

From: [REDACTED]
To: [Planning Unit](#)
Subject: Public submission, Draft Major Project Bill
Date: Tuesday, 24 March 2020 9:33:04 AM

To the Planning Policy Unit, Department of Justice,

I wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.

There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.

The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Avoiding the Normal Required Planning Permits

Once granted a Major Projects permit, there would be no need for a proponent to obtain the usual permits required under critically important Government Acts. These may include permits relating to environmental management and pollution control, cultural heritage (including Aboriginal heritage), nature conservation and threatened species protection.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Submission
Date: Tuesday, 24 March 2020 4:32:35 PM

To the Planning Policy Unit, Department of Justice

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I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

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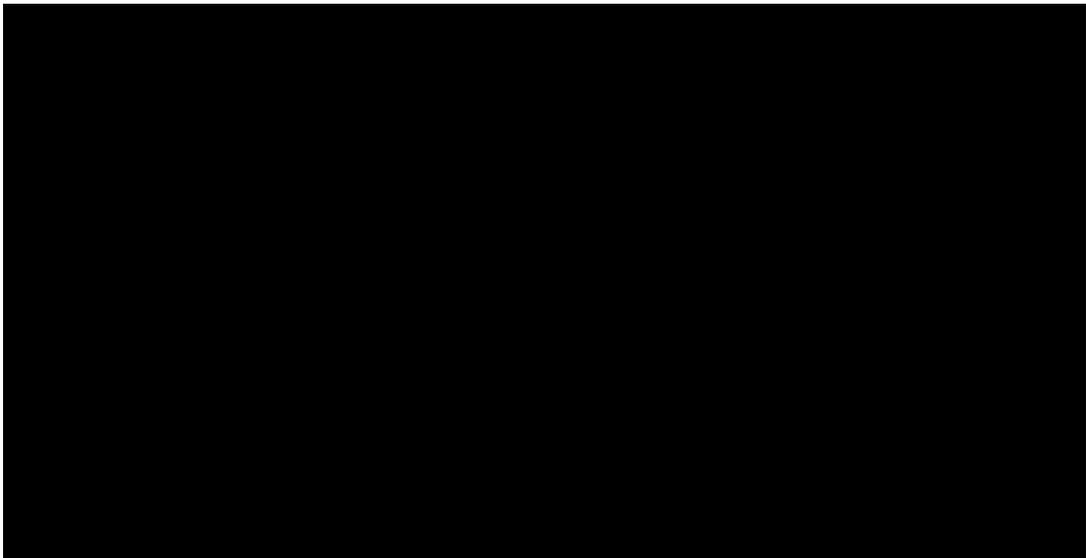
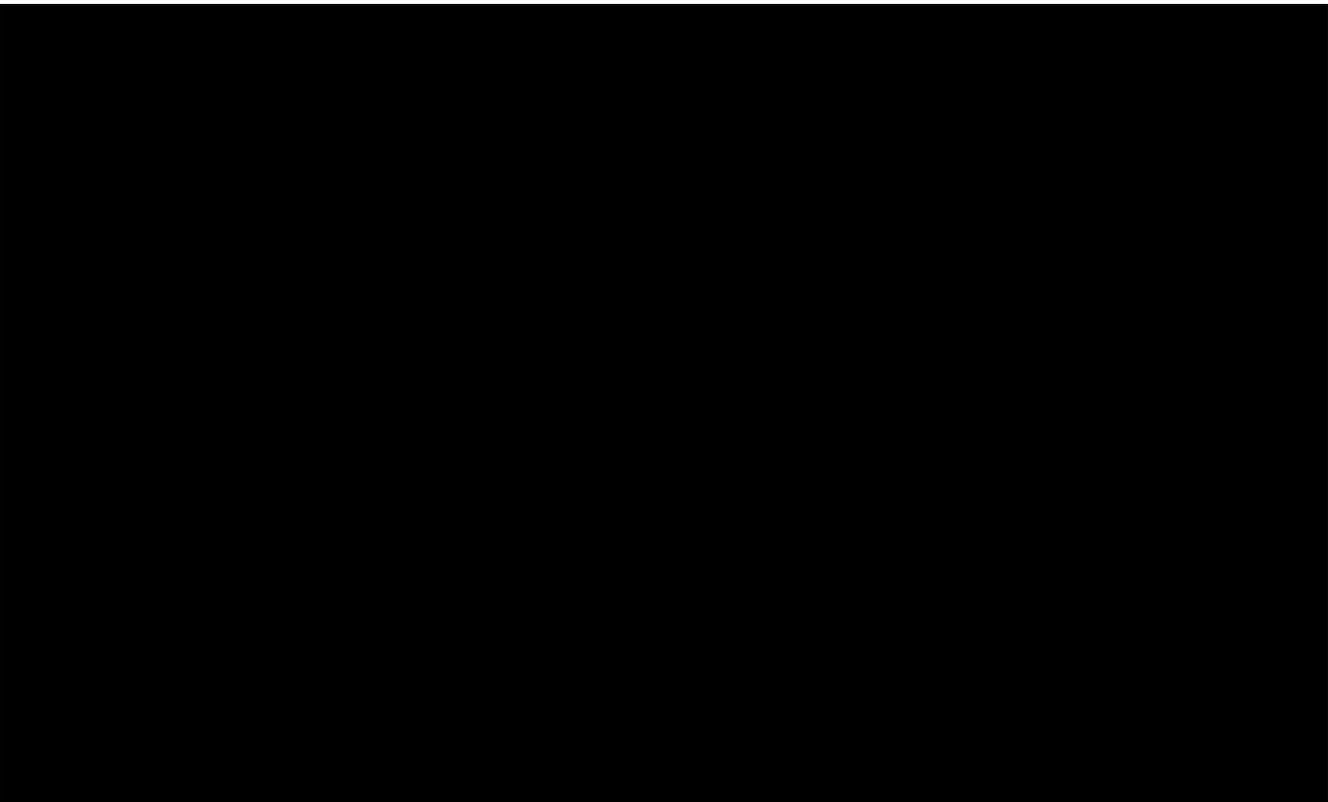
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I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.





From: [Redacted]

Sent: Tuesday, 24 March 2020 5:05 PM

To: [Redacted]

Subject: Draft Major Project Bill (Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill))

Dear [Redacted]

I writing to you to express my grave concerns about the Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*) as I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal. It is unclear what problem the draft Bill is aimed at fixing, other than to

remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

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I urge the Tasmanian Government to drop this legislation.

Kind regards

[Redacted signature]

[Redacted contact information]

From: [REDACTED]
To: [Planning Unit](#)
Date: Wednesday, 25 March 2020 4:45:08 PM

To the Planning Policy Unit, Department of Justice

I am wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

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I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

[REDACTED]

To the Planning Policy Unit, Department of Justice, Hobart

30th March, 2020

I wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020* (Draft Bill)).

