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26 June 2023

Tasmanian Planning Commission
GPO Box 1691
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Via email only: tpc@planning.tas.gov.au

To whom it may concern

Re: Draft Tasmanian Planning Policies Public Exhibition Submission

This representation is provided in response to the exhibition of the draft Tasmanian Planning Policies (TPPs) by the Tasmanian Planning Commission (TPC) in accordance with 12D of the *Land Use Planning and Approvals Act 1993* (the Act), as directed by the Minister under 12C of the Act.

Council has previously participated in consultation relating to the draft TPPs, as facilitated by the State Planning Office (SPO), and have reviewed the February 2023 Report on Consultation, inclusive of Appendix A. While some changes to the draft TPPs have been made in response to the SPO consultation, several issues previously raised require further consideration, particularly around the operation of the policies and policy approach to settlement and growth.

Pursuant to section 12F of the Act, the Tasmanian Planning Commission (TPC):

- (a) must consider whether it is satisfied that the draft of the TPPs meets the TPP criteria; and*
- (b) is to consider whether there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to –*
 - (i) the Tasmanian Planning Scheme; or*
 - (ii) each regional land use strategy –*
- if the TPPs were made under section 12G(2) in the terms of the draft of the TPPs; and*
- (c) may, if it thinks fit, hold one or more hearings in relation to the representations received under section 12E.*

The TPP criteria under section 12B(4) of the Act requires the TPPs to:

- (a) seek to further the objectives set out in Schedule 1; and*
- (b) be consistent with any relevant State Policy.*

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The TPC are encouraged to pursue hearings, particularly in relation to the Settlement Policies, to allow full exploration of the technical implications of the operation and content of the policies, and to not be deterred by the process associated with substantial modifications should they be required to ensure the policies are functional, legal, and fit for purpose.

General Comments

Operation of the TPPs

The addition of a General Application section has assisted in explaining the relationship between the TPPs and the Regional Land Use Strategies (RLUS), State Planning Provisions (SPP) and Local Provision Schedules (LPS) as allowed for under Section 12 (b)(3) of the Act, but further work is required to detail how the relevant RLUS, SPP or LPS (or an amendment) will demonstrate that it satisfies the relevant criteria of the TPPs, to provide clear and transparent expectations to State and Local Government and the community. Currently, there remains concern that the draft TPPs interaction with the other planning instruments established under the Act is unclear, resulting in uncertainty in how compliance is determined and creating the potential for protracted and costly decision-making processes.

Structure and content

The following matters should be considered in review of the structure and content of the policies and determining compliance with the TPP criteria:

- There is uncertainty about how policies will be complied with, particularly where there are competing interests across difference policies – ie. environmental hazard vs settlement, the point in the decision-making process where this determination will be made, and level of evidence required to do so.
- The proscriptive nature of some policy strategies impact on their ability to be sufficiently flexible to promote unique investment opportunities, allow for diversity in communities and the environment and respond to sudden changes, such as in housing supply/demand.
- The settlement policies pre-empt the appropriate outcomes, rather than facilitate evidence-based strategic planning at a local and regional level, that aligns with the needs and expectations of those communities.
- The policies in some instances regulate matters that are outside the scope of the planning instruments, and it is unclear how they may be complied with.
- The social, environmental, economic, and geographical context of Tasmania requires consideration within the policies, including the enablement of local advantages and aspirations.

Climate Change

Council is supportive of the approach to integrate climate change considerations within each of the TPPs. In doing so, the parameters for consideration need to be clear (ie. year of projection/best or worst case scenarios) to ensure consistency and uptake by both regulators and the community.

Stormwater

Stormwater management with respect to future growth and development is a key priority for Council. During the SPO consultation, Council raised that the draft TPP's contained insufficient detail to provide clear policy direction on stormwater. While some additions have been made within the draft TPPs prior to exhibition, Council would be supportive of detailed consideration of stormwater within the policies, particularly in terms of the impact of Climate Change and consideration of the *State Policy on Water Quality Management 1997*.

Policy Content

1.0 Settlement

1.1 Growth

The TPC are encouraged to consider amending the Growth Policy to clarify the prioritisation of growth and allow the opportunity for communities to sustainably grow based on the evidence-based merits of that settlement, established via local and regional strategic planning, rather than follow a strict hierarchical growth model. Policy content dealing with growth needs to accommodate the established planning principle of utilising available infill within existing settlements, while also achieving adequate housing supply when infill land is not made available to meet housing demands.

Suggested amendments are included in the table below.

