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Executive Commissioner
Tasmanian Planning Commission
Level 3, 144 Macquarie Street
HOBART TAS 7000

Email: tpc@planning.tas.gov.au

REPRESENTATION – DRAFT TASMANIAN PLANNING POLICIES

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

The Planning Institute of Australia (PIA) is the peak body representing planning professionals and supports reform that improves planning processes and outcomes, especially through well-resourced strategic planning based on a strong evidence base consistent with PIA Australia's positions on liveability, health, [national and local settlement strategies](#), [climate conscious planning systems](#) and management of risk in a changing environment¹.

Summary statement

The PIA, Tasmanian Division (PIA Tas) has long called for State policy to drive and inform the implementation of the Tasmanian Planning Scheme (TPS) and the planning system more generally. It is pleasing to see that some of our recommendations from previous submissions in May 2017 (to the proposed framework) and October 2021 (on the scoping paper for the TPPs) have been incorporated.

However, PIA Tas is significantly concerned that the Tasmanian Planning Policies (TPPs) as drafted not only fail to deliver the requirements of Part 2A of the *Land Use Planning and Approvals Act 1993* (the Act) but will also become an impediment in the planning system: preventing good planning outcomes or slowing down the assessment process for relevant subordinate instruments² and major projects³ for the key reasons expressed below.

¹ <https://www.planning.org.au/ourcampaigns>

² Regional Land Use Strategies (RLUSs) State Planning Provisions (SPPs), Local Planning Provisions (LPS) including LPS amendments.

³ TPPs are a relevant assessment test for major projects under section 60ZZM of the Act.

Key concerns

1

The required aims or principles are not clearly established.

- Section 12B(1) of the Act requires that the aim or principles to be achieved or applied by the TPS and the regional land use strategies (RLUS) are to be identified. This is not established by the draft TPPs.
- Clear identification of aims and principles are confused by the extraordinary volume of the exhibited TPPs (288 objectives and strategies).
- The TPPs are not written in a way that enables clear determination of relevance to a specific assessment, nor documentation of compliance at relevant levels within the subordinate planning instruments, complicating and frustrating the coordinated establishment of land use planning and regulatory systems across the various levels of government.

2

The draft TPPs are too broad and encompass matters not considered relevant, increasing regulatory burden and resourcing required in the planning system.

- The scope of the TPPs is very broad and encompasses a wide range of matters. As a result, it is difficult to readily identify how they represent the policy view of Government (of the time) or how they deal with the key big picture planning issues of our time: for example, climate change, housing supply and biodiversity loss.
- The draft TPPs seek to bring many matters that are beyond the power of subordinate instruments (RLUSs, SPPs and LPSs) or are arguably beyond the scope of section 12B of the Act, such as Policy 7.0 dealing with planning process.
- The TPPs include many matters that are detailed or prescriptive that are more appropriate to the subordinate instruments (RLUSs, SPPs or LPSs), or delivery through advisory processes such as Section 8A Guidelines or practice notes.
- The breadth of matters dealt with discourage regular review and updating to ensure that they remain contemporary, particularly in light of the long established and very low levels of recurrent funding to resource planning policy and strategy in the Tasmanian Government.

3

The drafting and structure of the draft TPPs require significant improvement with clear and concise statements of policy.

- The terminology is not consistent with that in the Act, creating opportunity for confusion, frustration or legal obfuscation through hearings and assessment processes. This will increase contention in the planning system and opportunity for legal challenge to decisions, thus delaying processes.
- The volume of objectives and strategies is a significant contributing factor to poor drafting. A shorter, higher-level set of TPP's has less potential for

inconsistent use of terminology or contradictory use of words as they will have clear and concise policy statements.

- The use of the term 'strategies' as compared to 'policies' has the potential to create confusion with the RLUs and is considered inappropriate for use in TPPs.
- The drafting of many strategies is better suited to planning scheme standards than establishing the aims or principles that bridge between the requirements of the Act and their implementation.
- The current drafting is likely to support the contention that assessment against the TPPs should adopt an approach similar to development assessment rather than a more appropriate broad assessment approach.
- The TPPs need to be significantly rewritten and structured in a manner that allows the policy documents to be easily amended, as opposed to needing to amend the entire suite each time a review or update is required⁴.

4

The draft TPPs establish a framework that is impossible to practically achieve.