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

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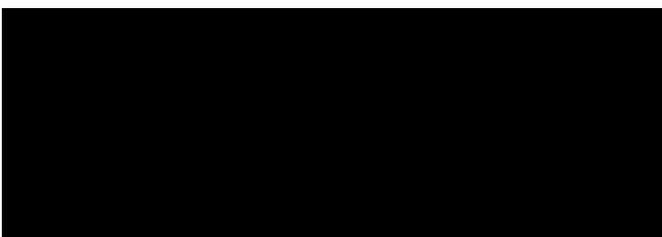
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In conclusion All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

Yours sincerely,



From: [REDACTED]
To: [Planning Unit](#)
Cc: ecatassie@gmail.com
Subject: Comments on the draft Major Projects Bill
Date: Monday, 30 March 2020 5:12:23 PM

To the Planning Policy Unit, Department of Justice

We wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

We have grave concerns about the Draft Bill. We believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

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representative.

- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

We are concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

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local government's say on high rise buildings with the removal of the clause excluding these projects.

We urge the Tasmanian Government to drop this legislation.

Thank you for considering this submission.



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Thursday, 2 April 2020 3:40:11 PM

To The Planning Policy Unit,

I wish to make a submission regarding the proposed Draft Major Project Bill.
I have many concerns about the Draft Bill.

My Key Concerns Are:

1. It gives unprecedented power to the Minister for Planning to nominate a project.
2. The minister would need to find only two criteria of six relevant to declare a development a Major Project. The six criteria being vague, and subsequently allowing any development to be defined thus.
3. The current planning scheme already provides the checks and balances, to a certain degree, to reign in rampant inappropriate development.
4. The Development Assessment Panel for Major Projects could easily be filled with people with no independence or expertise. It is not too far fetched to believe some members could even have vested interests.
5. The current Tasmanian Planning Commission is independent. There needs to be a separation of powers between politics and planning.
6. Many Government Acts covering nature conservation, cultural heritage, threatened species etc will be sidestepped. These have been mindfully considered and developed over the years.
7. There needs to be the opportunity for the public to be able to meaningfully comment on development. This seems to have been eroded in the Draft Major Projects Bill.

In the current health crisis we are facing, it is more than likely when it is over, that the call will go out to 'kick start the economy'. I am concerned that with the Major Projects Bill enacted many extremely inappropriate development will be considered.

Tasmania is fabulous for what sets it apart from the rest of the planet. our lack of over development.
Please drop this legislation.

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major projects Bill
Date: Friday, 3 April 2020 6:25:53 PM

To the Planning Policy Unit, Department of Justice

I wish to make a submission regarding the proposed Draft Major Project Bill (Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)).

I am very concerned about the Draft Bill. It appears to give the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill restricts the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

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I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.



From: [REDACTED]
To: [Planning Unit](#)
Subject: Draft Major Projects Bill
Date: Sunday, 5 April 2020 10:17:51 AM

To the Planning Policy Unit, Department of Justice

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- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania. Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Avoiding the Normal Required Planning Permits

Once granted a Major Projects permit, there would be no need for a proponent to obtain the usual permits required under critically important Government Acts. These may include permits relating to environmental management and pollution control, cultural heritage (including Aboriginal heritage), nature conservation and threatened species protection.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

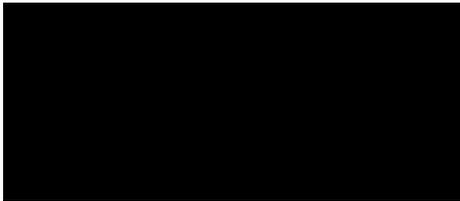
The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.



From: [REDACTED]
To: [Planning Unit](#)
Subject: Draft Major Projects Bill
Date: Sunday, 5 April 2020 10:38:31 AM

To the Planning Policy Unit, Department of Justice

I wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Avoiding the Normal Required Planning Permits

Once granted a Major Projects permit, there would be no need for a proponent to obtain the usual permits required under critically important Government Acts. These may include permits relating to environmental management and pollution control, cultural heritage (including Aboriginal heritage), nature conservation and threatened species protection.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

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██

From: [REDACTED]
To: [Planning Unit](#)
Cc: [REDACTED]
Subject: Major Projects Bill
Date: Sunday, 5 April 2020 2:46:34 PM

To the Planning Policy Unit, Department of Justice

I wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I would also like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.

There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.

The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Avoiding the Normal Required Planning Permits

Once granted a Major Projects permit, there would be no need for a proponent to obtain the usual permits required under critically important Government Acts. These may include permits relating to environmental management and pollution control, cultural heritage (including Aboriginal heritage), nature conservation and threatened species protection.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

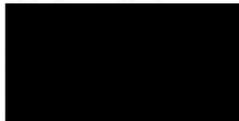
All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

Regards

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Planning Policy Unit
Department of Justice
GPO Box 825
Hobart 7001

April 2, 2020

To the Planning Policy Unit, Department of Justice

I wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the Draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Avoiding the Normal Required Planning Permits

Once granted a Major Projects Permit, there would be no need for a proponent to obtain the usual permits required under critically important Government Acts. These may include permits relating to environmental management and pollution control, cultural heritage (including Aboriginal heritage), nature conservation and threatened species protection.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

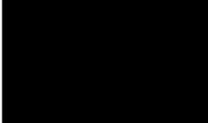
All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas,

the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

Yours Sincerely



To the Planning Policy Unit, Department of Justice

Submission regarding **the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*)**.

First of all, I would like to state that all consultations over major Government processes be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency. We have no idea what state of affairs we will be returning to and it is obvious will re-think on tourism will be required as well as a plan for other diversification for the people's economy.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning, The Hon Roger Jaensch MP, unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it removes the right to appeal to the Tribunal, which is totally undemocratic. It is unclear as to the aim of the draft Bill, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit, thereby sidelining the community and elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania. Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Avoiding the Normal Required Planning Permits

Once granted a Major Projects permit, there would be no need for a proponent to obtain the usual permits required under critically important Government Acts. These may include permits relating to environmental management and pollution control, cultural heritage (including Aboriginal heritage), nature conservation and threatened species protection.

Limiting the Rights of the Public

I believe this Bill will significantly limit people's human rights. The first opportunity to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comments limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

Conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission. I look forward to a positive outcome.

Yours Truly

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From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission re: Major Projects Bill
Date: Monday, 20 April 2020 11:05:49 AM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Monday, 20 April 2020 12:40:24 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of

Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

A large black rectangular redaction box covering the signature of the sender.

From: [REDACTED]
To: [Planning Unit](#)
Subject: Regarding the proposed Major Projects Bill
Date: Monday, 20 April 2020 1:25:59 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned.

The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major projects bill opposition
Date: Monday, 20 April 2020 4:42:45 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why

new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

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Planning scheme changes can be forced on councils and communities

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Monday, 20 April 2020 4:52:14 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

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based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

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The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

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Further concerns I have with the Major Projects Bill:

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- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Serious concerns about Major Projects Bill
Date: Monday, 20 April 2020 5:32:36 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

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The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

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- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
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- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

A black rectangular redaction box covering the signature of the sender.

