



Australian
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12 November 2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

By email to: yoursay.planning@dpac.tas.gov.au

Re: LUPA Amendment (Development Assessment Panels) Bill 2024

To whom this may concern,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) would like to thank the State Planning Office for the opportunity to provide feedback on the draft *LUPA Amendment (Development Assessment Panels) Bill 2024* (the Bill). The Institute's policy team and members of the Tasmanian Chapter have reviewed the material and provides the following response.

COMPOSITION OF DEVELOPMENT ASSESSMENT PANELS

The Institute notes that the Bill does not specify the composition, skills and expertise of the Development Assessment Panel/s.

In response to the Development Assessment Panel Framework Position Paper in November 2023, the Institute stated:



Again, we note that more information and consultation about the composition of is required. This also needs to include parameters such:

- *selection and nomination process of applicants,*
- *the size of the panels,*
- *duration of a term on a panel.*

In addition, the framework needs a terms of reference and a charter for Development Assessment Panels. In the interest of robust probity, all decisions, minutes and reports should ultimately be made public on similar terms to minutes of Council meetings where planning applications have been determined. This would remove the perception or fact of panellists favouring projects, or any political interference. Any panellists should be required to declare conflicts of interest.

If the composition of Development Assessment Panels is not codified into legislation, then there should be a provision in the Act for this to be prescribed in the regulations such as in WA in their Planning and Development (Development Assessment Panels) Regulations 2011¹. A further down the line approach would be a published manual and resources for DAPs such as WA's Standing Orders for DAPs². These panels should include people qualified to assess the particulars of any application across disciplines including architecture, engineering, landscape, archaeology, ecology, planning and design with Country, and such.

SUSPENSION OF HISTORIC CULTURAL HERITAGE ACT 1995

The Institute notes that under proposed new Subsection 6OAD (2):

If an Assessment Panel is established under this section in respect of an application, the Historic Cultural Heritage Act 1995 does not apply in respect of the assessment of the application under this Division.

¹ [https://www.planning.wa.gov.au/docs/default-source/daps-docs-other/planning-and-development-\(development-assessment-panels\)-regulations-2011.pdf?sfvrsn=67228bbe_8](https://www.planning.wa.gov.au/docs/default-source/daps-docs-other/planning-and-development-(development-assessment-panels)-regulations-2011.pdf?sfvrsn=67228bbe_8)

² https://www.planning.wa.gov.au/docs/default-source/daps-docs-other/standing-orders.pdf?sfvrsn=f903323e_14

The Institute is not supportive of the suspension of the Historic Cultural Heritage Act 1995 even if a Development Assessment Panel is established in respect of an application. Development Assessment Panels should still heed the need for heritage assessment using the procedure set out under Part 6 of the Historic Cultural Heritage Act 1995. The Institute believes that the community acceptability of the Development Application Panel process would be improved if the Historic Cultural Heritage Act 1995 is retained as part of this process.

Thank you for the opportunity to provide feedback on the proposed Bill. Please contact us if you would like to discuss any of the points raised further.

Kind regards,



Daniel Lane
President, Tasmanian Chapter
Australian Institute of Architects



Jennifer Nichols
Executive Director, Tasmanian Chapter
Australian Institute of Architects

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 14,400 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.