

26 June 2023

Mr. John Ramsay
The Executive Commissioner
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Mr Ramsay,

Submission re: Draft Tasmanian Planning Policies

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

Whilst supportive of the TPPs we recognise a critical aspect of the planning reform will be the implementation of the policies through the regional land use strategies and the Tasmanian Planning Scheme. The TPPs are a good step in the right direction, and we are looking forward to continuing to work with the State Planning Office and others to improve the planning system.

In relation to the current draft suite of policies, we are pleased that the State Planning Office has taken on board some of our comments in our submissions of 27 October 2021 and 1 November 2022 (attached). This submission will reiterate some of the matters previously raised but will mainly focus on the matters we believe require further refinement. Our comments are provided in 2 parts, namely:

Part 1 – General comments in relation to the drafting and omissions.

Part 2 – Detailed comments on the policies.

PART 1 – General Comments on the policies

Implementation plans and performance indicators

It is noted that the implementation plans, and performance indicators have yet to be identified in each of the policy areas of the TPPs. Even though the reason for not providing the implementation strategies as part of the policies is explained in the background document, we still feel that if developed alongside the policies, the implementation strategies (even if pitched at a high level) would ensure that the objectives/outcomes of the policies are achievable and measurable over time and will also assist in future iterations of the policies where necessary.

Climate Change Statements across all the TPPs

The draft Tasmanian Planning Policies strongly emphasise addressing climate change by including climate change statements in each of the seven TPPs. However, there are significant gaps in the integration of Tasmania's key climate change legislation within the planning framework. For example, it is surprising that the *Climate Change (State Action) Act 2008* (as amended), which serves as Tasmania's legislative framework for action on climate change, is

excluded from Schedule 1 of the *Land Use Planning and Approvals Act (LUPAA) 1993*, which also could have informed the exclusion of the same Act in the “Foreword” section of the TPPs or under each climate change statement. This omission raises concerns about the effectiveness and implementation of the TPPs in driving climate change mitigation and adaptation strategies.

It is recommended that the Foreword of the policies includes a background statement that captures the essence of the State *Climate Change (State Action) Act 2008* (as amended) and the State Climate Change Action Plan 2023 - 25. This background statement should acknowledge the significance of these instruments in driving climate change action within Tasmania and highlight their relevance to the planning framework. By providing this context, stakeholders and practitioners involved in land use planning can better understand the importance of integrating climate change considerations into their decision-making processes.

PART 2 – Detailed comments on the policies

1.1 Growth

Council is generally supportive of the growth strategies, and we are appreciative of the work that is already underway in relation of the southern settlement strategies.

1.1.3.3 We agree with the matters that must be considered when establishing settlement hierarchies, however, it appears to be based on existing characteristics as opposed to future potential in light of growth demands and economic drivers. It would be appropriate to identify smaller settlements that have the potential to become larger activity centres over time and then to plan accordingly, having regard to all the matters listed or improved in this section.

1.1.3.7 Recognition must be provided that the role and the function of the Urban Growth Boundary may be different for more urbanised centres and smaller settlements in rural areas. For example, in major centres the focus will be to optimise the use of existing infrastructure and services, however in rural areas it is likely that the Urban Growth Boundary will have stronger focus protecting valuable agricultural land etc. The Urban Growth Boundary could also be used in areas where development of land is at risk of significant natural hazards or that has high environmental or landscape value or are, or could have the potential to be used for, viable agricultural or extractive industry uses.

1.2 Liveability

The objective is to improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, recreation, nature, health and other services that support the wellbeing of the community. Please revise wording in the objective to refer to ‘sustainable’ pattern of development.

1.2.3.6 Whilst there are other strategies that broadly capture the connectivity with the settlements, place-making etc, none of the strategies clearly support this objective to provide for access to housing in relation to liveability. Access to suitable housing is a fundamental aspect of liveability. Affordable and quality housing options should be available to individuals, allowing them to meet their basic needs and feel secure. Housing should be located in areas that offer proximity to essential services, amenities, and employment opportunities. To enhance liveability, it is essential to have appropriate housing, infrastructure, and services in suitable areas that cater to people's requirements and allow them to remain in their neighbourhoods as they progress through life. Planning for people acknowledges that liveability contributes not only to productivity and sustainability but also significantly impacts individual well-being and community cohesion. Housing has been identified as a separate policy area of its own, but it is also important that this element be integrated under liveability strategies as it is one of the key factors that impact on the health and wellbeing of the people and the

community,. This is particularly important given the current housing crisis situation and its impact on peoples' health and wellbeing when forced to choose accommodations which are not fit or safe for living. Suggested alternative wording:

Provide access to affordable and diverse housing options integrated via a transport network that allows people to move safely and efficiently between and within settlements. This includes utilising different transport modes including public transport, cycling and walking to reduce car dependency and enhancing access to a range of other services including but not limited to employment, education, local shops, community services, recreation, public open space, health and culture.

- 1.2.3.1 Community participation is valuable in making well-informed decisions and creating spaces that are embraced and cherished by the local community. Fostering active, inclusive, and transparent engagement enhances the overall effectiveness of the decision-making process and promotes the development of spaces that truly meet the needs and desires of the people they serve. To achieve a successful engagement process, it is crucial to involve stakeholders in a manner that respects their preferences and considers factors such as timeliness, accessibility, language, privilege dynamics, and shared decision-making. Suggested alternative wording:

Facilitate place-making by promoting an inclusive decision-making process through the active engagement of diverse community stakeholders, recognising the contribution it makes to the local economy, environmental amenity, and social wellbeing of the community.