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major projects bill
Date: Monday, 20 April 2020 5:46:28 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

■

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill feedback
Date: Monday, 20 April 2020 6:23:46 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major projects bill
Date: Monday, 20 April 2020 7:32:25 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Virtually any project could be a major project

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All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
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- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Opposition to Major Projects Bill
Date: Monday, 20 April 2020 9:16:59 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

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Please consider the environment. Do you really need to print this email?

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Monday, 20 April 2020 9:18:46 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The

Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any

project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The

Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania

could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There

are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite

comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The

only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or

fast tracking powers

Tasmania

doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The

previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The

community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The

Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under

the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If

developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

██████████

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill concerns
Date: Monday, 20 April 2020 10:46:07 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

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All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

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The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects

of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

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Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major projects bill
Date: Tuesday, 21 April 2020 7:03:34 AM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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Virtually any project could be a major project

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All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

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The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

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Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;

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Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Proposed "Major" Projects Bill
Date: Tuesday, 21 April 2020 7:00:09 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

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No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

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Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
Sent: Wednesday, 22 April 2020 4:35 PM
To: Planning Unit
Subject: submissions

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project.

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Further concerns I have with the Major Projects Bill:

- any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan

Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment

- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment

Thank you for taking my points into consideration that oppose this Major Projects Bill.

[REDACTED]

[REDACTED]



ReplyReply allForward

Dear Ministers,

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All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

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Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment

- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment

Thank you for taking my points into consideration that oppose this Major Projects Bill.



ReplyReply allForward

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Friday, 24 April 2020 4:58:35 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Fwd: very scary...Major Project Bill - needs action
Date: Monday, 27 April 2020 9:28:37 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel (DAP), who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance (PORS) process, but no details have been provided about what is wrong with PORS. In fact, PORS assessment process itself has never been used, suggesting it may also be unnecessary.

Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

High-rise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding high-rise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are not elected, and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- The Minister should not be able to bring projects already rejected by Councils "back from the dead", retrospectively calling for a special "major project" assessment;

Thank you for taking into consideration all these points against this unfair and unnecessary Major Projects Bill.

Kind regards,

[Redacted signature]

From: [REDACTED]
To: [Planning Unit](#)
Subject: re Draft Tasmanian Major Projects Bill
Date: Wednesday, 29 April 2020 10:16:51 AM

Dear Ministers,

Please see below for my concerns about the Major Projects Bill.

Firstly, I do want say that I strongly feel that it is exactly this kind of bill and its attempt to circumnavigate proper and appropriate planning regulations that gives Tasmania a bad name. It smacks of corruption, which saddens me greatly for this beautiful state of ours.

My concerns include:

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project.

The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Kind regards,

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Proposed Major Projects Bill
Date: Wednesday, 29 April 2020 1:27:08 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects: The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project: The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project.

The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including: Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent: There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined: Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel

that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking

powers: Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed: The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input: The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined: The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and

communities: Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment

The community and the Government are currently dealing with a health and

economic crisis of potentially far-reaching consequence. At this juncture, I believe it is crucial that we all are given space to think about the future we want to build not only for Tasmania but for the world. I am concerned about the other problem we face globally, that of climate change. It is apparent that a post-pandemic world may well, or, perhaps, should, look different from the world we have become used to. The sentiment behind the Major Projects Bill is development at any cost and this unfortunately does not bode well for our collective future. I sincerely hope that the concerns outlined above are taken into consideration, and that the consultation period is postponed, or better still, that this Major Projects legislation be abandoned.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Cc: [REDACTED]
Subject: PRIVATE SUBMISSION: Major Projects Bill
Date: Monday, 4 May 2020 8:36:31 AM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

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██████████

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Project Bill
Date: Wednesday, 6 May 2020 10:35:26 AM

To the Planning Policy Unit, Department of Justice

I am wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I would also like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania. Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use

rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

From: [REDACTED]
To: [Planning Unit](#)
Cc: [REDACTED]
Subject: Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft)
Date: Thursday, 7 May 2020 11:32:35 AM

To the Planning Policy Unit, Department of Justice

My submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*) follows:

I would firstly like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.

There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.

The Panel may be appointed from industry and is not bound by a Code of Conduct

(as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I strongly urge the Tasmanian Government to drop this legislation. Any legislation that removes the democratic rights of citizens should be an anathema to civic minded representatives. I will be watching the progress of this Bill through Parliament to see where I should cast my vote in future.

Thank you for considering my submission.

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From: [REDACTED]
To: [Planning Unit](#)
Cc: [REDACTED]
Subject: Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill).
Date: Thursday, 7 May 2020 8:46:58 PM

To the Planning Policy Unit, Department of Justice

I wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I would firstly like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.

There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.

The Panel may be appointed from industry and is not bound by a Code of Conduct

(as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation. The decisions taken by various MPs will influence how I vote in the next election.

Thank you for considering my submission.

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From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Saturday, 9 May 2020 10:27:50 AM

Dear Ministers,

I would like to formally state my concerns regarding the Major Projects Bill. This Bill further erodes Tasmania's already compromised environmental legislative framework. Growth and development in this state requires a thorough and considered process; this Bill detracts from that process. Below are the concerns as detailed by the EDO and others; they very clearly explain why this Bill is not in the best interests of Tasmanians.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project.

The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan

Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment

- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment

Thank you for taking my points into consideration that oppose this Major Projects Bill.



SUBMISSION ON THE DRAFT TASMANIAN MAJOR PROJECTS BILL

I wish to make the following comments in relation to the Draft Tasmanian Major Projects Bill (MPB):

The draft bill provides a clear structure for assessing major projects and gives good guidance on the process and thus significantly improves on the existing Projects of Regional Significance Act. However I have a few concerns with the draft Bill.

The Minister has too much power when declaring major projects

The Major Projects Bill gives the Minister the power to declare a major project, which removes it from the normal local council planning process. The Major Projects Bill allows virtually any larger development that would normally go to a local council, ranging from a subdivision to a pulp mill, to potentially be declared a major project. The eligibility criteria are so broad and open to interpretation by the Minister that he can justify virtually any project as a major project, and only 2 of the 6 listed criteria have to be met.