- There is no prioritisation between the objectives and strategy statements or recognition that the most appropriate planning decisions may require balancing of considerations or trade-offs.
- The general application statements are confusing and establish processes requiring significant amounts of evidence by participants leading to costs and delays, while at the same time they deliver uncertain outcomes.
- The draft TPPs elevate local level considerations to the same priority as regional or state level considerations.
- The drafting of the strategies does not enable identification of those that can be addressed through other tools or are relevant to a specific assessment.
- Demonstrating compliance with all TPPs at an equal weighting as drafted will be a significant feat in any planning process and is likely to result in increased refusals by the Commission particularly in the LPS amendment and major project processes.

Concluding submission

PIA Tas submits that planning policy consistent with the requirements of section 12B of the Act could be expressed in a third of the length that has been presented: reducing risk of conflicting interpretation, confusion and the assessment burden through the relevant specific assessment processes.

⁴ A good example is the New South Wales State Environmental Planning Policies (SEPPs), which are issue-based and therefore easily manageable for review. Alternatively, the Queensland State Planning Policies use a similar structure to the proposed TPPs and are supported by a non-binding document Integrating-State-Interests-In-Planning-Schemes-Guidance QLD.

Clearer and more concise statements of policy expressed in plainer English will contribute to community literacy and understanding of planning policy and public participation in the planning process as encouraged by the objectives of the Act. It will also contribute to efficient assessment processes and more certain outcomes.

Given the long-standing absence of policy in the planning system, a gentler way to introduce overarching planning policy would be to focus on high priority matters rather than seeking to resolve every single matter. This would also support more efficient resourcing in the planning system and clearer identification of contemporary planning matters and prioritisation. It would also allow for continual improvement of the system.

PIA Tas advocates for significant redrafting of the TPPs, and specific suggestions for improvement are outlined in Attachment 1 to this submission. Attachment 2 to this submission provides an assessment against the criteria in the Act to assist the Commission in its considerations.

Other matters

It is also noted that with policy work and strategic planning work, the State Government needs to allocate ongoing resources and efforts to allow continual review and improvement of these TPPs. PIA Tas urges the Government to commit these resources.

PIA Tas requests that the Commission seek an extension to the 90-day timeframe under section 12F(2) of the Act for submission of its report to the Minister for Planning to enable a full and proper assessment of the exhibited draft TPPs.

Further, PIA requests that, during its assessment process, the Commission engage with PIA and planners in the consulting and local government sectors to fully investigate and evaluate the implementation and operation of the TPPs.

Finally, PIA requests that the Commission exercise its powers to hold public hearings into the representations on the TPPs under section 12F(1)(c) of the Act.

Thank you again for the opportunity to make a representation.

Yours sincerely



Michael Purves

President

Planning Institute of Australia, Tasmanian Division

Attachments:

Attachment 1 – Summary of specific opportunities for improvement

Attachment 2 - Review against Part 2A of the *Land Use Planning and Approvals Act 1993*

Attachment 1

Specific suggestions for improvement

In summary, the opportunities for improvement include:

1. Removal of all matters that are outside the scope of section 12B of the Act such as TPP 7.0.
2. Removal of all matters that cannot be delivered through the statutory implementation tools (RLUSs, SPPs, LPSs) or where the TPP replicates and potentially constrain, matters established under other powers (such as the State Policies).
3. Improving alignment with Schedule 1 of the Act.
4. Providing more specific guidance on how competing priorities are to be resolved, given the sheer volume of policies and strategies to be considered.
5. Reducing the number of policies, for example where matters are already addressed by State Policies.
6. Providing more detail on the planning outcome being addressed, including how to measure achievement of the stated policy objective.
7. Reviewing all draft TPPs to clearly articulate:
 - a. planning outcome being addressed, including how to measure achievement of the stated policy objective;
 - b. the intended planning instrument where they are to be operationalised;
 - c. identifying sources of the baseline data for all TPPs where the objective or strategy is 'to improve';
 - d. clarifying the ongoing process for maintaining current, complete and comprehensive data for the strategic planning process.
 - e. using more consistent terminology that can be acted on in the planning instruments, and where not defined provide the intended meaning. For example, what is intended by the term 'facilitate'.
 - f. further definitions to create clarity in interpretation and consistently apply terminology already defined in other instruments - there are many undefined terms that are likely to be debated when implementing the TPPs, such as infill development, consolidation, redevelopment, reuse, intensification, under-utilised land, legibility, connectivity, higher density residential; and