1.3 Social Infrastructure

The objective must highlight the importance of ensuring that social infrastructure is accessible, accommodating, and welcoming to diverse groups of people, regardless of their backgrounds or characteristics. It must consider and address the diverse needs, perspectives, and experiences of individuals and communities when planning and implementing social infrastructure projects. Suggested wording:

To support the provision of adequate, accessible, and inclusive social infrastructure to promote the health, education, safety, and wellbeing of the community, while emphasizing inclusiveness.

In addition to the above, please consider including the following additional strategy:

Incorporate inclusive design principles and engage diverse groups in decision-making processes to promote social equity.

The proposed strategy recognises the significance of inclusive design principles and involving diverse groups in decision-making processes. By incorporating inclusive design principles, social infrastructure projects can improve accessibility, usability, and equal participation for people of all backgrounds and abilities. Engaging diverse groups in decision-making processes promotes social equity by considering a range of perspectives and ensuring that the needs of all community members are represented and addressed.

1.6 Design

The land use planning policy principles articulated in the draft Tasmanian Planning Policies address important aspects of environmentally sustainable design (ESD). However, recognising the significance of promoting sustainability and resilience in our communities, there is a need to further strengthen and enhance the policy to ensure comprehensive support for environmentally sustainable design practices. Emphasising environmentally sustainable design is essential to mitigate climate change, minimise resource consumption, and protect natural ecosystems. The following recommendations are provided to complement the existing strategies and provide

specific guidance for integrating sustainable design principles into urban planning and building design:

- 1.6.3.2 Integrating environmental values into public places improves ecological resilience, enhances biodiversity, and promotes community well-being. Green spaces provide opportunities for recreation, improve air quality, and mitigate the urban heat island effect. Please reword the strategy as follows:

Provide public places that connect with and respond to their natural and built environments, enhancing, and integrating environmental values that contribute to a sense of place and cultural identity. This involves designing public spaces that incorporate green spaces, biodiversity conservation measures, and sustainable stormwater management systems.

- 1.6.3.3 Promoting equal access, safety, and social interaction in public places fosters community cohesion, inclusivity, and well-being. By considering the needs of all community members, we create spaces that are welcoming and usable for everyone. Please reword the strategy as follows:

Encourage public places that promote equal access and opportunity, cater to the various needs and abilities of the community, and foster safety, social interaction, and cultural activities. This includes providing inclusive amenities, accessible pathways, and facilities that enhance community well-being and promote social cohesion.

- 1.6.3.4 Respecting the unique characteristics of neighbourhoods and preserving natural and cultural heritage contributes to the sustainability and resilience of the community. It promotes a sense of place, maintains biodiversity, and preserves historical and cultural values. Please reword the strategy as follows:

Respect the characteristics and identities of neighbourhoods, suburbs, and precincts that have unique characteristics by supporting development that considers the existing and desired future character of the place. This includes preserving heritage buildings, protecting natural features, and promoting sustainable development practices.

- 1.6.3.5 By integrating sustainable design principles into urban spaces, we can create more resilient and environmentally friendly communities. This can lead to reduced energy consumption, improved air quality, and enhanced adaptation to climate change impacts. Please reword this strategy to read as follows:

Encourage the use of urban design principles that create, or enhance, community identity, sense of place, liveability, social interaction, and climate change resilience. This can be achieved by integrating features such as green infrastructure, active transport options, and climate-responsive design strategies among other strategies.

- 1.6.3.6 The urban form of Tasmanian cities and towns varies from region to region. It depends on zones, topography, neighbourhood amenities, access to services and safety. The existing urban form within Kingborough includes some larger urban blocks within and outside the town centres. Relating this strategy to newer subdivision designs, permeability between and through larger urban blocks facilitates active transport modes allowing for the choice of walking, cycling, public transport, or shared transport facilities. Also, well-connected street networks and sustainable transportation options reduce reliance on cars, promote active transportation, and minimise greenhouse gas emissions. They also enhance accessibility, reduce traffic congestion, and support healthier and more vibrant communities. Please reword the strategy as follows:

Promote subdivision design that considers the existing urban form and future surrounding pattern of development, and provide for permeable block connections integrating street networks, pedestrian and bicycle paths, and the efficient provision of services. This ensures efficient land use, promotes walkability and connectivity, and supports sustainable transportation options.

1.6.3.8 Buildings that are well-designed and energy-efficient contribute to the overall sustainability and liveability of urban areas. They enhance occupant comfort, reduce energy consumption, promote resource conservation, and positively impact the visual aesthetics and functionality of the surrounding environment. Please provide the following additional matters for consideration:

- Responsiveness to topography, site constraints and environmental values and hazards,
- Provision of convenient, efficient, and safe road network, and
- Consideration of factors such as solar access, private open spaces, green building materials, and energy-efficient technologies.

