



Tasmanian Planning Policies

Draft for Consultation in accordance with section 12C(2) of the *Land Use Planning and Approvals Act 1993*

Submission from Tasmanian Planning Information Network (TasPIN) www.taspin.net

The Tasmanian Planning Policies (TPPs) are attempting an overarching alignment of planning matters within the objectives of LUPAA 1993 and State Policies (as from the State Policies and Projects Act 1993). The TPPs, TPS and Regional Land Use Strategies are all intended to sit below, and deliver, LUPAA and State Policies.

The legislative framework continues to create confusion, not because of red tape but because of a lack of clarity and clear implementation guidelines.

General considerations:

1. TasPIN welcomes the aspirational statements of the TPPs. There is much to like in these Planning Policies; they read well and have good intent. However, it has to be said, it is most disappointing that the planning rules or SPPs have already been developed and partially implemented through the TPS, (adopted in approx. half Tasmania's Local Government Areas), without

- the guidance of a full suite of state policies and
- the strategic direction of the TPPs.

We support the intent of more strategic thinking and direction around land use planning but it may well be too little too late.

2. The TPPs contain laudable broad positive statements but it is TasPIN's view that there is not a clear pathway to ensuring implementation or rigorous evaluation. This is most concerning. There must be implementation policies for each of the 7 TPPs.

3. The appropriate attention paid to climate change and its incorporation throughout the policies is commendable. TasPIN considers this absolutely necessary. Climate change must be a critical consideration for any development in coming years. The society and economy would be severely impacted if governments had to cover the costs of ignoring climate change in approving developments.

4. Major Projects - At paragraph 1 of the Foreword, Draft Tasmanian Planning Policies, we learn that *"the Act requires consideration of TPPs during declaration and assessment of major projects"*.

TasPIN regards "consideration" as broad and weak. Compliance with TPPs must be mandated. Major projects should be mentioned in each of the seven TPPs so that compliance has statutory authority.

5. *Section 12B (3) of the Act allows that the TPPs may specify the manner in which they are to be implemented into the State Planning Provisions (SPPs), Local Provisions Schedules (LPSs) and RLUSs. [p2]*

TasPIN considers that these TPPs must be implemented via the various planning instruments. That is, the TPPs should deliver LUPAA 93 and State Policies. The TPPs then sit above and are given effect through the SPPs, LPS and RLUS.

What purpose do they serve otherwise?

6. The coloured diagram included on the Planning in Tasmania website, under the heading Tasmanian Planning Policies shows no hierarchy. It appears possible that the SPPs could operate independently of the TPPs. This would not be supported.

We would like to be clear that the TPPs should sit above, and be given effect through, SPPs, LPS, and RLUS. In this way, the TPPs would be useful and assist Planning Authorities, TPC and TasCAT in interpreting, determining and applying SPPs. If not useful in this way, the TPPs are mere words.

The Tasmanian Planning Strategies and Regional Land Use Strategies must incorporate words in their headings that make it clear they are giving effect to the TPPs.

SPECIFIC PLANNING POLICIES

Planning Policy 1 Settlement

It is valuable to create a planning system that provides for quality of life and a sustainable economic base while protecting the environment that supports them. It is not clear why a strategy for a 15 year supply of land has been promoted.[P8]. This appears overly ambitious and TasPIN cannot see how this can realistically be adopted.

Recognition that there will be a reallocation of land within existing zones as needs and technology change is appropriate, indeed essential. There will be obvious changes to transport including the petrol car businesses in the next decade. TasPIN does not see extension of urban growth boundaries as advisable in a situation where climate change will create an increase of hazardous events and the state needs to protect and utilise our rural food production areas and to protect our natural resources.

Many of the settlement strategies are open to wide interpretation which is not an element of good planning. However the emphasis on provision of open green space, water sensitive design, good public transport, urban trees and cycleways is strongly supported. TasPIN would encourage community gardens as part of these strategies as weather events and possible future pandemics affect the supply and cost of basic foods.

The social infrastructure plans are sensible and if implemented will improve the well-being of the whole community. The recognition of the variety of housing needs within the Tasmanian community is an essential base from which to work but planning policy will rely on reliable data if it is to be implemented effectively. Working with charities to provide for social housing is beginning to bear fruit but it still requires a major government input.

TasPIN recognises that the major change facing housing in Tasmania will be the increase of multi-story dwellings as well as structures that cover a smaller area of land than the traditional suburban block. Planning regulations that require a percentage of green space, water sensitive design and protection of amenity are vital if these developments are to provide for the needs of residents in a changing climate.

