

26 June 2023

ATTN: State Planning Office Forwarded to the Tasmanian Planning Commission

Sent to: yoursay.planning@dpac.tas.gov.au; tpc@planning.tas.gov.au

Dear Sir/madam

Huon Valley Zoning Association submission

TASMANIAN PLANNING POLICIES REVIEW

Thank you for the opportunity to comment on the draft Tasmanian Planning Policies (draft TPPs) publicly exhibited between 28 March 2023 and 26 June 2023. The Huon Valley Zoning Association has reviewed the exhibited document and provides the following response to the proposed TPPs. Our submission commends the enormous amount of work that has gone into the preparation of the TPPs and the background papers which we have also considered when reviewing the draft document.

We apologise that our software did not support the usual tracking function to allow us to comprehensively make suggestions about the whole document, as it is in pdf format. Consequently, we have concentrated on the first part of the document providing examples of where some changes could be made.

As a general comment, whereas the background documents were clear and succinct, this document has perhaps tried to overexplain information and in doing so seems to have lost clarity and direction. The grammatical and syntax errors cause confusion and contradiction in some parts of the document. None the less it is a substantial piece of work.

We note the notion of, 'housing as a human right', was present in the background documents not the actual TPPs. We believe that this is an important value to include in the document, particularly where the issues of natural justice prevail, which has been of particular note in the recent implementation of the new planning scheme.

Social, economic and environmental benefits are mentioned at several points and are integral in the evaluations to be made under the TPPs – but should these benefits (or risks) be considered as “significant”, “considerable”, or “overriding”?

It is noted that the background documents and the document concerning whether the TPPs meet the TPP criteria under the *Land Use Planning and Approvals Act 1993* contained the objectives of the said Act and the definition of sustainable development. As the audience for the TPPs is persons concerned with planning and all Tasmanians it is our contention that the omission of the Part 1- Objectives of the Resource Management and Planning System of Tasmanian and – the definition of sustainable development clause 1 (a) is a major flaw. We cannot find a plausible reason to omit this information as it cannot be considered assumed knowledge of all Tasmanians. Hence it is our contention that the omission is unfair and that this information as outlined below should be included somewhere in the policy document or in the glossary or an appendix.

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

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

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

(c) to encourage public involvement in resource management and planning; and

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

(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.

2. In clause 1 (a), **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.

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 –

Similarly, it is our view, perhaps because the above information was missing from the TPPs document, that each policy does not address all aspects of the Act in terms of the objectives and aims, thus does not provide adequate guidance for the development of either the TPPs or the RLUS.

General Application Section

The General Application section is unwieldy and contains superfluous information, vocabulary and syntax errors which makes comprehension of this section difficult. These are common errors throughout the document which presumably can be remedied by a rigorous edit of the document.

We provide an alternative presentation of the general application section for your consideration.

The Foreword, Table of Contents, headings, footnote and the Policy Context section of each TPP provide background or advisory information and have been included to assist users' understanding of the TPPs. They are a guide only and should be read in conjunction with the Act.

The operative parts of the TPPs ~~express~~ (describe or articulate) the planning policy and the manner in which the planning policy is intended to be applied.

Policy Application - *provides any requirements regarding the application of specific policies, should perhaps read:*

Policy Application – *outlines the parameters regarding the application of specific policies.*

Directions as to the manner of application to all planning instruments

The intent of the TPPs is to provide direction to guide planning outcomes. ~~however, those outcomes will not always be expressed in the same manner.~~ When applying the range of relevant strategies to a particular matter, the planning outcome will be influenced by how those strategies interact, which may result in different planning responses. ~~being expressed.~~ Judgement must be exercised when interpreting and applying the TPPs so that a range of alternate approaches and outcomes can be considered ~~where it can be demonstrated that the intent of the strategy, and the objective it seeks to achieve, can be met.~~

1.0 Settlements

HVZA are troubled by the policy direction on 1.0 Settlement, which emphasises an aggregated approach to the way people live, and glosses over the management of housing and residential use in more dispersed ways amid a rural, agricultural or natural landscape.

There are various reasons for residential use outside settlements, and the TPP focus on settlements misses key points about efficient provision of services to grouped or individual residences, either inside or beyond a settlement area.

Ex-settlement or unserviced living could be addressed either by additional points under each part of section 1 (perhaps retitled as 'living' or similar), or an additional policy area addressing the responsibilities of such residential arrangements. This could also address issues around tiny homes and off-grid lifestyles, and recognise the valid diversity of lifestyles people choose.

Sentence 2: *"The quality of our settlements contributes to our quality of life."* We would argue that it is the characteristics of our settlements that contribute to our quality of life. The term *"quality of life"* is subjective hence the factors that provide people with a sense of satisfaction with their lifestyle are diverse.

1.0.2 Climate Change Statement

Some rewording:

In practice this means some of our settlements may experience increased likelihood of:

- *localised flooding;*
- *inundation in coastal areas;*
- *land slips and sink holes;*
- *storm damage to property and infrastructure;*
- *bushfires;*
- *social and economic disruption from extreme events;*
- *hot days and greater runs of hot days; and*
- *urban heat island effect in highly built-up areas*

1.1 Growth

The growth section comprehensively deals with urban settlements. However, it fails to properly address any situation outside of an urban setting. Any part of this section that deals with rural /

agricultural setting is overly prescriptive and superficial. The merging of two vastly different situations and contexts urban vs rural is complex, confusing and will not assist good, clear, accountable decision making.

1.2 Liveability

Again, we see the same failings in regard to the liveability section. The rural sector must be properly addressed within this policy document. It is unfair to exclude the rural population from the TPPs except in the most restrictive fashion.

2.1 Biodiversity

The many strategies listed could be more clearly and concisely expressed to improve an understanding of their intentions. However, some particular comments:

1. “map their location” is part of the activity of biodiversity value identification, and “appropriately rank” is provided for by the state’s Threatened Species Advisory Committee; integrated and cooperative processes will improve planning system effectiveness. Perhaps noting the value of early consideration of this point in the land use planning process, could capture the information separately contained in points 3a and 3b.
2. This statement could be reworded to clarify that designating land use purposes that require substantial native vegetation clearance in areas of high biodiversity value, should be avoided unless there are significant social or economic benefits, and management of social or economic impacts to stakeholders.
4. This point seems to duplicate concepts currently regulated under other state/federal systems eg. TSPA, EPBC. Duplication of systems would reduce accessibility of good planning systems.
5. Should this point apply to ‘all’ biodiversity values as is currently worded, or to ‘high’ valued biodiversity (e.g. Point 2), or as a proportionate response? Applying a “will be” requirement to all biodiversity values would be seen as inhibitive by many stakeholders. Suggest consideration of proportionate responses as used in other systems e.g. Forest practices.
6. Isolated and fragmented vegetation communities may benefit from restoration of habitat connectivity, but additional content is likely needed here to encourage strategic decision making which considers benefits, impacts and stakeholders around projects to promote or improve habitat connectivity, and prevent damaging future fragmentation.
8. 9, 10 are all similar and could be combined (9 also relates to 11)
12. Could be incorporated into 11.

3.0 Acid sulphate or dispersive soils

Acid sulphate or dispersive soils should be addressed in the TPPs as a risk that needs to be managed.

Summary

It is clear that a lot of effort has gone into developing this policy and we recognise the complexity of the task – but also the importance of clear, accessible policy guidelines.

Notwithstanding, it is apparent that the TPPs are urbancentric and have failed to address the complexity of rural context. In essence this means that those persons living, working, within rural areas are disenfranchised.

Regards,

Belinda Yaxley
President
Huon Valley Zoning Association