2.0 Environmental Values

This policy acknowledges and validates the relevance and role of land use planning in identifying, prioritising, and protecting environmental values, which is supported. However, the statement that a *'significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system'* is misleading. The planning system applies to most tenures (excluding State Forest) and activities (excluding forestry operations within a Private Timber Reserve, mineral exploration under the *Mineral Resources Development Act 1995*, fishing and marine farming in State waters). The planning system, and any Environmental Values TPP, is of direct relevance even where protection mechanisms outside the planning system are in operation. Developments within protected areas are still subject to the planning system and land use planning has a role to play in ensuring development within these areas is undertaken in an appropriate and sensitive manner. To clarify this, this statement could be amended to read: *While a significant proportion of Tasmania's environmental values are protected within the reserve system, land use planning can play a strategic role in identifying and prioritising other environmental values and apply measures to protect them.*

The intention and principles for the Environmental Values TPP are supported, with the principles broadly reflecting the mitigation hierarchy. However, the principles do not explicitly include the need for mitigation, which is a fundamental component of the mitigation hierarchy following minimisation and before offsetting. Mitigation should therefore be explicitly included in the principles for this TPP. Applying the precautionary principle and adopting an adaptive management framework for decision-making are also important to acknowledge in the Environmental Values TPP and are critical to achieving the climate change statement.

It is noted that many of the strategies with the Environmental Values TPP need to be implemented at multiple stages in the land use planning process. While the planning scheme is the key instrument for furthering these policies at the development application stage, additional mechanisms are required at the strategic stage to achieve this, beyond zoning and code application. For example, where a strategic decision involves rezoning land containing biodiversity values to a zone which is exempt from the Natural Assets Code, there is no ability to achieve or secure a conservation outcome proportionate to the loss arising from the rezoning.

2.1 Biodiversity

2.1.2 The objective should acknowledge the protection and conservation of Tasmania's biodiversity at the state, bioregional and local scale.

- 2.1.3 These strategies are supported and identify many of the key high-level policies for protecting and conserving biodiversity. However, these strategies need be iterative and responsive to the most current information and best practice, noting that the significance and extent of biodiversity changes over time and it is not feasible or realistic to map all values at a scale suitable for making land use decisions.

In addition to identifying biodiversity values and ranking their significance, thresholds and limits on impacts and loss also need to be established. Rather than focussing on mapping these values, given limitations in accuracy of any mapping at a given point in time, criteria for identifying areas and values on the ground important for biodiversity conservation are required.

Another important strategy is the *development of a consistent approach across regulators to operationalise biodiversity conservation objectives and outcomes, including clear identification the roles and responsibilities of the different regulators and consistency in criteria for identifying and ranking biodiversity values.*

Achieving the objective for this TPP also requires a framework for monitoring and reporting on the loss and conservation of biodiversity values through land use planning.

2.2 Waterways, Wetlands and Estuaries

- 2.2.3 2b) needs to be qualified to relate to *flood mitigation measures which are necessary to protect existing communities, as distinct from a proposed development located adjacent to a waterway.*

4a) needs to be amended to require *that clearance of native vegetation in and around waterways, wetlands and estuaries should be avoided in the first instance.*

4) should also be expanded to require *use and development located on land in, or around, waterways, wetlands and estuaries to maintain or enhance the landscape function and ecological function of the buffers to these areas.*

3.0 Environmental Hazards

The strategies for avoiding designation of land where there are significant risks from hazards is supported. However, the threshold for when hazards pose a significant risk needs to be set at a higher level at the strategic stage than simply compliance with the planning scheme in effect. For example, bushfire risk at the strategic level, and consideration of whether land is suitable for rezoning to a higher density, needs to consider more than whether future development can comply with the Code. The overall bushfire risk of the surrounding landscape under a changing climate, ability for emergency services to respond and extent of landscape modification and impact on environmental values necessary to make the level of risk acceptable, all need to be considered.

- 3.1.2 The objective for bushfire needs to acknowledge the importance of balancing the protection of human life and resilience with maintaining landscape and biodiversity values. This reflects and ensures consistency with the strategies e.g., 8a).
- 3.3.3 The 1% AEP as the minimum level for flood mapping is not adequate. Whilst the strategy does provide for 'an alternative as determined by the State Government in response to climate change', this could be firmed up in this policy. Kingborough Council uses 1% AEP plus 5% storm surge plus climate change' to assess flood risk and as such the statement could be broadened to refer to the preparation of mapping of land

that is subject to flooding based on the latest and most appropriate flood modelling available, including modelling for climate change impacts.

4.0 Sustainable Economic Development

The policy context presented seems to cover a comprehensive range of factors relevant to sustainable economic development in Tasmania. While the policy context acknowledges the need to protect resources and values for sustainable economic development, it could be strengthened by explicitly recognising the potential conflicts that may arise between economic activities and environmental conservation. Consider including a statement that highlights the importance of balancing economic growth with the preservation of Tasmania's unique ecological diversity and landscapes.

4.3 Extractive Industry

- 4.3.3 Enhancing regulations and monitoring mechanisms will ensure that extraction activities are carried out responsibly, minimising ecological damage and safeguarding cultural heritage. This approach aligns with sustainable development principles and promotes the long-term viability of the extractive industry. Suggested addition:

Strengthen regulations and monitoring systems to ensure responsible extraction practices, including measures to mitigate environmental impacts, promote land rehabilitation, and protect indigenous cultural heritage.