- g. the role of local aspiration and strategy in management of growth through the implementation tools and delivery of the defined term, sustainable development.
8. Articulating how the TPPs will integrate with the wider RMPS framework. For example, is this proposed as part of the Regional Planning Framework with the RLUSs being the primary planning instrument for identifying the spatial land requirements for land uses not directly within the Act's remit?
 9. Clear articulation of how dedicated Climate Change Policy will be implemented through RLUSs, SPPs and LPSs to provide a clear understanding of how the RLUSs, SPPs and LPSs will address climate change, or how use and development relevant to the policy will deliver sustainable development and reduce climate change impacts. **PIA Tas submits** the approach to climate change should be revised to either provide a specific Policy area or clearly articulate climate change considerations throughout TPPs including how these will be implemented in the relevant instruments (see further discussion in Attachment 2). This will facilitate a co-ordinated approach to embed adaptation and mitigation into every layer of strategic planning, policy and guidance, as outlined in the *PIA Climate Series: Role of planning in adapting to a changing climate* Discussion Paper March 2021.⁵
 10. Include that principle that First Nations peoples' knowledge of the land is valued, and that constructive integration and meaningful engagement should occur with First Nations people as part of Policy 6.1.

⁵ <https://www.planning.org.au/planningresourcesnew/climate-change>

Attachment 2

Review against Part 2A of the *Land Use Planning and Approvals Act 1993*

Part 2A of the Act deals with Tasmanian Planning Policies, with *Section 12B Contents and purposes of Tasmanian Planning Policies* being the focus of this assessment. The Act states:

12B. Contents and purposes of Tasmanian Planning Policies

(1) *The purposes of the **TPPs are to** set out the aims, or principles, that are to be achieved or applied by –*

(a) the Tasmanian Planning Scheme; and

(b) the regional land use strategies.

(2) *The TPPs **may** relate to the following:*

(a) the sustainable use, development, protection or conservation of land;

(b) environmental protection;

(c) liveability, health and wellbeing of the community;

(d) any other matter that may be included in a planning scheme or a regional land use strategy.

(3) *The TPPs **may** specify the manner in which the TPPs are to be implemented into the SPPs, LPSs and regional land use strategies.*

(4) *The TPPs **must** –*

(a) seek to further the objectives set out in [Schedule 1](#); and

(b) be consistent with any relevant State Policy.

Below is a review of the draft TPPs against each element of Section 12B of the Act. To contextualise our submission, it is necessary to firstly unpack key terms in this section of the Act. The focus is on terms that are critical to delivering the intent of the legislation but are not defined in *Section 3. Interpretation* of the Act, nor in the Glossary of the draft TPPs, but rather rely on their common meaning⁶.

Assessment against Section 12B (1) of the Act

Section 12B(1) requires the following:

The purposes of the TPPs are to set out the aims, or principles, that are to be achieved or applied by –

⁶ Macquarie Concise Dictionary (7th ed) 2017, University of Sydney, Sydney

- (a) the Tasmanian Planning Scheme; and*
- (b) the regional land use strategies.*

The key terms in this section of the Act are 'are to', 'aims' and 'principles' which are understood to mean:

- 'are to' - a non-negotiable directive, where 'are' as a verb is the present indicative plural of the verb 'be' and therefore indicates an imperative;
- 'aims' - something intended or desired or to be attained and represents the goals of the TPPs, namely 'that towards which effort is directed, aim or end'; and
- 'principles' - an accepted or fundamental rule for an adopted action or method.

From the interpretation of "are to" it follows that, the draft TPPs would not deliver on Section 12B (1) if the aims or principles are set out in a manner that cannot be achieved or applied. In this context, the next section provides a discussion on the aims and principles contained within the draft TPPs.

What are the TPP 'aims' as required by section 12B(1) of the Act?

Land use planning requires a systems thinking approach and, given land is the basic resource, it is intrinsically enmeshed in the broader RMPS. However, the TPPs are constrained to the legislative remit of the Act and will therefore be inherently limited in the land use planning aims that can be achieved via the TPPs.

Furthermore, while the systems context for each policy is provided in the 'Policy Context' and 'Climate Change Statement' elements of the draft TPPs, the 'Policy Context' is specifically excluded from the 'operative' part of the TPPs as outlined in the General Application section on page 3. It is noted that the 'Climate Change Statement' is not listed as either an operative part of the TPPs nor is it specifically excluded in the list of excluded matters on page 3, paragraph 2. Therefore, how is this information to be used? PIA Tas submits the approach to climate change should be revised to either provide a specific TPP or clearly articulate climate change considerations through the strategies in other TPPs. In addition, a Section 8A Guideline should be provided for implementation through the SPPs and LPSs.

Based on these two realities, the TPPs can only articulate aims that can be realised within the defined limited scope of the Act.

