

3 November 2023

Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

**Re: Draft Tasmanian Planning Policies – additional submission**

Dear Mr Ramsay,

I refer to your letter of 24 October 2023 wherein Cradle Coast Regional NRM Committee was provided the opportunity to present a submission on drafting considerations of the draft TPP's.

I gratefully accept this opportunity and provide the following considerations in addition to our submission provide on 26 June 2023.

General comments

*Contemporary and accurate spatial and ecological information*

We wish to highlight the importance of contemporary and accurate spatial and ecological information to inform decisions and strategy led by the TPP.

Further, we support recommendations from other submissions received (eg Kingborough Council 23 June 2023) in relation to item 2.1 of the draft TPP that the biodiversity objective should acknowledge the protection and conservation priority of biodiversity and ecological habitats at bioregional and local catchment scales as well as global, national, and state levels.

We consider the emerging opportunities presented through advanced information systems and frameworks such as used for Natural Capital Accounting are a desirable and consistent means for timely and credible accounting for stock and flow assessment of environmental and natural assets for land use planning and decision making under the RMPS. We consider consistent and timely accounting of natural capital will also inform the efficacy of the RMPS in delivering planned outcomes and ensuring compliance with planning policy and regulation.

Cradle Coast NRM are at present undertaking due diligence investigations on the applicability of Natural Capital Accounting at the regional level and would be happy to participate in further discussions with TPC on advancement of such systems for regional planning.

### *Unambiguous language*

We suggest that as a key guiding document in the TPS, the TPP should as much as possible provide unambiguous guidance and direction within the planning hierarchy. We suggest careful review of language is important for clarity of intent throughout the TPS.

Specific examples of edits that clarify language within the strategies in the Draft TPP's include

- Avoidance of use of discretionary terms such as 'may' in circumstances where there is a specific intent to require an outcome consistent with regulatory and policy precedent and compliance expectations.
- Avoidance of terms such as 'discourage' where more active terms such as 'limit', 'prevent', 'constrain' may be the intent.

We acknowledge that the performance requirements and acceptable solutions have yet to be finalised under the TPP and as such adoption of perspicuous language may yet emerge through that stage of the drafting process. We note concurring views on this issue have been provided in greater detail in other submissions received by the TPC in relation to the draft TPP's

#### *1.0) Settlement design and planning*

We consider the draft TPP's make important progress towards applying due weight to matters of urban and landscape design in determining appropriate development. We consider that this progression is critical if Tasmania is to take effective action on emerging challenges such as climate change, migration, resource scarcity and community health and wellbeing. We consider the intent of the draft TPP's will better enable the consideration of social, environmental, cultural and economic needs of present and future communities.

We consider that the design of the built environment influences the decisions communities and residents make. Good design makes it more likely that people will:

- choose to walk rather than drive
- feel safe
- take up choices which make it easier to connect with others
- take up gardening and care for our surroundings
- have lower crime
- have fewer motor accidents
- enjoy a healthy microclimate
- enjoy the opportunities created by tourism
- attract people to live and work because of the lifestyle it offers them.
- connect with our surroundings.
- value nature.
- consider smaller, well designed housing on smaller land parcels, consolidating urban areas and protecting agricultural, ecological and landscape values

- it will also ensure rainfall can be used as an asset to support human and environmental health in urban areas and ecological health outside them through Water Sensitive Urban Design.

We see the intent of the draft TPP's call for greater design literacy amongst regional planners and the wider community, but we consider this challenge as both necessary and surmountable.

### Specific comments on strategies

#### 2.0) Environmental Values

We wish to echo comments provided by Kingborough Council in their submission under this heading. We consider that the TPP, the planning system and any resulting Environmental Values Planning Policy is of direct relevance to all land tenures even where protection mechanisms outside the planning system are in operation. Developments on all tenures are relevant to cohesive land use planning and the planning system has a role to play in ensuring development across tenure is consistent with Schedule 1 of the RMPS and undertaken in an appropriate and sensitive manner.

The provision of a statement such as proposed by Kingborough is supported, *'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.'*

#### 2.1.3 Biodiversity Strategies

We recommend Strategy 2.1.3.1 be modified to reflect conservation status of biodiversity values at national, state, regional and catchment levels. This approach provides ability for planners and developers to understand relative importance for natural values at varying scales.

Wording could be revised to - *'Identify and map biodiversity and ecosystem values and prioritise these values at national, state, regional and catchment scales in terms of abundance and condition'*

We recommend Strategy 2.1.3.2 be modified to require consideration of alternatives to land use change in high conservation or landscape health areas.

