

Draft Tasmanian Planning Policies

Representation to Statutory Exhibition under section 12E of the Act



For Planning Authority consideration

15 June 2023

V1 Council Meeting 27/06/2023



Executive summary

The draft Tasmanian Planning Policies (Policies) address a significant omission in the Tasmanian Planning system and must be progressed. Key outcomes for the Policies for Council are:

- the need for a clear and robust way to resolve application of and conflicts within the Policies;
- specific recognition of the ability to plan for the future needs of remote and less urban communities through the Policies and strategic documents;
- ensuring the Policies enable growth outside the major metro urban growth areas that currently provide the focus of the Policies;
- to ensure that the Policies reflect the demographic changes identified in the draft Population Strategy, with increasing significance of the regions and lifestyle precincts in accommodating population growth through the Policies and subordinate documents;
- concerns over compliance with the RMPs objectives, particularly around consultation and engagement, the sharing of responsibility between government, industry and community, their role in establishing a coordinated approvals system and the easy integration to planning policy and decisions;
- recognition of State role in developing, providing and maintaining ongoing support for key data sets, particularly around natural hazards and values;
- the way Aboriginal heritage is addressed through the Policies and incorporated into the planning system;
- critical integration of meaningful community visioning to the land use planning process, consistent with the Schedule Objective 1c;
- the ongoing role of State in supporting implementation of the Policies through the subordinate statutory tools: the Regional Land Use Strategies (RLUS), State Planning Provisions (SPP), major projects assessments and the various iterations of the Tasmanian Planning Scheme (TPS) and Local Provisions Schedules (LPS); and
- the need to plan for resident, weekender, worker and visitor population sectors into the future.
- the exhibited Policies are contrary to the definition of sustainable development provided in Schedule 1 of the Act and without a reasonable justification for this discrepancy;

This report provides the representation under section 12E of the Act to the statutory exhibition of the Policies for consideration by the Tasmania Planning Commission (Commission).

The assessment must still function at a relatively high level, due to the nature of the current process. Key points identified in this representation include:

- Significant concerns over whether the exhibited Policies to deliver the legislated intent at section 12B of the Act and can be implemented in a way that is consistent with and furthers delivery of the Schedule 1 Objectives of the Act for all levels of assessments;
- The lack of available supporting material for the exhibited Policies, particularly the technical information and assessments necessary to support the positions established under many of the Policies, in stark contrast to the requirements of Policies 7.2 and 7.3 for Strategic Planning and Regulation;
- The lack of recognition of the role of local strategy in determining future growth across the region and more specifically, the realistic provision for growth outside urban areas;
- The ability of the General Application section to facilitate implementation of the Policies and reasonably provide for their application through the subordinate mechanisms, particularly noting removal of the single implementation strategy in response to the previous consultation process;
- The lack of meaningful community consultation on the content and impact of Policies as requested in Council's previous representation and in contrast to the requirements of the Schedule 1 objectives and the specific Policies on public consultation;
- The lack of a clear way to establish satisfaction of the Objectives or Strategies in a binding way through the Policies and decisions on assessments under them;
- A general approach that mandates compliance with criteria under specific strategies, rather than consideration of them to achieve a strategic outcome;



- The mandated reliance on cooperation, input and strategic recognition of key situations/responses by State Agencies, given their well-established reluctance to state or support such requirements;
- The collective impact of objectives and strategies in managing growth and the direction to higher order settlements at the expense of development within the Glamorgan Spring Bay area;
- Objection to the prioritization of growth to higher order settlements with high levels of amenity and services (particularly accessibility by public transport and other transport options) at the expense of allowing local development and in contravention of the definition of sustainable development provided under the Act;
- The general approach under the Policies to identify, allocate and map all growth within a rigid settlement hierarchy and urban growth boundaries through the RLUS, given issues with this approach in operation of the existing Southern Regional Land Use Strategy;
- The inclusion of numerous Strategies that cannot be delivered through the subordinate delivery mechanisms, being the RLUS, SPP, TPS and LPS;
- The routine failure to identify delivery mechanisms for strategies, which will unreasonably complicate all assessments under the Policies and frustrate delivery of specific strategies;
- The restrictive nature of responses to the existing State Policies through the Policies, particularly noting the statutory test of consistency with rather than rigid compliance;
- The failure to establish higher order policy positions by reference to existing policy regimes at the State and National levels, particularly on natural and environmental hazards and management frameworks;
- Strategies that appear to directly conflict with the coordinated delivery of regulatory tools across different regimes (such as mandating consideration of bushfire at every level of the planning process, despite a structured approach to implementation across different regimes);
- The routine provision of identification and mapping as the first strategies on multiple issues, which are implementation issues that rely on a higher order policy position that is not clearly established at an appropriate level (such as establishment of management controls through the SPP);
- The routine omission of climate responsive strategies within relevant policy areas by favouring a non-binding climate change statement at each section;
- A consistent lack of consideration of the changing nature of population patterns and the resulting impact on demands, business, and the requirements on land use planning; and
- The lack of identification of roles and responsibilities through the policies, combined with their mandatory application to every assessment for RLUS, SPP, TPS and amendments to LPS and the resulting impacts on the cost and time for planning scheme amendments that must be borne by the Council and development community as a direct result.



Contents

Executive summary	i
Recommendations	1
Background	3
Assessment Criteria	5
General Comments	5
RMPS Objectives	5
Implementation	6
Exhibition	7
General Application	7
Directions for application through LPS	9
Status of objectives and strategies.....	9
Policies generally	10
1 Settlement	11
1.1 Growth	11
1.2 Liveability	12
1.3 Social Infrastructure	13
1.4 Settlement types	13
1.5 Housing	14
1.6 Design	14
2 Environmental Values	14
2.1 Biodiversity	14
2.2 Waterways, wetlands and estuaries.....	15
2.3 Geodiversity	15
2.4 Landscape Values	15
2.5 Coasts	15
3 Environmental hazards	16
3.1 Bushfire	16
3.2 Landslip	17
3.3 Flooding.....	17
3.4 Coastal Hazards.....	17
3.5 Contaminated air and land	18
4 Sustainable economic development	18
4.1 Agriculture	18
4.2 Timber Production	19
4.3 Extractive Industry.....	19
4.4 Tourism.....	19
4.5 Renewable Energy	20



4.6	Industry.....	20
4.7	Business and Commercial	21
4.8	Innovation and Research	21
5	Physical Infrastructure.....	22
5.1	Provision of Services.....	22
5.2	Energy Infrastructure.....	23
5.3	Roads	23
5.4	Transport modes	23
5.5	Ports and Strategic Transport Networks	23
6	Heritage	24
6.1	Aboriginal Cultural Heritage	24
6.2	Historic Cultural Heritage	25
7	Planning process.....	25
7.1	Public Engagement	25
7.2	Strategic Planning	26
7.3	Regulation	26
Attachment 1 – Suggested revisions TPP 6.1 Aboriginal Cultural Heritage.....		27



Recommendations

Glamorgan Spring Bay Council has significant concerns that the exhibited Policies will frustrate and potentially prohibit the fair, orderly and coordinated delivery of planning and development processes at the regional, municipal levels and provides the following recommendations to the Tasmanian Planning Commission in its assessment of the Policies:

1. The exhibited Policies do not reasonably further the Schedule 1 Objectives and therefore, comply with the TPP criteria at section 12B(4) of the Act in a way that is clearly established, fairly implemented, coordinated in delivery across State and Local Government, is likely to reasonably facilitate economic development, enables sustainable development as defined in the Act, or provides for the easy integration and consolidation of land use planning and policy to be implemented at State, regional and municipal levels;
2. The exhibited Policies do not deliver their statutory requirements by allowing the range of lifestyle, economic, environmental and social opportunities that are recognised as part of the Council's, or Tasmania's, future;
3. The Policies must be completed in a timely way and provide a policy and strategy framework that enables the Council and the Local Government sector to achieve sustainable outcomes by being able to plan for the growth and future needs of its communities;
4. The General Application section must be revised to reflect the requirements of the Act;
5. The Objectives and Strategies are revised to enable growth and remove matters that are beyond the scope of the implementation tools (RLUS, Major projects, SPP, TPS/LPS);
6. The Commission must thoroughly investigate and assess the ability of the Policies to fully implement the Schedule 1 Objectives through the statutory mechanisms, being the RLUS, SPP, Major Projects and TPS/LPS;
7. That an extension of time is obtained to allow hearings to inform consideration of the implementation and operation of the Policies through the subordinate instruments, drawing on the experience of Council and the Local Government sector;
8. The Commission use its powers under section 12F of the Act to advise the Minister that the exhibited Policies can and should be modified to address the following:
 - Redraft the General Application section to reflect the statutory mandate for direction through application of the Objectives;
 - The role of strategies is reviewed so that all strategy statements are clear, specify their level of implementation, their satisfaction can be clearly documented within decisions in a binding way and can be applied in future assessments as directed under the Act;
 - Establish clear levels for implementation through the objectives and strategies to guide the preparation, assessment and determination of assessments for subordinate documents, and specifically amendments to LPS;
 - Establish clear requirements to establish where the Policies are satisfied through the implementation tools, and any role of lower order tools supporting those decisions;
 - Revise the structural approach to growth within the Policies to reflect the recognised projected growth that is expected over the coming decades and enable sustainable development, rather than the apparent approach to protect and restrict based on historical development models;
 - Remove the allocation of future growth through the RLUS as an artificial construct that has likely resulted in the restriction of the development process and likely resulted in the constraint of development and property markets where it was applied within the State, adversely impacting housing affordability and availability;
 - Establish local strategy and aspiration as a key determinant for growth and sustainable development throughout the implementation tools;
 - Remove all lower order matters or directions regarding implementation to Section 8A Guidelines or Practice Notes and other such supporting documents;
 - Remove all matters that cannot be delivered through the RLUS, major projects, the SPP or TPS/LPS;
 - Establish guidelines under section 8A of the Act or practice notes to deal with matters regarding implementation;



- Review the information required to address and implement the objectives and strategies to ensure they are appropriate and reasonable to the range of processes that apply to implementation tools;
- Provide a legally functional way to resolve conflicts between and within policy areas; and
- Other specific responses to objectives and strategies as noted within this representation.



Background

The Glamorgan Spring Bay area comprises an extensive land mass along the east coast of Tasmania, with diverse values across geomorphology, history and heritage, scenic landscapes, recreation areas, agricultural and rural areas, with a vibrant network of coastal and lifestyle settlements.