Furthermore, land use planning processes and outputs as per the Act do not in and of themselves use or develop the land. The physical activities are undertaken by other stakeholders in the development process so that the Act's role is to define the 'what', 'where', and 'how' stakeholders are to operate within the land use planning system and hold them accountable via the provisions in Part 4 of the Act. In that sense the outputs of the planning system, become the inputs to the next stages of the land use and development process. It is noted that Part 4 of the Act does not specifically reference the TPPs or regional land use strategies.

The legislative context therefore requires that the aims of each TPP must be written in a way that:

1. planning instruments only refer to matters within the prescribed limited scope (see also section 12B(2));
2. provide clarity for actors in operationalising the planning instruments in the physical land use and development processes; and
3. enable an assessment as to whether the aim has been achieved.

Item 1 is considered in more detail in the discussion on section 12B(2).

It is noted that 'aim' defined as 'objective' in the TPPs on page 3. PIA Tas submits that the term in the Act 'aim' should be used in preference to 'objective' for clarity.

How then are we to determine whether a TPP aim has been achieved, given 'the intent of the TPPs is to provide direction to guide planning outcomes' (page 3)? At some point it is necessary to assess whether the policy is having the desired effect in the physical world, rather than to just assess whether the planning instrument is compliant with legislative requirements?

The Australian Government⁷ outlines the core elements of great policy advice as clear on intent, well informed, practical to implement, and influential.

Although designed for the corporate world, the S.M.A.R.T criteria developed by Doran (1981) are considered equally applicable and a helpful framework for assessing whether the TPP 'aims' are achievable. The acronym S.M.A.R.T. stands for:

Specific – target a specific area for improvement,

Measurable – quantify or at least suggest an indicator of progress,

Assignable – specify who will do it,

Realistic – state what results can be realistically achieved, given available resources,

Time-related – specify when the result(s) can be achieved.⁸ (Doran, 1981 p36)

Even a cursory examination of the draft TPPs document leads the reader to conclude that the policies as written do not meet these criteria.

To demonstrate this more clearly, Table 1 below reviews the six settlement policies' objectives, in context of the S.M.A.R.T. framework.

All policy objectives target specific areas for improvement and suggest an indicator of progress, although there appears to be a degree of overlap between Policies 1.2 Liveability and 1.3 Social Infrastructure. To be measurable, quantitative information is required. For example, using the term 'improve' implies a known baseline against which improvements can be measured.

⁷ Introduction to delivering great policy <https://www.policyhub.gov.au/model>

⁸ Doran, G.T. (1981) "there's a S.M.A.R.T way to write management's goals and objectives", Management Review, 70 (11):35-36

Similarly, how is 'adequate' to be understood and measured? What are the units of measurement?

None of the policy objectives address the A.R.T elements and the above analysis highlights that many of the objectives are in fact beyond the remit of the planning instruments the TPPs can influence. As written, there is a great reliance on other operational stakeholders in the RMPS to provide input to the RLUSs if the TPP objectives are to be achieved, including physical and social infrastructure providers, as well as private developers. Therefore, it is recommended that the specific stakeholders, as implementers, are more clearly identified in each policy to better communicate the policy intention to all stakeholders in the development process. For example, as suggested in Policy 1.6 Design (in blue text), if the definition of urban spaces is restricted to the public realm, and the realistic criterion is used to indicate the planning instrument.

Table 1 Settlement policies assessed against the S.M.A.R.T framework

Settlement Policy	Specific	Measurable	Assignable	Realistic	Time-related
1.1 Growth	Allocate 15-year land supply...sustainable pattern of development	Existing and future needs	?	?	?
1.2 Liveability	Support the wellbeing of the community	Improve access to housing, education, employment, recreation, nature, health, and other services	?	?	?
1.3 Social Infrastructure	Promote the health, education, safety and wellbeing of the community	Provide adequate and accessible social infrastructure	?	?	?
1.4 Settlement Type	Plan for sustainable use and development of settlements	Settlements have a particular environmental characteristic of flavour	?	?	?
1.5 Housing	To provide for diverse housing stock	Sufficient supply to meet existing and future needs	?	?	?
1.6 Design	To positively contribute to the amenity, sense of place and enjoyment experienced by the community	Create functional, connected, and safe urban spaces.	<i>Public realm land owners and / or administrators?</i>	<i>Structure plans and LPS provisions?</i>	?

Alternatively, the objectives should be rewritten in a way that the policy seeks to only define the contents of RLUSs, and the nature of planning controls within the SPPS and LPSs as shown in

Table 2 below. Implications of taking this approach include:

- the need to modify wording of policy strategies. Staying with the Settlement policies example, *Strategy 1.1.3.5 Actively address impediments to infill development, particularly in the major urban centres*, should be modified to *'Allocate zoning and provide planning controls that facilitate infill development in major urban centres'*; and
- clearer signalling that the planning system is only one of the elements contributing to the physical world result, which is aligned with the 'Policy Context' statement.

