

**From:** [Squarespace](#)  
**To:** [Have Your Say](#)  
**Subject:** Form Submission - TPC Review  
**Date:** Friday, 15 May 2020 4:19:24 PM

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**Name:** Daniel Panek

**Your Submission to the TPC Review:** Dear Madam/Sir,

I hereby write to formally make a submission to the review of the Tasmanian Planning Commission.

I trust that you will take my suggestions and recommendations into earnest consideration. Please find a list of my list of suggestions and recommendations below:

1. The TPC must have its independence maintained, broadened and strengthened

I believe this is a key component of ensuring a fair, transparent and effective planning system safe-guarded from vested interests and back-room mates-deals. In order to function effectively and ensure the Tasmanian planning system and associated processes act first-and-foremost in the interests of the broader Tasmanian community, I consider it essential that:

i) The TPC must retain its capacity to perform its current functions independently of government.

ii) The TPC's power to act independently of the government should be expanded. The TPC should be given the power to make and amend the Tasmanian Planning Scheme.

iii) The TPC's governance should be free from Ministerial influence, and no changes should be made that undermine the public perception of the independent operation of the TPC.

2. The TPC must be properly funded

In order to be able to function effectively and maintain proper oversight of planning matters in Tasmania, the TPC must be fully and properly funded to allow it to carry out all existing statutory roles, including (as a priority) State of Environment Reporting and development of new State Policies. Furthermore, that funding allocation needs to be made and renewed for the long term (5yrs-plus) to enable proper organisational planning and resourcing.

3. The TPC must maintain its function in policy development

I consider it critical, to overall maintenance of good governance in Tasmania (and therefore non-negotiable) that the TPC must:

- Be restored to its role as the authoritative body responsible for making planning scheme controls and amendments. TPC (and UNDER NO CIRCUMSTANCES the Minister) must be made the ultimate decision-maker for State Planning Provisions.

- Retain its existing role to review and hold hearings on representations, and report to the Minister on draft State Policies and amendments.

- Retain its existing role to report to the Minister for Planning regarding Draft Tasmanian Planning Policies and to amend any planning scheme to be consistent with those policies.

Implementation of these recommendations together with the removal of Ministerial oversight for Local Provisions Schedules (re-allocating this responsibility to a fully and properly resourced TPC) would enable the TPC to properly fulfil its critically important role of providing expert evidence-based advice to ensure development of best-practice planning policy.

Additional and aligned to the above points, I believe it is appropriate to remove all Ministerial oversight for Local Provisions Schedules; reflecting the emphasis on basing planning decisions and policy on planning expertise than current political whims and point-scoring.

4. The TPC must maintain its function of assessing Projects of State and Regional Significance

Independent assessment of Projects of State and Regional Significance is a fundamental

principle of good governance and as such I strongly recommend that:

- The TPC retain its existing responsibility to assess projects of State significance (e.g. major projects like Gunns Pulp Mill and Ralphs Bay or more currently - Mt. Wellington Cable-Car, Cambria Green or Freycinet Tourism developments), and to provide independent expert advice and recommendations to the Minister (which the Minister must then be compelled to take into consideration AND act upon; i.e. it should not be an option for the Minister to simply ignore expert planning advice because it impinges upon political motivations).
- The role of the TPC in assessing and approving projects of State and regional significance through existing processes should not be enshrined in law in such a way that it can never be undermined (e.g. as per moves underway to do exactly that through the proposed/draft Major Projects Bill).

#### 5. The TPC should develop Tasmania's Regional Land Use Strategies

I am supportive of proposals to change the existing legislation to give the TPC the responsibility to develop, amend and approve Regional Land Use Strategies with public notice and hearings; and further suggest that this function should be aligned with the work of the Tasmanian Natural Resource Management agencies (NRM North, NRM South and Cradle Coast NRM) to ensure independence is maintained in the process whilst regional considerations are also included through consultation with regional stakeholders through the NRM organisations' broad and established community engagement networks.

#### 6. The TPC must retain its function of Reviewing National Park and Reserve management plans

The TPC's role in independently and transparently reviewing reserve management plans must be acknowledged and enshrined in law for the independent and expert perspective it brings to the process and as such this role must be retained as a matter of priority.

Similarly, the relevant legislation should be amended to clarify that the TPC may make recommendations for changes to reserve management plans and that the implementation of these recommendations must be binding for the incumbent Minister (as in the Minister has a duty of diligence to act upon the expert advice and recommendations).

#### 7. State of the Environment Reporting should remain with the TPC

The problems with State of the Environment (SoE) reporting identified by the TPC in 2013 (and reconfirmed in 2018) need to be urgently addressed and the TPC should continue to produce SoE reports each five years. These reports are vital for a range of reasons, including informing good planning.

Thank you for your consideration of my submission to the review and I trust that you will act independently, in good faith and in the interests of the broader Tasmanian community in adopting these into any changes to the function and roles of the TPC to ensure it is fully supported to perform its vital contribution to the function of democracy in our island state (Tasmania).

Yours Sincerely,

Daniel Panek

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