The Tasmanian Planning Commission 'may' produce guidelines and most likely would do so but the Minister only has to "have regard to them" and after 'consultation' with the Commission can make a decision. In a small state like Tasmania where 'everybody knows everybody' concentrating such planning decisions in one Minister's hands is unwise. It potentially puts undue political pressure on that Minister and allows for the decision making to become politically motivated. As recent history tells us, political interference in planning and attempts to sway Commission decisions and processes are a reality, but a Panel can cope and deal with this much better than one Minister. It is much better to keep the important elements of the process such as the decision around what is a major project in the hands of the Planning Commission where a number of Commissioners make the decision, independent of government, rather than the Minister. This is important for giving the community confidence in the process being independent of government, right from the start.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft. The Hobart city streetscape is already being detrimentally impacted by buildings significantly exceeding the surrounding

building heights. Overheight buildings have the potential to create cold windtunnel streets and significantly diminish the pedestrian friendliness and attractiveness of our urban streetscape. The community is rightly concerned by this and its right to have a say and retain the ability to appeal such projects should not be diminished.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation a development can be declared a major project even if it is prohibited in the relevant planning scheme. In addition, planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency.

I believe that this seriously diminishes the integrity of planning schemes and the considerable effort and consultation and community engagement that is part of developing them. A proposal that is assessed under the Major Projects legislation should at least be discretionary under the relevant planning scheme, so that it does not end up being in conflict with the scheme objectives for the area in question and potentially in conflict with the surrounding compliant uses and development.



From: [REDACTED]
To: [Planning Unit](#)
Subject: Public comment - Major Projects Bill opposition
Date: Monday, 11 May 2020 2:48:42 PM
Attachments: [PastedGraphic-1.tiff](#)

To the Planning Policy Unit, Department of Justice

I am wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I would also like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.

There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.

The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.





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From:

To:

Cc:

[REDACTED]
[Planning Unit](#)

Subject:

Major Projects

Date:

Monday, 11 May 2020 6:12:14 PM

To the Planning Policy Unit, Department of Justice

I wish to lodge a submission regarding the Draft Major Project Bill (Land Use and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill) and find that the points as outlined in this pro forma address my concerns well, especially the fact that Government processes should be deferred during these uncertain times. The covid emergency has been handled well by this government and I would hope that they could address this issue with the same evenhanded approach, looking out for the interests of all Tasmanians. I am not anti development but strongly believe that democratic processes are being eroded with the introduction of this Bill. I strongly believe that all of our representatives at both state and federal level need to be respectful of these processes.

Therefore:

To the Planning Policy Unit, Department of Justice

I am wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*)

I would also like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

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Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.

There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.

The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Cc: [REDACTED]
Subject: Major Projects Bill
Date: Wednesday, 13 May 2020 11:05:03 AM

To the Planning Policy Unit, Department of Justice

I am wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania. Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Avoiding the Normal Required Planning Permits

Once granted a Major Projects permit, there would be no need for a proponent to obtain the usual permits required under critically important Government Acts. These may include

permits relating to environmental management and pollution control, cultural heritage (including Aboriginal heritage), nature conservation and threatened species protection.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.



From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission Against Major Projects Bill
Date: Wednesday, 13 May 2020 12:11:09 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Wednesday, 13 May 2020 1:47:44 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

████████

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Project Bill
Date: Wednesday, 13 May 2020 2:17:02 PM
Attachments: [Major Projects Bill.docx](#)

13 May 2020

Planning Policy Unit,
Department of Justice.

I am writing to make a submission regarding the proposed Draft Major Project Bill 2020

Currently Tasmania is under a State of Emergency and I believe that it is not appropriate for major Government consultations to be made under these circumstances and this process should be deferred until the State of Emergency is lifted.

My concerns with this Draft Bill is it gives unnecessary and unprecedented powers to the Planning Minister to nominate and fast track approvals deemed as a "Major Project". Leaving individuals without the right to make comment and appeals.

A Major Project process already exists under projects of State Significance so it seems that this new Draft Bill is unnecessary so why do we need a Major Project Bill? As it removes an individual's right to object and gives a developer an easier and faster pathway to securing approval for projects this process undermines our democratic rights.

I oppose the Draft Tasmanian Major Projects Bill for the following reasons and recommend that this unnecessary legislation be abandoned.

Too much power given to government and Minister for Planning

Any project deemed by the Minister a major project does not have to go through the normal local council planning process nor follow the Tasmanian Planning Commission guidelines. The Minister only has to "have regard to" them and doesn't have to follow them. This sidelines community concerns and regulations. This is not a democratic process.

Any project could be a "major" project

The eligibility criteria under the bill is so broad and open for interpretation by the Minister that any project could be justified as a major project. A project, that an individual feels strongly about as not being appropriate for their community, can be fast tracked leaving those adversely affected dismissed for developer's wants.

High-rise buildings clause removed

Previous draft of Bill excluded high-rise hotels as eligible major projects but has been removed in this draft. Why would the minister need the bill to make it easier for high-rise developments? when communities such as Hobart in consultation with their voters have created guidelines for high rise developments in their community.

Democratic Process Removed

The current checks and balances that apply to the Tasmanian Planning Commission ensures it operates in an independent and evidence based manner which has given the community a high level of trust. This Major Projects Bill allows the minister to remove approval process from local councils and Tasmanian Planning Commission and puts into the hands of the Development Assessment Panel. This panel will have insufficient checks and balances and may make them open to influences from developers.

These panel members are unelected and community will not be able to lobby or vote them out.

No justification for Major Project Bill

The State Government has not made a case for why a new bill is necessary. They already have the State Significant Legislation which has successfully worked in the past. This proposed bill gives no justification that this is a better process for Tasmanians so why is it needed?

In conclusion under the proposed major project bill, Councils can be forced to change the planning scheme to suit a development. A developer can also use the major projects process to sideline the Tasmanian Planning Scheme.

As a Tasmanian voter I object to my democratic rights being undermined for those of a developer that may not even be a Tasmanian voter. I urge the Tasmanian Government to drop this legislation and maintain the democratic rights of all Tasmanians.

Regards



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Project Bill - Please Read, needs action, very scary
Date: Wednesday, 13 May 2020 10:09:25 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge. These are all highly controversial projects which are not aimed at Tasmanians, but rather tourism ventures, generally for people from outside of this state. Furthermore, many people are struggling through the difficult times we all currently face. So it seems counter intuitive & irresponsible for this bill to even be considered during such a global crisis. If the state has any budget for wasting on unnecessary infrastructure, when the borders are closed, surely, the allocated funds should be put towards helping the Tasmanian people get back on track, within the realms of existing frameworks.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration which oppose this Major Projects Bill, at the very least any such bill should be shelved until other more important issues are resolved.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill Consultation
Date: Thursday, 14 May 2020 10:31:40 AM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Thursday, 14 May 2020 11:04:59 AM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Development Assessment Panels are not independent

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The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

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Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Date: Thursday, 14 May 2020 11:15:25 AM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

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The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

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The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why

new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Opposition to Draft Tasmanian Major Projects Bill (MPB)
Date: Thursday, 14 May 2020 2:20:47 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

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- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
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- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Opposition to the Draft Tasmanian Major Projects Bill
Date: Thursday, 14 May 2020 3:45:06 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill opposition
Date: Thursday, 14 May 2020 5:24:11 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Further concerns I have with the Major Projects Bill:

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- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



Submission on the Draft Tasmanian Major Projects Bill



14th May 2020

I appreciate the opportunity to contribute to the community consultation process of the Draft Tasmanian Major Projects Bill (MPB). I am opposed to the Draft Major Projects Bill for the following reasons and recommend that this undemocratic legislation **should not** proceed.