Regarding timing, it is not clear whether the objectives are linked to the regular review requirements of Section 12I(2) of the Act or longer time horizons. Given RLUSs tend to have a twenty-year time horizon, there is an opportunity to be more specific in the planning controls that should be implemented within each 5-year review cycle.

PIA Tas recommends that each policy area is subjected to an assessment against the S.M.A.R.T. criteria to create greater clarity for all stakeholders in the planning system.

The draft TPPs would also benefit from including a clear higher-level problem statement that each policy is seeking to address, noting that some of this information is currently contained in the policy context statements that are not operational elements of the draft TPPs. However, distilling the context for Policy 1.0 Settlement could for example, result in a policy aim at higher level,

To shape the future form and function of settlements to avoid land use conflict, and provide planning controls and guidance, that enable people to locate where there is ready access to physical and social infrastructure.

And then some of the strategies could be redrafted as 'principles' that would guide the implementation of TPPs into the RLUSs, SPPs and LPSSs. For example:

- *Prioritise infill development, consolidation, redevelopment, and intensification of land within existing settlements, prior to allocating land for greenfield growth within defined urban growth boundaries.*
 - *Urban growth boundaries to be defined to provide a 15-year supply of land.*
 - *Environmental values are to be preserved and where appropriate integrated into blue and green infrastructure.*
 - *Settlement location to avoid Environmental hazards and identify options for changes to known environmental hazard risks.*
 - *All community members have a right to well designed and liveable neighbourhoods.*
 - *All community members have a right to convenient active and public transport.*
- Etc.

'Principles' as required by section 12B(1)

The strategies listed for each policy are understood to be the 'principles' by which the policy 'objectives' are to be achieved. To avoid confusion, **PIA Tas recommends** that the draft TPPs use terminology consistent with the Act and that they expressly include 'principles'.

Assessment against Section 12B (2)

The TPPs may relate to the following:

- (a) the sustainable use, development, protection or conservation of land;*
- (b) environmental protection;*
- (c) liveability, health and wellbeing of the community;*
- (d) any other matter that may be included in a planning scheme or a regional land use strategy.*

The use of the term 'may' indicates, that the TPPs can evolve over time to address changing and emerging land use planning matters. This approach is supported by PIA Tas and provides for future modifications to the draft TPPs currently on exhibition.

PIA Tas' understanding is that 12B(2)(d) 'any other matter' refers to section 11 of the Act for a planning scheme and section 5A for a RLUS.

Ostensibly then, the draft TPPs are considered to align with Section 12(B)2 noting the previous discussion that:

- some of the articulated planning outcomes appear to be beyond the remit of the planning system, such as the physical delivery of infrastructure, or housing; and
- the 34 policies and 254 strategies listed in the draft TPPs appear to largely reflect the existing RLUS, SPP and LPSs controls.

PIA Tas recommends that, in addition to the regular five-yearly review requirements of Section 12H and 12I of the Act, guidelines should be prepared that articulate the policy cycle process and implementation issues, to ensure integration with the proposed Regional Planning Framework and identify and capture the emerging issues for the next policy cycle, resulting in a more 'living' and responsive land use planning policy framework.

Assessment against Section 12B (3)

The TPPs may specify the manner in which the TPPs are to be implemented into the SPPs, LPSs and regional land use strategies.

The TPPs stated intent is 'to provide direction to guide planning outcomes', however as mentioned above, the planning outcomes are not clearly articulated and therefore the draft TPPs provide limited guidance on how they are to be implemented into the relevant instruments or how their success is to be measured as previously discussed above.

Furthermore, the general application guidelines on page 3 and criteria 1) to 7) on page 4 require that all policies be considered and that there is no order or hierarchy associated with the application of the TPPs.

The general application approach is considered problematic for the following reasons:

- (a) The sheer volume of matters to which regard must be had, a total of 34 policies with 254 strategies, is unwieldy and highlights that the TPPs rather than creating clear direction

for RLUSs and the TPS in their current drafting appear to create another layer of regulation without clear benefit.

It is recommended that the number of policies be reduced and redrafted to provide higher level guidance and principles that can be consistently applied in the relevant instruments.

Obvious candidates for removal include those Policies that largely duplicate existing State Policies but lack clarity in how they provide more specific guidance for implementation into the instruments, including:

- the State Coastal Policy 1996 (as amended 2003, and 2009) and Policy 2.5 Coasts,
- the State Policy on the Protection of Agricultural Land 2009 and Policy 4.1 Agriculture, and
- The State Policy on Water Quality Management 1997 and Policy 2.2 Waterways, Wetlands and Estuaries.