4.4 Tourism

- 4.4.3 A tourism strategy will provide a strategic framework for sustainable tourism development. By integrating key tourism sites, addressing infrastructure needs, and considering environmental impacts, the plan will ensure the long-term success of the tourism industry while preserving Tasmania's unique natural and cultural assets. Suggested addition:

Develop a comprehensive tourism strategy that integrates the identified key tourism sites, outlines infrastructure requirements, and includes measures to minimize the environmental footprint of tourism activities.

4.6 Industry

- 4.6.3 Regular regional assessments of industrial land supply and demand will enable proactive planning and ensure a sufficient and appropriate allocation of land for industrial activities. This approach will support economic growth, accommodate evolving industries, and prevent land shortages or mismatches. Suggested addition:

Conduct regular regional assessments of industrial land supply and demand to ensure an adequate and up-to-date supply of suitable land for industrial use, considering factors such as changing economic needs, technological advancements, and infrastructure requirements.

5.0 Physical Infrastructure

- 5.4.3 The proposed change aims to improve the original section in 5.4.3 Strategies by expanding its scope to include the provision of infrastructure for accessing recreational spaces, in addition to employment and essential services. The rationale behind this change is to emphasize that promoting active transport is not solely about facilitating daily routines but also about encouraging a lifestyle change.

By incorporating infrastructure that connects to recreational areas, we create an incentive for individuals to choose active transport during leisure time. This encourages

increased utilisation of active transport overall. Making active transport accessible and appealing during leisure activities fosters a habit and behavioural change that extends to utilising active transport for accessing employment and essential services.

Considering the principles of behavioural psychology alongside Planning Policies, the addition of infrastructure for recreational areas reduces resistance to transportation change in everyday life. It recognises that people are more likely to adopt active transport when it is integrated into their lifestyle and offers benefits beyond the practicalities of commuting or running errands.

Furthermore, this change aligns with climate change objectives. Increased adoption of active transport not only promotes healthier and more sustainable modes of transportation but also helps reduce emissions associated with car usage. By recognising the value of providing infrastructure for accessing recreational spaces, we support a comprehensive approach that promotes active transport, enhances community participation in different modes of transportation, and contributes to environmental sustainability. Suggested wording:

Support integrated land use and infrastructure and network planning that increases mode choice to access employment, essential services, and recreational spaces and encourages community participation in different modes of transport.

7.0 Planning Processes

- 7.1.3 By incorporating digital platforms, the planning system can increase accessibility and inclusivity, allowing a wider range of community members to participate. This approach provides opportunities for those who may face physical or geographical barriers to engage meaningfully in the planning process. Suggested wording:

Facilitate the community's understanding of the planning system, land use planning issues, and how they might be impacted, to encourage meaningful public engagement in land use planning, including through the utilisation of digital platforms and technology.

7.2 Strategic Planning

- 7.2.2 This objective is too long. It could read:

To provide for the long-term sustainable use and development of land while balancing competing social, economic, environmental, and inter-generational interests.

- 7.2.3.1 Given the significant impacts of climate change, addressing this issue explicitly within strategic planning aligns the policy with global sustainability goals and ensures long-term sustainable development. Suggested wording:

Support the application of the precautionary principle where the implications of planning decisions on the environment, now and into the future, are not fully known or understood, including by integrating explicit climate change mitigation and adaptation strategies into strategic planning.

- 7.2.3.2 Involving Indigenous communities in decision-making processes and acknowledging their traditional land management practices can lead to more sustainable and culturally sensitive outcomes, promoting a holistic and respectful approach to land use planning. Suggested wording:

Promote the identification, establishment, and implementation of long-term land use planning priorities that are environmentally sound, to strengthen inter-generational

equity, allowing future generations to have access to the resources they need, including by fostering stronger integration of Indigenous perspectives and cultural considerations in strategic planning processes.

7.3.3.2 Enhancing coordination between planning regulations and other regulatory regimes, such as climate change or environmental protection or heritage preservation, is important because it:

- avoids duplication and inconsistency
- enables comprehensive and integrated decision-making
- improves efficiency and effectiveness, and
- optimizes resource allocation.

By aligning and coordinating these regulations, the planning system can streamline processes, ensure consistency, and achieve sustainable development while safeguarding environmental and cultural values. Suggested wording:

Reduce planning regulation to the amount necessary to reflect, manage, and be proportionate to the level of impact that might be caused by the use and development, including enhancing coordination between planning regulations and other regulatory regimes, such as climate change, environmental protection, or heritage preservation.

If you wish to discuss the above, please contact the Council's Senior Strategic Planner, Adriaan Stander on (03) 6211 8210.

Yours sincerely,



TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES



Civic Centre
15 Channel Highway, Kingston, Tas, 7050
Locked Bay 1, Kingston, Tas, 7050
T: (03) 6211 8200
F: (03) 6211 8211
AusDoc: DX 70854
E: kc@kingborough.tas.gov.au

27 October 2021

Mr Brian Risby
Director Planning Policy Unit Department of Justice
GPO Box 825
HOBART TAS 7001

Dear Mr Risby,

SCOPING PAPER FOR THE TASMANIAN PLANNING POLICIES (TPPs)

Thank you for the opportunity to make a submission in relation to the above scoping paper.