Undemocratic Power to the Minister

The Major Projects Bill would give the minister total power to declare a major project. This would remove it from the normal local council planning process which includes a time frame for public comment and an appeals process. While the Tasmanian Planning Commission 'may' produce guidelines, the minister only needs to "have regard to" them and does not have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and be likely to be approved. The legislation would undermine a council's authority and decisions and would greatly reduce the relevance of the Planning Appeal Tribunal.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

What is a major project?

The Major Projects Bill would allow almost any development that would normally go to a local council, to be declared a major project. The minister could justify calling almost any pet project a Major Project, as the eligibility criteria are so broad and open to interpretation. We cannot expect or depend on a minister to have sufficient knowledge and understanding of scientific, economic, social and environmental aspects and likely impacts of a development, before declaring a Major Project.

Controversial projects

A development-or-bust minister could easily take a controversial project and declare it a Major Project. This would alienate and marginalise councils, communities and other relevant stakeholder groups and authorities, who have rightfully argued justifiable cases against several large development proposals in recent times such as: the Launceston Skyway proposal that included gondolas over Cataract Gorge; the Mount Wellington Cable Cars; Cambria Green on the east coast; the Fragrance skyscraper hotels in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area.

Historically, people have argued against large and intrusive proposals around the state such as: The 10-story high hotel proposed for the CH Smith site in Launceston in 2005 that included a 72-metre high walk way across to Royal Park; hotels proposed at some stage for Kings Park and even for the beautiful historic Princes Square, of Launceston. If this legislation existed at the time, any of these proposals could have been pet projects for a minister of the day to declare a Major Project. More recently, the

Gunns Pulp Mill, may have moved through quickly had it been declared a Major Project. Had it been approved, it would have had long lasting impacts on the environment, with its vast consumption of water, toxic outfall into the ocean and dioxins spewing into the Tamar Valley Airshed from the huge chimney stack. According to lung specialists and climate scientists this development, had it proceeded, would have significantly impacted on the air quality in Launceston.

Community consultation and right to appeal abandoned

It is thanks to concerned and well-informed community members, stake holder groups and organisations for taking a keen interest in proposed developments in their state and in their local areas. The community helps to keep their councils and planning authorities abreast of the issues and aware of the serious impacts that some developments may have. Our state would have been riddled with seriously bad developments if the community had not had the possibility to object to and appeal against certain poorly and hastily thought-through developments.

Under this proposed legislation, the community would have **no right to appeal** against the approval of a major project and would have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Elected councillors will not have a say

The Major Projects Bill allows the minister to by-pass local councils and have them approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The Development Assessment Panel members are unelected, and the community will not have the opportunity to lobby them or vote them out.

Forced planning scheme changes

Under the proposed legislation planning scheme amendments could be forced on councils and communities. A major project can be approved that is **inconsistent with a planning scheme** and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. This is an alarming prospect and would have unforeseeable legal implications for future developments.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they would have a way around this by going through the Major Projects process and have the Commission's decision overturned. The legislation would subvert the role of the Commission in the same way as it would undermine the Planning Appeal Tribunal. The Major Projects process would **make a mockery of our Planning Scheme** which has taken much time and effort in its development and reform.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent, and evidence-based manner. For 23 years it has maintained a high level of community trust. Under this proposed legislation there would be insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence by the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

It is concerning that all the power to assess and approve developments is given to a Development Assessment Panel that may not include someone from the Tasmanian Planning Commission.

No justification for fast-tracking powers

Tasmania does not need any more fast-tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process, but no reasons have been provided about what is wrong with the current process.

Significant concerns

If a development proposal is granted a Major Project permit, the proponent would avoid the need for the following approvals that under the existing process they would have had to obtain, if relevant to the project:

- ordinary development permits under the Land Use Planning and Approvals Act 1993 (Tas);
- permits relating to level 2 activities under the Environmental Management and Pollution Control Act 1994 (Tas);
- heritage approvals under the Historic Cultural Heritage Act 1995 (Tas),
- authorisations under the Nature Conservation Act 2002 (Tas),
- authorisations under the Threatened Species Protection Act 1995 (Tas)
- authorisations under the Aboriginal Heritage Act 1975 (Tas).

If these are currently considered important under our existing planning processes, why will they not be part of the Major Projects approvals process? It is most concerning that skipping these important approvals will see projects approved that will have unexpected and detrimental impacts.

What is the motive behind this Draft Tasmanian Major Projects Bill?

It appears that the motive behind this legislation, is to avoid proper and thorough scrutiny by relevant authorities and stakeholders and marginalise the community, cheating them out of a fair consultation process and their right to appeal.

Recommendation

I recommend that this Draft Tasmanian Major Projects Bill be scrapped, and the Government use our existing more democratic processes that have worked well for our state, its people and Tasmania's beautiful environment.

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Thursday, 14 May 2020 6:48:52 PM

To the Planning Policy Unit, Department of Justice

I would like to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020* (Draft Bill)).

I also request that ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

████████████████████

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major projects bill opinion
Date: Thursday, 14 May 2020 7:13:14 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of

Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill Submission from Graeme McCormack
Date: Thursday, 14 May 2020 7:23:50 PM

To the Planning Policy Unit, Department of Justice

I would like to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020* (Draft Bill)).

I also request that ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

Regards

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Opposition to the Major Projects Bill
Date: Thursday, 14 May 2020 7:25:18 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID-19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,



From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Thursday, 14 May 2020 7:32:23 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

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- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards, [REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Thursday, 14 May 2020 8:44:17 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

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Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should have to comply with the Wellington Park Management Plan;
- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Thank you for taking my points into consideration that oppose this Major Projects Bill.

Regards,

[REDACTED]

[REDACTED]

From: 
To: [Planning Unit](#)
Subject: Major Projects Bill comments
Date: Thursday, 14 May 2020 8:47:37 PM

Dear Ministers,

I am writing regarding the proposed Major Projects Bill and would appreciate my comments opposing this bill to be considered.

Firstly, I believe it entirely inappropriate to consult the community on such a significant piece of legislation during a declared State of Emergency. I urge you to suspend consultation until the COVID 19 emergency and restrictions are over.

Nonetheless, I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he/she can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the

power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and

removing appeal rights for major developments greatly weakens our democracy.