- (b) Competing objectives are to be resolved '*based on balanced consideration and judgement derived from evidence*'. However, no details are provided about the agreed source of 'evidence' or the 'entity' that is to make the judgement.

The suggestion to consider the matter with respect to the policy objective, or the spatial scale of its application will not necessarily provide greater clarity.

Potentially this creates an unnecessarily adversarial situation where stakeholders seeking to implement a planning instrument that is to align with the TPPs, expend considerable energy and resources, gathering the evidence to support their position, to then have that position and evidence contested through statutory exhibition process with the potential that the decision-making body, presumably the Commission, takes an alternate view. Such an approach does not promote sound decision making, provide for coordination of the approval process or promote the sharing of decision making across the community and levels of government.

Not all proponents or planning authorities have the resources to undertake the necessary due diligence required to provide the required evidence, potentially creating inequity and some stakeholders being effectively locked out of the process.

The spatial scale at which the instruments operate is quite different, with the RLUSs guiding the application of zones, codes and specific area plans to facilitate macro patterns of sustainable development, while the TPS (including SPPs and LPSSs) is focused on the site-specific planning controls. The application criteria for each policy do not provide a level of clarity, using either spatial or thematic criteria at macro scales but not at a site-specific level.

Therefore, in PIA Tasmania's opinion greater clarity is required to better link each policy to the relevant planning instrument. The ability to implement each policy would be vastly improved if each policy nominated how it is to be delivered.

For example, Biodiversity policy Strategy 2.1.3.1 *Identify biodiversity values, appropriately rank the significance of those values and map their location* is one of the strategies that is not particularly meaningful when operationalised at a site level.

Table 2 below shows an approach to implementation, noting that this is a suggested approach, not an endorsement of the current wording, and that much more work needs to identify the implementation mechanisms.

It is concluded that the current drafting of the TPPs' 'aims' and 'principles', means that they are unlikely to be achieved in the real world, due to a lack of measurability and lack of clarity about how policy will be implemented in the relevant instruments

PIA Tas recommends that:

- (a) all policies are assessed against the S.M.A.R.T. criteria and rewritten to provide details for each element of the acronym to enable an assessment of the real-world impact of the policy to achieve the intent of the TPPs.
- (b) the policies and associated strategies are rewritten to clearly limit the 'aims' to only refer to the relevant planning instrument content and nominating the specific instrument that the policy will be implemented in.
- (c) the time frame linkage between the policy 'aims' (objectives) and instruments are more clearly articulated.

Further, to avoid confusion it is recommended that the draft TPPs use terminology consistent with the Act so that 'objective' is relabelled as 'aim', and 'strategy' is relabelled as 'principle'. Where required the principles are to be reworded as principles.

Table 2 - Alternative presentation of policies to articulate the relevant planning instrument (or other mechanism) more clearly using Policy 2.1 Biodiversity as an example

Guide to policy implementation		
Regional Land Use Strategy	Tasmanian Planning Scheme (SPPs and LPSs)	Other e.g. addressed in a guideline
1. n/a	1. n/a	Guideline 1. Identify biodiversity values, appropriately rank the significance of those values and map their location.
2. n/a	2. n/a	Guideline 2. Unless there are significant social or economic benefits, avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.
3. n/a	3. n/a	Guideline 3. Prior to designating land for a particular purpose: a) consider the biodiversity values of that land and the potential impacts of the range of future use and development will have on those values; and b) determine if they are compatible and can be managed to avoid or minimise the impact on biodiversity values, especially high biodiversity values.
4. n/a	4. Provide for a level of restriction and regulation of use and development that will reflect its potential	4. n/a

Guide to policy implementation		
Regional Land Use Strategy	Tasmanian Planning Scheme (SPPs and LPSSs)	Other e.g. addressed in a guideline
	impact on, and be relative to, the biodiversity value.	
5. n/a	5. Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset.	5. n/a
6. Promote and maintain connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes.	6. n/a	6. n/a
7. n/a	7. n/a	7. Promote use and development of land that prevents or minimises the spread of environmental weeds and disease. Note: The way this is expressed will be hard to implement in a planning scheme or RLUS
8. Protect and enhance areas that provide biodiversity and ecological services that maximise opportunities for carbon storage.	8. n/a	8. n/a
9. Support early action against loss of biodiversity as a	9. n/a	9. n/a