We have reviewed the information made available on the PPU's website and would like to provide the following comments and suggestions for your consideration.

It is understood that the TPPs will have no head of power to directly influence development decisions at local level, however we consider that this a fundamental omission in the Tasmanian planning system. The scoping paper provides a unique opportunity to shift the Tasmanian planning system into a strategic-lead planning framework that provides a balance between the competing social, economic and environmental interests at federal, state, regional and local level.

If the intention is to genuinely move towards a more contemporary planning system in Tasmania, the TPPs should clearly articulate the vision and principles upon which all state, regional and local planning decisions and future changes in land use in Tasmania will be based.

The regulatory tools contained in the Tasmanian Planning Scheme are currently limited in the way it can influence and ensure that the future and desired aspirations of the state are achieved at local level. Similar to the [Ministerial Planning Directions of NSW](#), the TPPs should be able to direct and inform decision making at local level, particular where planning proposals (for example rezoning or large scale development and subdivisions) may have an impact on employment, resources, housing diversity and affordability as well as transport, bulk infrastructure and service provision (i.e. to include consideration of the issues not explicitly covered by the Tasmanian Planning Scheme).

Noting the limitations of the Tasmanian Planning Scheme, the TPPs are therefore critical to influence development and should have the statutory status to allow planning authorities to make decisions at local level that will advance the economic, social and environmental outcomes sought at regional and state level.

TPP Topics

The proposed topics are considered broad and generally supported, but because the topics may carry a range of policy agendas, it may be necessary to refine the scope of each topic to focus

on specific policy directions. To assist, we suggest the following changes to the list of topics provided in the scoping paper.

- The '*Liveable Settlements*' topic should be split into two separate sections. One to cover all matters relating to improved liveability and the other to address the range of issues that are relevant to the overall settlement strategy of the state and those applicable to regional and local level.
- Similarly, the '*Infrastructure to support the economy and create liveable community*' topic should preferably be split into two or three sections. One to deal with infrastructure to support economic growth and the other to address the infrastructure requirements to create liveable communities and to ensure well planned settlements. The latter could also be addressed under the two topics as suggested in 1 above.
- It is agreed that climate change and pandemic response can be included under a range of topics and don't necessarily need its own sections.

TPP Issues and strategies

It is unclear if the intention is to continue with the strategic strategies of the draft TPPs that were made available during the public consultation process of the amendments to LUPAA to introduce the TPPs. The issues identified in the scoping paper could be broadened to cover a range of policy agendas that are important at state, regional and local level. To assist, Council suggests that the following issues be added to the scoping paper.

Environmental Protection

The environmental protection section will need to be broadened to protect and manage the state's many environmental assets and values, including natural landscapes, waterways more broadly (not just water quality, but aquatic ecosystems, water quantity, streambed and streambank processes and condition and buffers).

The TPPs must provide for a consistent policy framework across regulators for biodiversity and native vegetation which:

- establishes agreed biodiversity conservation objectives and outcomes;
- identifies the roles and responsibilities of the different regulators;
- clarifies the role of land use planning in biodiversity conservation;
- provides mechanisms to achieve biodiversity conservation outcomes at the strategic planning stage; and
- requires reporting on loss and gain by all regulators for all biodiversity surrogates, not just the FPA for forest communities.

It specifically will need to address issues that may arise from development in areas of high environmental value, including identifying no go areas and applying the mitigation hierarchy (as well as the precautionary principle), including avoidance, minimisation and consideration of offsets or other mitigation mechanism for unavoidable impacts.

Liveability

The liveability section should be unpacked into specific objectives that will improve social connection, access to work, schools, public spaces, social services, safety, wellbeing, feelings of inclusion and sense of community (connectivity and accessibility may need to be explicitly addressed under 'health and wellbeing' where it relates to recreation and open space provision).

The issues will need to provide policy direction to:

- encourage flexible and innovative development that responds to changing needs of the population (for example, rejuvenation of existing neighbourhoods to accommodate changing housing needs and supporting infrastructure to accommodate population growth).
- facilitate diverse, well designed, affordable and social housing;
- facilitate vibrant activity and local centres;
- improve landscape, streetscape and neighbourhood amenity;
- provide high-quality public spaces with an engaging urban character and
- encourage active lifestyles through the availability of a range of active transport options.

In addition to the comments provided under the environmental section, the liveability strategies should support development that responds to Tasmania's unique landscape setting and integrates with the natural environment. It should include strategies to improve natural and iconic landscape settings and to manage and plan for a long-term green canopy across the urban areas. There should also be specific policy directions to ensure development is appropriately designed and located to improve environmental conditions.

Settlement

The settlement section should have the main objective to build strong and self-sufficient communities. The strategies itself will need to provide policy direction at state, regional and local level to earmark appropriate places for growth and specifically identify areas where further growth will be limited. Where growth is supported, it should provide policy direction for well planned development precincts, supported with infrastructure and services to future proof communities. The list of infrastructure issues in the scoping paper is comprehensive, but it's unclear if it will cover digital connectivity.

The policy directions should ensure that land use and transport infrastructure is coordinated. It specifically should provide strategies to support the development of a balanced and sustainable transportation system that supports smart growth and intention to provide all settlements with reasonable and affordable transportation choices. The strategies must ensure that there are synergies between housing and employment areas so that people do not have to rely solely on travel by motor vehicle to meet their daily needs to keep urban settlement compact. The strategies could suggest increased average densities in appropriate locations to put people and their activities (homes, jobs, services) closer together.

