

TASMAN COUNCIL

SUBMISSION - DRAFT TASMANIAN PLANNING POLICIES

Consultation under 12C(3)(a) of the Land Use Planning & Approvals Act 1993

28 June 2023

As endorsed by Council on 28 June 2023

GENERAL COMMENTS

0.1 Need

Council supports the State Government in moving to fill the policy void at the heart of Tasmania's planning system. This is long overdue.

The absence of comprehensive policy direction has left the State's planning system unguided, forcing informal policy decisions to be made 'on the fly' in an inconsistent and disjointed fashion by public servants who should not be forced into a position of having to make up policy that impacts the rights and responsibilities of citizens. Policy must be created by the elected representatives of the people.

0.2 Implementation - How

It is not clear how some strategy statements will be implemented. Such statements can lead to proposed planning scheme amendments being refused by the Tasmanian Planning Commission where a Planning Authority or proponent can't demonstrate proactive compliance. They can therefore have the unintended consequence of knocking out sound planning scheme amendments.

It is therefore proposed that all strategy statements be written so that they are meaningful in practice and clearly implementable. If this is not possible then the strategy statement should be omitted.

A test is the question: *what 'work' has this policy statement to do?* If it cannot clearly be articulated, then that proposed strategy should be omitted.

COMMENTS ON PARTICULAR STRATEGIES

1.0 SETTLEMENT

General:

Most new housing is provided by the private sector within a free market system, operating under the law of supply and demand. This determines price and, therefore, affordability.

For the market to operate properly, there needs to be ample land available for future housing needs. That is; a truly 'free' market. This is necessary to avoid artificial supply bottlenecks and subsequent unnecessarily high housing prices. The current housing supply crises in Tasmania constitutes a major failure of our planning system over the last two decades.

Demand for housing is notoriously difficult to forecast. Attempts to do so usually boil down to projecting the trends of the previous five or ten years forward. This disregards major real world changes that drive demand which, in some cases, cannot be predicted in advance.

Therefore, it is proposed that the stated aim of a 15-year supply of zoned land should be extended to 20 years. There is little down-side to over-estimating supply, but the consequences of under-estimation are severe.

1.1 Growth

In **Strategy 1**, the aim should be to maintain a 20-year supply of zoned land for development. Settlement planning should endeavour to provide this, and should also earmark future land out to the 30 year time horizon.

In **Strategy 3** it should be recognised that 'population projections and forecast demographic change' have failed us in the past. They cannot foresee future population growth drivers. This is why we should play it safe and aim to provide a 20 year supply of zoned land.

Strategy 3 should explicitly recognise that the growth of rural towns located beyond the gravitational pull of the major cities is driven mostly by local factors. Any regional settlement hierarchy should therefore not attempt to dictate growth scenarios for such towns. The current Southern Tasmania Regional Land Use Strategy does this, and this was a mistake.

It follows that **Strategy 4**, which provides that growth should be prioritised in settlements that are in the higher tiers of the settlement hierarchy, should not apply to rural towns beyond the influence of the major cities.

Strategy 5, stating that impediments to infill development should be 'actively addressed', is strongly supported. Government intervention and proactive planning is needed to remove impediments to infill development and overcome market failure in particular cases.

Strategy 7, calling for settlement and urban growth boundaries, should establish an aim to provide a 30 year supply within such boundaries, (encompassing a 20 year supply of zoned land).

The purpose of **Strategy 8** appears to be to provide an 'out' for development or rezoning proposals not in accordance with an established settlement plan. If such plans seek to provide a 20 year supply of zoned land, the instances of this should be very few.

It may be that **Strategy 8** is actually attempting to provide a mechanism for rare, different, one-off proposals, in which case requiring compliance with the policy sub-clauses would be impossible. It is therefore suggested that **Strategy 8** be removed and a different mechanism developed to enable the consideration of potentially desirable 'black swan' proposals.