Your elected Councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected Councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Further concerns I have with the Major Projects Bill:

- Any development on kunanyi/Mt Wellington should

have to comply with the Wellington Park Management Plan;

- Developments currently being assessed through a local council assessment process should not be permitted to have a second life, called-in for an alternative assessment.
- Projects already rejected by Councils cannot be brought back from the dead, retrospectively called by a Minister for a special 'major project' assessment;

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]



14/5/2020

Submission ; Draft Major Project Bill 2020

To the Planning Policy Unit, Department of Justice

We wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

We are concerned that the current situation of a global pandemic which is disrupting normal life to the extreme is not the time for moving very dramatic legislation through parliament. We believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

We have grave concerns about the Draft Bill. It seems to give the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

We are concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

This Bill appears that it will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short

timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

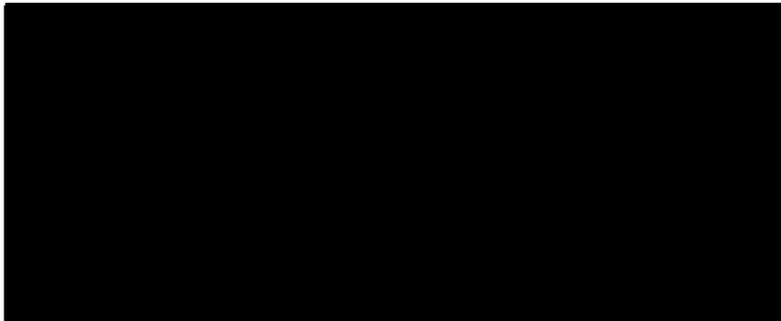
The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

We urge the Tasmanian Government to drop this legislation in its current form and ensure there is due consultation with the key stakeholders, which includes the public.

Thank you for considering this submission.



From: 
To: [Planning Unit](#)
Subject: Draft Major Projects Bill - comments
Date: Thursday, 14 May 2020 9:34:46 PM
Attachments: [image005.jpg](#)

SUBMISSION ON THE DRAFT TASMANIAN MAJOR PROJECTS BILL

I oppose the Draft Tasmanian Major Projects Bill for the following reasons and recommend that this undemocratic legislation be abandoned. Development decisions should be made in the public interest for the benefit of all Tasmanians.

The Government has too much power when declaring major projects

The Major Projects Bill gives the planning minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Development Assessment Panels are not independent and are not accountable to the community

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

The Major Projects Bill would take away elected members right to work for their community via the existing planning system. it replaces a trusted system with one that is undemocratic, unnecessary and open to at least the perception of abuse.

Elected councillors and council professional planning staff will be side-lined

The Major Projects Bill allows the minister to take developments away from

local councils and be approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

The Major Projects Bill ignores the professional expertise of council planners who have great experience in assessing development against established criteria in the local planning schemes.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked

Projects for which there has been great community opposition such as Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge could be approved and fast tracked.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the Development Assessment Panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has

Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

The only opportunity for appeal is through the Supreme Court on a point of law. This is expensive and ignores valid objections based on environmental, social and community impacts.

Elected councillors and council professional planning staff will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

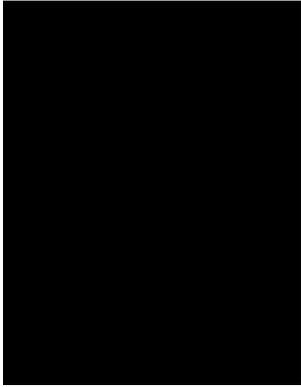
It ignores the professional expertise of council planners who have great experience in assessing development against established criteria in the local planning schemes.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and

have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.



From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission - Draft Tasmanian Major Projects bill
Date: Friday, 15 May 2020 8:04:03 AM

To whom it may concern,

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

- The Government has too much power when declaring major projects

The Major Projects Bill gives the Minister total power to declare a major project, which removes it from the normal local council planning process. The Tasmanian Planning Commission "may" produce guidelines but, even if they do, the Minister only has to "have regard to" them and doesn't have to follow them. This lends no confidence in my mind that there is no scope for misuse of power.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal, and makes any regular submission by members of the public moot and without power or efficacy.

- Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision, or rezoning of land, to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the Minister that he can justify virtually any project as a major project, particularly as the Minister has said that major projects will be needed to help pave the way out of the COVID-19 downturns.

All controversial projects around Tasmania could be fast tracked including – the Westbury Prison; Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

- Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel and the "independent experts" who may be open to unfair influence from the proponent or state government.

- Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission, but this could change after the government's current review of the Commission.

- No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process, but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

- Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft. How many other clauses will be amended or removed between this Draft and the finalised bill is also of concern, having witnessed personally the amendments that snuck through after the Draft legislation of the 2016 Education Act was debated.

- No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

- My elected local councillors will be side-lined

The Major Projects Bill allows the Minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members, as "independent experts", are unelected and the community will not be able to lobby them or vote them out. Again, this leaves far too much scope for misuse of power.

- Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path, as could the State Government with the Westbury Prison.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could appeal to the Minister to go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Beyond all the reasons outlined above, as if they aren't sufficient enough to oppose this Bill, there has been insufficient time to adequately consult with the general community due to the COVID-19 outbreak and the accompanying restrictions on gathering etc, people have not had the ability to pay attention to this legislation properly because they are focusing on keeping themselves and their families safe during this crisis, and there is no social licence to enact this legislation at this time. For these reasons, I am wholly opposed

to this legislation passing, and ask that it be removed from consideration.

Yours sincerely,

[Redacted signature]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Major Projects Bill
Date: Friday, 15 May 2020 9:24:03 AM

Submission on the Proposed Major Projects Bill

I oppose the Draft Tasmanian Major Projects Bill for the following reasons and ask that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects. At a time where we have a global pandemic and a world in crisis the government has pushed ahead with this legislation, despite the fact that the public are not allowed to gather to be part of a truly democratic process and have a say on this legislation. When you couple this with the State and Federal Government looking to bolster the construction sector as a way to try to recover from the economic downturn caused by COVID-19, it is important now more than ever that any major project be properly scrutinised.

While the Liberal Government said they would not use the “Project of Regional Significance” legislation to fast track a prison at the Birralee Rd site at Westbury, they have not said unequivocally that the Major Projects legislation would not be used to build a prison at Westbury. There needs to be strong and rigorous legislation in place as a check against the power of the Government so it cannot have power to interfere with private enterprise or push through its own agenda on an unsuspecting or unwilling community.

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission ‘may’ produce guidelines but even if they do the minister only has to “have regard to” them and doesn’t have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

It is alarming that virtually any project could be a major project. The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

It is interesting to note that in today’s newspaper *‘The Mercury’ 15 May 2020 ‘No fast-track, shortcuts or easy routes in our major projects law’* Minister Roger Jaensch does not include the Northern Regional Prison when discussing controversial projects. This is of grave concern as it is the Governments own project. They should be at arms’ length of their own project, let alone any private enterprise development. Any and all controversial projects around Tasmania could be fast tracked including – The Northern Regional Prison at Westbury, Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal, and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

A community should always have right to appeal inappropriate developments and question if a development meets proper town planning legislation. Any legislation that does not allow proper community consultation, in the planning stages and appeal rights after a decision has been made. Any proposal that does not allow communities this right should be abandoned.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Your elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.