The TPPs should support the strategic identification and protection of employment areas to ensure that investment is protected and that business/industries can function optimally.

Similar to the comments provided under the liveability section, the strategies should encourage sustainable development that compliments and respects the natural environment. It should advocate for the adaptation to the impacts of urban and natural hazards and climate change specifically by avoiding new settlement within high-risk natural hazard areas.

Economic development

The main objective of this section should be to grow a sustainable and flexible economy and to ensure that planning and regulation maximise employment and income-generating opportunities.

The strategies should provide policy direction to accelerate economic growth in key sectors such as agribusiness, tertiary education and health care, taking full advantage of trade and tourism opportunities to ensure Tasmania continues to play a critical role in the Australian economy.

Tourism issues may need to specifically address accommodation, and food and beverage services which is a major component of the tourism industry in Tasmania.

The policy directions will have to provide support for freight, logistics and distribution services, foreign investment, agribusiness and technology enabled primary industries, renewable energy, employment and tertiary vocational training services. It will specifically need to provide a high-level support for improved coordination, joined-up governance and clear signals to attract industries to targeted locations to optimise local advantages.

To ensure sustainable outcomes, the strategies should provide direction on circular economy opportunities to target and maximise resource optimisation, reduce waste and to promoting green energy options. This could include specific directions to support renewable energy industries, emerging and creative industries and the development of new small business ventures.

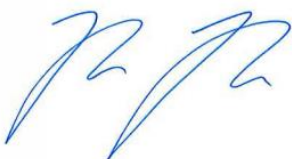
Implementation

It appears that the TPP strategies will solely rely on the regional land use strategies and the Tasmanian Planning Scheme to achieve the desired outcomes. Unfortunately, as previously indicated, the regional land use strategies and the Tasmanian Planning Scheme are limited in what it can achieve. For example, if the policy directions were to advocate for the uptake of vacant and underutilised land to provide housing for the needs of Tasmania's growing population, a change in the zoning or development provisions alone won't be able to encourage the uptake of those opportunities by the development industry. For such policy direction to succeed, incentives (outside the planning regulation tools) will need to be introduced from various levels of government to encourage infill development. As such, the implementation of the policy directions will need to go beyond the regional land use strategies and Tasmanian Planning Scheme as proposed in the scoping paper.

Noting that we are the only Australian state without a consistent development contribution regime, it may also be appropriate for the TPPs instigate this discussion and if there is appetite for it, to align with the Tasmanian planning system to improve infrastructure financing, timely infrastructure delivery, and the financial sustainability of infrastructure authorities, particularly for local government.

If you wish to discuss the above, please contact the Council's Strategic Planner, Adriaan Stander on (03) 6211 8210.

Yours sincerely,



TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES

cc.

Michael Edrich
Senior Policy Officer
Local Government Association of Tasmania
326 Macquarie Street
HOBART TAS 7000

Hon Roger Jaensch MP
Minister of Planning
GPO Box 123
HOBART TAS 7001

Department of Premier and Cabinet
State Planning Office
GPO Box 123
HOBART TAS 7001

Email: yoursay.planning@dpac.tas.gov.au (*submission sent by email only*)

1 November 2022

Dear Minister Ferguson,

RE: Kingborough Council's Submission on the draft Tasmanian Planning Policies

I refer to your letter dated 19 September 2022 inviting comments on the recently drafted Tasmanian Planning Policies. We are grateful for the work that has gone into these policies and the opportunity to provide comment. Our comments should be read in conjunction with our earlier submission on the associated scoping paper, dated 27 October 2021.

Section 1.1 – Growth

1.1.1 – 'existing settlements' requires definition or mapping to have a shared agreement as to what that includes.

1.1.3(2b) – says to prioritise development that maximises available capacity – that requires the input from the State Government Agencies. To make this successful the services need to be clear and there should be requirement of ongoing commitment from those agencies – perhaps this should be part of the implementation plan.

1.1.3(2d) – for the part about avoid hazards: to achieve part of that strategy there needs to be something that says don't upzone land (allow greater density) where it is adjacent to (or within 150m or distance recommended by the TFS) of a bush reserve. Consultation with TFS important for this element. Having avoid hazard and then reservation of land for agriculture and mining seems to be two different elements put in to a single policy line? They conflict with one another.

1.1.3(2e) – this should include planned and upgraded transport systems, not just existing.

1.1.3(3) – this is all about identifying regional settlement hierarchies, maybe it could include broadening the thought of identifying potential to designate settlements that could grow fit for purpose, such as creating a future satellite cities (ie large centres that are satellite to Hobart or Launceston).

1.1.3(6) – absolutely agree with the proposal to create structure plans at local levels – however Council's need the money/resources to do it and in many instances, many need education/training on what that really is or how to achieve it. There is no reason that

Statewide training couldn't be provided by the SPO/State Government, particularly given the lack of training/learning available in Tasmania.

1.1.3(7) – This point should include that the said growth boundaries need to be monitored and updated (to avoid the issues we are currently having with the outdated STRLUS).

1.1.3(9) – Planning's function is not to 'provide' for the use and development as we don't deliver development – maybe better phrased as 'encourage' it.