Development within the Glamorgan Spring Bay area is expected to largely reinforce the existing network of settlements and areas, with increased recognition of the role of the regions in accommodating future population growth. This is reflected in the Discussion Paper for Refreshing Tasmania's Population Strategy, the draft Housing Strategy (currently on consultation).

The Minister for Planning (Minister) instructed the Commission to exhibit the Policies, with the statutory exhibition period running from 28 March to 26 June 2023. The Commission will then consider the representations and is likely to hold public hearings.

The Policy documents were available from the assessment section of the Commission website. Supporting documents were not available from that site.

The documents supporting the development of the exhibited Policies were available from the Planning in Tasmania website and included the following:

- Background Report and Explanatory Document 12C(3);
- State Planning Office Opinion of Compliance with TPP Criteria;
- Report on Consultation February 2023; and
- Report on Consultation Appendix 1 February 2023.

For the purposes of this representation and as discussed later, those documents were not considered to form part of the statutory exhibition package.

The outcomes identified in the recently consulted paper on Refreshing Tasmania's Population Strategy, which highlighted:

- the increasing pace of population growth, with population growth hitting the 2030 target by 2022 and projections that we will reach the 650,000 targets by 2033 (17 years ahead of the identified target);
- the increasing role of migration as a driver of population growth; and
- the increasing trend for population growth outside the greater Hobart area, with 54% of the population expected to live outside Hobart by 2033.

The State recognised the increasing role of regions and lifestyle areas in accommodating future population growth.

Council made a representation to the previous consultation (December 2022) that identified support for the timing and completion of the Policies, but supported concerns within the sector for the content of the Policies and risks they provided to the strategic planning processes. The following items were specifically identified:

- The clarity and legal operation of the aims, outcomes and policy statements;
- Considered assessment of issues against criteria, particularly noting the mandatory compliance required under section 32(4)(da) of the Act;
- Remove overly restrictive language such as the directive to avoid where growth and development will be allowed to occur;
- Establish a framework for balancing competing interests between and within policy areas;
- Increase the use of Implementation Guidelines; and
- Improve public engagement and participation through the formal consultation process under section 12D of the Act, by including multiple information sessions with Q&A sessions, both in person and online.



The Act establishes a hierarchy of planning instruments to operate at different levels and provide different functions¹:

Hierarchy of Tasmanian planning instruments

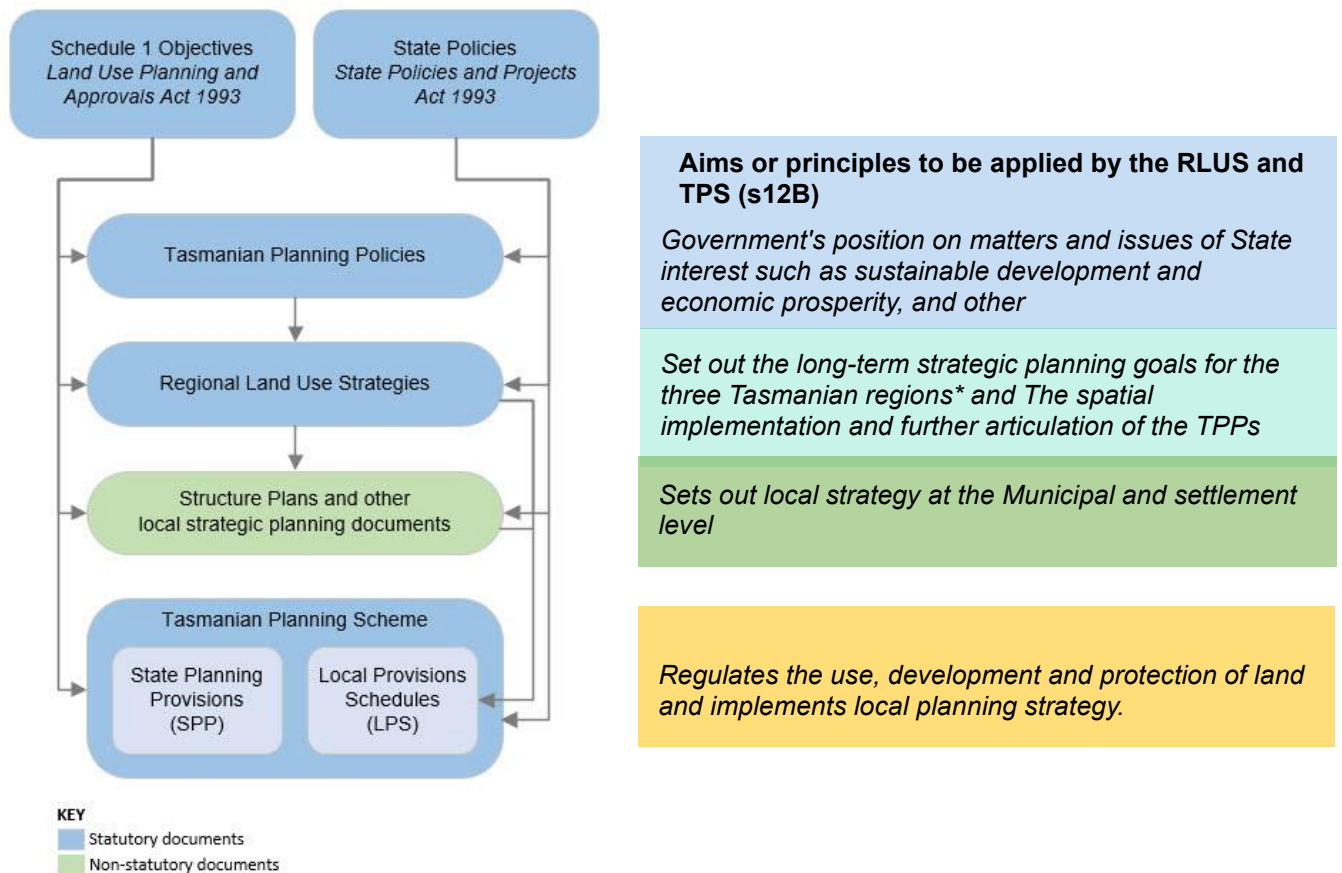


Figure 1 - Hierarchy of Planning Instruments

This hierarchy establishes the highest strategic principles through the Policies at the state level with progressively more detail in the RLUS and TPS to achieve the principles and express the community's vision at the regional and local levels.

Local strategy is implemented through Structure Plans, local strategic planning documents and the Local Provisions Schedule.

¹ Adapted from the [Planning Reform website](#), [Regional Planning Framework Discussion Paper](#)



Assessment Criteria

The assessment criteria for the Policies are established at section 12F of the *Land Use Planning and Approvals Act 1993* (Act). The Commission must determine whether:

- i) it is satisfied that the draft meets the TPP Criteria specified in the LUPAA;
- ii) there are any matters of a technical nature, or that may be relevant, in relation to the application of the Policies to the SPP & TPS (including LPS's) or to each RLUS; and
- iii) all representations.

The TPP Criteria are established at section 12B(4) of the Act and require that the Policies:

- i) further the objectives set out in Schedule 1 of the Act; and
- ii) are consistent with any relevant State Policy.

Other provisions of this section of the Act define aspects of the Policies including what they may include 12B(2) and how they may be implemented 12B(3) through the SPP's, LPS and RLUS.

General Comments

RMPS Objectives

The Schedule 1 Objectives of the Act form part of the assessment criteria and establish high level policy statements about how the planning system should operate. Significantly, they define sustainable development as follows:

*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.*

Multiple RMPS objectives are relevant to the structure and implementation of the Policies, which are summarised as follows:

- promote fair, orderly and sustainable development (1a, 1b);
- a coordinated suite of land use planning instruments across state and local government (1b and 2b);
- encouraging public involvement in planning (1c);
- facilitate economic development (1d);
- the sharing of responsibility for decision making across government and the community (1e),
- to require sound strategic planning and coordinated action between State and local government (2a) through planning instruments (2b);
- Sound strategic planning and coordinated action by State and local government (2a);
- the easy integration of land use and development planning and policy to policies at state, regional and municipal levels (2d); and
- the consolidation and coordination of approvals across the land use planning system, which includes the planning scheme amendment process (2e).

Council makes the following representations regarding assessment against the Schedule 1 objectives:

Part 1:

- a. the promotion of sustainable development, as defined in the Act, was not established in the Policies. The supporting documents, which sit outside the formal exhibition process, do not demonstrate delivery of the objective, aside from the most abstract of concepts. There are



significant concerns that the Policies when considered in their entirety, do not **enable people and communities to provide for their social, economic and cultural well-being and for their health and safety** as required by the definition of sustainable development within Schedule 1 and have the potential to restrict or prevent strategic changes to communities outside the greater Hobart area;

- b. the internal contradictions and lack of a functional mechanism to resolve those contradictions within and between policy areas does not establish framework to provide for the fair, orderly and sustainable use and development of land, air and water;
- c. public involvement in the development of the policy and provisions in the Policies was not demonstrated, which is complicated by the lack of a shared vision that identifies the future of Tasmania (such as Tasmania Together), the convoluted process for development of the TPS and LPS, and the lack of public education and communication by the State on planning issues/reform. It is difficult to understand how public participation was encouraged within that environment. Statutory exhibition is of little value to public involvement as identified in the objective;
- d. it is unclear that the implementation methodology within the Policies will facilitate economic development, particularly noting the concerns within this representation, the complicated nature of assessments under a similar process with the existing RLUS and the expected frustrations they will create for every assessment they are applied to;
- e. as exhibited, it is difficult to establish that the differing levels of government, community and industry are able to share responsibility for resource management decisions, until a clear process is established for consideration and resolution of competition and contradiction within and between policy areas under the Policies.

Part 2

- a. the exhibited Policies do not provide a framework for coordinated action between different levels of government, or delivery of sound strategic planning processes until the internal contradictions between and within policy areas are resolved and clear direction is provided at which level policies and strategies are intended to operate;
- b. the Policies further delivery of this objective, when read in isolation from other objectives.
- c. The Policies arguably further this objective,
- d. The inadequate process to resolve internal conflicts within and between policy areas and strategies does not enable easy integration of policy from state to regional and local levels;
- e. It is unclear how the internal contradictions within and between policy areas will consolidate or coordinate planning assessments and approvals for strategic matters, particularly when considering Aboriginal heritage issues under the draft Policies.
- f-i. the Policies appear to be neutral or positive when considered against these objectives, noting the concerns regarding incorporation of aboriginal heritage to the land use planning system.

Implementation

Section 12B(3) provides:

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

The Policies propose that the General Application section addresses the requirements of section 12B(3) and do not provide any specify detail on how and where the Policies are to be implemented.