A new strategy statement should be developed that explicitly acknowledges ‘change’. If we are to develop genuine environmentally sustainable urban footprints, we have to increase densities, particularly in the major cities. This will involve substantial change within our urban environments. There is a belief within some sectors of our Tasmanian community that there should be no, or very little, ‘change’. This thought should be explicitly countered. Change will be tempered by explicit planning scheme mechanisms such as heritage precincts, specific area plans and various codes (and by the zone development standards), but there needs to be acknowledgment that significant change in many areas will be necessary through a clear policy statement.

1.2 Liveability

Strategy 11 regarding ‘facilitating place making and recognising the contribution it makes to the local economy, environmental amenity and social wellbeing’, is an example of a vague statement with which it would be difficult to prove compliance.

A new strategy statement should be added recognising the role of rural residential land in the suite of liveability options. Such land provides the opportunity for people to live in a genuinely environmentally sustainable way, with little-to-no carbon footprint. There is a place for such land in a carbon-neutral world and Council is anecdotally aware of a significant un-met demand from people searching such opportunities.

1.3 Social Infrastructure

Many strategy statements in this section are examples that will require State Agencies and infrastructure providers to be fully engaged with the planning system and to proactively follow initiatives set out in Regional Land Use Strategies and local settlement plans. This has not occurred in the past sufficiently. Consideration should be given to naming the relevant State Agencies and infrastructure providers in a set of Implementation Guidelines.

1.4 Settlement Types

Strategy 2, regarding the peri-urban interface, should acknowledge that this area is also where future urban expansion is most likely to be best located, and should be protected from development that would render it economically unfeasible for that future development. This will particularly be the case within settlement and urban growth boundaries, which will extend into this land over time.

Strategy 5, regarding rural residential land, is written in the negative. It should include a proactive statement encouraging the zoning of existing de facto rural residential areas to the Rural Living Zone. Such a strategy would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be addressed whilst not increasing the overall footprint of rural living land and not encroaching on agricultural land.

This would also have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity.

A policy shift of this nature would have no negative land-use consequences.

As this **Strategy 5** is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

1.5 Housing

In **Strategy 1**, the ‘timely supply of land’ should explicitly refer to a 20 year supply of zoned land and a 30 year supply within urban and settlement growth boundaries. The negative consequences of under-estimating supply are worse than those of over-estimating it.

Strategy 4 should include an additional subpoint referring to sustainable living on rural residential lots. As mentioned above, the supply of these can be increased by zoning de facto rural residential areas accordingly. This would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be significantly addressed whilst not increasing the overall footprint of rural living land and not encroaching on any agricultural land. This would have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity. A policy shift of this nature would have no negative land use consequences. As it this strategy is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

An additional strategy should be added regarding infill of existing de facto rural residential areas, as described above.

An additional subpoint of **Strategy 5** regarding higher density housing should explicitly recognise that **change** will occur within our urban streetscapes, and that this is an unavoidable consequence of pursuing a more environmentally sustainable urban footprint over coming decades.

1.6 Design

General: A key aim of ‘design’, as we go forward into the future, will be to accommodate a much larger population within environmentally sustainable urban footprints. This will involve significant **change**, and this should be explicitly recognised within the TPPs.

Many strategies in this section, (and some in other sections), start with vague words such as ‘promote’ and ‘encourage’. This is not sufficiently certain for a statutory document. Implementation is unclear and compliance would be difficult to prove at the Planning Commission. If such strategies can’t be expressed more definitively, they would be better placed in a non-statutory partner document.

It is noted that the existing Protection of Agricultural Land State Policy provides a good example of definitive, implementable, assessable statements. In contrast, it is also noted that the existing Coastal State Policy contains many examples of vague ‘motherhood’ statements that are either redundant, unnecessary or unimplementable.

2.0 ENVIRONMENTAL VALUES

General

The various strategy statements make no distinction between those values for which we have well-established systems in place for their recognition and protection and those for which we have little. The amount of ‘work’ each set of strategy statements has to do varies enormously.

The reader is unaware of this very significant practical difference. This should be remedied.