1.1.3(11) – on the topic of consolidation – can we introduce mechanism in the scheme that land is of a size that it too small to provide the expected development and it hinders broader development that development of that site may only occur if consolidated to adjoining land that meets at least the specified site (this control existed in the Whittlesea Planning Scheme in Victoria, as an example).

1.1.4 (implementation guidelines) should include:

a) definition to the hierarchy and then be referenced as priorities.

b) the comments above relating to 1.1.3(6) plus 1.1.3(11)

Section 1.2 Liveability

1.2.3(3) – surely not proposing to have tertiary in all settlements – let's not forget many of Tassie's settlements are not that far from each other and are generally not large enough to sustain institutions of that scale (this is different to settlements found in Victoria examples include Geelong, Bendigo, Shepparton where the scale and population are vastly larger than the Tasmanian ones).

- why isn't primary and secondary school mentioned in here? We know many urban and outer urban growth areas have public schools at capacity, and yet there is no visibility of the Governments intent to address that.

1.2.4 (implementation guidelines) – should include:

a) commitment from the State Government who provide public transport, schools and public services for input and ongoing planning in lines with the policies and have such information accessible to Council's who are planning for the future development/land use, to allow effective delivery of the policies; and

b) a stronger requirement within the scheme for development to provide the links referred to in 1.2.3 (4), (5) and (6). That could be achieved by including requirements in the scheme for subdivisions or developments over a certain size/value.

1.3 Social Infrastructure

1.3.3(6) – is it really an appropriate or sustainable expectation that every centre (refer to 1.3.1 'application') should provide those services/accommodation types or should there be a more strategic approach (these comments are not to undermine the value and importance of those services).

1.3.4 (Implementation guidelines) – should include:

a) Commitment from the State Government and an understanding of their programs/commitments in this space to ensure that they align.

b) inclusion of those agencies/State Government in the structure plans mentioned in '1.1 Growth' policy.

1.4 Settlement Types

The Policy heading for this one is confusing...the objective is really about 'particular environmental characteristics or values'... the heading doesn't reflect that.

1.4.3(3) and (4) – maybe should include limiting/considering appropriateness of growth in areas at risk of climate change (ie rising sea level and/or erosion)

- should mention a balance of the natural values and needs/desire for development.

1.4.3(6) – this should also consider impacts of tourism and visitor accommodation, not just limited to 'rural residential use'.

- this should also include in letters a-h that it avoids fragmenting or fettering rural production and such uses.

1.4.4 (Implementation Guidelines) – should provide guidelines that assists assessment of 1.4.3(6) more – useful for the decision makers.

1.5 Housing

1.5.3 (4) – should include: encouraging sustainable design to reduce the running costs of a house such as lighting/natural light, heating and cooling.

1.5.4 (Implementation guidelines) – should include encourage working with housing providers include State Government to establish their current land holdings.

1.6 Design

The heading should be tightened up to better reflect what the policy is, such as 'Design of public urban spaces'.

1.6.3(8e) – this should also include 'and pedestrian and cycling links'.

1.6.4 (Implementation Guidelines) – should include design guidelines or requirements in the Planning Scheme.

2.1 Biodiversity

2.1.3 – there should be recognition of the benefits and values in the urban areas.

2.1.3(7) – unusual statement sentence for policy, seems micro.

2.1.3(8) – not really Planning. If it was it would need zoning or controls to make it effective.

2.1.3(9) – not sure what the sentence is really meant to mean in a practical sense.

2.1.3(10) – would be helpful if 'reducing threats' had examples or worded with what is meant.

2.1.3(11) – would need controls such as an overlay code.

2.1.3(13) – not really sure the TPP's are the right place for this

This section lacks note about actively improving areas of natural values that have become degraded overtime or from poor practice.

2.1.4(Implementation Guidelines) should include:

- a) consider overlay/zone controls to achieve the policy objectives and strategies
- b) need to remove some of the current development and work exemptions that exist in the scheme that may limit these policies being achieved – such as works in sensitive environments.

2.2 Waterway, Wetland and Estuaries

2.2.3(1) – they should be identified by codes and associated mapping.

2.2.3(3) – need to limit some of the exemptions in the Scheme that are afforded to the authorities, where their works may not consider these policy objectives. Don't be naïve in thinking all (or most authorities) practice best practice.

- Something that could be added in strategies is water harvesting or recycling be considered in new subdivisions over a certain size.

2.2.4 (Implementation Guidelines) – amend and update relevant codes and associated code mapping.

2.3 Geodiversity

2.3.4 (Implementation Guidelines) – should put the work suggested in 2.3.3(1) in Planning maps and applicable codes.

2.4 Landscape Values

2.4.3(3) – should also include notable skylines

2.5 Coasts

2.5.3 – should include one about avoid development on coastal areas that are vulnerable to climate change impacts.

2.5.4 (Implementation Guidelines) – should develop a policy/actions around retreat options or limiting increasing development in those areas.

3.1 Bushfire

There is a current disconnect/conflict/lack of relationship between the Planning controls and the Building Act and regulations that needs to be addressed to achieve this policy section.

3.1.3(1) – this already exists

3.1.3(2) – this should include visitor accommodation

3.1.3(6) -what is the State Government doing in this space, this is controlled/influenced by Planning.