Council makes the following representations on this section of the Act:

- in order to comply with the combined intent and obligations established under Schedule 1 of the Act, the *may* under this provision provides a clear instruction to identify the various levels at which the Policies are to be implemented and does not, as suggested, allow the various objectives and strategies to avoid identification of the intended level of implementation;
- the General Application section of the Policies does not do this in a way that allows the clear interpretation of each objective or strategy to understand how and where it is to be implemented; and



- the Policies do not deliver this requirement of the Act as drafted, but this can be addressed through revisions and thereby enable specific decisions to clearly define the delivery mechanisms for the Policies.

Section 12F(3) requires the Commission to report on various matters, including:

- (c) *a statement as to whether there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to –*
 - (i) *the Tasmanian Planning Scheme; or*
 - (ii) *each regional land use strategy...*

Council request that the Commission specifically addresses the technical implementation of each policy, inclusive of the objective and strategy in response to this section of the Act through:

- the hearings for this current process with the ultimate users of the Policies being planning authorities in preparing and assessing amendments, and planning consultants/developers;
- requests for planning scheme amendments and assessments, by reference to examples and case studies; and
- the reporting on these matters as part of the examination and determination of the Policies against the statutory criteria.

Further, Council requests that the Commission consider how implementation may be improved by expanding the opportunity under the Act for the Commission to issue Guidelines or practice notes to inform applications and assessments under section 8A of the Act to include the Policies.

Exhibition

The current statutory exhibition process does not include any supporting documents. The available documents suggest that meaningful consultation and engagement as requested in our previous representation was not completed.

Supporting documents are located on the Planning in Tasmania website. Their status within the statutory exhibition process is unclear. As a result and as previously noted, the Background Report was therefore afforded lesser consideration as it is not part of the exhibited Policies.

Council submits that this is not appropriate for:

- a document that will drive strategic land use planning in Tasmania for the next decades;
- a process where issues associated with implementation form part of the statutory assessment criteria;
- nor a reform that is attempting to establish evidence based decisions as part of its implementation.

General Application

The consulted Policies include a preliminary section on General Application, which establishes a process for implementation of the Policies through all planning instruments (seven principles) and additional provisions for LPS.

Principles 1 -4 appear to contradict each other and do not assist with implementation or interpretation as there is no precedent to them.

Principle 3 suggests that strategies are not absolute and should not be interpreted literally or rigidly, but this is contrary to principle 4 (which requires consideration of the Policies in their entirety) and the legislative structure they operate under within the act which require compliance with the Policies as a whole and each part under them.

Principle 5 suggest that not all strategies are relevant, but is contrary to other principles and legislative requirements.



Principle 6 attempts to address internal conflicts within the Policies by reference to 6 criteria, which is contrary to the legislated instruction for operation of and compliance with the Policies. The function and wording of strategies requires redrafting to reflect this intent;.

Principle 7 identifies that competing interests should be made on balanced consideration and judgement derived from evidence, subject to 8 criteria. The following is noted:

- the provision of evidence is likely to be problematic in many areas within Glamorgan Spring Bay;
- the criteria prioritise development to higher order settlements and away from regions and lifestyle areas when considered against the Policies requirements;
- the consideration and integration of regional, local and site specific interests and demands in criterion g is similarly likely to disadvantage the Glamorgan Spring Bay area and prioritise development to higher order settlements, as drafted; and
- there is insufficient provision for local strategy to inform decisions and the balancing of competing interests.

Page 5 of the consulted document states that the decision maker may consider that compliance was delivered through the RLUS, SPP's or the LPS. Under the General Application to LPS's statement, the decision maker is unclear, but is most likely the Commission under the relevant sections of the Act.

Council is concerned at how these principles may function for high level documents such as the RLUS or even the SPP's, and whether they can function for assessment of a planning scheme amendment.

The Glossary is not specified as an operative part of the Policies, which questions its function in implementation. This must be clarified.

Following the processes established under the Act, the proponent and Planning Authority (PA) have no way to reasonably determine what parts of the Policies do or do not apply to an amendment application until the amendment has been submitted to the Commission for assessment and potentially, its final determination by the Commission.

This raises significant concern over the ability to validly compose, assess and initiate any planning scheme amendment:

- PA's are required to certify that any AMD meets the Policies once they are made – how can this be completed in a way that is legally robust when there is no process for the relevant decision maker (most likely the Commission for an AMD) to advise which of the Policies are relevant?
- Significant requirements are established under the Policies that cannot be delivered by a PA and require a State and/or regional response, significant policy, data, decisions and support from State agencies, and may require decisions at the State or regional level. The PA's must guess the relevance of and compliance with many strategies until the Commission can complete initial assessment and confirm the relevance and compliance of specific requirements can be determined and directions may be issued;
- The Policies do not address the mechanisms through which the various strategies are to be implemented or establish a process to clearly define when they have been implemented, as required under (s.12B(3)).

The process proposed under the exhibited Policies is not consistent with the requirements and obligations established on the State for the system and decisions through the RMPS objectives.

The General Application statements are not functionally competent for assessment of local planning scheme amendments and create confusion with the legal provisions they operate under in addition to within the General Application section.



The General Application section does not establish a clear and robust framework for technical application of the Policies to local planning scheme amendment in a way that is consistent with the RMPS objectives.

There appear to be limited options to address this situation:

- Option 1 – the State is required to provide a binding statement on the relevance of the policies and strategies under the Policies to specific amendments, either as part of a decision on the relevant mechanism (RLUS, SPP or LPS) or alternatively the preliminary processing of an amendment, which would require legislative change to make happen. The decision maker also needs to be defined, as it may mean the Commission or arguably, the Minister/SPO as the owner/developer of the Policies;
- Option 2 – the Policies must be revised to clearly specify where Policies and Strategies are to be addressed (as identified in the Act); or
- Some other response is established to address the issue.

Directions for application through LPS

The intent of this section appears relatively clear, noting the following:

- drafting issues that confuse implementation previously identified;
- the nature of the discretion under 12B(3) and the requirement to clearly specify what level of subordinate document the Policies must to be addressed; and
- the identification of the relevant decision maker.

The concerns can be addressed by redrafting the section.

Status of objectives and strategies

The Act provides that the Objectives and strategies have statutory weight as part of the Policies.

The status of objectives and strategies within the Policies are confusing between the discretion identified in the General Application principles and the statutory requirements for the Policies and assessment of compliance with them.

As exhibited, all objectives and strategies apply to every amendment, and require evidence to demonstrate compliance or arguably, relevance (noting the previous discussion contesting this capacity). The collective impact of the objectives and strategies must be considered.

Objectives set the aims of the policy (table, page 3). The language of objectives is inconsistent and varies across the Policies. Objectives should clearly specify the intended outcome of the particular issue. Objective statements should be redrafted to reflect this outcome.

Strategies specify how policy objectives can be achieved (table, page 3). This statement is inconsistent with the statutory structure of the Policies and infers a discretion that does not exist in the exhibited document. The full range of strategies will not be appropriate across all communities and towns, particularly in more remote areas. An example follows.

The Policies establish an unreasonable bias prioritising growth in urban areas with access to a wide range of facilities, infrastructure, public transport. This is addressed by the following objectives and strategies:

1.1 Growth

- 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.10

1.2 Liveability

- 1.2.3.1, 1.2.3.2, 1.2.3.5, 1.2.3.6,

1.3 Social Infrastructure

- 1.3.3.1,

1.4 Settlement Types

- 1.4.3.1, 1.4.3.5,



- 1.5. Housing
 - 1.5.3.1, 1.5.3.3, 1.5.3.5,
- 2.2 Waterways, Wetlands and Estuaries
 - 2.2.3.2,
- 5.4 Passenger Transport Modes
 - 5.4.3.1.

The Act and exhibited Policies direct compliance with every objective and strategy. The full range of such amenities are not available on to all communities outside the metro urban areas and as such the collective assessment effectively prohibits rezoning in more remote areas and development outside the terms established under the relevant planning scheme. A residential rezoning at Swansea, Bicheno, Orford or Triabunna may not strictly comply with the combined requirements of the collective assessment and is therefore highly likely to be refused based on the Policies.

This is contrary to the opportunity provided in the definition of sustainable development (*enabling people and communities to provide for their social, economic and cultural well-being and for their health and safety*) and the objectives established under Schedule 1 of the Act.

Council makes the following representations on the General Application section:

- The Principles must be revised to clarify the role of subordinate documents in delivery of the objectives and strategies under the Policies to comply with s.12B(3) of the Act;
- The objectives and strategies do not provide a framework that enables the legally certain determination of subordinate documents and delivery of fair and orderly decisions and a coordinated regulatory framework for strategic planning matters;
- Objectives must be established as mandatory statements of policy outcome;
- Strategies cannot function as exhibited and must be restructured to inform consideration on a similar basis to performance criteria under planning schemes, on balance of assessment;
- Strategies must also provide recognition for local strategy as part of determination criteria;
- Principles must support identification of the level of response to the subordinate documents (RLUS, SPP's or LPS);
- Principles must enable decisions under the Policies to specify a level of response and/or satisfaction of a specific policy or strategy in a legally robust way; and
- The Commission must conduct and document a detailed review of the operation of the General Application principles across the full range of assessments for RLUS, SPP, LPS and major projects to identify and address:
 - the technical requirements for implementation of the Principles
 - the differing requirements, problems and opportunities that are likely to impact assessments of the various subordinate documents;
 - the likely information or evidence that is required for operation of the principles across the regional, local and consulting sectors through an assessment; and
 - the revisions that are required to clearly deliver the Schedule 1 objectives through the principles.

Policies generally

The Objective and strategy statements within the Policies assume that all future proposals will be identified, allocated and mapped at the commencement of the strategic process, presumed within the RLUS. We note this approach underpinned the Southern Tasmanian Regional Land Use Strategy and resulted in operational problems in application of that document to statutory assessments.

The assessment by the Commission and recommendations to the Minister must address how this existing problem will not be carried into the next RLUS and restrict sustainable development.

The Objectives and Strategies appear to assume they will be applied to new areas or greenfield development, rather than the existing developed areas that comprise the majority of the Glamorgan Spring Bay area, and many other areas within Tasmania where the Policies will be applied.



Council requests that the Commission and the Minister, as the statutory decision makers on assessments, provides a detailed review of these two approaches in implementation of the existing RLUS and its suitability for the review/development of future RLUS and the assessment of planning scheme amendments under LPS to ensure they are technically competent for application into and through the RLUS and TPS/LPS.