2.1 Biodiversity

Biodiversity values are already the subject of significant state-wide mapping work that has been translated into code overlays in planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

A **new strategy statement** should recognise that infill development within towns and urban areas is a key strategy to protect biodiversity outside urban areas.

A **new strategy statement** should recognise that once land has been assessed and zoned for urban development, there is no longer a requirement to consider any remnant biodiversity values during subsequent development approval processes.

A **new strategy statement** should set out a system for biodiversity offsets. We should not adopt the ‘postage stamp’ method currently pursued by several Tasmanian Councils. This is financially unviable for Councils to manage in the long term and produces poor environmental outcomes. This ought to be avoided in the future.

Instead, each Council that wishes to use the offset method should identify large areas of high biodiversity land that is not reserved. This should be identified on planning scheme maps through an overlay. Money taken for biodiversity offsets from developers seeking to clear high biodiversity land is then placed in a kitty, and titles within the target reserve area are then purchased over time. This system will create large reserved areas that are sustainable in a biodiversity sense and with significantly less ongoing management costs than many scattered small areas.

It is noted that the system adopted in Victoria for the expansion of greater Melbourne westward over EPBC-listed grasslands is a good example. Many thousands of hectares of high quality grasslands are now being preserved in formal state-owned reserves whilst urban expansion is allowed over some areas of EPBC-listed grassland. The monetary contributions so obtained from developers are used to purchase land in the areas targeted for reserves.

This policy approach will require spatial strategic planning for implementation.

A **new strategy statement** should concurrently recognise that the most environmentally sustainable outcome might be the destruction of some biodiversity values in some key urban expansion locations. If the result is a more carbon neutral urban footprint, such possibilities should be allowed to be weighed by the Planning Authority and the Planning Commission.

2.2 Waterways, Wetlands and Estuaries

We have an established system to recognise and protect waterways, wetlands and estuaries within planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

2.3 Geodiversity

We do not have an established system to grade geodiversity values. It is unclear if this policy statement assumes that we do.

‘High conservation value geodiversity’ should be defined.

2.4 Landscapes

We do not have a well-established system to grade landscape values across the State. The policy statement assumes that we do.

‘Significant landscapes’ and ‘significant cultural, ecological, geological and aesthetic landscapes and scenic areas’ should be defined.

The previous Rural Resource Zone provisions in the Southern Tasmania Interim Planning Schemes provided Planning Authorities with an efficient, flexible and ‘light touch’ mechanism to minimise unnecessary visual impacts in the landscape. In practice this was most commonly achieved by conditions of approval relating to external colour and/or the planting of screening trees. These provisions do not exist in the new Rural Zone, forcing Councils that wish for a level of landscape protection to consider creating scenic protection overlays. Except for landscapes of genuinely high significance, this is the equivalent of using a sledgehammer to crack a walnut.

Therefore, the reintroduction of landscape protection provisions similar to those in the previous Rural Resource Zone should be considered. The appropriate place for this consideration to occur is through the development of the Tasmanian Planning Policies.

2.5 Coasts

General:

It is unclear if it is intended that the coast-related policy statements in the Tasmanian Planning Policies will replace the existing State Coastal Policy, and that the latter will be retired.

3.0 ENVIRONMENTAL HAZARDS

3.1 Bushfire

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.2 Landslip

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.3 Flooding

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.4 Coastal Hazards

Recognise that we have an existing system that does most of this, and we continue to rely on that system.

Strategy 5, dealing with existing settlements under threat of erosion and sea level rise, should be expanded. The State Government needs to develop clearer protocols and policy direction to enable decisions to be made regarding which settlements will be the subject of planned retreat and which will be provided with protective works.

This is an enormous decision, with huge consequences for landowners and residents, and for the public purse. The earlier this decision is made for each settlement, the less impact there will be on the public purse and the more time affected individuals will have to adjust.

At the very least, the policy statement should set out protocols through which such decisions will be made.