Planning Policy 2 Environmental Values

TasPIN considers that climate change will be the major factor affecting communities and the state economy in coming decades. Therefore the environmental issues recognised in Section 2 [p17] are vital to the state's future if we are to maintain healthy viable communities. The state has a

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poor record when it comes to using existing legislation protecting environmental values and so it is vital that the planning policies provide clear enforceable measures for this purpose.

Statements regarding climate change, biodiversity, waterways, landscapes and coasts clearly identify the key issues. However, implementation guidelines are essential. Otherwise the TPPs could be ignored.

Environment 2.01 provides an example of our concern that the policies could prioritise economic matters above social and environmental. Principles 3 and 4 are very weak. 3. *minimise the impact of land use and development on environmental values where avoidance is not possible or impracticable*. We are of the opinion that such a statement provides a loophole for developers.

- TasPIN recommends that at the very least offsets should be required where impacts cannot be minimised.

2.1.3 [p19] Strategy 5 *where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset*. Strategy 5 should be strengthened.

- TasPIN recommends that offsets should be required and impacts be minimised.

2.2.3 [p20] Strategy 2a *relies specifically on being located within close proximity to aquatic environments*;

- TasPIN recommends strengthening the strategy to read 'relies specifically on being located within close proximity to aquatic environments and has stringent controls on pollution and disturbance'

2.2.3 [p21] Strategy 4e is too weak with the use of *'not significantly'* because it allows broad interpretation.

- TasPIN recommends strengthening this strategy.

2.3.3 [p21]

- TasPIN recommends Strategy 1 make reference to the Tasmanian Geoconservation database.

2.3.3 [p22] strategy 2 uses the term *'not practicable'* which gives too much leeway to developers and would not ensure the promotion of *high conservation value geodiversity*

- TasPIN recommends that *'not practicable'* be replaced by 'demonstrably unavoidable'

2.4.3 [p22] *Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development: b) has considerable social, economic and environmental benefits*; Once again, such a broad description gives reason for concern. What does 'considerable' mean? Are the economic benefits long term and sustainable? There is no real guideline for planning authorities or developers in such statements.

- TasPIN recommends replacing 'considerable' with 'overriding'.

2.5.2 [p23] *To promote the protection, conservation and management of coastal values*.

- TasPIN recommends that the objective clearly state 'natural coastal values'.

2.5.3 [p23] *Identify coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (jetty wharfs), marine industries, ports and other land use that explicitly rely on a coastal location while minimising the impacts on coastal values*.

TasPIN has concerns with identification of coastal areas for these activities as it seems to indicate government promotion of these activities beyond current facilities and that is not needed.

- TasPIN considers there should be clear mapping of all environmental matters in the state so there is reliable data available to planning authorities. They would then decide if an application has met environmental standards and planning guidelines.

Planning Policy 3 Environmental Hazards

TPP 3 recognises the potential hazards to sustainable living in the state and TasPIN strongly supports the emphasis and inclusion of these matters to *consider hazards early in the planning system which will assist in protecting life and property, reducing the financial and emotional cost to the community and decreasing the burden for emergency management caused by environmental hazards.*[p24]. The 8 principles must be incorporated into the SPPs, LPS, RLUS that flow from the planning policies so that they are actually implemented and enforced.

The policies for bushfire, flooding, landslip and coastal hazards and contamination reflect the expert work of TAsDRA's 2022 disaster risk assessment. Thus it identifies the problems and potential issues well. However once again there are no implementation guidelines and so the policies lack the essential guidelines for community, planning authorities and developers.

3.1.3 [p26] Strategy 8a requires stronger terminology to achieve its goal.

- TasPIN recommends replacing 'consider' with 'seek to minimise'

3.4.3 [p30]

- TasPIN recommends adding a phrase to strategy 3a so that it becomes 'dependent on a coastal location *and the risk can be managed*'

Planning Policy 4 Sustainable Economic Development

Section 4 on sustainable economic development still seems to see the role of planning as stimulating growth whereas TasPIN believes planning should have a moderating influence if the economy is to be truly sustainable and less affected by boom and bust cycles.

The protection of agricultural industries has obvious benefits to the community through the provision of foods and fibre for textiles. TasPIN wants strong planning policies that protect agricultural land from encroachment of urban areas.

4.2.3 [p35] TasPIN recognises the difficulties associated with extractive industries, the environment and the economy. Possible chemical leaching, damage to forest coupes and other problems associated with these industries require more attention to detail in planning than the state has done previously.