The Objectives and Strategies universally fail to acknowledge the role of local strategy in determining the future growth of our communities. This is combined with the lack of a shared State vision on how Tasmania will develop, which highlights the need for local strategy to inform growth. The Commission must ensure that the Policies enable implementation of local strategy to comply with the Schedule 1 Objectives and enable public participation in the land use process.

Many objectives and strategies address matters outside the purview of the RLUS, TPS and LPS. Matters that are outside delivery through the specified tools must be removed from the Policies, or they risk creating problems for implementation and confusion about the legal veracity of applications, assessments and decisions.

1 Settlement

1.1 Growth

1.1.3 Strategies

1. Current 'shortages' suggest that the 15 year horizon should be zoned and available for development, but this is not clear. How is the rolling reserve for strategic management of staging and infrastructure addressed? What is environmental functioning and how is it assessed? Growth needs to reflect the recognised development trends and options to avoid unsustainable restriction of supply and exacerbate housing supply shortages and resultant economic impacts and restrictions to other sectors.
2. the prioritisation of infill development and consolidation of existing development areas:
 - a & b suggest that rezoning must demonstrate there is no land available for redevelopment before allocation of greenfield lands can occur. The policy basis for this mandate was not established through this or any other process. This is problematic given the lack of mechanisms at state and local levels to affect that intent, as suggested in the PESRAC Report.
 - d) The following policy impost to discourage development in existing areas was neither documented nor demonstrated through this process:
 - i. well serviced and social infrastructure are not defined, servicing costs are a commercial consideration for developers and the relevant infrastructure managers (under separate statutory powers outside the Act) as part of the development process;
 - ii/i. the discouragement of development in existing areas that have high environmental or landscape hazards/values;
 - iv. removal of opportunity for expansion of existing settlements where they adjoin agricultural land is contrary to the policies established under the State Policy for the protection of Agricultural Land 2009;
3. The Policies do not demonstrate a case for extension of the rigid hierarchy approach under the STRLUS across the State, nor a review of the alternatives such as the settlement network under the NTRLUS. We request the Commission review implementation of the various approaches across the state to determine the suitable response under the Schedule 1 objectives, and ensure the implementation issues that result from the STRLUS approach are not extended across the State through the Policies and subordinate documents.



4. Prioritisation of growth to higher order settlements is likely to remove growth from the Glamorgan Spring Bay area and is contrary to the trends for increasing population growth outside Hobart identified in the recent Consultation Paper on the Tasmanian Population Strategy and is contrary to post covid trends for increasing regionalisation of the population and changing work location trends. The binding nature of this strategy is also contrary to the opportunity provided under the definition of sustainable development within the Act. This strategy must be revised to reflect growth across the network of settlements within the regions.
5. Please explain how impediments to infill development can be addressed through land use planning (noting the findings in the PESRAC Report on this set of issues). If this cannot be done through the RLUS SPP and LPS without curtaining the opportunity established under the Schedule 1 objectives, it must be removed.
6. The policy and regulatory basis to mandate structure planning for every settlement (and potentially every planning scheme amendment following the statutory obligations for implementation of the Policies under the Act) was not established through this process, nor the establishment of minimum requirements identified in criteria a though g. The criteria should operate similar to performance criteria under planning schemes, by consideration of rather than mandatory instruction.
7. The policy basis for the mandatory up-front identification, allocation and mapping of growth through establishing Urban Growth Boundaries (UGB) was not established through this process. Operation of UGB's within the southern region suggests there are significant issues that are relevant to implementation through RLUS, the TPS and LPS that require review to ensure they are not simply transferred across Tasmania. Obstructions are expected from many State Agencies and authorities, given their lack of available plans for growth. The likely outcomes in application of the Policies through the RLUS, TPS and LPS is significant constraint across the Glamorgan Spring Bay area and many other areas of Tasmania.
8. This strategy should support the use of local strategy and must provide consideration of criteria rather than mandated compliance. Criterion f must consider the impacts on other settlements rather than prevention of impacts, or it becomes prohibitive.
10. Reliance on high accessibility by public transport is expected to result in an effective prohibition across the Glamorgan Spring Bay area, noting the limited services within the area (and across much of Tasmania).
11. The mandatory identification of development sequencing in RLUS is an absurd concept, noting the difficulties that occur through local strategy and structure planning. Implementation tools will require amendments to update sequencing for specific amendments to enable development or risk becoming an effective prohibition (particularly noting the lack of ownership and complex process for revision of RLUS).

The higher order strategy to enable growth through local strategy and/or structure planning must be established through this section of the Policies and was not. Other strategies assume its operation, but the primary power should be established and must refer to both local strategy and structure plans to reflect the full ambit of opportunity provided through the Schedule 1 Objectives and changing nature of projected growth on the ground and reflected in State documents.

1.2 Liveability

The exclusion of rural living and lifestyle areas from liveability strategies is unclear and is questionable when considering the scope and significance of the development type to Tasmania and consideration of the RMPS objectives and the changing patterns of settlement and work identified in Government documents. The rural lifestyle sector delivers a significant component of liveable outcomes for many residents across Tasmania, which is projected to increase.



- 1-6 The collective mandate of these strategies is to limit or prohibit the strategic expansion of existing settlements within the smaller settlements within the Glamorgan Spring Bay area and other such rural areas and communities. It cannot be supported and must be revised to reflect the critical roles and functions of these networks within remote communities and enable rather than prohibit sustainable development.
4. The SPP and TPS/LPS do not provide a regulatory framework for public open space and rely on dated provisions under the *Local Government (Building & Miscellaneous Provisions) Act 1993*, despite identification of necessary reforms in the PESRAC Report.
7. Strategy provides climate change considerations to urban areas only but must be applied universally. The Strategy should set a climate change response, with a separate strategy addressing urban areas. The prescription of specific mechanisms and outcomes within this type of strategy is also questioned in terms of the impacts for implementation. The mandated integration of water features into public spaces is questioned, given the range of functions and authorities that are required to make decisions on the form and content of public space outside the operation of the Act and therefore, the Policies.
9. This strategy establishes mandatory requirements for cultural, recreational and community facilities that cannot be universally delivered across all settlements within Tasmania and must be revised to refine application and remove matters that complicate implementation.
10. While the intent of this strategy is clear, community identity and sense of place are new terms to land use planning in Tasmania, are unclear in their intent/meaning and will create problems for assessments, decisions and implementation through RLUS, TPS and LPS.
11. While the intent of the Strategy is clear, it must be limited to the scope relevant to the implementation tools and ultimately, the TPS/LPS. Inclusion of extraneous material and criteria is expected to complicate assessments, decisions and implementation through subordinate documents.

1.3 Social Infrastructure

The ability of RLUS and TPS/LPS to deliver many of these strategies is unclear, if possible at all. They require revision to reflect the scope and capacity of land use planning and delivery through the RLUS, TPS and LPS.

The strategies are written for the end outcome without first establishing an appropriate strategic policy basis for delivery through the RLUS and TPS/LPS.

Delivery of these strategies rely heavily on the cooperation of State Agencies. It is unclear how the strategies can be achieved through the RLUS and planning schemes.

Given the mandatory nature of compliance through LPS amendments, all matters extraneous to the delivery mechanisms must be deleted.

1.4 Settlement types

- 1.4.2 the objective (settlements with particular environmental characteristics) appears contrary to many of the strategies that focus on urban areas/issues.
- 1.4.3 The strategies again frustrate assessment through competing requirements that contradict each other within the Policy area and with other Policy areas.
 1. must be applied universally due to wording but establishes requirements that relate only to urban environments.
 - 2 & 3. Relate to and duplicate other policy areas. The components of demand are a fundamental consideration of Growth.



5. Commencement with a prohibition is not appropriate to the function of the document, particularly around such a significant component of dwelling provision across the regions that with recognised significance for accommodating growth in coming decades. This issue relates to growth. The policy basis for such prohibitive strategy was not established through this process. A better approach is to establish sustainability criteria for growth in Rural Residential areas like the NTRLUS within the Growth policy area.

1.5 Housing

- 1.5.1 Application and objective do not reflect the established range of housing options for lifestyle purposes and in rural living areas, nor the projected role of this form already recognised by State.
- 1.5.3 The strategies must provide for local strategy to drive or inform implementation of the various statements, particularly on the type and location of housing, and densification, to comply with the Schedule 1 objectives. Matters beyond the regulatory regime of planning schemes must be removed, such as housing availability and affordability, social housing programs, crisis and disabled accommodation and co-living.

1.6 Design

- 1.6.3 Strategies need to operate within the limitations of the Act and particularly those established under the *Building Act 2016* on technical requirements and construction, and the ability for planning authority to establish conditions and undertake enforcement.

2 Environmental Values

2.1 Biodiversity

2.1.3 Strategies

1. Identification and ranking of biodiversity values cannot be realistically implemented through RLUS, TPS or LPS or the Local Government Sector in a way that is consistent with the Schedule 1 Objectives and requires significant coordination and commitment from various State agencies to address. Strategy must be directed at the State level and delivery through the SPP.
- 2, 3 4 5. Strategies contradict and confuse each other.
4. Implementation can only be achieved through the SPP, which must be clarified, or implementation will be compromised and assessments unnecessarily complicated.
- 6, 7. Implementation through the SPP & TPS must be proven or the strategies require deletion. Otherwise, implementation will require all landscaping involving environmental weeds or disease to be prohibited. Assessment against the precautionary principle at strategic and development levels will be difficult if not impossible and preparation of applications is also expected to become problematic if not prohibitive.
- 8-13. Implementation of these strategies must be examined in detail to ensure that the resultant planning provisions do not become prohibitive for the preparation and assessment of applications and enforcement through TASCAT.

The Strategies also fail to establish a strategic approach for biodiversity offsets. The Policies should enable consideration:

- in a strategic way that goes beyond the individual site and is delivered across the subregional, regional and state levels;
- is based on biodiversity values that enable identification and protection; and
- enables offset contributions to be used to acquire significant lands supported by overlays and planning controls.



2.2 Waterways, wetlands and estuaries

2.2.3 Strategies

1. Identification and regulation of relevant values cannot be realistically implemented through RLUS, TPS or LPS or the Local Government Sector in a way that is consistent with the Schedule 1 Objectives and requires significant coordination and commitment from various State agencies to address. Strategy must be directed at the State level and delivery through the SPP.
- 2-7. Implementation in a way consistent with the Schedule 1 objectives can only be delivered through the SPP and strategy must reflect this to minimise unintended regulatory impact. Multiple strategies specify the regulatory outcome.
- 5, 8. Strategy is simply beyond the scope of land use planning and must be deleted.

2.3 Geodiversity

Inclusion of the policy area is supported.

- 1, 2 1. Identification and regulation of relevant values cannot be realistically implemented through RLUS, TPS or LPS or the Local Government Sector in a way that is consistent with the Schedule 1 Objectives and requires significant coordination and commitment from various State agencies to address. Strategy must be directed at the State level and delivery through the SPP.
- 3-5. Implementation is unclear through the available tools. Please determine how this can be achieved in a way consistent with the Schedule 1 Objectives.

2.4 Landscape Values

Inclusion of the policy area is supported.

Landscape values highlight the need for inter and intra-regional responses to be clearly identified and established in support of the Policies. Examples include the Tamar and Midlands Valleys, various coastal landscapes around the state (particularly the east, northwest and lower Derwent/coastal areas and highlands. Implementation must be addressed as part of the assessment, with clear guidance provided across State, Councils and the community.

Implementation is also likely to require Guidelines or Practice Notes under the Act that are not part of this process. Council requests the Commission address this requirement as part of its assessment.

2.4.3 Strategies

- 1, 2. Identification and mapping of various landscape values is a significant issue that State has never addressed and ought to be removed unless the State will resource identification and management of them. The relationship of landscapes to other policy areas needs to be reviewed and established or removed from this sector, particularly for cultural, ecological, geological issues that are addressed under other policy areas.

Implementation must be addressed through regulatory tools within the SPP, identification processes that include meaningful community consultation and supporting tools for the end users.
4. Does not provide for the range of scenic values, such as the potential for significant value that may be attributed to a 'degraded' landscape as part of the scenic values.

2.5 Coasts

The GSB area has significant coastal values, many of which relate to how the coast is used and extend beyond the natural values. Following the requirements of 7.2.3.1, the precautionary principle may well require the removal of some or all use and development to satisfy this objective and associated strategies.



2.5.3 Strategies

- 1, 2. Strategies must be delivered by mapping completed at the State level and regulation delivered through the SPP. Otherwise, implementation is likely to become frustrated and contrary to Schedule 1 Objectives. Revise to reflect capacity of available tools.
1. The suitability of unfettered recognition of engineering works to protect coasts is question and conflicts with the intent and requirements of multiple other Policy areas, objectives, strategies and potentially the Schedule 1 Objectives. Implementation in this form must be subject to detailed consideration and recommendations by the Commission.
- 3 & 4. Conflict with 1 & 2 and most likely the burden established under 7.2.3.1.

Strategies fail to address the considerable progress made on coastal management through the Interim Schemes and first round of LPS. Policies should be consistent with the established Policy basis such as the [DPAC Principles for consideration of natural hazards](#) or one of the nationally recognised frameworks.

3 Environmental hazards

Establishing Policies without defining the general principles, objectives and strategies to apply across the policy area is contrary to the Schedule 1 Objectives and requires duplication of the general principles to each category.

The first strategy under many issues, to identify and map, is an implementation issue and does not reflect a policy basis consistent with the nature of the Policies or implementation in accordance with the Schedule 1 Objectives.

The strategies do not reflect the coordination of regulatory intervention across different regimes. A number of strategies need to be consolidated to reflect the implantation tools through RLUS and planning schemes.

Avoid, adapt and retreat are critical considerations for implementation within this policy area, as are the relevant risk management frameworks established through State and National bodies for management. They must be reflected in the policy framework.

3.1 Bushfire

3.1.3 Strategies

1. Strategies must be delivered by mapping completed at the State level and regulation delivered through the SPP. Otherwise, implementation is likely to become frustrated and contrary to Schedule 1 Objectives. Revise to reflect capacity of available tools. Identification and mapping are an implementation issues.
2. Implementation requires that any potential bushfire hazard will be prioritised at every level of planning process, mandating elevation of bushfire assessment above every other issue in the Policies and duplicating assessments and regulations. The implementation of this strategy was not considered and must be addressed in a way that is consistent to application across the RLUS, SPP, TPS and LPS. This is a significant change in policy and strategy for planning regulation.
- 3 & 4 Strategies contradict each other and should be combined to clearly establish a clear policy approach to bushfire planning through RLUS and planning schemes. 3 contains a clear prohibition through the term avoid that cannot be balanced with other requirements, even if the General Application section of the Policies were legally functional.
- 5 & 6 are not relevant to the operation of RLUS and planning schemes. The emergency management response is not capable of being regulated through planning schemes, aside from the allowance for use and development as established through the TPS. The policy framework needs to reflect this, or this proposal needs to establish how this issue is to be



addressed through the planning processes and what can reasonably be expected to support RLUS, planning schemes, and ultimately planning applications.

- 9 This is in part a regulatory outcome managed under the Building Act process and in part beyond the scope of planning schemes.

The suggested changes in policy approach are significant and will require further examination and explanation before their impact in the development and operation of RLUS and planning schemes can be considered.

Implementation will be critical for the suggested changes in policy and approach.

3.2 Landslip

3.2.3 Strategies

1. Identification and mapping are implementation issues. Policy approach should be to plan for risks and management of landslip hazards with the delivery mechanisms.
3. The acceptable risk thresholds are not established and should be by reference to an assessment process and established risk management framework. The concept of *more susceptible* is unclear.
- 4 & 5 These are perhaps better suited to implementation and require coordination with other regulatory regimes to comply with the Schedule 1 Objectives. They should be supported by a higher order policy statement.

Implementation guidelines are critical for this issue and should be established at this level to deal with implementation of the policy through RLUS, planning schemes and where suitable, assessment of DA's.

3.3 Flooding

3.4.3 Strategies

- 2&3 contradict each other.
- 2, 4 & 5 establish a prohibition similar to previous strategies.
- 6 This is an emergency management issue beyond the scope of the Policies and available delivery mechanisms.
 - 7d This criterion does not reflect the developing recognition of the need to begin planning to avoid creating future problems. A policy framework is required that clearly says avoid flood risk, where response to existing areas is considered and clearly established (including when additional risk will not be tolerated).
 8. Strategy is beyond the scope and legislated power of the Policies and planning schemes to implement. Given other strategies within the Policies, was the impact of this strategy approved by the relevant statutory decision makers across the various levels of Government? Is it technically feasible for management of flood events?
 9. Strategy does not reflect the operation of the Water Management Act outside the planning system and the opportunities that it provides and manages. Can this Strategy even be delivered through RLUS, SPP, TPS and LPS?

3.4 Coastal Hazards

Application based on the SCP is not acceptable, as previously discussed. The policy, science and supporting information has developed significantly since the SCP was made and is necessary to reflect the intent of the Schedule 1 Objectives. A better definition is required that is not limited to the SCP.



The Policies also fail to progress response to emerging climate issues around coastal communities and specific matters such as the management of new development in areas known to be at risk from climate change impacts (or redevelopment in existing areas) in a way that delivers the Schedule 1 Objectives.

3.4.3 Strategies

Some of the policy statements appear to suggest that coastal reinforcement is suitable for protection of private property. This statement is not appropriate to intended function of the Policies and is questioned for compliance with the State Coastal Policy and suitability for the Policies absent Implementation Guidelines to inform the development and operation of RLUS and planning schemes.

A policy basis for retreat in response to progressive coastal management must be established through the Policies, even if only for this specific issue.

The policy basis for managing coastal hazards ought to establish a more dynamic head of power for consideration of issues so that the Policies is not limited to an already dated threshold and does not require amendment each time science on the issue is updated.

Similar comments apply as identified for other issues within this section.

8. This should establish a clear benefit for implementation of engineered coastal defences, rather than just requiring consideration of social, environmental and economics. Better definition of *when they are appropriate* is required rather than simply enabling them following an assessment process.

3.5 Contaminated air and land

3.5.3 Strategies

1. This is an implementation issue. How this is done is unclear and how it can be reflected through RLUS, SPP's, TPS and LPS must be established as part of the assessment of this strategy.
- 2, 3 need to reflect the policy environment they function within.

Generally, some reflection of existing activities in compromised locations is required through the policy and regulatory tools.

The TPS implemented a significant policy change in establishing buffers from title boundaries rather than the activities involved. This position needs to be reviewed and its compliance with the various prohibitions on polluting/emitting outside a title boundary. If it remains, it should be established through the Policies (either as a dedicated strategy or through an implementation guideline).

Assessment by the Commission must clarify how these issues are addressed. Examples include:

- How the sites in Strategy 1 are identified and by whom;
- whether buffers should be mapped or not and at what scale;
- whether any maps are a statutory overlay or an information overlay;

4 Sustainable economic development

4.1 Agriculture

Issues with the operation of the State Policy on the Protection of Agricultural Land 2009 have been around the following:

- interpretation of what is and what is not agricultural land;
- difficulties with application and veracity of the LCCS;
- the apparent prioritisation of Prime Ag Land where class 4 is the most significant contributor to the agricultural economy;



- conflicts with non-agricultural use and designation as prime agricultural land or as within an irrigation district; and
- application of the policy to non-agriculture uses in potential agricultural areas.

The strategies do not appear to progress to these issues but do appear to remove much of the flexibility provided under the Policy. The strategy statements need to set some clear positions around these matters. They also ignore more recent developments such as controlled environment and hydroponic agriculture and land based aquaculture.

- 2-12 Primary response will be through the SPP to enable land use and regulatory outcomes, but this applies to all levels of implementation universally. Compliance cannot be delivered where the SPP do not establish appropriate controls.
9. Strategy confuses the classification of workers accommodation with residential use, which it is not where it is ancillary. No provisions were made for offsite worker accommodation.
10. This appears to restrict small farm operations to sites that are close to urban areas, where the reality is they are scattered all over the place and in many cases coincide with Rural Living areas in addition to Rural and Agricultural.
- 11, 12. Strategies do not reflect the operation of the Water Management Act and other legislation outside the planning system and the opportunities that it provides and manages. Can this Strategy even be delivered through land use planning and if so, where must response be directed to comply with the Schedule 1 Objectives? The RLUS, SPP, TPS and LPS?

The lack of implementation guidelines on this policy area is not acceptable.

4.2 Timber Production

Issues associated with timber production do not appear to have justified the separate response to this specific crop to others within the agricultural sector.

The purpose, intent and outcomes of this Policy area were not established. A detailed assessment is required to demonstrate this Policy area will deliver the Schedule 1 Objectives.

4.3 Extractive Industry

4.3.2 Objective statement should refer to sustainable rather than urban development.

4.3.3 Strategies

Strategies protect anything and everything with any extractive potential, which is concerning given concerns over the General Application section and implementation of all Policies and Strategies under the Act. Implementation on that basis will be problematic and is likely conflict with other Policy areas and the Schedule 1 Objectives for sustainable development.

Strategies do not recognise existing situations and conflicts.

The MRT *Strategic Resources – Draft and Strategic Prospectively* zone layers on the list cover significant urban and other areas. Clarification is required on how they are to be used under RLUS, planning schemes and ultimately, planning applications. While this is unlikely to be a significant issue for Glamorgan Spring Bay, it demonstrates the implementation issues expected to impact RLUS, SPP, TPS, LPS and the subsequent use of those documents to determine planning applications.

4.4 Tourism

4.4.3 Strategies

1. The up front identification (and most likely mapping) within the RLUS is concerning and implementation of this approach through the existing RLUS has been problematic. This has been a significant problem with operation of the current STRLUS and highlights difficulties with the maintenance and amendment of the document. The ability to comply with this strategy is concerning, particularly as the strategies do not address how unique and



unexpected opportunities should be addressed, or if they are even possible under strategy 1. Multiple strategies support this concept, but it must be addressed to ensure that strategy 1 does not prohibit it.

- 3 This is supported to enable the review of planning scheme provisions to inform dwelling allocations. Some additional information is required to provide meaningful comment and further information on implementation will be critical to what this means for both the initial and ongoing review of RLUS and planning schemes.
5. As with many similar strategies under other policy areas, this is an implementation matter for the SPP to address, but is listed for all assessments to respond to.
6. This strategy is unclear in its meaning and intent. How this can be implemented is unclear and what would it mean for RLUS and planning schemes?
- 7-9. The ability of these strategies to be implemented through the statutory mechanisms is questioned. If possible, in any meaningful way, they must be clarified to specify which level they operate at and if not, they must be deleted.

4.5 Renewable Energy

4.5.3 Strategies

1. As with other similar strategies, identification is a matter that must be addressed through the SPP with cooperation of various state agencies and authorities. Delivery through Local Government is not consistent with the Schedule 1 Objectives. The strategy should be written to take consideration of matters rather than mandating compliance with them to enable balancing of issues, with the delivery mechanisms specified.
- 2-5 Address matters that can only be delivered through the SPP with information and commitment from State Agencies and Authorities.
6. As with many similar strategies under other policy areas, this is an implementation matter for the SPP to address, but is listed for all assessments to respond to.

4.6 Industry

This section highlights the largely urban focus of the Policies at the expense of non-urban areas. Significant industrial activity occurs in rural areas across the State and must be enabled.

The Policies require redrafting to enable the strategic consideration of issues across the variety of rather than mandated compliance.

4.6.3 Strategies

- 1, 2 conflict with 3 as written within the Policies, where a higher order strategy is required to implement both responses and provide for balancing the potential conflicts. This may include some consideration of the types of industrial activities within versus outside of UGA's.
- 1 & 3. Strategies appear to assume that industry is based on historical models of 'dirty' operations and do not appear to consider newer and emerging clean industry sectors. The assessment will need to ensure that implementation is not restrictive to clean industry models and therefore contrary to the Schedule 1 Objectives. Local Strategy must be considered in this strategy.
2. This strategy is relevant inside and outside UGA's. The timeline is too short to provide for any strategic identification and management of infrastructure and coordination of large scale land acquisition.
3. The examples within a) do not reflect emerging industries and are inappropriate to the operation of the Policies. The closing statement is self-conflicting and ought properly to be addressed under the relevant Policies. Is the test avoided or minimise and how is the right



term identified for implementation? When is each option acceptable? This issue applies universally through implementation, but requires some direction from State and may even reference consideration of other Policies or specific strategies.

- 4 & 5. Implementation requires examination to confirm the appropriate tools to manage conflict through both the statutory implementation (RLUS, SPP, TPS, LPS) and other options available to the Commission including Guidelines and Practice Notes.
6. Implementation requires examination to determine the most effective of the available delivery mechanisms (RLUS, SPP, TPS, LPS). The Strategy must then be revised to reflect that tool to maintain compliance with the Schedule 1 Objectives.

4.7 Business and Commercial

Small and rural towns and villages are an important part of the Tasmanian landscape and economic sector, yet they are not adequately addressed in the Policies. The Strategies do not deal with existing centres outside urban and settlement growth boundaries in a way that is consistent with the Schedule 1 definition of sustainable development. Are they to be extinguished or closed down through the prohibition of expansion or growth by omission?

1. As with many similar strategies under other policy areas, this is an implementation matter for the SPP to address, but is listed for all assessments to respond to. Criterion g discriminates against local centres and must be replaced with local strategy to reflect the opportunity provided under the Schedule 1 Objective definition of sustainable development. Local Strategy must be considered in this strategy.
2. This strategy is a function of settlements and/or growth and should be removed from this Policy.
3. Use of the term avoid is inappropriate to the strategy. Where possible is an unsuitable test to the nature of the strategy. Implementation is likely to result in an effective prohibition as it is always possible to avoid competition. The Commission must examine how this strategy would be implemented in real life to determine the appropriate operation through the range of statutory implementation measures.
4. Growth should be enabled dependent on local strategy where it supports the function of the centres. How can local centres obtain growth when it is mandated to higher order settlements at the expense of lower order centres?
5. Activity centres should be enabled where consistent with Local Strategy.
6. The definition of Activity Centre is not clear and must not become an effective prohibition to the establishment/expansion/intensification of existing tourism or agri/tourism operations. Glamorgan Spring Bay has many such businesses operations that are outside established settlements and often located near each other. Implementation of the Activity Centre concept must ensure that the intent and application of the term is clear and does not have unintended consequences for the full range of activities that comprise the Glamorgan Spring Bay economy and experience.
7. Strategy does not reflect the changing nature of business and significant swing to home based operations since Covid.

4.8 Innovation and Research

Strategies within this section relate largely to matters that are outside the operation of the statutory delivery mechanisms. Many appear to require considerable collaboration with and between State Agencies, which is an unreasonable mandate to establish for delivery through the Council.

Implementation of this set of strategies must consider whether the strategies can be delivered through the statutory mechanisms and if so, define the implementation process and tools as part of the specific strategy statements.



If, as suspected, this cannot be done, Council submits this set of Policies must be removed or deferred for later consideration and development.

5 Physical Infrastructure

5.1 Provision of Services

Generally, the strategies are too specific and do not reflect the opportunity for growth based on local strategy provided in the Schedule 1 definition of sustainable development. As written, implementation is expected to result in infrastructure considerations driving growth, rather than being a function of strategic growth.

5.1.3 Strategies

2. This issue requires a response across parts of a region or between regions. A framework is required under the Policies to enable this. Implementation requires coordination and input across a range of State Agencies and cannot be delivered by the Council or Local Government sector.
3. This strategy is similarly outside the function of planning schemes and subject to other statutory regimes. Land use planning deals with the consequences of those decisions, it does not drive them. The assessment of implementation must specify how this strategy would be addressed and at which level it is functionally competent within the range of statutory delivery mechanisms.
4. This strategy is outside the operation of planning schemes.
5. Developer contributions were addressed in the PESRAC report and require revision of statutory powers outside the land use planning system. Planning provisions may result from the completion of that process through amendments to the SPP, but that detail is not appropriate to the Policies. There are also concerns over the limitation of developer contributions to infrastructure, which is inconsistent with the definition of sustainable development and delivery of the objectives within Schedule 1 of the Act.
6. The intent of this strategy is unclear, outside the scope of the statutory delivery mechanisms and subject to decisions by other sectors under legislation that is not within the RMPS.
7. Strategy is unachievable and outside the scope of the statutory delivery mechanisms as domestic wastewater is subject to design by licensed practitioners and exempt from detailed consideration under the Building Act 2016.
- 7-14. Strategies require considerable review to reflect implementation through the statutory mechanisms and may be better suited to a Guideline or Practice Note for specific consideration, combined with revision of clause 6.11 of the SPP to confirm the ability to provide conditions on planning permits.
9. This has a mandated protection, where 10 has encouraged minimisation for very similar issues. Which is it? 9 also provides no recognition of existing circumstances, which raises the risk of prohibitions being forced through new planning schemes and amendments to meet the statutory implementation.
11. Strategy is better expressed through other Policies and should be deleted. .
- 12 & 13 require redrafting to reflect their intended delivery mechanisms.

Many of these strategies require the input and cooperation of external agencies to affect implementation.

Operation of the current RLUS confirm the need to deal with the very real lack of input or cooperation of external agencies to the preparation of RLUS/Planning Schemes and ultimately, the assessment of



DA's. The Commissions assessment must consider practical implementation to prevent this set of strategies becoming an effective prohibition on strategic measures and projects.

5.2 Energy Infrastructure

Many of these statements require the input and cooperation of external agencies and statutory assessment regimes to affect implementation. Mandatory implementation through amendments to LPS and the assessment DA's is questioned, if possible at all.

5.2.3 Strategies

1. The ability of the statutory tools to implement promotion is challenged, if possible at all.
- 2, 3. The ability of this strategy to be implemented through the statutory mechanisms is unrealistic and appears to be more suited to a technical assessment under the Building Act 2016 and National Construction Code to comply with the Schedule 1 Objectives for a coordinated and structured regulatory system, particularly noting recent reforms to get normal housing out of the planning application process.
4. Assessment must ensure that implementation does not become an effective prohibition in many areas of Tasmania that are without public/alternative transport modes. Implementation is questioned through much of the Council area, which suggests it should be deleted.

5.3 Roads

The majority of strategies under this section are beyond the scope of the statutory implementation tools to address and are regulated outside the planning scheme (heavy vehicle network and State/Council/City engineer).

Implementation through RLUS and planning schemes is unrealistic. The strategic component is for planning schemes to facilitate improvements to transport infrastructure and changing transport modes over time.

5.4 Transport modes

Strategies under this section assume an urban location with access to the full range of facilities and options they provide.

Refinement is required to ensure implementation of these strategies does not become effective prohibitions for rezoning and strategic expansion of settlements without the full range of specified infrastructure and growth is enabled consistent with the Schedule 1 definition of sustainable development across the network of settlements within the Council area.

Identification of target strategies for specific areas may be suitable to allow detailed responses through strategies, such as urban or remote locations, those with or those without such facilities, to prevent an unintended prohibition on future development.

As exhibited, implementation is expected to become problematic for Council, if not prohibitive. Language within strategies needs to be appropriate to the statutory delivery mechanisms.

5.5 Ports and Strategic Transport Networks

Strategies under this section assume an urban location with access to the full range of facilities and options they provide.

Refinement is required to ensure implementation of these strategies does not become effective prohibitions for rezoning and strategic expansion of settlements without the full range of specified infrastructure and growth is enabled consistent with the Schedule 1 definition of sustainable development across the network of settlements within the Council area.