Guide to policy implementation		
Regional Land Use Strategy	Tasmanian Planning Scheme (SPPs and LPSSs)	Other e.g. addressed in a guideline
result of climate change.		
10. Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development, thereby increasing the ability of species, ecological communities and ecosystems to adapt to climate changes.	10. Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development, thereby increasing the ability of species, ecological communities and ecosystems to adapt to climate changes.	10. n/a
11. Identify ecological communities that are most vulnerable to climate change and develop strategies that consider improving resilience, mitigating impacts, planning retreat and facilitating adaptation to support their long-term survival.	11. n/a	11. n/a
12. Identify and enable retreat pathways for endangered ecosystems in coastal zones.	12. n/a	12. n/a
13. n/a	13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives.	13. n/a

Some of the implementation concerns may be resolved through the Regional Planning Framework which is also under development. If that is the case, then as a minimum the draft TPPs should identify where further detail on their implementation will be found, see also discussion on 12B (3) below.

In conclusion, the draft TPPs provide generic guidelines but do not clearly specify the way they are to be implemented into the SPPs, LPSs and regional land use strategies.

PIA Tas strongly recommends the Commission reviews implementation of the draft TPPs into the statutory tools and provides specific guidelines for stakeholders.

Assessment against Section 12B (4) of the Act

The TPPs must –

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

Assessment against the Schedule 1 objectives

The Act defines sustainable development as follows:

sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

PIA Tas notes that the draft TPPs use alternative terms such as ‘sustainable growth’ and ‘sustainable economic development’. There is no such thing as sustainable growth in a closed system, at some stage we will run out of land, natural, and physical resources. Similarly, sustainable economic development does not exist under the Act because the economy is only one of the three elements comprising sustainable development as defined. The use of these terms throughout the draft TPPs is problematic and considered to be fundamentally counter to the Schedule 1 Objectives.

Table 3: Detailed assessment against the Schedule 1 objectives

Schedule 1 Objectives	
PART 1 – Objectives of the Resource Management and Planning System of Tasmania	
Provision	Draft TPPs commentary
The objectives of the resource management and planning system of Tasmania are –	

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	Not met , for example: Inconsistent strategies within Policy 1.1 Growth, including 1.1.3 strategies 2, 7 and 8; where strategy 8 allows for expansion beyond the urban growth boundary. Policy 2.1 Biodiversity within 2.1.3 strategies 2 and 5, allocate lower priority to natural values than social and economic benefits. These examples are counter to the sustainable development definition.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	Not met , for example: Inconsistent strategies within Policy 2.0 Environmental Values and Policy 4.0 Sustainable Economic Growth are not aligned with the sustainable development definition.
(c) to encourage public involvement in resource management and planning; and	Met The processes for drafting the TPPs have been through public consultation, including through the Commission statutory process.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	Not met As outlined above the contradictions and competing aims between Policies 2.0 Biodiversity, 3.0 Environmental Hazards and 4.0 Sustainable Economic Development do not further this objective.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	Not met The draft TPPs 'aims' are not clearly expressed in achievable or measurable terms. Therefore, it is not clear how the different spheres of Government, the community and industry in the State will interact. More work is required to clarify the implementation mechanisms
PART 2 – Objectives of the Planning Process Established by this Act	
The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –	
(a) to require sound strategic planning and co-ordinated action by State and local government; and	Not met. The draft TPPs lack clarity on how the policies are to be implemented including what role stakeholders play and how this will be coordinated in a sound manner.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and	Partially met The TPPs are planning instruments that seek to establish the required elements. However, as noted more work is required to clarify implementation mechanisms and measures of success.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and	Partially met The TPPs have regard to these matters. However, as noted they could be strengthened by including a standalone Climate Change Policy.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and	Not met. The draft TPPs present contradictions and conflicting priorities within and between Policies. They are difficult to integrate given broad application principles, lack of 'defined sources of evidence' and apparent duplication of State Policy content.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and	Not met. The TPPs are constrained to matters of the Act and cannot directly address the land use implications of the wider RMPS, including Aboriginal Heritage. Apart from requiring land to be allocated for use, the process by which this is to occur is not well articulated. It is not clear how the TPPs interact with the proposed Regional Planning Framework and whether this would provide the necessary detail.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	Met Several policies including 1.2 Liveability, 1.6 Design, seek to further this objective.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	Met Several policies including 2.0 Environmental Values, 2.4 Landscape Values, and 6.0 Cultural Heritage seek to further this objective.
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	Met Several policies including 3.0 Environmental Hazards, 5.0 Physical Infrastructure seek to further this objective.
(i) to provide a planning framework which fully considers land capability.	Met Several policies including 1.0 Settlement, 2.0 Biodiversity and 3.0 environmental Hazards seek to further this objective.

