmania



**SPIRIT of
TASMANIA**



**TASMANIAN
VACATIONS**

GOOD LUCK!