[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission on draft Major Projects legislation
Date: Friday, 15 May 2020 1:50:13 PM

Dear Madam/Sir.

I do not support the draft Tasmanian Major Projects Bill and ask that it be withdrawn.

The legislation is not necessary.

It would be divisive at a time when all Tasmanians need to come together to recover and grow from the covid19 crisis.

Particular concerns with the draft bill are:

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked

including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Highrise buildings clause remove

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft. This is a major issue for Hobart, which risks being destroyed by high rise buildings.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy. It is already extremely difficult for informed community members to have meaningful involvement in new developments. This legislation will make such valuable input from Tasmanians next to impossible.

Your elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path. If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person. The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Please consider these concerns and drop this draft legislation.

Yours sincerely

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██████████████████

██████████



From: [REDACTED]
To: [Planning Unit](#)
Cc: [REDACTED]
Subject: Submission: Draft Major Project Bill
Date: Friday, 15 May 2020 1:54:48 PM

To the Planning Policy Unit, Department of Justice

I am wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I would also like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.

There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.

The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.



From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission to Draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2020
Date: Friday, 15 May 2020 4:04:05 PM

SUBMISSION ON THE DRAFT TASMANIAN MAJOR PROJECTS BILL

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them. Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge. These projects have generated significant community concern and the community needs confidence that these are scrutinised and put through a fair and stringent planning process.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

Highrise developments are controversial and the unmitigated proliferation of these will have a significant impact on our cities and local amenity and thus the community needs to be confident that such proposed developments will be rigorously assessed by appropriate planning schemes.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Our elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

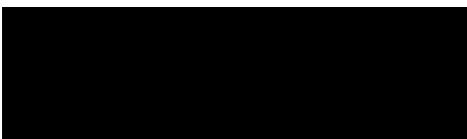
The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

I urge you to consider these points and scrap this legislation so that we retain a robust and democratic planning system.

Yours sincerely



From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission to Draft Land Use Planning and Appeals Amendment (Major Projects) Bill 2020
Date: Friday, 15 May 2020 4:09:23 PM

Dear Sir,

I oppose the Draft Tasmanian Major Projects Bill on a number of grounds.

Virtually any project could be a major project. The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

The Government has too much power when declaring major projects. The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Controversial projects around Tasmania could be fast tracked. In particular the Chinese Cambria Green project - which will forever change our Tasmanian lifestyle (I live on the East Coast for much of the year); the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments and allowable activities in the world heritage area and other National Parks (especially Freycinet and Maria Island); and cable cars proposed for Mt Wellington. Approval of these will very negatively impact a great many of us and will in the future be seen as further Tasmanian planning disasters, losing more of what makes Tasmania so precious.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government. Loss of the community licence will result in failure of acceptance of the decisions and continuing community discord.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development

Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

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The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Given the objections and great concerns of so many people of Tasmania I would

hope you will abandon this Bill

Many thanks
Yours sincerely



[REDACTED]

From: [REDACTED]
Sent: Friday, 15 May 2020 4:22 PM
To: Planning Unit
Cc: East Coast Alliance
Subject: Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 submission

Follow Up Flag: Acknowledged
Flag Status: Completed

To the Planning Policy Unit, Department of Justice

I am wish to make a submission regarding the proposed Draft Major Project Bill (*Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (Draft Bill)*).

I would also like to state I believe ALL consultations over major Government processes should be deferred until the global pandemic is over and Tasmania is no longer in a State of Emergency.

I have grave concerns about the Draft Bill. I believe it gives the Minister for Planning unprecedented powers to nominate a project as a Major Project and fast track its approval. The Bill severely limits the right of the public to comment and it undemocratically removes the right to appeal to the Tribunal.

It is unclear what problem the draft Bill is aimed at fixing, other than to remove potentially controversial projects out of the planning system and give developers an easier and faster pathway to securing the approval of large projects.

This legislation is not needed. A legitimate Major Projects process already exists under Projects of State Significance (which approved the Bass Link cable).

MY KEY CONCERNS

Defining the Major Projects

The Minister for Planning has the power and discretion to declare a Major Project, based on only two of six vague criteria. These criteria are open to interpretation and appear to make it easy to justify a wide diversity of projects, large or small.

Major Projects would be taken out of the normal Council planning system, removing the requirement for a planning permit and sidelining the community and its elected Councillors. More importantly, Major Projects can be approved that would not normally be permitted under the planning scheme. As part of the Major Projects process, I understand the Tasmanian Planning Commission must then amend that planning scheme to make it fit.

The Assessment Process

While there is a requirement for the Tasmanian Planning Commission to approve the membership of the Development Assessment Panel, key concerns remain:

- There is no guarantee of independence – the decision regarding a Major Project approval is removed from the independent Tasmanian Planning Commission.
- There is no requirement to appoint Development Assessment Panel members with expertise in planning and development application assessments, natural or cultural values, environmental impact assessment or pollution control, or a community representative.
- The Panel may be appointed from industry and is not bound by a Code of Conduct (as is the Tasmanian Planning Commission).

I am concerned there is no clear reason given for the need for new Assessment Panels versus the Tasmanian Planning Commission as the decision-maker.

Tasmanian Planning Commission sidelined

It would appear that local Councils, the community and importantly, the independent Tasmanian Planning Commission, will be sidelined through this Bill. Prior to this proposed legislation, the independent Tasmanian Planning Commission played a vital and important role in making these strategically important decisions that affect the whole of Tasmania.

Planning decisions affect communities, the environment and quality of life, often with long-lasting consequences.

It is essential there is an independent body in Tasmania making decisions about land use rights across the state and rights to participate in decisions that affect our environment.

Limiting the Rights of the Public

I believe this Bill will significantly limit public rights. The first opportunity the public will have to make a comment on most Major Projects will be *after* the Development Assessment Panel has undertaken its assessment of the proposal.

This denies the public an opportunity to make comment when it is most meaningful, that is, *before* the Panel has decided to grant a permit for the project. The short timeline offered to the public to make comment limits any person's ability to access expert or legal advice to assess, respond to and present evidence to the panel.

The draft bill has removed the right to appeal to the tribunal, which is undemocratic!

In conclusion

All the most controversial projects around Tasmania could be declared a Major Project and fast tracked through this legislation, including Cambria Green, skyscrapers in Hobart and Launceston, the Westbury Prison, developments in National Parks and World Heritage Areas, the cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge in Launceston. As well, this third iteration of the Bill further weakens the community and local government's say on high rise buildings with the removal of the clause excluding these projects.

I urge the Tasmanian Government to drop this legislation.

Thank you for considering my submission.