1.1.3 Strategies	Comments
1	<ul style="list-style-type: none"> Clarify definition of land supply Supply will vary greatly between zoned land, land identified in structure plans/strategies, or land within urban growth boundaries. Clarify where supply is located – i.e., each settlement, municipal area, or region.
2 a)	In some cases, infill will not be available. This clause does not provide a policy direction on how prioritisation is to occur, and to what extent infill must be exhausted before expansion can be considered.
2 c)	All growth will interact with transport systems – best utilisation of physical services is covered by (b).
2 d)	<ul style="list-style-type: none"> Consider converting to positive language. Consideration to be given to determining cost of servicing and the level of investigation required to determine this and demonstrate compliance (and at what stage of development/amendment).
3	It is accepted guidance is needed for consistency across the RLUSs; however, a settlement hierarchy model does not cater well for ensuring the sustainable and aspirational growth of individual settlements. Furthermore, population projections are generally reliant on historical growth patterns and do not capture changes to service provision and status of land availability.

4	Prioritising growth to the higher tiers of a settlement hierarchy has significant implications for the Northern Region and is not sufficiently flexible to allow for the growth required to ensure the sustainability of lower order settlements.
6	Consideration to be given to rewording to become outcome focussed, rather than setting a minimum (if a minimum is set, it is likely that only the minimum will be achieved).
7	Additional detail within associated guidelines about how settlement growth boundaries will be implemented, may aid consistency across the region.
8	Requires sufficient flexibility to cater for unique proposals. If all other requirements for growth are met, then growth should be allowed to occur, regardless of impact on other settlements, as there is social, environmental and lifestyle reasons why people may wish to reside in one settlement over another. Consider deletion of part (f).
10	Consider deletion. Covered by strategy 2 (b) and should otherwise be dealt with by Physical Infrastructure Policy that encourages public transport to actively respond to growth.

3.0 Environmental Hazards

3.3 Flooding

The risks and costs associated with flooding impacts and potential for record breaking weather events in Australia has never been more evident. Clear policy direction on climate change is vital to guide land use planning decisions, particularly with regard to flooding. Identification of parameters for decision making, including the adoption of definitions and standards (like the coastal hazards strategies) is considered vital to encouraging climate resilient development.

4.0 Sustainable Economic Development

4.1 Agriculture

The protection of agricultural land is covered largely at a state level by the Protection of Agricultural Land Policy, albeit with heavy reliance on land capability and the issues associated with this approach. The inclusion of irrigation access in determining the capability of land is supported, although consideration should be given to the potential of future irrigation schemes and the impact this may have on the intensification of various existing and new enterprises. Agriculture occurs productively on a range of land capabilities, and lower capability land with potential for agricultural use also requires protection from encroaching or conflicting land uses. Further, the revisions made by the SPO read as dismissive of the importance that non-viable agricultural land can play in providing a buffer to productive agricultural uses and reducing the potential for land use conflict.

Consideration should also be given to the definition of 'support' within strategy 9, and whether this could be misinterpreted as 'financial support' in the form of a residential use as an income stream.

4.6 Business and Commercial

A policy approach that allows a potential loss of residential amenity, as detailed at strategy 8, is concerning. Land use conflict in residential areas between small scale business or light industrial uses and residential uses are a top cause of land use complaints experienced by local councils. The need to demonstrate what is an 'unreasonable' loss of amenity is arduous and time consuming for staff, costly in gaining evidence and frustrating for complainants. Nevertheless, it is possible to allow for small scale enterprises in residential areas, where residential amenity is *protected*. It is suggested that the wording is updated to reflect this.

5.0 Physical Infrastructure

5.1 Provision of services

A strong policy approach is required to ensure best practice outcomes around the provision of services. The promotion and regulation of reticulated services, for both sewer AND stormwater is paramount, with on-site services to be a last resort where there is no other viable alternatives and located outside of the urban environment. The current lack of regulation at a statutory level in this space is currently allowing for an extensive amount of inappropriately serviced land on the urban fringe.

6.0 Cultural Heritage

6.2 Non-Indigenous Cultural Heritage

Council detailed in its submission to the SPP review that issues with the exclusion of the Local Historic Heritage Code to places registered on the Tasmanian Heritage Register have become evident and clearly do not align with part 6.2.3 (5 & 6) of the TPPs through the loss of local protection of heritage places, precincts, and landscapes. While it is acknowledged that this is an issue for the SPP review, it is vital that this policy provides sufficient direction to enable implementation of the strategies at a statutory level and that local values (regardless of the level of listing) are afforded the opportunity to be protected at a local level.

Thank you for the opportunity to provide a representation to the Public Exhibition of the Draft Tasmanian Planning Policies. Should you have any further questions, please do not hesitate to contact me either by email Council@nmc.tas.gov.au or by phone 6397 7303.

Yours Sincerely



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