The strategy could be revised to *'Clearly define and map areas of high biodiversity and landscape value and prevent the designation of such land for purposes that are adverse to the biodiversity or landscape values'* High biodiversity areas would include areas of known or identified habitat for threatened species or communities, areas mapped as priority habitat in the LPS, areas of native riparian, littoral or coastal vegetation, areas of catchments known to be necessary for the maintenance of water quality or catchment stability, areas of contiguous or linking habitat of natural vegetation etc.

We recommend Strategy 2.1.3.5 be modified to recognise a hierarchy of mitigation of impacts on natural values which follows a path from avoidance of impacts to *minimisation*

of impacts to *mitigation* of impacts to *offsetting* of impacts. We consider that actions such as effective building design, water sensitive urban design, stabilisation and other planning approaches can be applied to mitigate impacts of development at the site specific level, and as such represent a means of encouraging innovation through developing alternative solutions to specific performance requirements.

The strategy could be revised to *'Require use and development to be located, designed and sited to avoid impacts on biodiversity and ecosystem values. Where avoidance cannot be reasonably achieved, effective minimisation and mitigation of impacts on biodiversity and ecosystem values will be required. In cases where no possible avoidance, minimisation or mitigation of impacts can be provided for the protection of biodiversity and ecosystem values, biodiversity offsets may be applied.'*

We concur with Kingborough Council in their submission wherein they suggested an additional biodiversity strategy *'development of a consistent approach within the TPS and across regulators to operationalise biodiversity conservation objectives and outcomes, including clear identification of roles, responsibilities and the interaction of associated regulatory and policy instruments'*.

We consider this strategy to be critical to assisting planners and developers the ability to understand the interaction and cross compliance implications of multiple levels of regulation and policy at national, state and local levels, as well as oversight of international obligations and commitments such as the UN Sustainability Guidelines.

We further consider this is an area where greater use of contemporary spatial and ecological data could be used to inform the planning and design process through use of mechanisms such as Natural Capital Accounting at the appropriate regional and catchment scales.

### 2.2.3 Waterways, Wetlands and Estuaries Strategies

We recognise and acknowledge the recognition within the draft TPP's of the importance of waterways and associated riparian, littoral and coastal vegetation in providing stable catchment health, clean water and healthy marine and aquatic habitats.

We congratulate the TPC for the drafting of this strategy and note the following minor amendments.

We recommend that strategy 2.2.3.4(a) be revised to read *'prevent the clearance of native vegetation from riparian, littoral or coastal zone and that development proximal to these zones is located, designed and sited to avoid impacts on landscape and ecological function of these zones.'*

We contend that it is in the areas of biodiversity conservation, waterway and catchment management, geodiversity, landscape values, coastal and marine environments that there is the strongest overlap between the Regional NRM Strategies and the TPP's. We consider the conservation and effective planning and management of these assets are consistent with the objectives of the LUPAA and the NRM Act equally. Our interaction on regional



scale planning and resource prioritisation is pragmatic and functionally important for the delivery of both strategies.

#### 4.0 Sustainable Economic Development

##### 4.1.3 Agriculture Strategies

We refer to our previous submission and comments related to agriculture provided.

We iterate that highly productive agricultural landscapes are dependent on diversity of land use within the farming matrix, in particular the presence of deep-rooted perennial vegetation as part of a planned working landscape provides co benefits ranging from wind shelter and windflow control, erosion and landslip stabilisation, habitats for beneficial wildlife and insects, to diversified products including wood, carbon sequestration and microclimatic benefits.

We take this thinking further to include the importance of vegetation and ecological communities in the catchments of our key farming landscapes, noting that landscape systems at the catchment scale have direct influences on catchment hydrology, water yield, groundwater flow systems and landscape stability. We consider planning at catchment and regional scale can identify critical landscapes for economic and environmental sustainability.

Broadening this thinking to issues of carbon sequestration, nature repair and future climate change scenarios, the need for prioritised landscape scale land use planning through the lens of regional planning and strategic tools such as the Regional Land Use Framework and the NRM Strategy become pivotal.

We note further the increasing availability of spatial and modelled information that can support reliable and fine scale determination of land capability and land suitability for agriculture. The availability of products such as Enterprise Suitability mapping for multiple crop types across Tasmania and derived climate products developed by Dept Natural Resources and Environment provide viable, credible and timely decision support tools for land use planners to derive and define good quality agricultural land. Similarly, catchment modelling and hydrologic studies provide contemporary information on important recharge and discharge systems for ground and surface water.

We contend that simply applying land capability data based on dated datasets and mapping provide a lower resolution for planning than more recently developed tools available across Tasmania.

We recommend that strategy 4.1.3.1 be revised to read *'identify agricultural land and potential agricultural land by utilisation of contemporary land and enterprise suitability modelling, land capability data and other contemporary spatial information systems, including consideration of availability of irrigation water, proximity to markets, long term agricultural land use trends and future climate scenarios'*

We recommend that strategy 4.1.3.2 be revised to read *'protect land that is identified as of high enterprise versatility and or high suitability for specific crops by designating these areas specifically for agricultural use and development'*

We recommend that this Objective include an additional strategy that addresses the potential need to protect land at the catchment scale that protects good quality agricultural land from future or emerging land degradation from factors such as dryland salinity, erosion, landslip, climatic change and adverse catchment hydrologic or water quality issues.

We suggest that in this section language is reviewed to be unambiguous. For example:

- Strategy 4.1.3.10 could be revised to read *'prevent the fragmentation and conversion of small farms close to urban areas through planning designation and zoning such that these areas remain available for new agricultural enterprises, local food production and agrifood, agritourism opportunities'*
- Strategy 4.1.3 12 could be revised to read *'Enable and ensure the protection of upstream irrigation infrastructure by preventing development and land use change adverse to the viability of such infrastructure.'*

#### 4.2.3. Timber Production Strategies

We encourage the inclusion of sustainable forest industry as a policy theme in the TPP. We suggest that formal designation of production timber forests across tenures, while already an option for land to be designated a Private Timber Reserve, planning for future low intensity forestry and plantation silviculture is a desirable aspect of regional land use planning because of the multiple co-benefits that forestry can provide to catchment health, associated land uses and biodiversity.

We recommend however that such planning actively avoids the encouragement of forestry activity in areas of high biodiversity or ecosystem value.

#### Interrelationship between NRM Strategy and Regional Land Use Framework

In regards questions asked at the recent TPC Hearing in Burnie about how NRM Regional Strategy may fit into the wider TPS, I provide the following advice and attachment.

As supporting information to this submission, we provide attached *Draft comments on the Regional Planning Framework Discussion Paper November 2022*. These comments as provided to that consultation process outline suggestions for greater alignment between the NRM strategic planning and implementation processes and that of other components of the RMPS.

We consider there is an existing policy and instrumental link between the Regional Land Use Framework and the prioritisation and rationale within the Regional NRM Strategies. We further contend that since the Regional NRM Committees have a specific regional focus, they are well placed to contribute to planning strategy at the regional scale.

Greater links between the TPS and the NRM framework also manifest in the active review and monitoring of the Regional Land Use Framework in Cradle Coast Region.

To this end, Cradle Coast Authority and its NRM Committee seek to maintain an ongoing and vital role in the review and implementation of the Regional Land Use Planning Framework for Cradle Coast Region. By way of a pathway forward, we seek inclusion and engagement in the review of any future Cradle Coast Regional Land Use Strategy in terms of defining scope, purpose and process and *direct involvement* in the preparation, assessment, governance, monitoring, review and amendment of any future CCRLUS

We suggest that the TPP in final form should refer to existing regionally brokered and applicable strategies that strengthen the social, economic, cultural (including aboriginal culture) and environmental assets and attributes relevant and specific the region. We suggest that one such strategy is the Regional NRM Strategy.

If you require further information, we are happy to provide it.

Yours sincerely

A handwritten signature in dark ink that reads "Peter Voller".

Peter Voller PSM

**Chair CCNRM**

## ATTACHMENT

### **Cradle Coast Authority - Natural Resource Management**

*Draft comments on the Regional Planning Framework Discussion Paper November 2022*

#### **Preamble**

Cradle Coast Authority (CCA) has multiple roles of direct relevance to the Tasmanian Planning Scheme and in particular to the regional planning framework and the ongoing role for a Regional Land Use Strategy in the planning scheme. The Authority welcomes the opportunity to comment on the Regional Planning Framework Discussion Paper

The CCA was created as an Authority under the *Local Government Act (1993)* and has been in existence for 25 years. While council membership is voluntary, CCA has maintained strong connections and responsiveness to all councils in our region, pivoting readily in response to changing economic, social and environmental conditions. CCA has also grown to be adaptable to a changing local government landscape. The Authority is well supported by a Board comprised of 5 independent skills-based Directors and 3 more with specialist local government experience. Our governance model also includes direct oversight from the 8 formal member councils through a Representative Group made up of all Mayors and General Managers.

CCA auspices the Cradle Coast Regional NRM (CCNRM) Committee, a statutory committee appointed consistent with the *NRM Act (2002)* with ongoing functions under s10 as follows:

- a) to identify the priorities for natural resource management for the region;
- b) to prepare a draft regional strategy for the region;
- c) to facilitate the implementation of the regional strategy;
- d) to promote the natural resource management principles;
- e) to facilitate the integration of natural resource management and planning activities for the region;
- f) to seek, manage and allocate funds according to the regional strategy;
- g) to coordinate the region's participation in national and State programs relating to natural resource management;
- h) to monitor and evaluate the implementation of the regional strategy;
- i) to develop and implement processes to ensure appropriate education and training in natural resource management.



The CCNRM Committee has a vital interest and linkage to the existing Cradle Coast Regional Land Use Strategy (CCRLUS) through the development and provision of a formal Regional NRM Strategy aligned with and informing the current CCRLUS. We note further that the NRM Act in s10 (e ) specifically requires the NRM Committee to facilitate integration of NRM and planning activities for the region.

To this end, Cradle Coast Authority and its NRM Committee seek to maintain an ongoing and vital role in the review and implementation of the Regional Land Use Planning Framework for Cradle Coast Region, including regular and aligned review and update of both the RLUS and Regional NRM Strategy.

CCA further suggests that through the Regional NRM Committee (and its NRM strategy) it has a direct and crucial role in the progress of the Regional Land Use Framework. Specifically we seek inclusion and engagement in the review of any future RLUS's in terms of defining scope, purpose and process and *direct involvement* in the preparation, assessment, governance, monitoring, review and amendment of any future CCRLUS.

We note that along with the LUPA Act, the NRM Act is specifically aligned with the Objectives of the Resource Management and Planning System (RMPS) as per schedule 1 of the LUPA Act and schedule 1 of the NRM Act. We accordingly consider that the NRM Act and the NRM Regional Strategies are concomitant and relevant parts of the overall Tasmanian Planning Scheme.

Cradle Coast Authority recognises the relevance and importance of the Regional Land Use Framework and its links to achievement of the objectives of the RMPS and the alignment between future CCRLUS and CCNRM Strategy is necessary for both to support the RMPS objectives. To that end CCA welcomes the review of the present Framework, including rules relevant to Structure Planning.

### **Specific comments on the Discussion Paper**

In broad terms CCA welcomes the review of the Regional Land Use Planning Framework and its clear intent to align the Framework and future RLUS's to the Objects of the RMPS (as per schedule 1 of LUPA Act and NRM Act).

## 2.1 – Scope and Purpose

CCA concurs that in the light of the introduction of the TPP and the introduction of the TPS that *general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs excepting for the inclusion of an additional sub clause: (1) (c ) 'any accredited Regional Natural Resource Management Strategy as per NRM Act 2003'*

CCA considers that RLUS should focus on a minimum 30 year horizon, but be subject to periodic review, monitoring and progress reporting on a minimum 5 yearly basis.

CCA concurs that the RLUS must include regularly updated spatial information on the application and efficacy of the TPP's and the impact of regional or subregional policy.

CCA concurs that the RLUS will include regionally brokered and applicable policies and strategies to strengthen the social, economic, cultural (including aboriginal culture) and environmental assets and attributes relevant and specific the region. We suggest that one such strategy is the Regional NRM Strategy.

CCA concurs that the RLUS are to be accompanied by all relevant background reports and supporting studies, and a detailed implementation plan including the listed dot points in the discussion paper. We suggest the inclusion of an additional dot point 'prioritising the **sustainable development** of regionally identified and prioritised natural and physical resources and the maintenance and/or restoration of ecological processes and genetic diversity' consistent with the objectives of the RMPS

## 2.2 Consistency

CCA concurs that consistency across planning instruments is desirable to improve efficacy in the planning system. We note however that in terms of achievement of the objectives of the RMPS, and in particular approaches to sustainable development and maintenance of ecological processes, the Planning Scheme needs to achieve consistency across a regulatory framework to ensure perverse outcomes are not created. In particular linkage to regulatory instruments such as the Forest Practices Act and Threatened Species Act which apply in the same landscape and social context. Consistent and accessible information by way of integrated planning advice or access is a desirable pathway to allow land owners and developers clear oversight of their overall legislative and community obligations.