3.5 Contaminated Air and Land

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

4.0 SUSTAINABLE ECONOMIC DEVELOPMENT

4.1 Agriculture

The application of the new Agriculture Zone in Southern Tasmania has been too extensive. It has been applied to poor agricultural land, not just prime and significant agricultural land, and has therefore extended beyond the intent of the existing Protection of Agricultural Land State Policy. The statements in the draft Tasmanian Planning Policy appear to reinforce this new policy approach.

The Tasmanian Planning Policy statements relating to Agriculture should be recalibrated to accord with the existing Protection of Agricultural Land State Policy.

The new Agriculture Zone is a restrictive single-purpose zone. It is excellent for agricultural use but poor for any other form of rural economic development, such as extractive industry (mining and quarrying) or forestry.

The Rural Zone, by contrast, is a flexible, multi-purpose zone that retains the full breadth of economic development possibilities in rural areas. It is an 'agriculture zone', but also allows the other forms of rural economic development. In rural areas it should be the 'default zone' with the Agriculture Zone applying only to land that is considered to be prime or significant agricultural land.

This should be the approach set out in the Tasmanian Planning Policies.

4.2 Timber Production

Policy 4.1, above, will remove areas of poor quality agricultural land from the ability to be used for timber production.

4.3 Extractive Industry

Policy 4.1, above, will remove areas of poor quality agricultural land from the ability to be used for extractive industry.

Strategy 5, calling for a full mineral exploration process to be carried out on land before it is designated for a purpose that would remove the possibility of mineral extraction purposes, is impractical and unaffordable. It is noted that the designation of large areas of poorer quality agricultural land as Agriculture Zone in the new Tasmanian Planning Scheme, has removed these areas from the possibility of mineral extraction with no detailed assessment of mineral potential.

4.4 Tourism

Council strongly supports **Strategy 4.4.3 – 3: Manage visitor accommodation so it does not significantly impact the supply of housing for the local community.**

4.5 Renewable Energy

Renewable energy projects, particularly windfarms, will result in significant impacts on landscapes. This should be explicitly recognised in the TPPs.

Genuinely iconic landscapes should be protected from such impacts. The proposed TPP policy statements regarding 'landscapes', however, do not provide sufficient direction as to what such a landscape is. It is important that this is clarified.

4.6 Industry

Local regional communities require industrial land. The statements, as written, appear to direct all industrial land into urban footprints.

Statements should be added providing for local industrial land servicing local communities and local industrial land servicing regional and state-significance industries located in rural locations.

4.7 Business & Commercial

No comment.

4.8 Innovation & Research

No comment.

5.0 PHYSICAL INFRASTRUCTURE

General

State agencies and infrastructure providers need to be fully engaged in the next iteration of Regional Land Use Strategies and in local settlement planning, and must embrace the outcomes. They then need to re-work their future infrastructure plans accordingly. In the past, this has not happened.

5.1 Provision of Services

No comment.

5.2 Energy Infrastructure

No comment.

5.3 Roads

5.4 Passenger Transport Modes

No comment.

5.5 Ports and Strategic Transport Networks

No comment.

6.0 CULTURAL HERTIAGE

No comments.

7.0 PLANNING PROCESSES

Proposed new section

It is proposed that a new section be added setting out principles under which ‘values’ are, firstly, recognised and, secondly, protected.

This would be particularly helpful in regard to those values for which we do not have well-developed systems for this.

7.1 Public Engagement

New public notification system needed:

It is time that the planning system recognised that the old system of advertising Development Applications in local newspapers no longer works well. The system no longer reaches most people and needs a 21st century solution.

Two categories of public notification needed:

A lot of expense is wasted on advertising that is not necessary.

A common example is the proposed relaxation of a boundary setback. This is only relevant to the neighbour. There is no broader public interest. Such applications do not need to be advertised in a local newspaper. Only neighbour notification is necessary.

Notified development applications should be divided into two categories.

7.2 Strategic Planning

No comments.

7.3 Regulation

The treatment of No Permit Required use and development is inconsistent between Planning Authorities. The State should set the process across the State, and standardised any fees (including no fee) that may be considered appropriate.