- Strategy 3 should be conditional on the social and environmental objectives of the TPPs. TasPIN recommends that it be altered to '*Support the long-term viability of existing operations and access to future mineral resources where this is compatible with the objects of other TPPs*'
- TasPIN recommends that Strategy 6e should be expanded so that '*environmental impacts are minimal and planning provides for future rehabilitation and alternatives uses of the mine site*'

4.3.3 [p37] The TPP recognises the values of tourism but also the negatives that can arise from the impacts of increasing visitor accommodation residences and the cumulative use by tourists of local facilities that can detract from the quality of life of local residents. Planning could be used to remedy these impacts but once again clear implementation proposals are not provided. TasPIN considers that these Tourism strategies require fine tuning.

- Strategy 4 needs to be strengthened. '*Support unique, diverse and innovative tourism experiences that support the Tasmanian brand in a way that does not risk long term harm to the brand and the tourism industry.*

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- Strategy 7 'unreasonably' should be removed.

4.4 [p38] Renewable Energy will be a key to the state's future development.

- TasPIN recommends that Strategy 1b should include the impact on communities so that it reads '*economic and social value and impact on communities*.'

4.6.3 part 7 and 8 [p41] outline planning strategies but fails to protect the needs of local residents. '*Support home-based businesses where the impact does not cause an unreasonable loss of residential amenity to the surrounding area. Provide for small scale commercial or business opportunities in residential and industrial areas that meets the needs of local residents or workers, is conveniently located and, in the case of residential land, does not cause an unreasonable loss of residential amenity.*'

These policies are not specific enough to prevent an unreasonable effect on local communities. What is reasonable or unreasonable? Community members have indicated to TasPIN through surveys and forums that they value access to natural light through north-facing windows; access to direct sunlight for solar panels; access to green space, both public and private; and building heights that are appropriate to their surrounds.

What is a small scale commercial activity? Will it be based on number of customers, income, or building size? Without some clarification and guidelines for implementation these policies are likely to be abused.

Planning Policy 5 Physical Infrastructure

TasPIN recognises the critical role played by infrastructure in maintaining the health and well-being of our community and the importance of ensuring they are part of the planning process. We agree that expert advice from climate scientists and engineers should provide the data on which to base planning decisions in these matters.

It is important that local community has input into the planning of physical infrastructure at an early stage of the process. Strategy 6 appears to make road investment the driver of planning decisions. TasPIN does not support this type of planning.

- TasPIN recommends that Strategy 5.1.3 Strategy number 3 should be amended to '*..... the most logical and cost-effective solution to deliver services to growth areas while minimising environmental impacts*'
- TasPIN recommends an additional Strategy 5.2.3 [p48] number 5 '*Encourage local self-contained energy solutions that reduce network dependence and load.*'
- TasPIN recommends that Strategy 5.3.4 Strategy number 4 should be amended to '*Support heavy vehicle access that is responsive to industry needs and appropriate to the condition, current use and function of a road.*'

Planning Policy 6 Cultural Heritage

TasPIN recognise it as an essential part of the planning process in supporting a community sense of place. We recognise that other Acts provide protections in this area but this must be made clear and ensured by the planning laws and regulations.

Non-Indigenous Cultural Heritage 6.2.2

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TasPIN recommends that the objective should 'promote design responses that preserve cultural heritage', rather than just 'consider'

Planning Policy 7 Planning Process

We query the increasing complexity of this extra layer in the planning system, where only expert planners will be able to understand the system. The community expects that the regulations and laws around the planning system are clear with enforceable requirements that do not allow abuse of the system.

TasPIN has been formed to provide information on planning issues to the community. We believe it is vital that the community voice is part of the planning process.

TasPIN support various aspects of TPP No 7 including:

- That TPP 7 supports local plans, settlement strategy, structure plans and precinct plans which all inform LPS and RLUS.
- That planners must engage with the community in a meaningful way
- That competing demands are dealt with fairly and transparently,
- That social, environmental, and economic resilience in the face of climate change including care for the vulnerable is an element of future planning
- That TPPs promote consultation, strategic considerations and collaboration across jurisdictions
- That community understanding is facilitated giving rise to genuine and increasing confidence.
- That processes are meant to be informative and transparent
- That as at 7.2.3 (1) - use and development is avoided if implications for the future are not known.
- That 7.2.3 (2) intergenerational equity is an important aim.
- That best practice governance is an aim of the TPPs.
- That there will be regular review of RLUS Strategies

It is not immediately clear what the following mean in effect:

- 7.3.3 (2) the intent to avoid over regulation by aligning regulations with the scale and impact of development and that planning regulation should reflect the level of impact.
- 7.3.3 (4) planning regulations to adjust to pandemics, climate change etc.
- 7.3.3 (5) facilitate coordination and regulation where there is consistency between planning and other jurisdiction.

7.2.3 recognises that scientific evidence is fundamental but that there are other experts who may provide valuable input to the planning process.

- TasPIN recommends adding a phrase 'and other expert' after the word '*scientific*'.

Concluding Recommendations

1. It is recognised that the TPPs provide high level strategic guidance that is only really given effect through instruments further down the planning 'tree' – most especially the SPPs. It is important that when the TPP strategies are taken into account during the review of the RLUS and SPPs that the intent of the TPPs is clearly reflected in these instruments – otherwise the TPPs won't help much other than to add another level of complexity.

2. To this end, as mentioned above, (General Considerations 6) the SPPs, LPS and RLUS must clearly state in their headings, that the purpose of these planning instruments is to deliver the Tasmanian Planning Policies.
3. Good planning requires solid base data. A regular State of the Environment Report prepared by the TPC is essential to maintain reliable data. TasPIN is concerned that the state has not sufficient baseline data on environmental matters. We are pleased the Minister has called for a State of the Environment Report by 2024 but believe strongly that regular updating and reporting of this data should be part of the state's planning legislation and considerations in planning processes. Co-operation with the University of Tasmania could be a cost-efficient way to achieve reliable data.
4. There is no clear articulation between the TPPs and the SPPs. We are most concerned that the SPPs will continue to adversely impact Tasmania's landscape; our built heritage, liveable suburbs, towns and cities, our national parks and wilderness. The planning rules in Interim Planning Schemes and SPPs are already having widespread adverse impact on liveability.
5. The TPPs are aspirational and can no doubt contribute to a broad strategic approach in the long term, but we do need to know exactly HOW they will be implemented. This is critical. Implementation guidelines must be provided with all the TPPs to clarify the how they will be applied. Implementation guidelines are largely missing.
6. The aspirational intent of the TPPs must sit above, and be given effect through the SPPs. We do not want to see the TPPs dominated by the SPPs, against which all DAs are/will be assessed.

It is our understanding that more protections are required for Councils where they are forced to approve DAs. A DA which meets the Acceptable Solutions in the SPPs must be approved despite quite possibly failing community expectations and the lack of future proofing. TPPs should give direction to the SPPs and support Councils who want to make better planning designs, more strategic and risk averse decisions for their community.

7. Quality, up-to-date mapping must be maintained for all involved in the planning process.
8. Policies require regular independent review and rigorous evaluation of their effectiveness. Detail is needed about how effectiveness will be judged and how TPPs will be monitored. See last sentence of Draft Tasmanian Planning Policies, p2 Implementation.
9. Wide community consultation should be part of any review process to assure it meets community needs and aspirations around the planning system.
10. Design analysis and modelling is important in all planning schemes. We understand that other states [like NSW] have introduced fast track planning schemes and zones, somewhat like Tasmania. However, NSW also uses a design guide to reduce the development footprint. All proposed development needs a star rating on efficiencies and sustainability Eg BASIX in NSW. Tasmania would profit from modelling and design analysis which supports the TPPs,

On behalf of Tasmanian Planning Information Network [TasPIN]

Margaret Taylor & Anne Harrison

**Deputy Premier
Treasurer
Minister for Infrastructure and Transport
Minister for Planning**



Level 10, Executive Building, 15 Murray Street, Hobart
Public Buildings, 53 St John Street, Launceston
GPO Box 123, Hobart TAS 7001
Phone: (03) 6165 7754; Email: Michael.Ferguson@dpactas.gov.au

Margaret Taylor
TasPIN

By email: matay20@gmail.com

Dear Ms Taylor

Tasmanian Planning Policies - Report on Consultation

I refer to your submission on the draft Tasmanian Planning Policies (TPPs) that underwent consultation late last year. Over 70 submissions were received from a range of stakeholders indicating the high level of interest in the development of the TPPs and recognition of their importance in guiding the State's planning system. I want to thank you and acknowledge the time and effort you have taken to participate in the development of the draft TPPs.

The State Planning Office has prepared a report that discusses the issues raised in the submissions, summarises responses to them and provides an overview of the modifications made to the draft TPPs as a consequence of the consultation process. The report is available on the [Tasmanian Planning Reform website](#).

I have approved the Report on Consultation and modified set of draft TPPs and in accordance with section 12C(3) of the *Land Use Planning and Approvals Act 1993* (the Act), I have given notice to the Tasmanian Planning Commission, directing it to undertake public exhibition of the modified draft TPPs and to commence an independent review and assessment before it reports back to me with any recommendations relating to the draft TPPs.

The Act requires the Commission to exhibit the draft TPPs for 60 days and to receive representations and hold hearings if it so determines. If you wish to participate in this formal review I recommend that you check the Commission's website <https://www.planning.tas.gov.au/> for advice over coming weeks.

Yours sincerely

Michael Ferguson MP
**Deputy Premier
Minister for Planning**

28 March 2023