Identification of target strategies for specific areas may be suitable to allow detailed responses through strategies, such as urban or remote locations, those with or those without such facilities, to prevent an unintended prohibition on future development.



As exhibited, implementation is expected to become problematic for Council, if not prohibitive. Language within strategies needs to be appropriate to the statutory delivery mechanisms.

The Commission must consider whether application/implementation of this set of Policies is better suited to urban areas and/or urban growth boundaries and is appropriate to the projected growth patterns within Tasmania without becoming an effective prohibition.

6 Heritage

6.1 Aboriginal Cultural Heritage

Aboriginal heritage is reflected through the RMPS objectives but is not addressed through the existing land use planning system.

Experience from hearings identified that the lack of coordination between planning and other processes frustrates and complicates assessment of strategic processes. Policy 6.1 seeks to address the existing situation.

While the intent of Policy 6.1 is supported, the outcomes of the exhibited Policies is unclear.

It is understood that there are fundamental and irreconcilable legal conflicts between the availability of the relevant records and the intent of the Policies, particularly around:

- The structure of the Policies and their ability to integrate with Aboriginal Cultural Heritage values, particularly on public disclosure of sites and values through planning schemes;
- The apparent lack of consultation with Aboriginal communities about inclusion of Aboriginal Heritage in the land use planning system and the requirements for public disclosure of heritage values, sites and locations; and
- The outcomes of current reviews of the Aboriginal Land Act and Aboriginal Heritage Act and what/how Aboriginal heritage will be managed. For example, will assessments under the Aboriginal Heritage Act be recognised under LUPAA in a similar way to those under the Historic Cultural Heritage Act?
- The dual regulation of impacts under legislated management regimes between the Aboriginal Land Act, Aboriginal Heritage Act and the Land Use Planning and Approvals Act;
- The separate statutory authority provided under the Aboriginal Lands Act 1976 and how that is reflected through the Policies and land use planning system, such as is done for crown and authority lands under the SPP's;
- The lack of clarity about when Policy 6.1 would be implemented and how, which would require unrelated planning scheme amendments to either establish a system to address these matters or justify, in every case and based on evidence, why the specific amendment should not have to comply with the obligations under Policy 6.1.
- Aboriginal Heritage Tasmania is one of the relevant bodies that ought to be consulted for application to Aboriginal Heritage. Lack of consultation with other key organisations and communities is inconsistent with multiple RMPS objectives and the Policies for planning processes at section 7 of the exhibited document.

Much of this could be avoided if a staged approach was established to the Policies. This would allow outcomes of current legislative review processes for Aboriginal Heritage, consultation over how and where Aboriginal heritage to be completed and consultation to occur to enable incorporation into strategic and statutory assessments under the land use planning system. The initial 5 year period would then establish and implement a strategic and statutory process, with the first review redefining those strategies to improve implementation, management and outcomes.

Policy 6.1 must be reviewed to address the lack of integration of Aboriginal heritage to the land use planning system, using the first iteration of Policies to:

- consult and identify how Aboriginal peoples' connections to country and their internationally recognised rights to self-determination and free, prior and informed consent (consistent with the



UN Declaration on the Rights of Indigenous Peoples and following the Uluru Statement from the Heart) can be integrated to the land use planning system;

- establish strategic and statutory processes and how the statutory authorities interact with land use planning;
- revise the SPP's to reflect the outcomes of that process; and
- establish supporting material and processes to implement the process, similar to what was done with the Western Sydney Aerotropolis and the guidelines to recognise country and inform development assessment (available [here](#)).

The second iteration of Policies then provide for implementation and refinement of those provisions. Suggested revisions were provided as **Attachment 1** to this report.

6.2 Historic Cultural Heritage

The requirements of many Strategies simply cannot be delivered through the regulatory regime of planning schemes, while others are more appropriate to development standards under a code rather than informing the strategic management of cultural heritage through the RLUS, SPP, TPS and LPS.

The Burra Charter and ICOMOS are not referenced, yet myriad other requirements are established based on an undefined concept of significance.

Council has concerns that the implementation of these Policies will require it to commit significant resources and funding to the detailed survey and assessment of all potential heritage sites within the municipality and then establish and implementation programs for the ongoing protection and maintenance of heritage as a direct result of the Policies.

Assessment must detail and document how the Policies will be implemented through the various levels of government.

7 Planning process

The Policies for planning process add nothing to the requirements established under the Schedule 1 objectives and various requirements of the Act. The policies and strategies are expected to frustrate implementation if many can even be delivered. The section should be deleted from the Policies as it is not appropriate to the function and operation of the Policies and subordinate delivery mechanisms.

The Commission may wish to consider delivery this policy intent through other mechanisms such as Guidelines or Practice Notes or even revisions to the Act itself. Implementation is likely to be significantly improved.

7.1 Public Engagement

The strategies address matters outside the land use planning system and are not consistent with the practices employed by State through planning reform. They conflict with the functional power of strategic planning process and implementation through subordinate mechanisms. Experience suggests they will be difficult if not impossible to deliver through planning scheme amendment processes, as they are not employed by State through higher level processes.

Increasing levels of frustration with the implementation of recent planning reforms demonstrate a clear lack of meaningful consultation with and understanding of community expectations at the State level.

The public engagement Policy is likely to cause implementation problems for Council and the local government sector that cannot be resolved at that level but require mandated compliance under the terms of the Policies and the Act.

Council requests that the Commission provide a detailed examination of how they would be implemented, which agencies and levels of government would be required to complete/coordinate those tasks, the types and extent of consultation that would be suitable (but not mandated for) the subordinate tools, and whether public consultation protocols are better suited to Guidelines or Practice Notes issued by the Commission.



Public engagement must be removed from the Policies.

7.2 Strategic Planning

7.2.3 Strategies

1. Mandated satisfaction of the precautionary principle to all decisions that impact environmental considerations will have significant implications for all strategic planning applications and assessments that respectfully, were not properly considered in formulation of this strategy. The intent is clearly established (the consideration of all regulatory controls for use and development applications under a planning scheme) as is the required outcome (full and complete scientific knowledge and understanding of all impacts now and into the future). Implementation of this strategy will be prohibitive in terms of knowledge, cost, time, process and the future monitoring of impacts. It is not clear what this strategy adds that is not addressed, in a more productive form, in strategy 2.
This strategy *must* be removed.
2. Strategy is resource focussed and not consistent with the Schedule 1 Objectives and definition of sustainable development.
3. This strategy is redundant when compared with 2.
4. Requires significant cooperation, coordination and action by State agencies. It is unclear whether State agencies have or are able to provide social and infrastructure planning. Implementation will be problematic and is unlikely to be meaningfully implemented through the subordinate mechanisms.

6-8 Cannot be delivered through the intended mechanisms.

Implementation of the strategies through the available tools is questioned.

7.3 Regulation

This section is contrary to many other requirements within the Policies. Implementation through the planning system and subject mechanism has not been properly considered and will frustrate the assessment and use of subordinate tools.

The Policy area must be deleted.



Attachment 1 – Suggested revisions TPP 6.1 Aboriginal Cultural Heritage

6.1 Aboriginal Cultural Heritage

6.1.1 Application

Statewide.

6.1.2 Objective

~~Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage values including places, objects and practices. Support, recognise and protect Aboriginal Cultural Heritage within the Tasmanian Resource Management and Planning System and establish and implement measures to provide for the management of Aboriginal heritage.~~

6.1.3 Strategies

1. Land use planning is to:

- a) recognise, ~~respect and accept~~ that Tasmanian Aboriginal people are the custodians of their cultural heritage:
 - b) acknowledge that Aboriginal Cultural Heritage is living and enduring;
 - c) promote the protection of Aboriginal Cultural Heritage values; and
 - d) support Tasmanian Aboriginal people to identify, manage and, ~~where appropriate,~~ continue to use and culturally identify with, Aboriginal Cultural Heritage places.
2. ~~Encourage the understanding and consideration of Aboriginal Cultural Heritage and support the investigation⁴ of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially harm any Aboriginal Cultural Heritage values associated with that land. Integrate Aboriginal Heritage into strategic and statutory land use planning processes, through consultation with the affected communities.~~
3. ~~Avoid designating land for incompatible land use and development where investigations identify, or it is known that there are, or are highly likely to be, Aboriginal Cultural Heritage values unless it is demonstrated that the impact on Aboriginal Cultural Heritage values can be appropriately managed. Establish the role of key statutory agencies and management processes for Aboriginal heritage within the land use planning process.~~
4. ~~Establish mechanisms to integrate Aboriginal cultural heritage to strategic land use planning processes, including the consideration of Aboriginal heritage values, their significance to the relevant community and how they may be conserved through the land use planning process.~~
5. ~~Integrate consideration of Aboriginal Cultural Heritage into the State Planning Provisions and establish guidelines to assist with addressing country and heritage through preparing applications and the assessment of applications.~~

4 PLANNING AUTHORITY SECTION

Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015, the Chairperson hereby declares that the Council is now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 4 of the Agenda.

RECOMMENDATION

That Council now acts as a Planning Authority at [time].

DECISION 120/23

Moved Deputy Mayor Michael Symons, seconded Cllr Carole McQueeney:

That Council now acts as a Planning Authority at 2.10pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Cllr Rob Churchill, Cllr Neil Edwards, Cllr Greg Luck, Cllr Carole McQueeney, Cllr Jenny Woods and Cllr Robert Young

Against: Nil

4.1 Representation to exhibition of the draft Tasmanian Planning Policies

Author: Senior Planning Consultant (Town Planning Solutions Pty Ltd)

Responsible Officer: Director Planning and Development

ATTACHMENT/S

1. Draft Tasmanian Planning Policies (Policies)
2. Draft Tasmanian Planning Policies – Background Report (Background Report)
3. Tasmanian Planning Policies, 12E Representation to Exhibition, Glamorgan Spring Bay Council

PURPOSE

The purpose of this agenda item is for the Planning Authority (Authority) to consider a submission to the statutory exhibition of the draft Tasmanian Planning Policies (Policies).

The Policies are a significant reform to the land use planning system that can have significant impacts for both the future development of the Council and the Glamorgan Spring Bay community.

A recommendation was provided for the Authority to consider. The Policies and Background Report were provided as Attachments 1 and 2 to this report. A suggested representation was provided as Attachment 3 to this report.

BACKGROUND/OVERVIEW

The Authority will recall that submissions were made by the Officers of Council and also the Authority to the previous consultation process in November and December 2022 respectively. Both submissions expressed concern over the content of the draft policies, their ability to be implemented, a lack of clarity and significant concern over the potential for unintended or adverse consequences to the Council and Council area.