Although several of the Schedule 1 objectives are considered to be met or partially met, as detailed above, given the general application principle states that all policies must be considered, then **PIA Tas concludes** that the draft TPPs **do not** further the Schedule 1 objectives.

Assessment against the State Policies

As previously mentioned, draft TPPs that duplicate a State Policy, should be removed from the suite of TPPs.

The State Policies provide direction on their purpose, objectives and principles, and name the planning instruments to which they apply. State Policies enable an assessment as to whether a planning scheme or a RLUS is consistent with the State Policy and the existing RLUSs and planning schemes have already demonstrated alignment with State Policies. For example, the State Policy on the Protection of Agriculture Land 2009, includes a clear purpose statement, objectives that can be measured, and Principles that are to be implemented via planning schemes and other relevant planning instruments making direct reference to planning schemes in Principles 9, 10 and 11.

A review of Policy 4.1 Agriculture, has identified that many of the strategies are basically rewording of the State Policy and provide limited additional information, as shown in Table 3 below.

Table 4 Comparison of State Policy Content with draft TPPs relating to Agriculture

Principle in State Policy	Strategy in TPP
1. Use or development of prime agricultural land should not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as growth medium.	2. Protect land that is identified as being within the higher classes of agricultural capability by designating it specifically for agricultural use and development or for purposes that prevent the permanent loss of conversion of the land's agricultural potential.

While this could be construed as an argument to claim that the TPPs are aligned with the State Policy, PIA Tas' view is this as duplication that introduces potential confusion by using inconsistent terminology and expression. For example, what is the difference between 'prime agriculture' and 'land that is identified as being within the higher classes of agricultural capability'?

Prime agricultural land is a defined term in the State Policy as follows:

"Prime agricultural land" means agricultural land classified as Class 1, 2 or 3 land based on the class definitions and methodology from the Land Capability Handbook, Second Edition, C J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.

The TPP does not add value or create greater clarity. It is only where new TPP strategies fall within the scope of State Policy matters that their consistency with the State Policy should be addressed.

Of the 12 strategies in Policy 4.1 Agriculture those considered additional to the State Policy content are listed in Table 4 below.

Table 5 New Agricultural Strategies relevant to the State Policy on the Protection of Agricultural land.

TPP Strategy	Comments
1. Identify agricultural land, and potential agricultural land, and apply contemporary land capability classification mapping systems, that include access to irrigation water as a criteria of land capability, that identifies and maps the capability of land to sustain long term agricultural uses as a criterion, including under forecast climate change scenarios.	<p>This strategy details the data that is to be collected and mapped to guide the application of zones in planning schemes. However, this will result in a classification system of agricultural land that is potentially at odds with the State Policy, raising the questions:</p> <ul style="list-style-type: none"> • Should the TPPs rely on different source data to the State Policy? • Would it be more appropriate to update the definition of Prime Agriculture in the State Policy to reflect the identified need?
6. Encourage the protection of viable agricultural uses by preventing the fragmentation of agricultural land.	How and who determines what makes for a 'viable agricultural use'? Surely many matters beyond the planning system play a role.
10. Support the retention of small farms close to urban areas and acknowledge the contribution, or potential contribution, that they make in supplying local producer to farm gate market, agrifood economy and tourism.	<p>What is meant by 'agrifood economy and tourism'? Is this something different to Agritourism as defined in the TPP glossary? If not, then again for consistency and ease of understanding the term agritourism should be used on the TPP strategy.</p> <p>This strategy is also of interest as it has direct implications for Policy 1.1 Growth, Strategies 2 and 8. However, the alignment between them is not as clear as it could be, given the Growth policy strategies are only concerned with 'agricultural land, with more productive classes of agricultural capabilities' (2d iv) or 'having regard to...agricultural capabilities' (8b).</p> <p>Perhaps to remove any doubt, rather than rewrite the agriculture aspects - the Growth strategies should just state - in accordance with TPP 4.1?</p>

Similar duplication and lack of clarity and direct linkage arise from a comparison of the Environmental Values TPPs and the State Policy on Water Quality and Management. The latter is

a detailed document and incorporates many requirements to protect environmental values and preserve water quality.

It is not clear how the draft TPPs provide any greater clarity on how they implement the State Policy requirements into the RLUSs or planning schemes.

While not specifically reviewed in the same level of detail, it is anticipated that similar issues arise between the remaining State Policies and the draft TPPs. Therefore, **PIA Tas concludes** that the draft TPPs do not comply with s12B(4).