3.1.3(7) – under current controls visitor accommodation is not required to meet bushfire requirements, which is a significant risk. Needs to be resolved.

The policy should mention considerations of the objectives of other policies such as biodiversity.

3.3 Flooding

3.3.3(3) – unclear what that is meant to mean – if too ambiguous it is not useful.

3.3.3(7) – this is more the responsibility of the State Govt more so than Planning.

Coincidental flooding (where sea and river meet and merge) has not been referred to.

3.3.4 (Implementation Guidelines) – reintroduce stormwater code into the Planning Scheme.

3.4 Coastal Hazards

3.4.3 – these should include the concept of avoiding intensification of development in those areas.

3.4.3(7) – It should include that such treatments must not make it worse elsewhere (such as adjacent land) and should only be considered if evidence based and prepared by professional with consideration of ownership and maintenance and approved by the Crown. It should also take into consideration aboriginal artefact/culture/place.

3.4.4 (Implementation Guidelines) – should include:

- a) provision of guidelines for consideration and or process
- b) provide a Statewide network to focus on these issues providing assistance to Council's so that each Council is not trying to invent it themselves which comes at a he cost and there are often a lack of internal experts on these matters. It needs to be a collaborative and consistent approach.

4.1 Agriculture

4.1.3 should include:

- a) don't conflict with the biodiversity objectives/policy
- b) should consider the road networks and potential centralised regional distribution centre for more efficient use of resources and associated transport.

4.2 Extractive Industry

4.2.3(1) – This should focus Statewide, not just local government.

4.3 Tourism

4.3.3(3) – what is 'significantly impact'?

This needs to recognise Tasmanian tourist market, not just interstate and overseas.

4.4 Renewable Energy

4.4.3(1a) – what is meant by 'quality'?

4.4.3(4) – should highlight that it could be public or private investment/ownership

- Should include protect private installations such as solar panels when considering impacts of neighbouring development

4.5 Industry

- 4.5.3(1) – should include access to fast/suitable communication and technology access
- 4.5.3(3) – should also include: when they can they should consider the presentation of the built form and design response’.

4.6 Business and Commercial

- 4.6.3 - should include reference to the need to be supported by existing transport and parking provision.

4.7 Innovation and Research

- 4.7.3(2) – should include reference to secondary schools also.
- 4.7.4 (Implementation Guideline) – should include understanding and being included in the State Governments objectives around this.

5.1 Provision of Services

All of them should take into consideration climate change and whether the sites, even if existing, are really suitable in light of rising sea level, flooding, erosion etc.

- 5.1.3(2) should include knowing the expected timing.

- 5.1.4 (Implementation Guidelines) – to achieve 5.1.3(5) need to create development contribution policy and mechanism in the Planning Scheme.

5.2 Energy Infrastructure

- 5.2.3 - should consider if any are currently ill-placed.

5.4 Transport Modes

Heading could be changed to Passenger Transport Modes to make it clear not freight.

- 5.4.3 – should it be more open minded and consider the possibility of passenger trains from Hobart to Launceston (north/south essentially) – it would enhance business, liveability, climate change with less car reliance, tourism interest. Also, connection for outer areas to activity centres without reliance on private car for longer distance.

- 5.4.4 (Implementation guidelines) – needs to be included in the Scheme for development over a certain size to include EV charging as part of the Parking Code.

5.5 Ports and Strategic Transport Networks

- 5.5.4 (Implementation guidelines) – need to show the designated land for that in the Planning Scheme mapping so it is easily discoverable. It should also modify the existing relevant codes.

6.1 Aboriginal Cultural Heritage

- 6.1.3(1a) - unsure how that is tangible – a good idea, but not tangible in Planning

6.1.3(1d) – Not sure this is really a Planning matter, again nice idea, but not really Planning.

6.1.3(5) – I am cautious about how this relates to Planning, it is more the field of social planning etc and it is important to get the true views of those communities for its inclusion.

6.1.4 (Implementation guidelines) - should include requirements in the Planning Scheme for specific developments or developments within specific locations to obtain appropriate aboriginal assessment report and in some instances approval from appropriate aboriginal body to undertake such works or development that may impact on site of significance or artefacts.

7.2 Strategic Planning

7.2.3(1) – how is that measurable?

7.2.3(3) – should that be ‘evidence-based’ rather than ‘scientific based’.

7.3 Regulation

This whole section is a little confusing...it may be a bit misleading. Is it really a policy? These policies sit in the regulation of planning.

7.3.3(1) and (2) - far too broad and throw away line – who is making that call about what has ‘little or no impact’?? Impact on what, it belittles the purpose and intent of planning. These are not value adding statements.

General Comments

- There are many mentions of mapping required, will the State Government be investing in that for a Statewide approach, or it is expected to be picked up by each Council?
- The policies lack and control or direction over design outcome of private development or for developers to consider.

Following on from discussions within our team and other Councils, we believe that it would be of significant benefit to the development of the Policies to have further consultation and workshops to develop them. This work is critical to the future of Planning within the State and there is a lot of experience and practical suggestions to be made so that they deliver what is intended. The process of individual written submissions stifles that effective discussion to develop the policies.

Please feel free to contact us if there are any queries about the comments made. We are happy to be part of further work on the policies.

Regards



TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES

