

# Department of Premier and Cabinet State Planning Office

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Dear Mr Ramsay

## **Draft Tasmanian Planning Policies (TPPs)**

Thank you for your letter dated 18 January 2024 inviting the State Planning Office (SPO) to respond to a range of submissions that have been made through the representations and hearings into those representations, in relation to the draft TPPs.

The SPO thanks the Panel for the opportunity to provide a response to those submissions. The response that follows addresses the Panel's queries in sequential order to that provided in its letter.

The SPO has taken certain matters on notice that have been raised in the hearings. These matters have been collated and are addressed following the discussion on the Panel's matters. There are also a number of recommended modifications to the draft TPPs to address anomalies or that seek to provide greater clarification for the TPP provisions.

The response submission is accompanied by 2 attachments. Attachment 1 includes examples of some of the existing regional policies that have similarities to, or deliver outcomes that align with, the objective or strategies in the Planning Processes TPP. Attachment 2 is a working document that the SPO used to test, and provide examples, of how the TPPs might be implemented into the subordinate planning instruments – the regional land use strategies, the State Planning Provisions, and the Local Provisions Schedules.

The issues raised in the Panel's letter is shown in bold and italicised text with a corresponding response from the SPO.

### **1. Aims and Principles or Objectives and Strategies**

***The Act specifies that the TPPs are to set out aims or principles. The draft TPPs set out objectives and strategies.***

- ***In the application of the Act, will objectives and strategies be legally interpreted to be the same as aims or principles?***
- ***Does the creation of TPP strategies take the TPPs beyond their statutory scope?***
- ***Is there any risk that in a contested LPS amendment the requirement to be consistent with the TPPs could be legally challenged as the TPPs are not a valid statutory instrument?***

The SPO submits that the framing of this question is inconsistent with section 12B of the Act which specifies the 'Content and Purpose' of the TPPs.

Section 12B of the Act states:

*12B. Contents and purposes of Tasmanian Planning Policies*

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

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

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

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

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

*(4) The TPPs must –*

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

Section 12B(1) of the Act states that 'the purpose of the TPPs are to set out the aims, or principles, that are to be achieved or applied by..' the Tasmanian Planning Scheme (TPS) and Regional Land Use Strategy (RLUS) (Emphasis added). While the purpose of the TPPs comprise 'aims or principles', the TPPs are more than just their 'purpose', with the other subsections of 12B providing the range of matters that the TPPs can include in its content.

The Panel's questions are preceded with the statement that '*the Act specifies that the TPPs are to set out aims or principles*', which seems to imply that that is the only content allowed by the Act. Section 12B provides for a range of other matters that can influence the content of the TPPs.

While the section 12B(1) refers to aims or principles, when read in conjunction with section 12B(3), which states that 'the TPPs can specify the manner in which the TPPs are to be implemented', and read in the context with the second part of section 12B(1), the SPO has interpreted it as the purpose of the TPPs are to deliver policy through the setting of an 'aims' or 'principles', and the content of the policies can set out how those aims or principles are to be 'achieved' or 'applied' by specifying the manner of implementation (12B(3)). The rationale for this interpretation is that simply stating the 'purpose' of the TPPs are to provide 'aims or principles' does not provide any direction in how the 'purpose' should be applied or achieved. Section 12B(3) clearly provides that direction.

Therefore the 'aims' or 'principles' referred to in s12B(1) do not equate to the 'objectives' and 'strategies' in the draft TPPs. The draft TPPs clearly state under the general application section that the "Objective sets out the aims of the Policy" and the "Strategies set out the ways that the policy objective can be achieved". The TPP 'objective' is equivalent to the 'aim or principle' while the 'Strategy' is the way the aim or principle is to be achieved or applied by setting out a way in which it can be implemented.

Additionally, the General Application section of the TPPs (which is an operative part) clearly includes a section under the heading 'Directions as to the manner of application to all planning instruments' which includes a set of broad principles to have regard to when applying the TPPs.

In response to your first dot point, the SPO is not of the opinion that 'objectives and strategies' will be legally interpreted as 'aims or principles'.

In response to your second dot point, as submitted above, if 'objectives' equates to 'aims, or principles' and 'strategies' refer to how those 'aims or principles, are to be achieved or applied' by 'specifying the manner in which the TPPs are to be implemented', the TPP strategies are clearly within scope of section 12B.

Your third dot point raises specific issues of a legal nature. The SPO suggests the Panel obtain its only legal advice on that matter. The SPO carefully considered the use of the terms 'objectives' and 'strategies' because the matter was raised during the section 12C(2) consultation on the draft TPPs. The SPO is of the view that the structure or scope of the draft TPPs would not constitute an invalid statutory instrument.

The SPO is also of the view that using the terms 'aims' or 'principles', as specified in section 12(b)1 of the Act, in the TPPs is not an absolute requirement. If the Panel accepted the above argument that 'objectives' and 'strategies' are consistent with s12B(1) and (3) of the Act, there would be no cause to suggest that the TPPs are not within scope and therefore is a valid statutory document which would uphold legal challenge.

In response to your question - ***Is there any impediment to converting the existing objectives and strategies to aims or principles? Are there any implications if that was done?***

As discussed above, 'aims or principles' do not equate to 'objectives' and 'strategies' and if the Panel were to convert them it would significantly impact the structure and flow of the TPPs, how they are interpreted and how they operate.

The structure of the draft TPPs, including the use of 'objectives' and 'strategies', is based on outcomes from the Scoping Consultation. As part of that process a set of [draft TPPs](#), which were developed at the time the Act was being amended to provide for the TPPs, were developed to provide an example of what the TPPs might look like. This set of draft TPPs was also provided in an information package to Parliament at the time the legislation was passed to inform Members of what the TPPs might entail and how the policy within them would be expressed. The scoping paper sought comment on the structure, including using the terms 'objectives' and 'strategies', and whether it was an appropriate way to express the TPPs.

There was general consensus that the structure of the TPPs presented in the Scoping Consultation was supported as a clear, functional and appropriate way of expressing policy. It was also acknowledged that the concept of using 'objectives' and 'strategies' was widely accepted and already used in the planning system. For example, it is similar to the way use and development standards operate in the TPS, which includes a statement outlining the 'objective' of the standard which is achieved by demonstrating compliance with the strategies expressed through either the Acceptable Solution or Performance Criteria.

Planning Policies in other States are expressed similarly. An extract of the Victorian Planning Policy Framework is provided below:

## Settlement

### Objective

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

### Strategies

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Unlike the TPPs, the Victorian Planning Policy Framework is part of the Victorian Planning Provisions (VPPs) which form the basis of a planning scheme. Section 4A of the *Planning and Environment Act 1987* (Victoria) allows the VPPs to include any matter which may be included in a planning scheme under section 6 of that Act. In relation to the VPPs delivering planning policy, section 6(2)(a) states:

- (2) .....a planning scheme may –
- (a) set out policies and specific objectives;

The use of 'strategies' in the Victorian context is similarly not consistent with the terminology used in their planning Act.

A review of how policy is expressed across other jurisdictions demonstrates that each policy typically has an overarching statement setting out what the policy is trying to achieve, which is followed by a subsequent list of more specific ways in which that overarching statement can be achieved. While the terminology used to describe those elements varies, the concept and method of policy expression is similar.

The SPO invites the Panel to review the [State Planning Policies for South Australia](#) and consider their structure, format and terminology in light of section (3) of the *Planning, Development and Infrastructure Act 2016* (South Australia) which states:

*A state planning policy may –*

- a) *Include any matter that is relevant to planning or development within the State by setting out or including policies, objectives or principles that are to be applied under the provisions of this Act or the terms of the state planning policy;....*

While it is acknowledged that the terminology used by South Australia reflects their Act in many respects, there are other elements included that are not necessarily prescribed such as ‘purpose statements’ and the manner of implementation. The equivalent TPP ‘strategy’ is referred to as a ‘policy’ in the South Australian model. The SPO is of the view that this causes an odd situation of having policies sitting within policies which has the potential to be confusing when being applied and causes difficulty when referencing the correct policy.

The TPPs include elements that are not anticipated by section 12B of the Act, such as the policy context and climate change statement of each TPP. The reason for their inclusion is to assist with understanding the policy content. If the Panel is of the view that ‘Strategies’ are beyond scope, would the same be said of other parts of the TPPs that are not explicit in section 12B of the Act?

A review of language used in some of the State Policies suggests there is a high degree of diversity in policy expression, even by instruments made under the same Act. The *State Coastal Policy 1996* adopts the terms ‘Principles’ and ‘Outcomes’ while the *Protection of Agricultural Land Policy 2008* uses ‘Purpose’, ‘Objectives’ and ‘Principles’. The *State Policy on Water Quality Management 1997* is different again and incorporates ‘objectives’, ‘purpose’, ‘measures to achieve objectives’ and ‘key principles’

Section 12B of the Act sets out the broad content and purpose of the TPPs. It does not provide a mandatory direction in which the TPP content must be structured or expressed. It refers broadly to setting out ‘the aims, or principles, that are to be achieved or applied’ in the TPS or RLUS. Neither ‘aims’ nor ‘principles’ are defined in the Act.

The SPO submits that the legislative framework for the TPPs provided in section 12B of the Act, generally describes their purpose and content, how that is translated and delivered to perform the statutory functions anticipated by the Act, is up to the authors of the TPPs.

The SPO makes the observation that the representors raising these issues, and the subsequent line of question being advanced by the Panel in response, is putting too much emphasis on section 12B(1), which refers to the ‘aims or principles’, and neglecting the remaining parts of section 12B which specify other matters that can influence the content of the TPPs. This is an important matter to reconcile because many of the Panel’s following questions are based on an interpretation that the TPPs should only comprise ‘aims or principles’, ignoring the other provisions in section 12B that contribute to other content of the TPPs.

The SPO is of the view that while some may prefer the use of the terms ‘aims’ or ‘principles’ in the TPPs it is not considered an absolute requirement. Consistent with the points raised above, the SPO is of the view that the TPPs are a technical document that ideally should be capable of being readily understood and applied. The use of ‘Objectives’ and ‘strategies’ are well understood and applied frequently in the context of the Tasmanian planning system. The SPO has drafted the TPPs in a way that clearly establishes the intent of each policy, and the way that it can be achieved, to deliver the TPPs statutory functions anticipated by the Act.

The Panel also asked:

- ***Does the expression of the TPPs as objectives and strategies make the consistency with the TPPs test more onerous than if the TPPs were expressed as aims or principles?***

As discussed at length above, the TPPs comprise of more than just ‘aims or principles’. The Act does not require a test of any planning instrument against the ‘aims or principles’ of the TPPs. The Act requires consideration of the TPPs and therefore the expression of the TPPs as ‘objectives’ and ‘strategies’ has no bearing on how onerous the test is to demonstrate consistency with the TPPs.

## 2. TPPs and Major Projects

***The Act provides that a project is not eligible to be declared a major project if it would be in contravention of the TPPs.***

- ***Does the expression of the TPPs as objectives and strategies make the contravention of TPPs test more onerous than if the TPPs were expressed as aims or principles?***

***The assessment criteria for a major project must specify the matters to be addressed in the criteria in relation to relevant land use planning matters. A relevant land use planning matter is the need for the criteria to require a major project to be consistent with each applicable provision of the TPPs.***

- ***Does the expression of the TPPs as objectives and strategies make the consistency test more onerous than if the TPPs were expressed as aims or principles?***

The SPO does not believe that the terminology used to express the TPPs has any bearing on how ‘onerous’ they are to demonstrate compliance with the various tests required by the Act through the Major Project assessment pathway.

The SPO concedes that the test of contravention is different to that of consistency or inconsistency. The SPO is of the view that the term contravention should reflect its normal meaning. The Macquarie Dictionary (online) defines ‘contravene’ as: ‘1. to come or be in conflict with; go or act counter to; oppose. 2. to violate, infringe, or transgress: to contravene the law.’

A Major Project assessment pathway sets aside the TPS, but the process requires demonstration that it is not inconsistent with a RLUS. Because an assessment of a Major Project is not against the TPS, which is required to be reviewed and made consistent with the TPPs, the Act requires consideration against the TPPs. For the declaration and final decision, a Major Project is not to be in contravention of the TPPs. This suggests that a Major Project should not proceed if it delivers an outcome that would not be allowed under the TPPs if the other instruments were amended accordingly.

The ‘consistency’ test for the assessment criteria is to ensure that applicable provisions of the TPPs are consistent with the criteria, in which ‘consistent’ means: ‘1. agreeing or accordant; compatible; not self-opposed or self-contradictory’ or ‘2. constantly adhering to the same principles, course’ (Macquarie Dictionary).

The terminology used to express the TPP policy content does not impact the application of those policies or change the level of difficulty in demonstrating compliance.

## 3. Growth TPP and Settlements

***A number of representations raised issues with the settlement provisions of the Growth TPP in particular the Strategies in 1.1.3. Representation 45 at pp12, submits that the “growth strategies deny fundamental, legislated rights to locally plan for the future of settlements”. In that submission reliance is placed on the definition of sustainable development in Land Use Planning and Approvals Act 1993 (the Act) and this is interpreted as “enshrining the right of each settlement to provide for its long term sustainability”. The submission is further elaborated on pp 12 & 13 of Representation 45.***

- ***Can the definition of sustainable development in Schedule 1 of the Act be relied on to create rights as submitted, and if not, why not?***

The SPO does not agree that the definition of ‘sustainable development’ as set out in Schedule 1 of the Act provides the right for any and every settlement to provide for its long-term sustainability.

The Act clearly defines what sustainable development means, stating:

..... **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.*

The provision of the social, economic and cultural well-being and health and safety of people and communities is qualified by the conditions set out in (a), (b) and (c).

The promotion of ‘sustainable development’ is only one part of the objective set out in 1(a). It also includes the ‘maintenance of ecological processes and genetic diversity’.

Moreover, the promotion of ‘sustainable development’ is only part of one of the objectives of the RMPS set out in Part 1 (1) of Schedule 1. The other equally important objectives include:

*(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.*

The objective providing for fair, orderly and sustainable development is not limited to people or communities but relates to the broader physical environment.

The SPO is of the view that taken together these objectives mean that there will be occasions where the long-term sustainability of a settlement, taken to mean its continuance or expansion to provide for its own services or meet the economic or social needs of its community, may conflict with the broader objectives of protecting the environment or ensuring fair and orderly use and development.

By way of example, one could consider that a coastal settlement might seek to expand to provide a critical mass of population to support a shop or school. However, if that expansion could only occur in areas that would be subject to environmental hazards such as flooding and inundation, then the support for the sustainability of the town as a settlement would be contrary to avoiding, remedying or mitigating any adverse effects of activities on the environment.

Even the expansion of a settlement without any environmental hazards may not represent ‘fair and orderly’ planning where there is a situation of competing settlements for limited services with the potential that no settlements receive the appropriate level of servicing because the public purse cannot provide for all settlements to have the same level.

Fundamentally, planning is about the distribution of development rights in accordance with policies and strategies which resolve a range of competing interests for the broad community or public benefit.

Finally, the SPO is of the view that the phrase ‘people and communities’ cannot be taken to refer to every individual or every cluster of persons that might be described as a ‘community’. It must be viewed as referring to the population more broadly for the reasons set out here, as there will clearly be situations where the ‘sustainability’ of one person may impact on the well-being and sustainability of another.

#### 4. Climate Change Statements

***The General Application section on page 3 of the TPPs indicates that the Policy Context sections of each TPP are not intended to have operative effect. Each TPP has a Policy context section. Each TPP also has a Climate Change Statement which follows the Policy context section.***

- ***Is the Climate Change Statement considered to be part of the Policy context section and not to have operative effect?***

The Climate Change Statement is meant to be part of the Policy Context for each TPP and is not meant to have operative effect.

***Representation 31, at p 6 para 9 submits that the approach to climate change should be revised either to provide for a specific Climate Change policy or to clearly articulate climate change considerations throughout the TPPs including how they will be implemented in RLUSs, SPPs and LPSs.***

***It is noted that many strategies do directly reference climate change (e.g. 1.2.3-7, 1.6.3-1/3, 2.1.3-9/11, 2.5.3-2, 3.1.3-1, 3.2.3-1, 3.3.3-1, 3.4.2, 4.1.3-1/8, 5.1.3-4), plus others that allude to it with references to sea level rise, emissions reduction, energy efficiency, renewable energy and carbon storage.***

- ***Could the TPP Climate Change policy be more effectively implemented in the planning system by giving the Climate Change Statement operative status or including appropriate elements from the Climate Change Statement in the relevant TPP, or creating specific climate change sections in a TPP, or a combination of some or all the above.***

The TPPs have been drafted to address climate change issues through various TPPs rather than as a separate, standalone TPP. This integration is a deliberate approach because many of the strategies that achieve other planning outcomes, also support mitigation or adaptation responses to climate change. For example, encouraging active transport to improve wellbeing also contributes to lowering carbon emissions. Because the climate change response is not always explicit in the strategies, the climate change statement describes how the proceeding policies seek to address climate change, either directly or indirectly. Because the climate change statements are descriptive in nature, they are not suitable to be part of the operative parts of the TPPs.

The integration of climate change issues provides for single a consideration. If there was a separate Climate Change TPP many of the existing strategies would be duplicated, contributing to the length and causing the duplication of strategies in separate policies, also adding to the complexity of the TPPs.

The TPP's response to climate change has been developed in collaboration with the Climate Change Office in Renewables, Climate and Future Industries Tasmania (ReCFIT) who advise that the approach taken, and the policy content, is complimentary to work being undertaken in different areas of government to address climate change. To contemplate restructuring the TPPs may cause unnecessary delays in other climate change areas that have sought integration with elements of the TPPs.

In brief, the TPPs have been 'front-loaded' to address climate change issues and contain the required land use planning response.

#### 5. State Policies and the TPPs

***The Waterways, Wetlands and Estuaries, Coasts, Coastal Hazards and Agriculture TPPs address issues that are covered by existing State Policies.***

- ***Have those TPPs been reviewed and determined to be consistent with existing State Policies, which is a specific statutory requirement for a TPP to meet the TPP criteria?***



The TPPs have been reviewed and determined to be consistent with State Policies. A report to that effect can be found here: [Draft Tasmanian Planning Policies - State Planning Office opinion of compliance with TPP criteria \(planningreform.tas.gov.au\)](https://planningreform.tas.gov.au)

- ***If a TPP is expressed in language that varies from the interpretation, application or scope of an existing State Policy, do the TPPs remain consistent with the State Policy?***

The TPPs are to be consistent with State Policies. The TPPs are intended to inform the TPS and RLUS and can offer more specific mechanisms to deliver State Policies through those subordinate instruments. The legislation makes it clear that State Policies take precedence in the case of any conflicts.

The SPO is of the view that the TPPs cannot prescribe less than the State Policies but can provide greater prescription around how to deliver them. For example, Principle 8 of the PAL Policy states that ‘provision must be made for the appropriate protection of agricultural land within irrigation districts .....and may be made for the protection of other areas that may benefit from broad scale irrigation development’. What constitutes ‘appropriate protection’ is not set out. Other instruments can determine what that means. In the case of the TPPs, strategy 4 of clause 4.1.3 states:

*Protect land with significant agricultural capabilities, and agricultural land within irrigation districts, by affording them the highest level of protection from fettering, fragmentation or conversion to non-agricultural uses.*

The State has invested significantly in irrigation to support the agricultural sector and seeks to take advantage of that investment by protecting the land that has benefited from the increased agricultural capacity provided by it. Strategy 4 is consistent with Principle 8 of PAL by providing ‘appropriate protection’ to land within irrigation districts based on the TPPs representing the State’s interest in planning.

The RLUSs are similarly required to be consistent with State Policies. Many of them provide regional policies that are different to, but further specific policy statements in the State Policies. An example (below) of one of the regional policies for agricultural production from the Southern Regional Land Use Strategy demonstrates how policy can be expressed differently to deliver specific outcomes through that planning instrument while simultaneously being consistent with the PAL State Policy.

## 16.5 REGIONAL POLICIES

<b>PR 1</b>	<b>Support agricultural production on land identified as regionally significant by affording it the highest level of protection from fettering or conversion to non-agricultural uses.</b>
<b>PR 1.1</b>	<b>Utilise the 'Significant Agriculture Zone' to identify regionally significant agricultural land in planning schemes and manage that land consistently across the region.</b>
<b>PR 1.2</b>	<b>Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Significant Agriculture Zone, within which planning schemes are to manage potential for land use conflict.</b>
<b>PR 1.3</b>	<b>Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production</b>
<b>PR 1.4</b>	<b>Prevent further land fragmentation by restricting subdivision unless necessary to facilitate the use of the land for agriculture.</b>
<b>PR 1.5</b>	<b>Minimise the use of significant agricultural land for plantation forestry</b>

- ***If the TPPs are considered to be consistent with relevant State Policies, will any difference in the way the two policy instruments are expressed cause unnecessary duplication in the assessments of amendments of an LPS or assessment of a major project?***

State Policies and the TPPs perform different functions. The TPPs have avoided repeating the State Policies and have sought to provide more specific ways in which their policy statements can be delivered through planning instruments. Therefore, the way the TPPs and State Policies are expressed will be different. While unnecessary duplication has been avoided, the Act requires that an amendment to an LPS or assessment of a major project considers both State Policies and the TPPs, which cannot be avoided.

In many ways this is similar to an LPS having to demonstrate compliance with a RLUS and State Policies, even though the RLUS has already demonstrated compliance with State Policies.

## 6. Historic Cultural Heritage

***The Historic Cultural Heritage TPP applies to local historic cultural heritage. "Local historic cultural heritage" is not defined. The planning system applies to historic cultural heritage generally, but with different listing and regulatory approvals applying including through the processes established under the Act.***

- ***Is it intended that the TPP is to be limited in its application to the current limitation established by the SPPs?***

The TPPs are limited in application to the instruments of the planning system or where another Act requires them to apply (such as an order made under the *Housing Land Supply Act 2018*). The TPPs do not apply under other legislation which covers Historic Cultural Heritage or instruments made under that legislation.

On this basis the TPPs cannot seek to set policy for historic cultural heritage beyond the scope allowed under that other legislation which effectively limits them to local heritage, which is also the scope of the SPPs because they are an instrument made under the same Act as the TPPs and therefore have similar limitations.

The legislative framework indicates that the process for local consideration of State listed places is articulated through the *Historic Cultural Heritage Act 1995*.

The SPPs have further clarified the relationship by removing any duplicate assessment under LUPAA.

To avoid confusion and duplication in process, the TPPs leave State heritage matters to be addressed under its own legislation. This is broadly consistent with Schedule 1, Part 2 objective (e) 'to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals'.

***No such planning policy limitation applies to the similar situation of the Biodiversity TPP, where separate legislation operates in relation to matters of biodiversity.***

Section 33 of the *Historic Cultural Heritage Act 1995* specifically provides for the precedence of it over any provisions of the *Land Use Planning and Approvals Act 1993*, by stating:

*33. Application of Planning Act to heritage works is subject to this Part*

*The provisions of this Part prevail, to the extent of any inconsistency, over the provisions of the Planning Act and any planning scheme or special planning order or planning directive in force under that Act.*

The relevant legislation applying to biodiversity does not specifically set out to override the provisions of the *Land Use Planning and Approvals Act 1993* and can therefore operate co-operatively.

- ***Are there any impediments to or implications if the TPPs include reference to both State and local heritage listed places?***

The concern is that as the TPPs are to inform the State Planning Provisions (SPPs), the inclusion of references to State listed places may give rise to expectations that the SPPs should then also provide for the regulation of these in contradiction to or at least confusing the current legislative position.

## **7. Planning Processes TPP**

***It has been submitted that the 7.0 Planning Processes TPP is beyond the scope of matters on which TPPs can be made, as set out in section 12B of the Act. Some of the matters listed in the TPPs are covered by the provisions and objectives of the Act and State Policies.***

- ***How do the provisions of section 12B of the Act provide authority for the making of the Planning Processes TPPs?***

The Planning Processes TPP set out processes to be applied through the preparation of various planning instruments. In setting out the purpose and content of the TPPs, section 12B(2) and (4) states:

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

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

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

*(4) The TPPs must –*

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

Section 12B(4) requires that the TPPs must seek to further the objectives of the Act. Some of those objectives, especially those related to ‘encouraging public involvement in resource management and planning’, ‘promoting the sharing for responsibility for resource management and planning’ and ‘requiring sound strategic planning’ provide the broad authority for the TPPs to include the matters addressed in the Planning Processes TPP.

Public engagement, strategic planning and policies to guide the development of regulation are required to help define and deliver the range of matters addressed in the TPS and RLUS. While there are some provisions in the Act that require consultation during the preparation of the SPP’s and LPS’s, there are no equivalent requirements for the RLUSs and those plans or strategies that might be incorporated in an RLUS. Similarly, there is no policy framework for how strategic planning should occur, especially in regard to the Government’s expectations around collaboration and coordination between different levels of government and service providers to help deliver efficient and effective planning outcomes.

**Attachment 1** provides a table showing some of the relevant regional policies in the three current RLUSs and how many of them relate to planning process matters addressed through the Planning Processes TPP. The table provides evidence of the association between existing matters included in a RLUS and those raised in the Planning Processes TPPs, further strengthening the authority of that TPP as being provided for under section 12B(2)(d), insofar as the reference to a RLUS.

- ***Is there a potential conflict between some parts of the Planning Processes TPPs and the provisions of the Act and State Policies and if so how is it resolved?***
- ***Will the combined application of the Act and State Policy provisions and the Planning Policy TPPs cause administrative and legal uncertainty in the application of the processes that are to be followed in the Tasmanian planning system?***

Any potential conflict between parts of the Planning Processes TPP and provisions of the Act and State Policies are resolved by the hierarchy of the instrument and test required by the Act. It is clear that the TPPs are a creature of the legislation and cannot dictate legislative processes or processes that are contrary to the legislation. Where the Act specifically provides for public notification the TPPs cannot override that, but where there is no legislative requirement, the TPPs can encourage an approach where the consultation forms part of the preparation of the instruments that the Act sets out in s.12B.

The Planning Processes TPP is no different to other TPPs in that it can express policy but cannot apply or modify a legislative process or requirement and it cannot be inconsistent with a State Policy.

The combined application of these processes will not cause administrative or legal uncertainty because each performs a separate task in various planning instruments within an established legal hierarchy. In the case of any conflict arising, the provisions of the Act prevail to the extent of any inconsistency.

- ***Are there alternative approaches to the content of the Planning Processes TPP to achieve effective implementation?***

We take this question to mean “could the content of the TPPs be delivered through a different mechanism than the TPPs?” The SPO accepts that the principles could be delivered through other means such as Advisory or Best Practice publications, but these would lack the statutory weight of the TPPs.

The SPO accepts that the Planning Processes TPP covers matters that might be beyond the expectations of many people but reiterates that part of the impetus for developing the TPPs is to provide a consistent policy setting for the planning system that furthers the objectives of the Act and therefore why shouldn't they provide planning policies to support best practice planning processes.

## **8. Implementation of the TPPs into the RLUS, SPPs and LPSs**

***The Act provides that the TPPs may specify the manner in which the TPPs are to be implemented into the RLUS, SPPs and LPSs. The TPPs all have a State-wide or locational application specified. The General Application section of the TPPs does not indicate which TPPs apply to which planning instrument.***

***However, this section does provide Direction on the way that the TPPs are to apply to LPSs in accordance with the requirements of the Act. Following the review of the RLUSs and SPPs in light of the TPPs, it also provides discretion to decision makers to determine that a strategy has been applied through an RLUS or SPP, which will satisfy the need for an LPS to comply with the strategy.***

***Advice was provided in the hearing that work was undertaken to determine which TPP should apply to RLUSs, SPPs or LPSs. Advice was that the result of that work generated significant complexity in relation to implementation.***

- ***Can advice be provided on the methodology or criteria applied to achieve specific TPP implementation in to the three relevant planning instruments?***

The methodology used was to prepare a table with each TPP strategy in a column and carry out a theoretical consideration of whether each could be applied to, or inform an outcome delivered by, the SPPs, RLUSs and LPSs.

The assessment indicated that in many cases the implementation was expected in all or most of the instruments.

- ***Can the outcome of the attempted implementation be made available?***

Yes, on the basis that it provides an example of the potential application of the strategies within the Settlement, Environmental Values and Planning Processes TPPs to subordinate planning instruments. While an internal working document addressed the entire set of TPPs, that document addressed an early version of the TPPs and is therefore not suitable for publishing in its current form. The SPO has updated the table in relation to the three TPPs listed above to demonstrate the approach, including the complexities around articulating exactly how a strategy might be applied through the various planning instruments. See **Attachment 2**.

- ***If the TPPs were expressed as aims or principles rather than objectives and strategies, would targeted implementation be more readily achievable?***

As discussed at length above, the language used to describe the elements of the TPPs will make no difference to their implementation.

## 9. Words and Phrases - Definitions, Clarification and Methodology

*Submissions indicate that further definition, clarification or elaboration of some words and phrases would assist in the implementation of the TPPs.*

- *In clause 1.1.3 4, can the scope of “prioritising growth of settlements that are within the higher tiers of the settlement hierarchy” be clarified and drafted so as to focus on desired outcomes?*

Clause 1.1.3.4 is intended to provide for a general preference as opposed to a mandatory decision in every circumstance. ‘Prioritising’ does not preclude other responses. The term ‘higher tiers’ refers to those settlements that have been nominated for growth through the preceding process of preparing a regional settlement hierarchy to assist in strategically providing for a coordinated and orderly distribution of resources. It does not necessarily reflect the placement of the largest existing centres at the top. The hierarchy subject to 1.1.3.3 is required to take into account a range of factors as follows:

- a. *population projections and forecast demographic change;*
- b. *the functional characteristics of the settlement and any specific role it plays in the State or region;*
- c. *the social, environmental and economic characteristics of the settlement;*
- d. *the availability of goods and services, including social infrastructure, to support the needs of the community;*
- e. *access to employment and training opportunities;*
- f. *efficient and accessible transport systems; and*
- g. *capacity and cost-efficient upgrading of physical infrastructure.*

The consequences of applying these principles to the task might be that it is determined that some of the largest centres are not appropriate to grow further because the population projections and forecasts show demand elsewhere, or increased growth will infringe on environmentally sensitive areas, or a new employment centre would be better supported by encouraging growth to a currently smaller centre with less constraints on growth.

Consequently, the SPO is of the view that the current wording appropriately captures the complexity and flexibility of the growth policy outcomes.

- *Can the policy intent of clause 1.4.3 5 be achieved by the use of a less prescriptive introductory statement?*

The TPPs use a range of words deliberately chosen to reflect the degree of direction given. These vary from encouraging and promoting, through to identifying and providing, then to discouraging and avoiding.

The term ‘avoid’ is used in TPPs where the intent is supposed to be to stop a certain outcome unless quite strict mitigating circumstances exist. The Environmental Hazards TPPs also uses the term ‘avoid’ and is then followed by a set of circumstances that would provide for the setting aside of the avoidance status. The Settlement TPP as expressed in 1.4.3.5 is so intended. The TPP is quite clearly framed to send a clear message that expansion of rural residential is discouraged and should only be contemplated if a series of mitigating circumstances prevail.

The SPO believes that to soften the language or change the direct nature of the introductory words would send a message that the default setting is ‘yes but only if’ rather than ‘no but perhaps if’. While this might represent a semantic detail, the SPO does not see the point in modifying the language as it delivers the appropriate and desired policy. To change the language to present the strategy in the positive, as opposed to the negative, might be seen as being more favourable to the expansion of rural residential living, and subsequently argued that that is the intent, when it is not.

- ***Is there an accepted methodology that enables the appropriate ranking of the significance of identified biodiversity values as is referred to in clause 2.1.3 1?***

Biodiversity values are ranked as a matter of course through legislation both nationally and at a State level. Some methodologies rank large intact pristine remnant vegetation as being higher in value and afforded better protection than other smaller degraded areas of remnant vegetation.

It is not the role of this process to prescribe exactly what that methodology is other than to be satisfied that there are ways for ranking biodiversity values. It is anticipated that the Regions, with the assistance of the Department of Natural Resources and Environment Tasmania (NRE), will develop their own methodology for delivering the policy in response to their region’s biodiversity characteristics.

NRE have provided further advice to the Panel on this matter.

- ***How is the “Tasmanian brand” referred to clause 4.4.3 1(f) and 4 ascertained and does it establish or create a perception that certain types of business will receive a more favourable assessment or less objective assessment than those businesses that do not align with or promote the “Tasmanian brand”?***

‘Brand Tasmania’ is a place-branding authority created under the [Brand Tasmania Act 2018](#) to promote Tasmania and market it as a particular brand.

The main objectives of the authority are to –

- a) ensure that a Tasmanian Brand, which differentiates and enhances Tasmania’s appeal and national and international competitiveness, is developed, maintained, protected and promoted; and
- b) ensure that Tasmania’s image and reputation locally, nationally and internationally are strengthened; and
- c) ensure that the Tasmanian Brand is nurtured, enhanced and promoted as a key asset of the Tasmanian community.

The Tasmanian Brand is not ‘ascertained’ by businesses as implied by the Panel’s question but rather is an idea characterised by pursuit of excellence, unassuming quality and respect for the environment. The question is whether there is a role for the State Government to influence the type of tourism product that the planning system provides for and is it unreasonable for a tourism business to align, promote or support the Tasmanian brand.

The SPO submits that the objectives of Brand Tasmania align well with the objectives of the Act in that they support capturing and working with the qualities that make Tasmania ‘sustainable’ and promoting those qualities. Specifically, by supporting the Tasmanian Brand the TPPs further Part 2 objective (e), in that they require planning policy to be easily integrated with environmental, social, economic, conservation and resource management policies as State, regional and municipal levels.

The assessment of a planning instrument that demonstrated alignment with the Tasmanian Brand would be seen more favourable by the TPPs.

- ***“avoid over regulation” in clause 7.3.2 has created a perception that there is an intent in the establishment of the TPPs to reduce planning controls. Can the objective of matching the level of regulation in the planning system to the nature of the impact associated with the use and development be differently expressed?***

The SPO acknowledges that a few people have misconstrued this TPP as in some way seeking to deregulate planning controls and assessments to avoid appropriate consideration of matters. It is ironic as the intent is to specifically establish a process of appropriate regulation depending on the anticipated impacts of a use and development.

This is a normal practice in the area of planning and environmental assessment, whereby the extent of regulation should be commensurate to the likelihood and severity of impacts.

Notwithstanding this the SPO is prepared to reword the objective statement at 7.3.3 to include:

*To set planning regulation at a level that is proportionate to address or manage the likelihood and severity of the impacts caused by use and development.*

The following comments from the SPO are in response to other matters that have been raised during the hearing process.

At the hearings into the representations on the draft Tasmanian Planning Policies held on Tuesday 7<sup>th</sup> November, the Panel sought submissions from the SPO in response to the following matters that were raised:

- 1) ***Chris Stuart (Tasmanian Minerals, Manufacturing and Energy Council) raised the issue that explicit reference to the importance of the mineral sector should be included in the Policy Context section of the Sustainable Economic Development TPP.***

The SPO agrees that the Policy Context for the Sustainable Economic Development TPP should acknowledge the importance of the mining and mineral sector to the State’s economy and recommends the following additional text at clause 4.0.1 of the draft TPPs, as shown by underline below:

*Tasmania’s natural resources underpin our economic prosperity. Our fertile soils, mild climate and reliable rainfall provide opportunities in the agricultural sector while our pristine air quality unique landscapes and ecological diversity attract visitors from around the world. Our geological diversity provides significant opportunities both for the discovery and development of world class mines and for the extraction of materials for development. The minerals sector is a key sector for employment, exports and the supply of primary inputs for the construction and development sectors.*

*Our proximity to Antarctica and the Southern Ocean provides advantages to attract research, accessing and servicing opportunities . . .*

- 2) ***Adriaan Stander (Kingborough) raised the issue that the strategies for the Industry Policy of the Sustainable Economic Development TPP should be reviewed to:***
  - ***Allow land to be identified for future industrial use outside an urban growth boundary to provide for the longer-term strategic identification and allocation of land for industrial use; and***
  - ***Re-order the strategies to provide for more appropriate sequencing.***



In response to the issues raised, the SPO suggests the inclusion of an additional strategy under section 4.6.3, shown below by underline, and swapping the order of original strategies 1<sup>1</sup> and 2, as follows:

#### 4.6.3 Strategies

1. Strategically identify and protect land that is suitable for industrial use and development to meet the needs of future generations.
2. Provide for at least a 15 year supply of industrial land, that is located within urban or settlement growth boundaries, that is based on projected demand to meet the economic needs of Tasmania.
3. Identify and allocate land within urban or settlement growth boundaries that is suitable for industrial use and development, considering:
  - a) *analysis of industrial activities and land supply at a regional or metropolitan level, including existing available land, potential for growth within, or adjacent to, existing centres, and the nature of current and future industrial activities;*
  - b) *topography and physical site constraints;*
  - c) *compatibility of surrounding land use;*
  - d) *provision of adequate buffer areas to separate incompatible uses;*
  - e) *access to workforce;*
  - f) *supply chain relationships, including freight patterns, and proximity to existing freight networks, including high productivity and key local freight roads;*
  - g) *the ability to and cost of, servicing with physical infrastructure; and*
  - h) *avoidance of environmental hazards and environmental values.*
4. Enable industrial use and development, outside urban or settlement growth boundaries, where.....

**3) *The Panel raised the issue of the draft TPPs using the terms ‘urban or settlement growth boundaries’ in the strategies and whether there is a difference between an “urban growth boundary” or “settlement growth boundary” and if these should be defined to aid interpretation and implementation.***

The draft TPPs provide some context for the purpose of an ‘urban or settlement growth boundaries’ in strategy 7 of the Growth policy at section 1.1.3 which states:

*Create urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of sufficient land to meet projected growth.*

The reason why the draft TPPs have used ‘urban or settlement growth boundaries’ is because both urban growth boundaries and settlement growth boundaries are terminologies that are used throughout the State in various planning instruments to contain growth.

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<sup>1</sup> Refer to discussion below regarding use of the terminology ‘urban growth boundary’ and ‘settlement growth boundary’ which also recommends modification to these strategies.

The draft TPPs define ‘settlement’ as:

**Settlement** – means land developed, or designated for, the concentration of occupation by human activity in urban or rural areas and which may contain a mix of land use. While predominantly referring to land developed as cities, towns and villages, it also includes land that has been modified from its natural state to provide for a mix of land uses which are not reliant upon natural resources, such as rural residential, utility and industrial uses.

As defined, settlements can include cities, towns or villages in urban or rural areas which can include a mix of land use and be developed at different densities.

‘Urban growth boundaries’ are well understood and already exist and apply through the RLUSs to many of the metropolitan areas of the State.

Settlement boundaries are also commonly used in the Tasmanian context to define the spatial extent of settlements in structure plans and RLUSs. The draft TPPs use of ‘Settlement growth boundaries’ is to capture those settlements that might not identify as being within an ‘urban’ landscape but where the need to create a settlement boundary is equally important.

The draft TPPs have maintained reference to both urban and settlement growth boundaries to reflect the existing use of those terms which is essentially a planning response to the same issue, albeit in slightly different environments.

It is proposed that the TPPs include the following definitions for ‘urban growth boundary’ and ‘settlement growth boundary’ which will allow the RLUS to adopt the terms and apply them in the appropriate context.

*Urban growth boundary – means the spatial extent of growth, as identified on a map, for a metropolitan area or a city and its greater urban area.*

*Settlement growth boundary – means the spatial extent of growth, as identified on a map, for a settlement.*

It is noted that in some instances the draft TPPs refer only to ‘urban growth boundaries’. This occurs in the Industrial strategies of the Sustainable Economic Development TPP at 4.6.3.1, 4.6.3.2 and 4.6.3.3.

The intent of those strategies is to direct industrial land uses to be within ‘urban growth boundaries’ or to provide criteria for when it is appropriate for industrial use and development to be located outside ‘urban growth boundaries’. These strategies should also apply to land within, and outside (respectively), ‘settlement growth boundaries’ to provide for industrial land in settlements that are not within a metropolitan area.

The SPO recommends including ‘urban or settlement growth boundaries’ in the relevant strategies of clause 4.6.3 as already shown above for the consideration of other modifications to that part of the TPPs.

‘Urban growth boundary’ is also used in section 1.1.1 (Application of the Growth policy) which states:

*Applies to existing settlements and land that has been proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements not included within an urban growth boundary.*

The intent of this application provision is to exclude rural residential land from the Growth strategies because growth of that type of land use is addressed under strategy 1.4.3.5. However, it is intended that the Growth strategies need to apply to rural residential land where that land has been strategically identified for growth at urban densities, and not just being located within an urban growth boundary as currently drafted. To deliver the policy intent and to aid implementation, the SPO suggests modifying section 1.1.1 as follows:

*Applies to existing settlements and land that has been proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements not included within an urban or settlement growth boundary where that land has been identified for growth at urban densities.*

At the hearing into the representations into the draft TPPs on Thursday 9 November, the SPO took the following matter on notice.

**4) To liaise with Tristan Widdowson (Hobart City Council) on developing a strategy that provides for development contributions for the provision of other infrastructure (eg public open space) that sits outside the current strategy for developer contribution in the 'provision of services' policy in the physical infrastructure TPP.**

Correspondence between the SPO and Hobart City Council has resulted in recommending to the panel that the TPPs be modified to delete strategy 5.1.3.5 and include the following additional policy after 1.6 Design, of the Settlement TPP, which includes:

**1.7 Development Contributions**

**1.7.1 Application**

*Applies to existing settlements and new areas of settlement growth.*

**1.7.2 Objective**

*To support the equitable sharing of costs, associated with the provision of new, or upgraded, infrastructure to service growth, between developers and the wider community.*

**1.7.3 Strategy**

1. *Facilitate development contributions that are fair, reasonable and transparent that apply to new use and development to support the effective provision of public infrastructure including, but not limited to, stormwater, roads, footpaths, public amenities, reticulated services and public open space.*

At the hearing into the representations into the draft TPPs on Tuesday 19 December 2023, the SPO took the following matter on notice:

**5) To discuss with Shelter Tas the definition of 'Affordable Housing'**

The SPO was advised by Homes Tas that relevant definitions they had previously provided have been subsequently modified in the recent release of the Tasmanian Housing Strategy and that the definitions in the TPPs should be modified to maintain consistency between the two documents.

The TPPs currently have definitions for:

**Affordable housing** – means rental homes or home purchases that are affordable to low-income households, meaning that the housing costs are low enough that the household is not in housing stress or crisis.

**Housing stress** – means housing costs that are over 30% of the income of a low-income household.

The Tasmanian Housing Strategy combines the two definitions for 'affordable housing' and 'housing stress' within a single definition for 'affordable housing' which is:

(means) *housing for purchase and rental, including social housing, that is appropriate for the needs of very low-, low- and moderate-income households. This is generally understood to mean housing that costs no more than 30 per cent of a household's gross income.*

Homes Tas has advised that the definition used in the Tasmanian Housing Strategy is consistent with definitions used by the Australian Housing and Urban Research Institute (AHURI). The revised definition was sent to Pattie Chugg at Shelter Tas who confirmed suitability for use in the TPPs. Shelter Tas also recommended that the TPPs include a clear definition of 'very low-, low-, and moderate-income households' and a definition for 'income quintiles', as follows:

***Very low-, low-, and moderate-income households*** - means households that are in the three lower quintiles of the Tasmanian income distribution.

***Income quintiles*** – means a comparison measurement approach whereby a household's income is ranked against the distribution of all household income in Australia. The approach divides Australia's households (i.e. not population) into five equal groups or quintiles, each comprising 20 per cent of the number of all households, based on their income. The income quintiles assessment leads to the recognition of the following categories:

- *very low income households – 0% to 20% of income earners*
- *low income households – 20% to 40% of income earners*
- *moderate income households – 40% to 60% of income earners*
- *high income households – 60% to 80% of income earners*
- *very high income households – highest 20% of income earners.*

Because the definition of 'income quintiles' references Australian households, Shelter Tas suggested including an addition specification that the income quintiles for Tasmania are indexed to Tasmanian household incomes which are lower than national incomes. The SPO would support including this information in a footnote to the definition of 'Income quintiles'.

The SPO supports deleting the existing definitions for 'Affordable Housing' and 'Housing Stress' and replacing the definition of 'Affordable Housing' to align with the definition from the Tasmanian Housing Strategy as provided above. The SPO also supports the recommendations made by Shelter Tas to include the definitions for 'very low-, low-, and moderate-income households' and a definition for 'income quintiles' as provided above.

## **6) Other modifications to the draft TPPs**

The SPO recommends the following modifications to the draft TPPs:

### **4.5.3 Strategies**

1. Identify renewable resource areas ~~for to prioritise~~ the preferred location of renewable energy use and development within areas that have been strategically identified for future renewable energy use and development taking into consideration:

As discussed at the hearing, the identification of renewable resource areas has been undertaken by ReCFIT and resulted in more broader scale areas being identified to guide the location of infrastructure for renewable energy use and development. The policy response is not to prioritise renewable energy use and development over other land uses but rather identify land for its preferred location.

Combine strategies 3 and 4 of clause 3.1.3 as follows and subsequential renumbering of strategies:

2. Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks. Where it is not practical to avoid bushfire hazards, use and development is to:
  - a) identify the risk of harm to human life, property and infrastructure caused by bushfire;
  - b) incorporate bushfire protection measures that manage the identified risk and reduce it to within a tolerable level; and
  - c) provide a higher level of risk mitigation for uses deemed particularly vulnerable or hazardous.

Consistent with the approaches used by other strategies, the proposed modification sets the policy to firstly avoid, but gives an option where that avoidance cannot be achieved then it may be suitable by where the risk can be managed.

In the second paragraph of the General Application section, modify the following sentence to clarify that the Climate Change Statements are not operative parts of the TPPs, as follows:

The Foreword, Table of Contents, headings, footnotes ~~and the Policy Context~~ including the Climate Change Statement section of each TPP are not intended to have operative effect. These parts or sections....

In the definition of 'Agricultural use' in the Glossary, add an 's' after 'animal'.

Modify the definition of 'rural residential settlement' for clarification purposes, as follows;

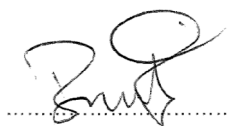
***Rural residential settlement***– means a settlement on an area of land a settlement that is characterised by a pattern of development involving residential use on larger lots in a rural or non-urban setting.

Claire Kain of Mineral Resources Tasmania suggested minor modifications to the Policy Context section of the Environmental Hazards TPP to more accurately reflect the legislative arrangement that supports the regulation of landslip hazard. The SPO has liaised with MRT to agree to deleting paragraph 5 of the Policy Context section for the Environmental Hazards TPP and replacing it with:

*Planning is one component of an integrated system that operates, in conjunction with others, to reduce the likelihood of impacts arising from natural disasters and reduce the risk of harm caused by these events. For example, the regulation of landslip hazard involves a number of Acts. Landslip hazard areas are defined by hazard overlays in the Tasmanian Planning Scheme made under the Land Use Planning and Approvals Act 1993, and by Proclaimed Landslip A and B zones under the Mineral Resources Development Act 1995. Controls on development and building in these identified landslip areas are then imposed under the Building Act 2016, the Building Regulations 2016 and the associated Determinations issued by the Director of Building Control. The Land Use Planning and Approvals Act 1993 also more broadly provides guidance on addressing issues relating to natural and environmental hazards including public health, public safety or other prescribed circumstances. The Environmental Management and Pollution Control Act 1994 includes provisions to protect and enhance the quality of the environment to prevent any adverse impact and maintain environmental quality.*

If the Panel requires further information, the SPO would be happy to discuss at the next hearing. Should you require anything before that, please don't hesitate to contact Nell Nettlefold, Senior Planning Adviser: [Nell.Nettlefold@stateplanning.tas.gov.au](mailto:Nell.Nettlefold@stateplanning.tas.gov.au) or phone 6232 7163.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brian Risby', written over a horizontal dotted line.

Brian Risby  
**Director, State Planning Office**

**ATTACHMENTS:**

Attachment 1 – Planning Processes TPP and review of RLUS policies

Attachment 2 – Example of TPP application to subordinate planning instruments

**ATTACHMENT 1 - Planning Processes TPP and review of some of the policies in the RLUSs**

Examples of some of the existing regional policies that have similarities to, or deliver outcomes that align with, the objective or strategies in the Planning Processes TPP

TPPs	STRLUS	NTRLUS	CCRLUS
<p><b>Public Engagement</b> - <i>To improve and promote public engagement processes to provide for the community's needs, expectations and values to be identified and considered in land use planning.</i></p> <ol style="list-style-type: none"> <li>1) 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.</li> <li>2) Promote public engagement that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning.</li> <li>3) Support public engagement processes, and the outcomes generated from them, that are informative and transparent.</li> <li>4) Provide supporting information that adequately explains and justifies the reasons for proposed planning policies, strategies and regulation to facilitate public engagement and understanding of planning process.</li> <li>5) Acknowledge that planning outcomes, derived through public engagement processes, involves compromise and trade-offs that balance the community's social, economic and environmental interests.</li> </ol>	<p>BNV 4.1 Consult NRM-based organisations as part of the review and monitoring of the Regional Land Use Strategy.</p> <ul style="list-style-type: none"> <li>- <i>Aligns with the objective of the Public Engagement policy of the TPPs</i></li> </ul> <p>CV 3.1 Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.</p> <ul style="list-style-type: none"> <li>- <i>Aligns with strategies 2 and 3 of Public Engagement policy of the TPPs</i></li> </ul> <p>CV 4.1 State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values.</p> <ul style="list-style-type: none"> <li>- <i>Aligns with the objective of the Public Engagement policy of the TPPs</i></li> </ul> <p>SRD 1.1A paragraph after dot point 'g' The settlement structure plan in (e) should include, where relevant, indicative subdivision plans.....and natural values, and, with demonstrated consultation with State agencies and relevant infrastructure providers....</p> <ul style="list-style-type: none"> <li>- <i>Aligns with the objective of the Public Engagement policy of the TPPs</i></li> </ul>	<p>RAC-A11 second sentence: Master plans should include a detailed development capacity audit, public consultation, opportunities and constraints assessment, methods to improve urban amenity and an economic development strategy and address other activity centre principles.</p> <ul style="list-style-type: none"> <li>- <i>Aligns with strategies 2 and 3 of Public Engagement policy of the TPPs</i></li> </ul> <p>CW-A12 Consult relevant environmental organisations active within the region, including NRM North, as part of the review and monitoring of the Regional Land Use Strategy</p> <ul style="list-style-type: none"> <li>- <i>Aligns with the objective of the Public Engagement policy of the TPPs</i></li> </ul>	<p>1.9 Public Engagement The State and the municipalities must work together to build community understanding of the Strategy and to facilitate involvement in the implementation processes. Implementation is to:</p> <ol style="list-style-type: none"> <li>a. Ensure on-going consultation with the community and stakeholders on the implementation of the Cradle Coast Regional Land Use Strategy</li> <li>b. Provide information to the community and stakeholders in order to build understanding of regional land use and facilitate informed involvement in implementation.</li> <li>c. Engage the community and stakeholders in local endeavours to implement the Cradle Coast Regional Land Use Strategy and provide the necessary information to ensure the informed involvement of the local community</li> </ol> <ul style="list-style-type: none"> <li>- <i>Aligns with strategies 1, 2, 3 and 4 of the Public Engagement policy of the TPPs</i></li> </ul> <p>1.5 Principles for Implementation o) Decisions and actions provide for broad community involvement on issues which affect them. Implementation action must ensure opportunity is available for the community to be both aware of and included within issue identification, policy preparation and review so as to ensure land use planning process remains in accordance with objectives for the system.</p> <ul style="list-style-type: none"> <li>- <i>Aligns with strategies 1, 2, 3 and 4 of the Public Engagement policy of the TPPs</i></li> </ul>
<p><b>Strategic Planning:</b> <i>To encourage the strategic consideration of land use planning issues by promoting integrated and coordinated responses that balance competing social, economic, environmental and inter-generational interests to provide for the long-term sustainable use and development of land.</i></p> <ol style="list-style-type: none"> <li>1) Support the application of the precautionary principle where the implications of planning decisions on the environment, now and into the</li> </ol>	<p>5. Biodiversity and Geodiversity: BNV 1.1 Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.</p> <ul style="list-style-type: none"> <li>- <i>aligns with the strategy 2 of the Strategic Planning policy of the TPPs</i></li> </ul>	<p>A.3.5 Regional Governance A collaborative coordinated governance approach between, and within, State and local government is being advanced to achieve:</p> <ul style="list-style-type: none"> <li>• Streamlined and consistent planning processes, including increased regional planning capacity and resource sharing</li> <li>• BNV-P04 Land use planning processes are to be consistent with any applicable conservation</li> </ul>	<p>6.5 Shaping the Cradle Coast Land Use Planning Framework 2010 – 2030 Initiates a regional land use planning process to provide a strategic regional perspective and a coordinate framework for consistent regulatory action.</p> <ul style="list-style-type: none"> <li>- <i>Aligns with the objective of the Strategic Planning policy of the TPPs</i></li> </ul> <p>Page 80: Planning processes are to establish likely exposure, acceptable level of risk, and appropriate</p>

<p>future, is not fully known or understood.</p> <ol style="list-style-type: none"> <li>2) 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.</li> <li>3) Strengthen the use of scientific-based evidence to make informed decisions about land use planning.</li> <li>4) Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure planning.</li> <li>5) Promote collaboration and coordination between, and within, Commonwealth, State and local government to deliver integrated, efficient and effective planning outcomes.</li> <li>6) Facilitate coordinated approaches between public and private investment to achieve common planning goals.</li> <li>7) Adopt and implement best practice governance structures to provide strategic and innovative leadership within communities that will effectively inform land use planning.</li> <li>8) Promote the regular review of land use strategies so that they remain current, adaptive and responsive to planning issues as they arise.</li> </ol>	<p>8 Managing risks and hazards:  MRH 1.1 Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.  <ul style="list-style-type: none"> <li>– <i>Aligns with the strategy 2 of the Strategic Planning policy of the TPPs</i></li> </ul> MRH 2.1 Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.  <ul style="list-style-type: none"> <li>– <i>Aligns with the strategy 2 of the Strategic Planning policy of the TPPs</i></li> </ul> 1.4 The RLUSs are intended to guide land use, development, and infrastructure investment decision across the region by State and Local Government, and infrastructure providers.  <ul style="list-style-type: none"> <li>– <i>Aligns with the strategy 5 of the Strategic Planning policy of the TPPs</i></li> </ul> </p>	<p>area management plans or natural resource management strategy  <ul style="list-style-type: none"> <li>– <i>Aligns with strategy 7 of the Strategic Planning policy of the TPPs</i></li> </ul> RIN-A21 Consult and engage with public transport service providers in the concept design phase to determine if an area can be serviced by public transport, considering public transport networks and subdivision design.  <ul style="list-style-type: none"> <li>– <i>Aligns with strategies 4 and 5 of the Strategic Planning policy of the TPPs</i></li> </ul> </p>	<p>standards to avoid, mitigate or manage each of the following risk categories:.....  <ul style="list-style-type: none"> <li>– <i>Aligns with the objective of the Strategic Planning policy of the TPPs</i></li> </ul> 2.3 Land Use Policies for a Changing Climate  a) Promote outcomes which reduce carbon emissions and increase energy efficiency in a manner consistent with and appropriate to furthering declared Commonwealth and State policies and targets  <ul style="list-style-type: none"> <li>– <i>Aligns with strategy 5 of the Strategic Planning policy of the TPPs</i></li> </ul> </p>
<p><b>Regulation:</b> <i>To avoid over regulation by aligning the level of regulation to the scale of the potential impact associated with use and development.</i></p> <ol style="list-style-type: none"> <li>1) Allow use and development that has little or no impact to proceed without requiring planning approval.</li> <li>2) 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.</li> <li>3) Support the maintenance of regulatory consistency unless there is a demonstrated need that warrants a more specific or different approach.</li> </ol>	<p>Nothing specific on regulation that align with the TPPs planning process TPPs.</p>	<p>D.2.2.4 Key Planning Principles for Rural Areas  Ensure land use and water management policies and regulations do not unreasonably constrain the development of agriculture, agribusiness, and appropriate ecotourism and recreation opportunities in Rural Areas.  <ul style="list-style-type: none"> <li>– <i>Aligns with the objective of the Regulation policy of the TPPs</i></li> </ul> E.5.4 Specific Policy and Actions  ED-A18 Encourage the establishment of small tourism businesses by allowing flexible locations and minimising regulation, such as working from home and farm gate tourism.</p>	<p>a. Health Care page 91 paragraph 2  Land use planning need respond to the Tasmanian Health Plan by ensuring flexibility and capacity within planning regulation to accommodate both specialist acute care and health support facilities as a use conforming to the core purpose of urban and residential areas, and for which there are a minimum of regulatory requirements.  <ul style="list-style-type: none"> <li>– <i>Aligns with strategy 4 of the Regulation Policy in the TPPs</i></li> </ul> 1.7 Continuous Improvement page 125  e. Identify and confirm location of areas exposed to natural and human-made hazards and the appropriate standards for regulation, including for land susceptible to land slip, bush fire, or flood, and coastal locations</p>



<p>4) Encourage mechanisms that allow for timely adjustments in planning regulation for responses to, and recovery from, situations including, but not limited to, pandemic, climate change and emergency events.</p> <p>5) Facilitate the coordination and rationalisation of regulation where there is consistency between planning and other regulatory regimes.</p>		<p>– <i>Aligns with the objective of the Regulation policy of the TPPs</i></p>	<p>likely to be inundated with rise in sea level or storm surge</p> <p>– <i>Broadly aligns with the objective of the Regulation policy of the TPPs</i></p> <p>1.4 page 119: Initiates a regional land use planning process to provide a strategic regional perspective and a coordinate framework for consistent regulatory action.</p> <p>– <i>Aligns with strategy 3 of the Regulation policy of the TPPs</i></p>
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## 1.1 Growth

### 1.1.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, including any land within rural residential settlements that is specifically identified for inclusion within an urban growth boundary.

### 1.1.2 Objective

To plan for settlement growth that allocates land to meet the existing and future needs of the community and to deliver a sustainable pattern of development.

### 1.1.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Provide for at least a 15-year supply of land that is available, identified or allocated, for the community’s existing and forecast demand for residential, commercial, industrial, recreational and community land to support the economic, social and environmental functioning of settlements.	Yes RLUS is primarily to determine how much land is needed and where this is located, and shown on a map	No	Yes Applied spatially through LPS LPS to meet 34(2)(e) LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.
2. Plan for growth that will: a) prioritise and encourage infill development, consolidation, redevelopment, re-use and intensification of under-utilised land within existing settlements, prior to allocating land for growth outside existing settlements; b) prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services; c) integrate with existing transport systems; and d) discourage the development of land that: o is not well serviced by existing or planned physical and social infrastructure, or that is difficult or costly to service; o is subject to environmental hazards where a tolerable level of risk cannot be achieved or maintained; o contains high environmental or landscape values;	Yes RLUS to determine where the growth areas are located, and shown on a map	Yes SPP zones to provide appropriate provisions for infill – density & character	Yes Applied spatially through LPS LPS to meet 34(2)(e) LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.

Strategy	RLUS	SPPs	LPS
<ul style="list-style-type: none"> <li>○ is agricultural land, especially land within the more productive classes of agricultural capabilities; and</li> <li>○ is used for extractive industries or identified as strategic resource areas and deposits.</li> </ul>			
<p>3. Identify regional settlement hierarchies based on:</p> <ul style="list-style-type: none"> <li>a) population projections and forecast demographic change;</li> <li>b) the functional characteristics of the settlement and any specific role it plays in the State or Region;</li> <li>c) the social, environmental and economic characteristics of the settlement;</li> <li>d) the availability of goods and services, including social infrastructure, to support the needs of the community;</li> <li>e) access to employment and training opportunities;</li> <li>f) efficient and accessible transport systems; and</li> <li>g) capacity and cost-efficient upgrading of physical infrastructure.</li> </ul>	<p>Yes</p> <p>RLUS to determine the settlement hierarchy and show in a table or on a map or both</p>	<p>No</p>	<p>No</p>
<p>4. Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy.</p>	<p>Yes</p> <p>RLUS to determine the growth priority</p>	<p>No</p>	<p>Yes</p> <p>Regional hierarchy applied spatially through LPS</p> <p>LPS to meet 34(2)(e)</p> <p>LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.</p>
<p>5. Actively address impediments to infill development, particularly in the major urban centres.</p>	<p>Yes</p> <p>RLUS to identify where the issues are located</p>	<p>Yes</p> <p>SPP zones to provide appropriate provisions for infill – density &amp; character</p>	<p>Yes</p> <p>Applied spatially through LPS</p> <p>LPS to meet 34(2)(e)</p> <p>LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.</p>

Strategy	RLUS	SPPs	LPS
<p>6. Promote the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:</p> <ul style="list-style-type: none"> <li>a) the identified values, physical constraints, including environmental hazards, and the strategic context of the location;</li> <li>b) urban or settlement growth boundary;</li> <li>c) movement networks, including street hierarchy and pedestrian and cycling paths for active transport modes;</li> <li>d) location of land for the purpose of residential, commercial, open space, recreation and community use and development, the relationship between uses and their positioning to avoid land use conflict;</li> <li>e) any staging or sequencing of development of land;</li> <li>f) the use of existing infrastructure and services and the logical and efficient provision of additional infrastructure; and</li> <li>g) impacts on broader physical and social infrastructure, including health and education facilities, strategic transport networks, public transport services, water and sewerage.</li> </ul>	<p>Yes</p> <p>RLUS to specify the requirements for structure plans in the regional context so they can be incorporated into the RLUS in the future</p>	<p>No</p>	<p>Yes</p> <p>Structure plans guide spatial application of zoning through LPS</p>
<p>7. Create urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of sufficient land to meet projected growth.</p>	<p>Yes</p> <p>RLUS to specify and display urban or settlement growth boundaries</p>	<p>No</p>	<p>Yes</p> <p>Potentially applied spatially through zoning</p> <p>LPS amendments tested against strategy</p>
<p>8. Land identified for proposed growth on land located outside an existing urban or settlement growth boundary must be strategically justified, based on:</p> <ul style="list-style-type: none"> <li>a) projected population growth;</li> <li>b) site suitability, such as having regard to identified values, agricultural capabilities, physical constraints and environmental hazards;</li> <li>c) land supply and demand analysis (including infill and greenfield);</li> <li>d) existing physical and social infrastructure networks and services;</li> <li>e) supporting the regional settlement hierarchy; and</li> </ul>	<p>No</p>	<p>No</p>	<p>Yes</p> <p>LPS amendments tested against strategy</p>

Strategy	RLUS	SPPs	LPS
f) preventing the distortion of growth strategies in other settlements.			
9. Identify the role and function of activity centres within settlements and encourage use and development that complements and supports that role and function.	Yes RLUS to determine the functions and roles of activity centres	Yes SPPs to provide appropriate provisions	Yes Zoning to deliver strategy is applied spatially through the LPS  LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.
10. Encourage the concentration of commercial, administrative, major retail, entertainment and cultural use and development within activity centres that are highly accessible by public and active transport.	Yes RLUS may guide where this goes and show on a map	Yes SPPs to provide appropriate provisions	Yes Zoning to deliver strategy is applied spatially through the LPS  LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.
11. Provide for and identify preferred development sequences in areas of growth to enable better coordination and more cost-effective planning and delivery of physical infrastructure.	Yes RLUS might determine development sequence and show on a map or in a table	Yes Review SPPs to make sure subdivision standards require plans to demonstrate how development will be staged (in larger subdivisions)	Yes LPS might be used to spatially apply zoning that shows sequencing, such as using the Future Urban zone

## 1.2 Liveability

### 1.2.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements.

### 1.2.2 Objective

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.

### 1.2.3 Strategies

Strategy	RLUS	SPPs	LPS
<p>1. Promote the location of residential use and development in areas that are close to, or are well connected to, activity centres or secure and reliable employment sources.</p>	<p>Yes RLUS to determine the location and show on a map</p>	<p>No</p>	<p>Yes LPS to meet 34(2)(e) LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.</p>
<p>2. Facilitate access to, and a diverse range of, employment opportunities in settlements by:</p> <ul style="list-style-type: none"> <li>a) promoting the provision of, and access to, safe and efficient public transport;</li> <li>b) encouraging telecommunications infrastructure to support the ability to work remotely and access global markets; and</li> <li>c) enabling businesses that promote local characteristics, resources and produce.</li> </ul>	<p>Yes RLUS to provide guidance</p>	<p>Yes SPPs to provide a range of appropriate provisions</p>	<p>Yes Applied spatially through zoning to deliver strategy</p>
<p>3. Support growth in the skilled workforce and increase opportunities for innovation, research and technology by encouraging tertiary education and vocational training institutions to be located:</p> <ul style="list-style-type: none"> <li>a) in settlements that are within the higher tiers of the settlement hierarchy; and</li> <li>b) within close proximity to, or highly accessible by, residential areas;</li> </ul> <p>unless the particular educational or training course requires a remote location or an area with particular characteristics to teach the particular skills being offered.</p>	<p>Yes RLUS guide the settlements that should provide tertiary education</p>	<p>Yes Review zoning and use and development standards to deliver strategy.</p>	<p>Yes Apply appropriate zoning to deliver outcome</p>
<p>4. Provide for a network of accessible, interlinked and inviting open and green spaces close to and within residential areas and activity centres to encourage active lifestyles, connection with nature and social interaction.</p>	<p>Yes RLUS to look at opportunities for open and green spaces across municipalities. Potentially review how much and provide regional strategies to deliver the intent of this strategy.</p>	<p>No</p>	<p>Yes Spatially applied through the LPS. Amendments to be tested against this strategy</p>
<p>5. Provide for connectivity within settlements, especially between residential areas, activity centres and open space networks, through a network of legible and accessible infrastructure dedicated to active transport modes, including end of trip facilities.</p>	<p>Yes Mostly delivered though structure planning which can be incorporated into a RLUS</p>	<p>Yes SPPs to provide an appropriate range of provisions – eg subdivision</p>	<p>Yes Elements delivered spatially through the application of appropriate zoning</p>

Strategy	RLUS	SPPs	LPS
6. Provide integrated transport networks that allow people to move safely and efficiently between and within settlements utilising different transport modes, including public transport, cycling and walking, to reduce car dependency.	Yes RLUS to align growth with transport networks	Yes SPPs to provide an appropriate range of provisions to support delivery of integrated transport networks	Yes Connectivity potentially delivered through appropriate zoning. LPS amendments might be tested against this strategy.
7. Support measures to mitigate the impacts of climate change on urban environments by encouraging urban forests, street plantings, garden roof tops (green roof), water sensitive urban design and integration of shade and water features into public spaces.	Unlikely but RLUS may wish to explore options and develop regional policies to give effect to this strategy.	Yes SPPs to provide an appropriate range of provisions	No
8. Improve neighbourhood amenity by managing incompatible use and development.	No	Yes Delivered through use and development standards.	Yes Application of zoning can help deliver this strategy LPS amendments should address this matter
9. Provide for a range of cultural, recreational and community facilities that support wellbeing, social cohesion and cultural identity and understanding.	Yes RLUS to review and provide guidance on the range of facilities to provide	Yes Review use classes and status of use in zones that would support this strategy	Yes LPS amendment may be considered against this strategy
10. Protect and enhance those settlements, or part of settlements, that contain unique or distinctive local characteristics that contribute, or have the potential to contribute to, the community's identity and sense of place.	Yes RLUS to provide guidance on this matter	Yes Review SPPs to potentially make greater use of local area objectives or desired future character statements Review SPP zones to enable some zones to recognise existing character	Yes LPS amendments should address this matter and would be relevant to 32(4) matters
11. Facilitate place-making and recognise the contribution it makes to the local economy, environmental amenity and social wellbeing of the community.	Yes RLUS to explore and provide regional guidance on this matter	Yes Review SPPs to potentially make greater use of local area objectives or desired future character statements	Yes LPS amendments should address this matter and would be relevant to 32(4) matters

### I.3 Social Infrastructure

#### I.3.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements.

#### I.3.2 Objective

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

1.3.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Provide for a sufficient supply of land to support the community's existing and forecast demand for social infrastructure, including, but not limited to, schools, health care, libraries, social services and child and aged care.	Yes RLUS to review and determine	No	Yes Applied spatially through LPS zoning and considered in an LPS amendment
2. Facilitate the co-location of suitable and compatible social infrastructure.	No	Yes SPPs to provide an appropriate range of provisions	No
3. Maximise the use of existing well-located social infrastructure, including the re-use and multi-use of sites, to meet the changing needs of the community.	No	Yes SPPs to provide an appropriate range of provisions	Yes This strategy might be used to justify an LPS amendment
4. Integrate public and active transport networks with major social infrastructure.	Yes RLUS to identify and provide guidance	Yes Review SPPs to support strategy	Yes This strategy might be used to justify an LPS amendment
5. Promote the location of social infrastructure in close proximity to, or highly accessible by, residential areas.	Yes RLUS to review and provide guidance	No	Yes This strategy might be used to justify an LPS amendment
6. Facilitate the provision of services that support vulnerable or at-risk people, including crisis accommodation, neighbourhood houses, youth-at-risk centres, women's shelters and men's shelters.	Yes RLUS to review regional housing issues and provide regional policies that support this strategy.	Yes SPPs to provide an appropriate range of provisions	No
7. Protect major health and emergency services facilities (including associate airspace) from land use conflict by avoiding the encroachment or intensification of surrounding incompatible use and development.	Yes Identify regionally important health and emergency services facilities	Yes SPPs to provide an appropriate range of provisions	Yes Applied spatially through zoning. (eg overlay) LPS amendments should address this matter and would be relevant to 32(4) matters
8. Support the temporary or intermittent use of recreational, educational and community facilities for a range of cultural and creative activities that promote community participation and social inclusion.	No	Yes SPPs to provide an appropriate range of provisions	No



Strategy	RLUS	SPPs	LPS
9. Encourage the provision of housing to accommodate employees that support essential social infrastructure in remote areas <sup>1</sup> .	Yes RLUS to identify where this is needed	No	Yes Strategy may be applied to support an LPS amendment.

## 1.4 Settlement Types

### 1.4.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth including rural residential development.

### 1.4.2 Objective

To plan for the sustainable use and development of settlements that have particular environmental characteristics or values.

### 1.4.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Promote the vibrancy and character of specific activity centres, hubs or inner-city locations that have good connectivity, housing choices and access to goods and services that support urban lifestyles, where the impacts associated with mixed use and higher density residential use can be managed.	Yes RLUS to identify locations and provide guidance on this matter	Yes Review SPPs to provide standards to manage impacts	Yes Strategy may be applied to support an LPS amendment.
2. Establish urban or settlement growth boundaries around coastal settlement to ensure that growth in coastal areas is directed to existing settlements areas and prevents linear development along the coast.	Yes RLUS establish boundaries or delivered through local structure planning.	No	Yes Strategy may be applied through zoning and considered in an LPS amendment.
3. Facilitate the provision of social and physical infrastructure to support the seasonal fluctuations in populations experienced by coastal or other settlements that are characterised by holiday homes.	Yes RLUS to identify settlements and develop regional policies to address.	No	Yes Strategy may be considered in an LPS amendment
4. Identify and protect the key values and activities of rural towns and villages, and support use and development that enhances these values and activities.	Yes RLUS to identify key values of rural towns	No	Yes Strategy may be considered in an LPS amendment LPS amendments should address this matter and would be relevant to 32(4) matters

<sup>1</sup> Strategies to accommodate housing for employees in the tourism, agriculture and extractive industries sectors in remote areas are addressed under their respective policies.

Strategy	RLUS	SPPs	LPS
<p>5. Avoid allocating additional land for the purpose of rural residential use and development, unless:</p> <ul style="list-style-type: none"> <li>a) the amount of land to be allocated is minimal and does not constitute a significant increase, or the existing pattern of development reflects rural residential type settlement;</li> <li>b) the land is not within an urban growth boundary or settlement growth boundary;</li> <li>c) the location of the land represents an incremental, strategic and natural progression of an existing rural residential settlement;</li> <li>d) the land is not strategically identified, or has the potential to be identified in the future, for development at urban densities;</li> <li>e) growth opportunities maximise the efficiency of existing services and infrastructure;</li> <li>f) agricultural land, cultural heritage values, landscape values, environmental values and land subject to natural hazards are avoided;</li> <li>g) the potential for land use conflict with surrounding incompatible activities, such as extractive industries and agricultural production, is avoided; and</li> <li>h) it contributes to providing for a mix of housing choices that attracts or retains a diverse population.</li> </ul>	<p>Yes</p> <p>RLUS to determine where and how this should be applied across the region</p>	<p>No</p>	<p>Yes</p> <p>LPS amendments should address this matter</p>

## 1.5. Housing

### 1.5.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth.

### 1.5.2 Objective

To provide for a sufficient supply of diverse housing stock, including social and affordable housing, that is well-located and well-serviced to meet the existing and future needs of Tasmanians.

### 1.5.3 Strategies

Strategy	RLUS	SPPs	LPS
<p>1. Provide the timely supply of land for housing in locations that are, or can be, easily connected to, and integrated with, the range of services including infrastructure provision, access to community, health and education facilities, public transport, and employment, consistent with the policy outcomes that deliver liveable settlements.</p>	<p>Yes RLUS to identify locations and provide regional policies to achieve the strategy</p>	<p>No</p>	<p>Yes LPS to provide appropriate zoning in appropriate locations.</p>
<p>2. Supply land, including infill, reuse and greenfield sites, for housing that meets the projected housing demand, which is to be based on the best available evidence, to improve housing availability and affordability.</p>	<p>Yes RLUS to determine amount of supply and shown on a map</p>	<p>No</p>	<p>Yes LPS to spatially apply zoning to give effect to the strategy</p>
<p>3. Facilitate social and affordable housing to meet the needs of the community that is located close to services and public transport networks.</p>	<p>Yes RLUS to review need for social and affordable housing and where it is need most.</p>	<p>Yes Review SPPs to achieve this strategy. Could do this through setting provisions, based on the definition, to call for a % of social housing.  The SPPs could offer a density bonus, if some of the residential development is set aside for affordable housing – which could also assist Homes Tasmania.</p>	<p>No</p>
<p>4. Plan and provide for a diverse range of quality housing types that meet the needs of the community by:</p> <ul style="list-style-type: none"> <li>a) responding to demographic trends including changing household size and composition;</li> <li>b) supporting the provision of well-designed social and affordable housing;</li> <li>c) promoting good amenity through the provision of solar access and quality private open space relative to the density and location;</li> <li>d) catering for the ageing population, including facilitating ageing in place and providing for different levels of dependency and transitioning between them;</li> <li>e) catering for people requiring crisis accommodation;</li> <li>f) considering the needs of people living with disability, including the level of support and care required for different levels of dependent and independent living options; and</li> <li>g) supporting co-living scenarios to help address housing availability and affordability.</li> </ul>	<p>Yes RLUS to determine what housing diversity is required</p>	<p>Yes SPPs to provide an appropriate range of provisions</p>	<p>Yes Strategy can be used to justify an LPS amendment</p>

Strategy	RLUS	SPPs	LPS
5. Encourage higher density housing in locations that: <ul style="list-style-type: none"> <li>a) have been identified for urban consolidation;</li> <li>b) are within close proximity to an activity centre;</li> <li>c) have good access to employment, social and physical infrastructure, open space and active and public transport networks;</li> <li>d) the potential impacts associated with increased residential density and land use conflict can be managed; and</li> <li>e) do not significantly impact environmental values and are not constrained by topography and environmental hazards.</li> </ul>	Yes RLUS to determine where this should be located and show on a map	Yes SPPs to include provisions to manage land use conflict associated with increased density	Yes Applied spatially through LPS. Strategy can be used to justify an LPS amendment.

## 1.6 Design

### 1.6.1 Application

Applies to existing and proposed urban spaces

### 1.6.2 Objective

To create functional, connected and safe urban spaces that positively contribute to the amenity, sense of place and enjoyment experienced by the community.

### 1.6.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Encourage the use of urban design principles that creates, or enhances, community identity, sense of place, liveability, social interaction and climate change resilience.	Yes RLUS to provide guidance on this matter	Yes SPPs to provide an appropriate range of provisions	Yes A SAP or PPZ might contain specific design principles to further this strategy
2. 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.	Yes RLUS can review and identify these types of areas and give effect to structure plans that provide more detail on them	Yes Review SPPs to provide for provisions that can deliver the strategy	Yes The strategy could potentially be implemented through a SAP. Strategy can be used to justify an LPS amendment.

Strategy	RLUS	SPPs	LPS
<p>3. Support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including:</p> <ul style="list-style-type: none"> <li>a) reduce the urban heat island effect by promoting the greening of streets, buildings and open space with vegetation, preferably native species where appropriate;</li> <li>b) implement sustainable water and energy solutions for climate change adaptation, including water sensitive urban design and renewable energy production;</li> <li>c) promote consolidation of urban development;</li> <li>d) integrate land use and transport; and</li> <li>e) encourage active transport through the provision of safe and shaded rest areas with urban furniture, drinking fountains and similar amenity measures.</li> </ul>	<p>Yes</p> <p>RLUS might identify areas subject to urban heat island, have regional policies that support urban consolidation and integrate land use and transport.</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions</p>	<p>Yes</p> <p>This might be a consideration for an LPS amendment</p>
<p>4. Provide public places that are designed to 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.</p>	<p>Yes</p> <p>RLUS to provide guidance on this matter</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions</p>	<p>Yes</p> <p>This might be a consideration for an LPS amendment</p>
<p>5. Encourage public places that are designed to promote:</p> <ul style="list-style-type: none"> <li>a) equal access and opportunity and to cater for the various needs and abilities of the community; and</li> <li>b) safety, social interaction and cultural activities, enabling a sense of wellbeing and belonging.</li> </ul>	<p>Yes</p> <p>RLUS to provide guidance on this matter</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions</p>	<p>Yes</p> <p>This might be a consideration for an LPS amendment</p>
<p>6. Promote subdivision design that considers the existing and future surrounding pattern of development and provides for connection and integration of street networks, pedestrian and bicycle paths and the efficient provision of services.</p>	<p>No</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions</p>	<p>Yes</p> <p>This might be a consideration for an LPS amendment for a SAP or PPZ where new subdivision standards are applied.</p>

Strategy	RLUS	SPPs	LPS
<p>7. Promote subdivision design that provides a functional lot layout that:</p> <ul style="list-style-type: none"> <li>a) is responsive to topography, site constraints and environmental values and hazards;</li> <li>b) provides a convenient, efficient and safe road network;</li> <li>c) supports efficient and effective public transport access;</li> <li>d) provides safe active transport;</li> <li>e) uses urban land efficiently;</li> <li>f) provides for well-located public open space that meets the needs of the local community;</li> <li>g) supports the intended future use and development of the lot;</li> <li>h) provide diverse lot sizes for residential use, in appropriate locations, that supports the future provision of diverse housing choices that meets the needs of the local community;</li> <li>i) promotes climatically responsive orientation of buildings; and</li> <li>j) allows passive surveillance of public spaces promoting community safety;</li> </ul>	<p>No</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions</p>	<p>Yes</p> <p>This might be a consideration for an LPS amendment for a SAP or PPZ where new subdivision standards are proposed.</p>
<p>8. Encourage the design, siting and construction of buildings to positively contribute to:</p> <ul style="list-style-type: none"> <li>a) the site and surrounds;</li> <li>b) the wellbeing of the occupants including, where appropriate, the provision of solar access and private open space;</li> <li>c) the public realm;</li> <li>d) neighbourhood amenity and safety;</li> <li>e) incorporate energy efficient measures;</li> <li>f) maintaining water quality by adopting best practice stormwater management approaches; and</li> <li>g) safe access and egress for pedestrian, cyclists and vehicles.</li> </ul>	<p>No</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions</p>	<p>Yes</p> <p>This might be a consideration for an LPS amendment for a SAP or PPZ where new development standards are proposed.</p>

## 2.1 Biodiversity

### 2.1.1 Application

Statewide.

### 2.1.2 Objective

To contribute to the protection and conservation of Tasmania's biodiversity.

### 2.1.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Identify biodiversity values, appropriately rank the significance of those values and map their location.	Yes RLUS to determine methodology for ranking biodiversity values and provide broad scale maps that identify them	No	Yes Applied spatially through LPS (overlay)
2. Unless there are significant social or economic benefits, avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.	Yes RLUS to consider high biodiversity value areas when designating land uses.	Yes SPP to prevent clearance of high priority biodiversity values	Yes LPS amendment tested against strategy where not enough detail shown in RLUS at discretion of decision maker in accordance with TPP direction made under 34(2A)(b) of the Act.
3. Prior to designating land for a particular purpose: a) consider the biodiversity values of that land and the potential impacts of the range of future use and development will have on those values; and b) determine if they are compatible and can be managed to avoid or minimise the impact on biodiversity values, especially high biodiversity values.	Yes RLUS to provide guidance when considering allocating land for future growth or more development intensive activity	Yes SPPs to provide an appropriate range of provisions to cover point (b)	Yes LPS to consider the strategy when applying zoning or a LPS amendment is proposed.
4. Provide for a level of restriction and regulation of use and development that will reflect its potential impact on, and be relative to, the biodiversity value.	No	Yes SPPs to provide an appropriate range of provisions for the different rankings (identified biodiversity values)	Yes Potentially considered as part of a SAP or PPZ
5. Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset.	NO	Yes SPPs to provide an appropriate range of provisions to inform	Yes Potentially considered as part of a SAP or PPZ

Strategy	RLUS	SPPs	LPS
		consideration of minimising impacts and/or offsets	
6. Promote and maintain connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes.	Yes RLUS to determine where this goes and shown on a map	Yes SPPs to provide an appropriate range of provisions	Yes Apply spatially through zoning or overlay
7. Promote use and development of land that prevents or minimises the spread of environmental weeds and disease.	No	Yes SPPs to provide an appropriate range of provisions to inform conditions on planning permits	Yes Potentially considered as part of a SAP or PPZ
8. Protect and enhance areas that provide biodiversity and ecological services that maximise opportunities for carbon storage.	Yes RLUS to identify areas and show on a map, including criteria to describe the opportunities for carbon storage	Yes SPPs to provide an appropriate range of provisions	Yes LPS amendments should address this matter
9. Support early action against loss of biodiversity as a result of climate change.	Yes RLUS to identify areas that are exposed to greater risk of impact caused by climate change.	Yes Potentially provide a range of provisions to support the strategy	Yes Potentially identify areas through an overlay, for example retreat pathways
10. Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development, thereby increasing the ability of species, ecological communities and ecosystems to adapt to climate changes.	Yes RLUS to strategically consider this strategy when allocating land for particular purposes.	Yes SPPs to provide an appropriate range of provisions	Yes Potentially identify areas through an overlay LPS amendments should address this matter
11. Identify ecological communities that are most vulnerable to climate change and develop strategies that consider improving resilience, mitigating impacts, planning retreat and facilitating adaptation to support their long-term survival.	Yes RLUS to determine the locations of vulnerable ecological communities and show them on a map	Yes SPPs may contain provisions responding to this strategy	Yes Potentially identify areas through an overlay LPS amendments should address this matter
12. Identify and enable retreat pathways for endangered ecosystems in coastal zones.	Yes RLUS to determine where the retreat pathways are and shown on a map	Yes SPPs to provide an appropriate range of provisions to recognise the areas of retreat with an	Yes LPS amendments should address this matter Potentially identify areas through an overlay



Strategy	RLUS	SPPs	LPS
		appropriate level of protection/management	
13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives.	No	Yes SPPs to provide an appropriate range of provisions to recognise the internal processes of managers of the reserve estate	Yes Potentially considered as part of a SAP or PPZ

## 2.2 Waterways, Wetlands and Estuaries

### 2.2.1 Application

Statewide

### 2.2.2 Objective

To protect and improve the quality of Tasmania's waterways, wetlands and estuaries.

### 2.2.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Identify and protect areas that support natural systems within waterways, wetlands and estuaries, including their riparian zones and groundwater recharge areas.	Yes RLUS to regionally identify where these are located and show on a map, also to set the guidance for identifying groundwater elements	No	Yes Mapping to inform an overlay applied spatially through the LPS

Strategy	RLUS	SPPs	LPS
<p>2. Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution and would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:</p> <ul style="list-style-type: none"> <li>a) relies specifically on being located within close proximity to aquatic environments;</li> <li>b) is for flood mitigation measures; or</li> <li>c) has considerable social, economic and environmental benefits; and can demonstrate that the risk of environmental harm can be managed.</li> </ul>	<p>Yes</p> <p>RLUS to consider identified values when designating land for different purposes to avoid impacts</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions for testing the need to locate near a waterway</p>	<p>Yes</p> <p>LPS amendments should address this matter</p> <p>Can apply spatially through LPS (overlay)</p>
<p>3. Encourage the protection of waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values.</p>	<p>Yes</p> <p>RLUS to consider this strategy when designating surrounding land uses.</p>	<p>Yes</p> <p>Include SPPs to protect riparian vegetation and stream banks</p>	<p>Yes</p> <p>Spatial application delivered through LPS.</p> <p>Consider strategy when assessing LPS amendment</p>
<p>4. Use and development located on land in, or around, waterways, wetlands and estuaries will:</p> <ul style="list-style-type: none"> <li>a) minimise the clearance of native vegetation;</li> <li>b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;</li> <li>c) protect the natural form and process of the landform assemblage, including aquatic areas;</li> <li>d) avoid land disturbance or manage soil erosion and changes in sediment loads entering the water caused by land disturbance;</li> <li>e) not significantly change the rate and quantity of stormwater or pollutants entering the water; and</li> <li>f) be designed and sited to maintain or enhance significant views and landscape values.</li> </ul>	<p>Yes</p> <p>RLUS to strategically consider the types of use and development on land around waterways when designating that land for particular purposes</p>	<p>Yes</p> <p>SPPs to provide an appropriate range of provisions</p>	<p>Yes</p> <p>Potentially inform standards in a SAP or PPZ</p>
<p>5. Promote the collaboration and coordination of catchment management across the State and the implementation of integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.</p>	<p>Yes</p> <p>RLUS to provide guidance on this</p>	<p>No</p>	<p>Yes</p> <p>Regional strategies might inform the spatial application of zones to deliver the planning outcome expressed through this strategy.</p> <p>Potentially considered as part of a SAP or PPZ</p>
<p>6. Protect and manage the ecological health and environmental values of surface and groundwater to prevent water quality degradation due to construction activities, point source pollution,</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

Strategy	RLUS	SPPs	LPS
diffuse land use impacts, or chemical reactions such as acidification.	RLUS to strategically consider the types of land uses on land around waterways when designating that land for particular purposes	SPPs to provide an appropriate range of provisions	LPS to spatially apply zoning and/or overlays to prevent inappropriate land use and development near waterways. LPS amendments will need to consider this strategy
7. Provide for the availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.	Yes RLUS to identify drinking water catchments and strategically consider the types of land uses allocated within them.	Yes SPPs to provide an appropriate range of provisions	Yes Apply zoning or overlays to land in water catchment to protect water quality
8. Promote and encourage the efficient and effective use of water resources.	Yes RLUS could potentially identify parts of region that are under water stress and develop regional policies to further this strategy.	Yes SPPs might require buildings to capture rainwater in water stressed areas.	Yes The strategy might be used to support an LPS amendment involving water treatment plant, dam or irrigation infrastructure that provides for the efficient use of water.

## 2.3 Geodiversity

### 2.3.1 Application

Statewide.

### 2.3.2 Objective

To protect and conserve land containing high conservation value geodiversity and to promote natural geological, geomorphological and soil processes that support broader, and more balanced, ecological functions.

### 2.3.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Identify and map land containing high conservation value geodiversity and avoid designating land for use and development that will impact those values, including through the modification of natural processes and functions that prevents geological, geomorphological or soil features from evolving naturally.	Yes RLUS to determine where these features are located and show on a map. RLUS to strategically consider high value geodiversity areas when designating land for particular purposes.	Yes SPPs to provide an appropriate range of provisions for managing impacts on geodiversity	Yes Zoning or overlay used to spatially apply this strategy through the LPS.

Strategy	RLUS	SPPs	LPS
2. Promote the protection of high conservation value geodiversity by avoiding, or if not practicable minimising, the impacts of land use and development on the feature and the natural processes and functions that support the feature's evolution.	Yes RLUS to determine where these features are located and show on a map. RLUS to strategically consider high value geodiversity areas when designating land for particular purposes.	Yes SPPs to potentially provide an appropriate range of provisions for managing impacts on geodiversity	Yes The strategy might be used in the assessment of an LPS amendment
3. Encourage integrated management of geodiversity and biodiversity to enhance efficient function of ecological processes.	Yes RLUS to look at broader land use planning impacts on the management of geodiversity to further this strategy.	Yes SPPs to potentially provide an appropriate range of provisions for managing impacts on geodiversity and biodiversity	Yes Integrated management response may be delivered through a SAP
4. Support the protection of places and sites of geological, palaeontological or other scientific importance, including rock formations and fossil sites from human induced impacts.	Yes RLUS to determine where the features to protect are located and show on a map	Yes SPPs to potentially provide an appropriate range of provisions	Yes Zoning or overlay used to spatially apply this strategy through the LPS or delivered through a SAP
5. Support the protection of geological features, such as peat, that provide opportunities for carbon storage.	Yes RLUS to identify where such features are and provide for their strategic consideration when designating land for particular purposes.	Yes SPPs to potentially provide appropriate provisions that help protection these areas.	Yes Potentially spatially applied through zoning or overlay. The strategy would also be a consideration in an LPS amendment.

## 2.4 Landscape Values

### 2.4.1 Application

Statewide.

### 2.4.2 Objective

To protect and enhance significant landscapes that contribute to the scenic value, character and identity of a place.

### 2.4.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Identify and map the extent of significant cultural, ecological, geological and aesthetic landscapes, scenic areas and scenic corridors and determine their specific features and values.	Yes RLUS to identify and map significant landscapes and describe their features and values.	No	Yes Zoning or overlay in the LPS to identify land subject to a significant landscape.
2. Promote the protection of significant landscapes, scenic areas and scenic corridors by recognising their individual scenic values and develop measures to ensure that use and development respects, and is sensitive to, the character and quality of those scenic values.	Yes RLUS to strategically consider landscape values when designating land for different purposes.	Yes SPPs to provide an appropriate range of provisions	Yes Strategy is spatially applied through the LPS. LPS amendments should address this matter
3. Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development: a) relies specifically on being located within a significant landscape; b) has overriding social, economic and environmental benefits; and includes specific measure to minimise the impact on the significant landscape.	Yes RLUS to strategically consider the impacts on landscape values when designating land for different purposes.	Yes SPPs to provide an appropriate range of provisions	Yes Strategy is spatially applied through the LPS. LPS amendments should address this matter
4. Promote the retention and natural revegetation of degraded sites that will contribute to the overall improvement of the scenic quality of a significant landscape, scenic area or scenic corridor, where vegetation cover is an element of the scenic quality.	Yes RLUS to strategically consider retaining vegetation cover, where that cover is an element of the scenic quality, when designating land for particular purposes.	Yes SPPs to provide an appropriate range of provisions	Yes Strategy is spatially applied through the LPS. LPS amendments should address this matter

## 2.5 Coasts

### 2.5.1 Application

Applies to the Coastal Zone as defined in the *State Coastal Policy 1996*, which is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

### 2.5.2 Objective

To promote the protection, conservation and management of natural coastal values.

### 2.5.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Protect natural coastal processes and coastal landforms from use and development that will prevent natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise, unless engineering or remediation works are required to protect land, property, infrastructure and human life.	Yes RLUS to identify natural coastal processes and coastal landforms and consider the impacts on them when designating land for particular purposes.	Yes SPPs to provide an appropriate range of provisions	Yes Spatially applied through the LPS
2. Strengthen the resilience of coastal processes to climate change by reducing threats and protecting the natural coastal environment, such as wetlands, estuaries, marine-protected areas, sand dunes, cliff tops, beaches, native vegetation, and other important habitats.	Yes RLUS to identify natural coastal processes that are threatened by climate change and consider ways to improve the resilience of those processes when designating land for particular purposes.	Yes SPPs to provide an appropriate range of provisions	Yes Potentially spatially applied through the LPS. The strategy would be a consideration in an LPS amendment.
3. Identify coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (such as jetties and wharfs), marine industries, ports and other land use that explicitly rely on a coastal location where the impact on the coastal values and coastal processes are minimal or can be appropriately managed.	Yes RLUS to identify coastal areas in accordance with strategy	Yes SPPs to provide an appropriate range of provisions	Yes Local application of this strategy can be delivered by applying zoning or overlays in the LPS.
4. Support the location of use and development on the coast that: a) promotes the maintenance of biodiversity, ecological functions, natural coastal processes and coastal resources; and b) complements or enhances the coastal environment in terms of its landscape, amenity and cultural values.	Yes RLUS to strategically consider this strategy when designating land for particular purposes	Yes SPPs to provide an appropriate range of provisions	Yes Strategy is spatially applied through the LPS. Strategy considered in an LPS amendment.

## 7.0 Planning Processes

### 7.1 Public Engagement

#### 7.1.1 Application

Statewide.

#### 7.1.2 Objective

To improve and promote public engagement processes to provide for the community’s needs, expectations and values to be identified and considered in land use planning.

7.1.3 Strategies

Strategy	RLUS	SPPs	LPS
1. 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.	Yes RLUS to provide guidance on this and is to be prepared consistent with this strategy. Structure plans that are called in by RLUS must also further this strategy.	Existing statutory provisions around public engagement however usual practice involves greater public engagement than that prescribed by the Act.	Yes While there are statutory provisions around the public exhibition of an LPS or amendment to an LPS, an assessment of an LPS or amendment to an LPS that relies on, or implements, a structure plan, masterplan or local strategy, must consider this strategy.
2. Promote public engagement that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning.	Yes RLUS to provide guidance on this and is to be prepared consistent with this strategy. Structure plans that are called in by RLUS must also further this strategy.	This strategy is delivered through existing statutory provisions however usual practice involves greater public engagement than that prescribed by the Act.	Yes Where an LPS or amendment to an LPS relies on or implements a structure plan, masterplan or local strategy, the assessment of the instrument must consider how the TPP strategy has informed the structure plan, masterplan or local strategy.  In many circumstances this strategy is delivered through existing statutory provisions.
3. Support public engagement processes, and the outcomes generated from them, that are informative and transparent.	Yes RLUS to share information that informs decision making	This strategy is delivered through existing statutory provisions	Yes Where an LPS or LPS amendment relies on structure plans, masterplans or local strategies that are not subject to statutory engagement processes, the assessment of the amendment must consider this strategy in light of the preparation of the structure plan, masterplan or local strategy.  In many circumstances this strategy is delivered through existing statutory provisions.
4. Acknowledge that planning outcomes, derived through public engagement processes, involves compromise and trade-offs that balance the community’s social, economic and environmental interests.	Yes This strategy helps guide outcomes derived from public engagement processes, which are to be adopted in RLUSs and those structure plans, masterplans or local strategies that are called in by it,	Yes Reporting on statutory consultation can deliver this strategy by acknowledging and describing how and why certain trade-off have been made.	Yes Decisions made on LPSs and LPS amendments to acknowledge and describe the trade-offs that have been made to determine particular outcomes.

7.2 Strategic Planning

7.2.1 Application

Statewide.

7.2.2 Objective

To encourage the strategic consideration of land use planning issues by promoting integrated and coordinated responses that balance competing social, economic, environmental and inter-generational interests to provide for the long-term sustainable use and development of land.

7.2.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Support the application of the precautionary principle where the implications of planning decisions on the environment, now and into the future, is not fully known or understood.	Yes RLUS to apply this strategy when developing regional policies and designating land for particular purposes.	Yes This strategy is a consideration when drafting the SPPs	Yes LPS amendments should address this matter
2. 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.	Yes RLUS to apply this strategy when developing regional policies and designating land for particular purposes.	Yes This strategy is a consideration when drafting the SPPs	Yes LPS amendments should address this matter
3. Strengthen the use of scientific-based evidence to make informed decisions about land use planning.	Yes RLUS to apply this strategy when determining regional policies and designating land for particular purposes	Yes This strategy is a consideration when drafting the SPPs	Yes Decisions on LPSs should be supported by scientific-based evidence.
4. Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure planning.	Yes RLUS to apply this strategy when determining regional policies and determining where to promote growth.	Yes SPPs can include provisions that consider integration of physical infrastructure.	Yes Strategy applied spatially through zoning in LPS
5. Promote collaboration and coordination between, and within, Commonwealth, State and local government to deliver integrated, efficient and effective planning outcomes.	Yes RLUS will rely on collaboration between different levels of government to deliver strategic planning outcomes.	Yes Provisions to be drafted in consultation with different levels of government	Yes LPSs will be reviewed by different levels of government to ensure strategic outcomes are delivered
6. Facilitate coordinated approaches between public and private investment to achieve common planning goals.	Yes RLUS can provide direction on this	Yes (potentially) Review SPPs to consider if appropriate to give effect to this strategy through the SPPs	Yes (potentially) Subject to RLUS and SPP outcomes, potentially this strategy could be implemented through a SAP.
7. Adopt and implement best practice governance structures to provide strategic and innovative leadership within communities that will effectively inform land use planning.	Yes	No	No



Strategy	RLUS	SPPs	LPS
	Regions to establish appropriate governance structures to inform decisions making on strategic land use planning outcomes.		
8. Promote the regular review of land use strategies so that they remain current, adaptive and responsive to planning issues as they arise.	Yes RLUS to provide guidance on this	No	No

### 7.3 Regulation

#### 7.3.1 Application

Statewide.

#### 7.3.2 Objective

To avoid over regulation by aligning the level of regulation to the scale of the potential impact associated with use and development.

#### 7.3.3 Strategies

Strategy	RLUS	SPPs	LPS
1. Allow use and development that has little or no impact to proceed without requiring planning approval.	No	Yes SPPs to provide an appropriate range of provisions	Yes Strategy potentially implemented through a SAP or PPZ
2. 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.	No	Yes SPPs to provide an appropriate range of provisions	Yes Strategy potentially implemented through a SAP or PPZ
3. Support the maintenance of regulatory consistency unless there is a demonstrated need that warrants a more specific or different approach.	Yes RLUS to identify unique circumstances that warrant deviation from common approach	Yes SPPs to provide for consistency and a framework for the LPS to apply a different approach were warranted	Yes LPS delivers a more specific or different approach
4. Encourage mechanisms that allow for timely adjustments in planning regulation for responses to, and recovery from, situations including, but not limited to, pandemic, climate change and emergency events.	No	Yes Implemented through regular update of SPPs	Yes Potentially implemented through LPS in response to locally specific issues
5. Facilitate the coordination and rationalisation of regulation where there is consistency between planning and other regulatory regimes.	No	Yes Review of SPPs to reduce duplication within other regulatory regimes	No