CCA recommends that the TPC consider the matter of integration of planning instruments or at least centralisation of planning and development access and advice services to avoid perverse outcomes from a dispersed regulatory framework.

CCA concurs that a consistent template for the development, monitoring, review and outcome reporting for RLUS's be developed and that reporting occur on a minimum 5 yearly basis.

### **2.3 Preparing regional land use strategies and 2.4 Assessing and declaring regional land use strategies**

CCA acknowledges that it presently employs a Regional Planning Officer on behalf of the State Government, as such we are actively committed to the effective preparation and implementation of the RLUS review and any future Regional Strategy. CCA is an active partner in many aspects of regional land use planning and seeks to continue and grow this relevance through ongoing partnership with State Government and the TPS.

CCA concurs that the RLUS should be subject to an assessment process by TPC with recommendations made to the Minister, the process should include public hearings.

CCA concurs that the TPC should consider matters listed (ie those similar to the TPP's) and that the TPC should further have a key role in monitoring, assessment and review of the effectiveness of the RLUS in delivering the objectives of the RMPS and its consistency with State Policies, relevant State and Commonwealth legislation and Regional Strategies including the Regional NRM Strategy.

CCA notes the important function of the RMPS objectives to 'encourage public involvement in resource management and planning' we suggest that as part of the design and evaluation of future RLUS's that a community engagement plan and implementation plan be developed in consultation with the TPC and relevant regional organisations and committees, including the Regional NRM Committee.

### **2.5 Reviewing regional land use strategies**

Additional to comments preceding, CCA iterates that regular review of the RLUS is necessary - including assessment of

- achievement of strategic aims,
- compliance with the Objectives of the RMPS,
- consistency with the TPP and
- effectiveness of community engagement.

Such reviews should be undertaken on a minimum 5 yearly basis or triggered by the making or amendment of the TPP's.

It may also be desirable to trigger a review or evaluation the RLUS by the making or amendment of relevant land or resource use legislation or policy, such as amendment of the Forest Practices Act, Local Government Act, Nature Conservation Act, Threatened Species Protection Act or associated Regulations, where such making or amendment has a impact on the currency or intent of the RLUS.

CCA concurs that the review process for the RLUS should be similar to that of the TPPs and SPPs.

## **2.6 Amending the regional land use strategy**

CCA considers that LUPA Act should provide a specific process for amending a RLUS and that the process should be similar to that of the TPPs. CCA further considers that different types of amendment be provided for depending on scale of the amendment sought.

CCA considers that matters that may trigger an amendment of a RLUS include:

- changes to legislation or regulation impacting on the TPS or Regional land use policy at the state or regional level
- significant changes in social, economic, cultural or environmental circumstances in the Region (such as significant demographic change, increased demand for land use change, environmental impacts such as unmitigated climatic change impacts such as rapid sea level rise, rapid loss of biological diversity due to the terms of the present RLUS, identification of significant aboriginal cultural heritage or values)



- significant public interest or engagement from the Regional community seeking urgent amendment of the strategy, such matters may emerge through the process of developing Structure Plans under the RLUS and LPS.
- the identification of a perverse outcome impacting on the Objectives of the RMPS that can be readily mitigated by amendment of the RLUS

CCA considers that in an open and democratic society, any member of the general community should have the right to request an amendment of an RLUS subject to the provision of reliable and creditable evidence of the need for such an amendment.

### **3. Structure Plan Guidelines**

CCA considers formal Structure Plan Guidelines will assist councils and other parties to readily participate in the preparation, implementation, evaluation and review of robust and relevant local structure plans.

Such guidelines will provide consistency and repeatability for locally democratic community decision making and demonstrate an accessible pathway for local communities to influence planning and development issues in their local area.

CCA welcomes the contention that locally informed and community based structure planning provides a suitable basis for review and enhancement of Regional Land Use Strategies and supports the extension of this approach to Regional NRM Planning.

CCA endorses and supports the key issues arising from targeted consultation to date, noting in addition that structure planning should

- include engagement with regional scale reference and statutory advisory committees such as the Regional NRM Committee.
- Include regional scale reference and statutory advisory committees in planning matters.
- Ensure justification for any growth provided for by the structure plan is consistent with the objectives of the RMPS based on best available knowledge and data (including that provided by verified citizen science).