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[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission on the Draft Tasmanian Major Projects Bill
Date: Friday, 15 May 2020 4:49:46 PM

To whom it may concern,

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation

which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Regards

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From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission to Draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2020
Date: Friday, 15 May 2020 4:58:03 PM

Submission on the Draft Tasmanian Major Projects Bill

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission ‘may’ produce guidelines but even if they do the minister only has to “have regard to” them and doesn’t have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government’s current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Kind regards,

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SUBMISSION ON THE DRAFT TASMANIAN MAJOR PROJECTS BILL

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including - Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government's current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected councillors will be side-lined

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Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

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SUBMISSION FROM:

[REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

Address: [REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Date: Friday, 15 May 2020 5:41:53 PM

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

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Sincerely,

A solid black rectangular redaction box covering the signature area.

From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission RE Major Projects Legislation
Date: Saturday, 16 May 2020 7:44:47 AM

To Whom it may concern,

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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Yours sincerely,

A solid black rectangular box redacting the signature of the sender.

University of Tasmania Electronic Communications Policy (December, 2014).

This email is confidential, and is for the intended recipient only. Access, disclosure, copying, distribution, or reliance on any of it by anyone outside the intended recipient organisation is prohibited and may be a criminal offence. Please delete if obtained in error and email confirmation to the sender. The views expressed in this email are not necessarily the views of the University of Tasmania, unless clearly intended otherwise.

From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission to Draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2020
Date: Saturday, 16 May 2020 8:41:28 PM

Dear Sir/Madam,

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

Current process is not rigorous enough when it comes to major projects in Tasmania, our greatest assets must be protected from destructive developments that erode the very thing which makes the state unique. Wilderness.

Wilderness needs to be preserved and that does not include sideshow 'attractions' fast tracked for the benefit of a very small minority and for tourists to trample underneath their feet.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

Regards

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission to Draft Land Use Planning and Approvals Amendment(Major Projects) Bill 2020
Date: Monday, 18 May 2020 10:03:01 AM
Attachments: [image001.gif](#)

SUBMISSION ON THE DRAFT TASMANIAN MAJOR PROJECTS BILL

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

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The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge. These projects have generated significant community concern and the community needs confidence that these are scrutinised and put through a fair and stringent planning process.

Highrise buildings clause removed

The previous draft of the Bill partially addressed community concerns by excluding highrise hotels as eligible projects, but the clause has been removed from the latest draft. Highrise developments are controversial and the unmitigated proliferation of these will have a significant impact on our cities and local amenity and thus the community needs to be confident that such proposed developments will be rigorously assessed by appropriate planning schemes.

No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Our elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

Independent Tasmanian Planning Commission is sidelined

Despite comments by the state government, the independent Tasmanian Planning Commission will not be assessing and approving major projects. All the power to assess and approve developments is given to a Development Assessment Panel that may include no Tasmanian Planning Commission person.

The only safeguard that exists is that the development assessment panel members must be approved by the independent Tasmanian Planning Commission but this could change after the government’s current review of the Commission.

No justification for more major projects or fast tracking powers

Tasmania doesn’t need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORs. Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

I urge you to consider these points and scrap this legislation so that we retain a robust and democratic planning system.

Yours sincerely

[Redacted signature]

[Redacted contact information]



[Redacted contact information]



Submission on the Draft Tasmanian Major Projects Bill

5th May 2020

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned.

The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission ‘may’ produce guidelines but even if they do the minister only has to “have regard to” them and doesn’t have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

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No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

Your elected councillors will be side-lined

The Major Projects Bill allows the minister to take developments away from local councils and approved by Development Assessment Panels. Elected councillors

will not have a say over approval of major projects. The DAP members are unelected and the community will not be able to lobby them or vote them out.

Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

As a citizen of Tasmania we find the government proposals highly questionable and even unethical not to mention the element of deceit. We must protect our democratic process of the people, for the people at all costs. The Tasmanian way of life of this small island population is unique in its own right. It must be protected, democratically.

We are strongly of the opinion that we must protect our economy and way of life especially in light of the increasing Asian and Chinese incursions into our rural and urban economic way of life, going into the future. PLEASE LISTEN.

We have always given support to the Liberal Party but the proposed legislation makes my support more and more questionable.

We trust in your wisdom and integrity.

Yours faithfully,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Unit](#)
Subject: Submission to Draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2020
Date: Wednesday, 3 June 2020 11:13:53 AM

SUBMISSION ON THE DRAFT TASMANIAN MAJOR PROJECTS BILL

I oppose the Draft Tasmanian Major Projects Bill (MPB) for the following reasons and recommend that this undemocratic legislation be abandoned:

1. The Government has too much power when declaring major projects

The Major Projects Bill gives the minister total power to declare a major project which removes it from the normal local council planning process. The Tasmanian Planning Commission 'may' produce guidelines but even if they do the minister only has to "have regard to" them and doesn't have to follow them.

Any project which has been refused by a council or the Planning Appeals Tribunal could be later declared a major project and potentially approved. Used in this way, the legislation greatly reduces the relevance of the Planning Appeal Tribunal.

2. Virtually any project could be a major project

The Major Projects Bill allows virtually any development that would normally go to a local council, from a subdivision to a pulp mill, to be declared a major project. The eligibility criteria are so broad and open to interpretation by the minister that he can justify virtually any project as a major project.

3. All controversial projects around Tasmania could be fast tracked including – Cambria Green on the east coast; the Fragrance skyscrapers in Hobart and Launceston; Lake Malbena Helicopter proposal and other developments in the world heritage area; and cable cars proposed for Mt Wellington, Mt Roland and Cataract Gorge.

4. Development Assessment Panels are not independent

There are many checks and balances that apply to the Tasmanian Planning Commission that ensures it operates in an independent, transparent and evidence-based manner. For 23 years it has maintained a high level of community trust. There are insufficient checks and balances on the Development Assessment Panel who may be open to unfair influence from the proponent or state government.

5. No justification for more major projects or fast tracking powers

Tasmania doesn't need more fast tracking powers. The government has not made the case for why new major projects powers are needed. The Major Projects Bill is intended to replace the Projects of Regional Significance process but no details have been provided about what is wrong with PORS.

Tasmania has Projects of State Significance legislation which is a credible process for large and complex projects – and was successfully used to approve the Basslink cable.

6. No right of appeal and limited community input

The community will have no right to appeal against the approval of a major project and will have limited right to have input. Appeal rights provide the community with an avenue to have bad decisions reviewed and removing appeal rights for major developments greatly weakens our democracy.

7. Planning scheme changes can be forced on councils and communities

Under the proposed legislation planning scheme amendments can be forced on councils and communities. A major project can be approved that is inconsistent with a planning scheme and, after the permit is issued, the Tasmanian Planning Commission must amend the planning scheme to remove any inconsistency. The proponents of Cambria Green may use this path.

If developers have planning scheme amendments refused by the Tasmanian Planning Commission, they could go through the major projects process and have the Commission's decision overturned. The legislation subverts the role of the Commission in the same way as it subverts the Planning Appeal Tribunal.

Yours Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]