The Planning in Tasmania website identified similar concerns across the Local Government sector and planning profession. The State Planning Office assessed the various submissions and reviewed the draft Policies and completed a report on the consultation and response to submissions (available [here](#)). The revised policies were then lodged with the Tasmanian Planning Commission for exhibition and assessment under the *Land Use Planning and Approvals Act 1993* (Act). The revised Policies were placed on exhibition for three months from 28 March to 26 June 2023.

Tasmania has been without a comprehensive suite of strategic documents to inform the land use planning process at the State level.

The Regional Land Use Strategies (RLUS) were established in the south, north and north-west regions as part of earlier reform programs, and provided some guidance at the regional level since their inception in 2013. State Planning Policies were intended to provide this guidance at the State level, however this intent was not achieved for a range of reasons.

The State previously conducted consultation on the issues that the Policies would address and their structure in later 2019. Following the previous consultation processes, the Policies were reviewed by Government and consulted on the following matters.

The structure of the TPP was revised following the previous consultation as shown in Diagram 1 and Table 1.

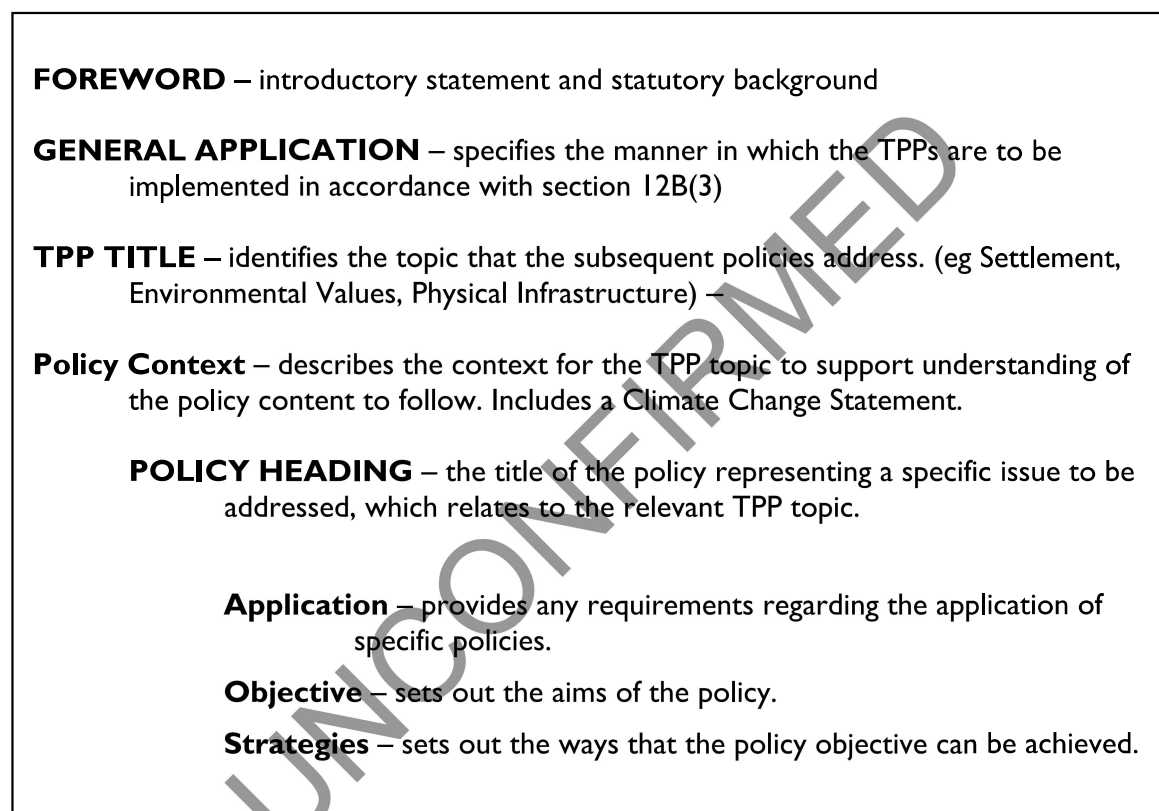


Diagram 1 – Structure of the Tasmanian Planning Policies

A workshop was held with Council on 29 May about the Policies, and the author attended the Local Government Association of Tasmania (LGAT) workshop on 14 June. Both workshops informed the content and development of the Representation.

The Recommendation was added following the LGAT workshop to clearly establish the key outcomes for the Authority in the assessment of the Policies by the Commission.

Tasmanian Planning Policy (Topic)	Policy heading (issues to be addressed)
1. Settlement	1.1 Growth 1.2 Liveability 1.3 Social Infrastructure 1.4 Settlement Types 1.5 Housing 1.6 Design
2. Environmental Values	2.1 Biodiversity 2.2 Waterways, Wetlands and Estuaries 2.3 Geodiversity 2.4 Landscape Values 2.5 Coast
3. Environmental Hazards	3.1 Bushfire 3.2 Landslide 3.3 Flooding 3.4 Coastal Hazards 3.5 Contaminated Air and Land
4. Sustainable Economic Development	4.1 Agriculture 4.2 Timber production 4.3 Extractive Industry 4.4 Tourism 4.5 Renewable Energy 4.6 Industry 4.7 Business and Commercial 4.8 Innovation and Research
5. Physical Infrastructure	5.1 Provision of Services 5.2 Energy Infrastructure 5.3 Roads 5.4 Passenger Transport Modes 5.5 Ports and Strategic Transport Networks
6. Cultural Heritage	6.1 Aboriginal Cultural Heritage 6.2 Historic Cultural Heritage
7. Planning Processes	7.1 Public Engagement 7.2 Strategic Planning 7.3 Regulation

STRATEGIC PLAN REFERENCE

The Policies will have significant impact on Council's Strategic Plan objectives to grow a sustainable population, improve housing affordability, enhance, maintain and protect the Council's agricultural sector, diversify and support a local economy and preserve the natural environment. Strategic Plan focus areas include:

Guiding Principles

1. Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.
2. Reinforce and draw on the strengths of our communities at both a local and regional level.
5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.

6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.
7. Communicate and explain Council's decisions and reasons in an open and timely manner.

Key Foundations

1. Our Governance and Finance

What we plan to do

- Advocate and lobby effectively on behalf of the community.

Given the expected impact on the future of the area, the Strategic Plan supports making a representation to the Policies.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

Part 2 Tasmanian Planning Policies;

- 12D Public exhibition of draft of the TPP's
- 12E Representation
- 12F Report by Commission
- 12G Making of the TPPs

Section 12D of the Act provides for exhibition of draft Tasmanian Planning Policies as the Minister for Planning considers appropriate.

Section 12E of the Act provides for representations to be made during the public exhibition period.

Section 12F(1)(c) of the Act provides the Commission with the discretion to hold hearings if it sees fit under.

This report provides for the Council representation and specifically requests that the Commission holds hearings into the representations and implementation of the Policies.

BUDGET IMPLICATIONS

Ongoing participation on the planning reform process was addressed as part of Council's operational budget.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				None required.
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Make submission to current and future consultation programs
Adverse strategic impacts to future development of the Municipality				

OFFICER'S COMMENTS

The lack of state level policies for land use planning has complicated many processes for the Authority, development sector and wider community. Assessment of the Glamorgan Spring Bay Local Provisions Schedule was completed in 2021, at significant cost to Council and community. The lack of a clear strategic and policy basis for many of the controls within the Tasmanian Planning Scheme at the State level complicated that process and added to the cost and timeframe of that process.

Drawing on that experience, the legislated purpose of the Policies, to set out the aims or principles to be achieved or applied through RLUS and the TPS, is critical, necessary and must be supported.

Section 12B of the *Land Use Planning and Approvals Act 1993* (Act) establishes that the Policies must clearly establish the aims and principles for review of the Regional Land Use Strategies (RLUS) and TPS.

Section 12F requires that the assessment report by the Commission must contain the following:

- (a) *a summary of the issues raised in the representations in relation to the draft of the TPPs; and*
- (b) *a statement as to whether the Commission is satisfied that the draft of the TPPs meets the TPP criteria; and*
- (c) *a statement as to whether there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to –*
 - (i) *the Tasmanian Planning Scheme; or*
 - (ii) *each regional land use strategy –**if the TPPs were made under [section 12G\(2\)](#) in the terms of the draft of the TPPs.*

The TPP Criteria under the Act require that the Schedule 1 Objectives of the Act are furthered, and consistency with State Policies (section 12B(4) of the Act).

The previous Council submissions took a relatively high level approach that had limited impact in the exhibited TPP's. Many other submissions from the Local Government sector took a similar approach. Review of the previous and current versions of the TPP's identify that limited changes were made as a result of the previous submission.

Following a workshop with the Councilors on the current exhibition process, a relatively detailed submission was prepared to ensure that as many concerns were identified as possible with the exhibited TPP. That assessment was attached to this report.

The assessment must still function at a relatively high level, due to the nature of the current process. Key points were identified at the Executive Summary and Recommendation sections within the representation.

Given the issues identified in the representation, it is appropriate that Council formally registers its concerns, comments and interests to the statutory exhibition process.

OFFICER'S RECOMMENDATION

That the Planning Authority:

1. Endorse the Attachment 3, *Tasmanian Planning Policies, 12E Representation to Exhibition, Glamorgan Spring Bay Council* as its submission to the exhibition of the Tasmanian Planning Policies; and
2. Requests the Commission seek an extension of time to the 90-day timeframe under section 12F(2) of the Act for submission of the report to the Minister for Planning to enable a proper assessment of the exhibited Tasmanian Planning Policies; and
3. Requests that the Commission hold public hearings into the representations on the TPP under section 12F(1)(c) of the Act; and
4. Requests that the Commission engage with the Council and the Local Government sector to investigate and evaluate issues associated with the implementation and operation of the Policies.

DECISION 121/23

Moved Deputy Mayor Michael Symons, seconded Clr Rob Churchill:

That the Planning Authority:

1. Endorse the Attachment 3, *Tasmanian Planning Policies, 12E Representation to Exhibition, Glamorgan Spring Bay Council* as its submission to the exhibition of the Tasmanian Planning Policies; and
2. Requests the Commission seek an extension of time to the 90-day timeframe under section 12F(2) of the Act for submission of the report to the Minister for Planning to enable a proper assessment of the exhibited Tasmanian Planning Policies; and
3. Requests that the Commission hold public hearings into the representations on the TPP under section 12F(1)(c) of the Act; and
4. Requests that the Commission engage with the Council and the Local Government sector to investigate and evaluate issues associated with the implementation and operation of the Policies.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil