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Tasmanian Planning Commission  
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Via email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Sir/Madam

#### REPRESENTATION – DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to make a representation on the draft Tasmanian Planning Policies (TPPs).

While the Council welcomes State Government investment in the Planning system, we have several concerns with the TPPs, as outlined below.

- 1 Policy 1.0 Settlement appears to be designed to prevent LPS Amendments which provide for growth outside of major settlements. The Council rejects that sustainable development cannot occur outside of major settlements and opposes prohibition of such development through the TPPs. This aspect of the TPPs undermines the rights of local communities to plan for their own future as enshrined in the *Land Use Planning and Approvals Act 1993* (LUPAA). The TPPs must not prevent communities from leveraging any competitive advantage provided through location, lifestyle or other factors, where it can be achieved in a sustainable and otherwise lawful manner.
- 2 More detail is required about how the TPPs are to be implemented through both the Regional Land Use Strategies (RLUS) and the Tasmanian Planning Scheme (TPS), and how any conflict between those two instruments will be avoided and resolved.
- 3 We are concerned that overall, the content of the TPPs is too prescriptive for the stated purpose.
- 4 More detail is required about how competing TPPs are to be implemented. The Background Report accompanying the TPPs suggests that some judgment or discretion can be exercised in relation to how the TPPs interact, however it is uncertain whether s34 of LUPAA is intended to support such flexibility.

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- 5 Where an LPS Amendment or other matter being considered against the TPPs can demonstrate compliance with the RLUS and the TPS, the TPPs should be deemed to have been addressed.
- 6 More information is required about the interaction between State Policies (eg. *Protection of Agriculture Land 2009*), the TPPs, RLUS and TPS, including how timeframes for review and amendments will be aligned.
- 7 More information is required about how aspects of the TPPs not currently addressed under LUPAA are to be operationalised through the RLUS or the TPS. For example, Policy 1.0 Settlement, Strategy 8 refers to “*the design, siting and construction of buildings*” which would appear to be covered by the *Building Act 2016*.
- 8 More information is required about how the Climate Change Statement within each of the TPPs is to be given effect; it is unclear whether this is an Operative Part of each Policy.
- 9 The TPPs should be structured so that individual policies can be updated efficiently and when required by changing circumstances.
- 10 Policy 7.3 Regulation requires additional detail to ensure that the objective of avoiding over regulation does not undermine public engagement as required under Objective 1 (c) of LUPAA.
- 11 Some strategies are absolute in nature, whereas others refer to minimising or offsetting impacts, or reducing risks to a tolerable level. Clearer and more consistent terminology is required throughout the TPPs.
- 12 Terms such as infill development, consolidation, redevelopment, reuse, intensification, under-utilised land, legibility, place-making, connectivity, higher density residential should be defined.
- 13 Clarity is required regarding who is responsible for the identifying and mapping work referred to in various TPPs.
- 14 The Planning Institute of Australia Tasmanian Division previously submitted that the TPPs should be aligned with the United Nations Sustainable Development Goals (UNSDGs), connecting Tasmania with the international agenda and linking closely to the recommendation of the Premiers Economic and Social Recovery Advisory Council. The Council supports this proposal.
- 15 Councils require assurance that Policy 5 Physical Infrastructure, will not be used to excuse infrastructure providers or operators such as TasRail, from their moral obligation to negotiate in good faith with Councils and others, to overcome any tensions which may exist between their own safety and operational needs and the needs of councils and communities.

- 16 Strategy 5.5.3.13, where it refers to land in the rail corridor being *“for the exclusive purpose of supporting safe and efficient rail operations and activities”* requires re-wording, so as not to prohibit things such as crossings which are required to facilitate use and development on adjacent land.
- 17 While the Council believes that Strategy 7 Planning Processes contains critically important objectives and strategies, the State Government must acknowledge and address the following:
- a) Most council Planning teams are very busy with statutory work.
  - b) The current State Government Planning reform agenda is already placing additional demands on council Planning teams.
  - c) While there is a critical need and appetite for Planning processes to be more strategic, mediative and grounded in community engagement as foreshadowed in Policy 7.0 Planning Processes, this cannot be achieved without significant State Government coordination and additional resourcing for councils.

Thank you again for the opportunity to comment. Please do not hesitate to contact me if you have any questions.

Yours sincerely



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