

Tasmanian Planning Policies – Scoping Paper Submissions

| No | Name | Position | Organisation |
|-----------|-----------------|---|---|
| 41 | Leigh Walters | Operations Manager | Tasmanian Land Conservancy |
| 42 | Dr David Campin | | Tasmanian Independent Science Council |
| 43 | Ursula Taylor | Derwent Estuary Program CEO | Derwent Estuary Program |
| 44 | Rodney Gretton | Legal Counsel | TasWater |
| 45 | Chris Irvine | Manager | Flood Policy Unit State Emergency Service Policy Research & Social Justice Department |
| 46 | Jeffrey Milne | Senior Policy & Advocacy Adviser | The Salvation Army Australia Territory Waratah-Wynyard and Circular Head Councils |
| 47 | Ashley Thornton | Manager Development and Regulatory Services | |
| 48 | Rex Cassidy | Manager Development & Environment | George Town Council |
| 49 | David Allingham | Manger Development Services | Brighton Council |
| 50 | Oscar Norton | State Manager Tas | Community Housing Industry Association |
| 51 | Ben Bartl | Principal Solicitor | Tenants' Union of Tasmania |
| 52 | Teena Guest | Manger Property Development | Tasmanian Ports Corporation |
| 53 | Todd Dudley | President | North East Bioregional Network |
| 54 | Andy Welling | Principal Consultant / Director | Enviro-dynamics |
| 55 | Jacqui Jones | CEO | The Constellation Project |
| 56 | Ray Mostogl | CEO | Tasmanian Minerals, Manufacturing and Energy Council |
| 57A | Margaret Taylor | | |
| 57B | RJ Scott | | |
| 57C | Austra Maddox | | |
| 58 | John Vandenberg | | |
| 59 | Caroline Brink | | |
| 60 | John Perry | Coordinator-General | Office of the Coordinator-General |



19 October 2021

Department of Justice

Office of the Secretary

GPO Box 825

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TASMANIAN PLANNING POLICIES

The Tasmanian Land Conservancy (TLC) welcome the opportunity to make a submission on the scope, content and structure of the draft Tasmanian Planning Policies (TPP). As one of Tasmania's largest private landholders, we protect and manage areas with significant conservation values for nature and for the public good. We also work with the local landholders and the broader community to conserve nature, connecting habitat to build resilience across the landscape.

It is in the state's interest to look after nature, and strategic planning instruments that protect natural values across Tasmania are critical. The public benefit from healthy and intact natural systems includes water quality and retention, ecosystem function, pollination services, soil health and stability, aesthetic values, landscape resilience in a changing climate and personal wellbeing.

The development of Tasmanian Planning policies provides an opportunity to develop a comprehensive strategic planning system that could improve the resilience of natural systems by enhancing the protection of natural and cultural values at a landscape scale. We also recognise the importance of State-wide Policies to provide the over-arching vision.

We address each of the specific questions below.

Do you agree with the scope of proposed TPP topics? What other topics and/or issues do you think the TPPs should cover?

We note and welcome that that environmental protection, biodiversity and catchment management are specifically listed as issues to be addressed within the scope of each TPP topic. Within the topic of environmental protection there is scope to include a more comprehensive suite of issues. These include:

- Soil quality – erosion, salinity
- Ground water
- Animal pests and diseases
- Weed management and diseases
- Maintenance of ecological processes and genetic diversity

- Coastal processes and landforms should include coastal and estuarine

We are encouraged to see the precautionary principle listed within the scope of the TPP relating to environmental protection. Furthering the objectives of the Resource Management and Planning System (RMPS) as outlined in Schedule 1 of the *Land Use Planning and Approvals Act 1993* through sustainable development involves:

- ‘managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
 - (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.’

The most up to date information must inform decisions, and when we don’t have adequate information, the precautionary principle should apply.

Do you agree that climate change should be integrated into all relevant TPPs?

The complex impacts from climate change will impact all aspects of the environment and society and for this reason we agree that climate change should be integrated in all TPPs.

Consideration should also be given to developing a climate change TPP. Such a TPP would allow for a concise planning policy that could comprehensively cover all aspects of land use planning and ensure that emissions reductions are front and centre in all planning decisions.

Do you think that the proposed template is appropriate and a useful way of providing guidance on what the TPPs should achieve?

The template itself appears to offer a logical and clear layout and is a useful way of providing guidance on what the TPP’s should achieve.

In conclusion

The development of Tasmanian Planning Policies is an opportunity to achieve improved strategic planning and specifically to improve the protection of significant natural and cultural heritage values across the Tasmanian landscape. We welcome the inclusion of environmental and heritage protections. In order to adequately address each of these important topics within the context of planning there is a requirement to have a greater understanding of these values. For example, an important component of an effective planning policy relating to biodiversity will be a requirement to improve the mapping of natural values.

Natural Assets Code and Priority Vegetation Overlay

Strategic land use planning through the development of TPPs is an opportunity to address an existing deficiency within the statutory Tasmanian planning scheme and how environmental protection can be improved. By way of example, the Tasmanian Planning Scheme Natural Assets Code, and the application of the Priority Vegetation Layer, should be applied across all zones (including agriculture). For a TPP relating to environmental protection to be effective it should serve to establish the *intent* and guide land use zoning

and future development and it should address the current deficiency whereby the natural assets code is not applied to all zones.

The TPPs and the strategic planning associated with their development represents an opportunity to address the existing inconsistency relating to the application of the natural assets code.

As an organisation with land and associated partnerships throughout the state we have a strong interest in land use planning, particularly regarding the recognition and protection of natural assets on a landscape scale. The TLC welcomes the opportunity to provide feedback on the scope, content and structure of the Tasmanian Planning Policies and we look forward to the future submission process for the content of the TPPs.

Our thanks again for the opportunity to provide a submission.

Yours sincerely

James Hattam

CEO, Tasmanian Land Conservancy

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22 October 2021

To Whom It May Concern,

Scope of the draft Tasmanian Planning Policies – Have your say

The Tasmanian Independent Science Council appreciates the opportunity to comment the Tasmania's Government's [Tasmanian Planning Policies: Scoping Paper for draft TPPs](#) which is currently open for public comment.

Strategic, state-wide policies are an important component of Tasmania's Resource Management and Planning System, and the Science Council commends the Government for taking action to address the need to identify critical issues, to canvass opinion and advance policy solutions.

The Science Council would prefer to see the development of State Policies, established by the Tasmanian Parliament, as these provide for a whole of Government approach and are more transparent. However, more narrowly focused TPPs are a step in the right direction and will influence the future of Tasmania as they help to shape the planning system and react to emerging issues.

The Science Council recommends some additional topics and issues the TPPs could cover.

We consider the best approach to addressing climate change would be to adopt a State Policy on Climate Change to help to implement the Climate Change Act, as well as integration across all relevant TPPs.

We look forward to providing input to the content of the new draft Tasmanian Planning Policies when they are released for public consultation in 2022.

Yours sincerely,

Tasmanian Independent Science Council

Contact for further advice from TISC

Dr David Campin

Queensland International Fellow

Founding Member Tasmanian Sustainable Development Advisory Council 1993-1996

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The Tasmanian Independent Science Council

The Tasmanian Independent Science Council is dedicated to science and evidence based policy reform to ensure the long-term health of Tasmania's critical environments. We are composed of scientists and relevant professionals who are a source of independent, non-government advice.

Our goals are to:

- Connect science to public policy;
- Drive innovation in managing the use of Tasmania's terrestrial, freshwater and marine ecosystems; and
- Engage community, business and political leaders to find and implement solutions to the challenges of environmental stewardship in Tasmania.

We seek to achieve these goals by compiling and synthesising research, producing papers on key issues, commissioning independent research, making submissions on legislative reforms and leading public debate through the media and events on the science-policy nexus.

State Policies vs Tasmanian Planning Policies

Tasmania only has three State Policies: these relate to coastal development (*State Coastal Policy 1996*), the protection of agricultural land (*State Policy on the Protection of Agricultural land 2009*) and protection of water quality (*State Policy on Water Quality Management 1997*). The development of a full suite of State Policies stopped in around 2009.

The full definition of Planning Policies should not be overlooked, namely "Tasmanian sustainable development policies", the longer name incorporates legislative aspects possibly overlooked but are essential when considering the purpose of this instrument.

The development of State Policies is a robust process that delivers a suite of long-term outcomes. It may be slow but a valued outcome is borne of rigor. The conceptual framework that sets the process and milestones to produce an SPP was strongly debated at the time of the early 1990s, those matters and drivers have not disappeared. A significant legislative review of local government administration, parliamentary governance and community input sought robust solutions but it would appear that those lofty goals have been set aside as being too hard. A review of the supporting documents behind the policy initiatives of the 1990s would help inform the current process as to reasoning for the legislative reforms.

The Science Council would prefer to see the development of a full and up to date suite of State Policies, established by the Tasmanian Parliament, as these provide for a whole of Government approach and are more transparent. State Policies create longer term strategic direction across a range of issues, as they are more likely to survive changes in Governments.

By comparison, TPPs are signed off by the Planning Minister and affect Tasmania's land use planning system only.

Although the Science Council's preference is for the development of State Policies, we welcome efforts to develop strategic policy direction for land use in Tasmania.

The Science Council would suggest that TPPs be designed for a finite life of, say, ten years to ensure the currency of policy initiatives in response to pressures and advantages of the Tasmanian State.

Additional topics and issues for TPPs

The Science Council consider there should be additional topics and issues that the TPPs could cover.

Monitoring, Evaluation and Reporting

We note the absence of a State of the Environment Report since 2009. In order to fully inform the government on achievements by the Tasmanian community as a whole in meeting these new TPPs and the existing SPPs, the Science Council advocates the formation of a new Office of Parliamentary Commission for the Environment to implement the requirement (SPPA s29) to produce a State of the Environment Report. It is suggested that Tasmania carefully consider the well-trodden path that New Zealand has taken to develop this role. It is noteworthy that the current (NZ) Commissioner, Mr Simon Upton, was the Minister responsible for the passing of the NZ Resource Management Act, an act that had significant influence on the transformation of land planning and environmental legislation of the early 1990s in Tasmania. The old adage “you can’t manage what you don’t measure” is profound in respect to living within tolerable bounds and to ensure the elements of sustainable development prevail.

We recommend a new Monitoring, Evaluation and Reporting TPP topic be included to drive these considerations under other instruments and authorities. Consistent with other statutory planning in Tasmania, Tasmania’s resource management and planning system should also be evaluated to ensure it is achieving its objectives.

The TPP on Monitoring, Evaluation and Reporting should be linked to State of the Environment Reporting both at the State and National levels.

Under the *State Policies and Projects Act 1993* Tasmania must release a State of Environment Report every five years and the Minister must table it in Parliament. So far, three Tasmanian State of the Environment reports have been prepared: 1997, 2003 and 2009. The SoE reports provide a strategic view to shape policy and action. However, it is noted that it is twelve years since the last SoE was released.

Environmental Protection TPP could also include new issues:

- Geodiversity and geoconservation
- Air-quality
- Soil quality – erosion, salinity
- Ground water
- Cumulative environmental impacts
- Land contamination
- Ecological restoration
- Animal Pests and diseases
- Weed management and diseases
- Maintenance of ecological processes and genetic diversity

Public engagement in planning processes TPP could also include new issues:

- Transparency, fairness and independence

Should climate change be integrated into all relevant TPPs?

The Science Council agrees with the authors of the Scoping Paper that climate change will have impacts on all aspects of our community, economy and environment and that the development of TPPs provides a unique opportunity to properly integrate climate change adaptation and mitigation into Tasmania's land use planning system.

We consider a specific climate change TPP as well as integrating the issues across all relevant TPPs would be best to ensure reduction of emissions of greenhouse gases and mitigate the impacts of climate change on the Tasmanian community. Although, in accordance with our concerns above, the development of a State Policy on Climate Change would be more appropriate than a Climate Change TPP.

The climate change policy should refer to Tasmania's legislated greenhouse gas emissions target and detail how the State Planning Provisions and the Regional Land Use Strategies will be practically required to achieve this target.



19 October 2021

Department of Justice
Office of the Secretary
GPO Box 825
HOBART TAS 7001

Re: Tasmanian Planning Policies Scoping Paper

To the Planning Policy Unit,

The DEP is supportive of the intent to make clear planning policies for the future of Tasmania that incorporate implementation pathways and we welcome the opportunity to contribute to this review.

The DEP provides science to inform the management of the Derwent estuary including water quality, catchment management, habitat and biodiversity protection and restoration, coastal processes and landforms, sea level rise and its effect on coastal and riverine communities, use and development in the coastal and estuarine zone, sewerage and stormwater management, water flow management etc. Our work in this area with our partner organisations for over 20 years has shown that the best management outcomes are obtained when issues are considered on a broad scale and acknowledge their interconnected nature. From this point of view, we would strongly advocate that the scope of the TPP's include planning policies that embrace and encourage a holistic approach to planning. We believe that this would result in better planning outcomes, better environmental outcomes, and better community outcomes.

Implementation

We have experienced that the most effective way to implement land use requirements is through the planning scheme and would like to see the implementation strategies actioned to ensure that outcomes are met. For example, the State Policy on Water Quality Management is written well and has good intentions, but its implementation is not well supported through the TPS. Therefore, the intentions of the policy to improve and manage water quality for its values are not being maximised. How does the TPP and the PPU envisage that full implementation of the policies is achieved in a timely fashion?

An issue we have been grappling with is the management of stormwater. Southern and northern councils have been working with us, the Tamar Estuary and Esk Rivers Program and the Local Government Association of Tasmania to develop standards, guidance and policies that can be adopted by councils to achieve some consistency across the state in the absence

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of a stormwater code in the TPS. We would like to see this code reinstated to provide clearer direction for both councils and developers in managing stormwater so they can meet the objectives of the State Policy on Water Quality Management.

Vision statement

We suggest that a vision for the TPP's is clearly articulated to guide the implementation of all policies, along with a clear set of guiding principles that all policies must adhere to, for example:

Vision (example only)

The Tasmanian Planning Policies will support the development of thriving, resilient and sustainable communities and environments.

Policy principles (examples only)

- *Sustainable use of land and natural resources*
- *Development will provide for communities that are designed for the future e.g population change, climate impacts etc*
- *Prioritises liveability and health*
- *Considers development in the context of surrounding community and environment*

Structure of Topics and Issues

We believe that the structure that has been proposed regarding Topics and Issues would better facilitate outcomes if they incorporated the inter-relationships between many of the issues. We are concerned that the current structure will continue to silo aspects of development that need to be managed with a more inclusive and holistic focus. A holistic focus will optimise liveable spaces that facilitate thriving and resilient communities.

For instance, when considering a development - water quality, catchment management, flooding, pleasant places to live and stormwater would ideally be considered as one concept but are currently separated into four different TPP Topics that reinforce the separation of the issues.

Can the TPP template include a section listing the issues that also need to be considered to ensure planning matters are holistically addressed? Removing the Topics may avoid compartmentalisation of issues.

An alternate option could be to acknowledge the connection of the topics/ issues in an appropriate diagram similar to the example shown below that articulates the connected nature of these topics.

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Derwent Estuary Program

We hope these suggestions are of value to the TPU and we look forward to continuing our involvement in this important review for Tasmania's future.

Yours sincerely,



Ursula Taylor
Derwent Estuary Program CEO

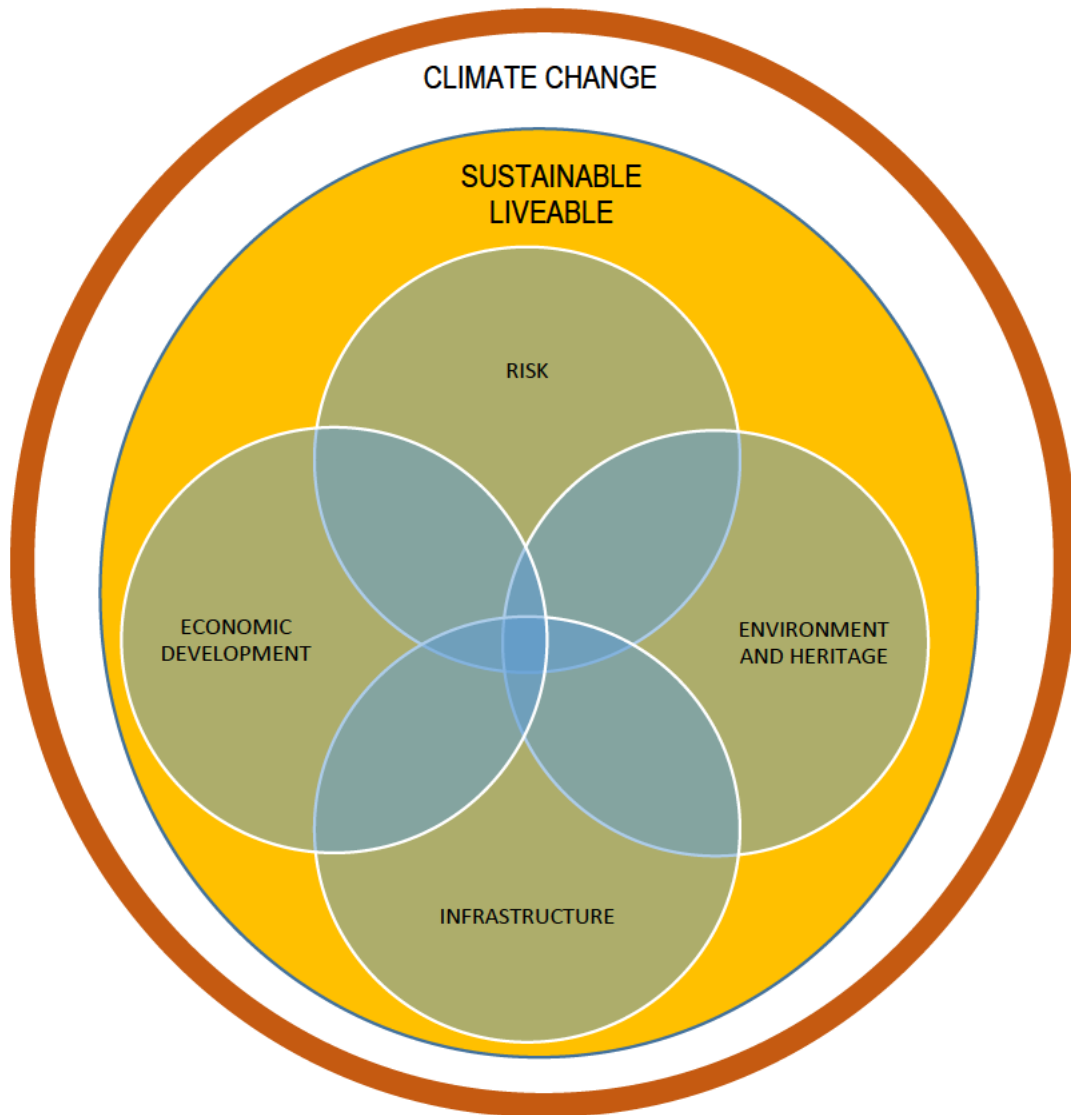
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Figure 1 EXAMPLE ONLY Tasmanian Planning Policy diagram



From: [Have Your Say](#)
To: [Planning Unit](#)
Subject: FW: Tasmanian Planning Policies - Scoping Paper
Date: Friday, 22 October 2021 9:58:51 AM
Attachments: [image001.png](#)
[image003.jpg](#)

From: Gretton, Rodney
Sent: Friday, 22 October 2021 9:44 AM
To: Have Your Say <HaveYourSay@justice.tas.gov.au>
Subject: Tasmanian Planning Policies - Scoping Paper

Dear Mr Risby,

Thankyou for providing TasWater the opportunity to provide input into scoping the Tasmanian Planning Policies (TPP's).

Based on the scoping paper that has been provided this stage of consultation relates to the structure of the TPP's rather than the substantive content of the TPP's.

To that end TasWater provides the following feedback:

1. Do you agree with the scope of the proposed TPP topics – yes.
2. Do you agree with the scope of the proposed TPP issues – yes generally, see additional comments.

Additional comments – TasWater thinks Irrigation should be split into two section though, so that Tasmanian Irrigation schemes and TasWater reuse schemes are addressed separately.

Water quantity/water security is not expressly stated as a consideration in the scoping paper and so should be included with 'water quality' within the Environmental Protection TPP topic.

Drinking water catchments should also be included within coastal zones in the economic development TPP not just the Environmental Protection TPP.

3. What other topics and/or issues do you think the TPPs should cover – Nil
4. Do you agree that climate change should be integrated into all relevant TPPs – yes
5. Do you think that the proposed template is appropriate and a useful way of providing guidance on what the TPPs should achieve – yes, however subject to the contents, it may be wise to include a section within the templates to set out roles and responsibilities as part of the implementation statements. If this is not done clear communication needs to be provided so that this is clear.

Regards

Rodney Gretton
Legal Counsel

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Have I been helpful? Please provide feedback by clicking [here](#).



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Our ref: A21/214572

20 October 2021

Ms Ginna Webster
Secretary
Office of the Secretary
Department of Justice
GPO Box 825
HOBART TAS 7001

Dear Ms Webster

STATE EMERGENCY SERVICE SUBMISSION ON THE TASMANIAN PLANNING POLICIES – SCOPING PAPER FOR DRAFT TASMANIAN PLANNING POLICIES

Introduction

The State Emergency Service (SES) recognises the current work to prepare Tasmanian Planning Policies (TPPs) builds on work commenced in 2016 as part of the Tasmanian Planning System reform.

SES acknowledges the significance and importance of the introduction of TPPs as a new layer of policy in the planning system. SES supports the proposed position of TPPs in the planning system hierarchy and the proposed functions they would have in the planning system, i.e. to:

- Provide strategic principles to guide the regional objectives and planning directions within the Regional Land Use Strategies (RLUS);
- Provide the context for future reviews of the Tasmanian Planning Scheme's State Planning Provisions (SPPs); and
- Guide the spatial application of the SPPs, in Local Provisions Schedules (LPS).

SES provides the following responses to the key consultation questions provided in the Scoping Paper as they relate to the SES portfolio.

Do you agree with the scope of the proposed TPP topics?

SES supports the scope of the TPP topics to include the topic of '*Hazards and Risks*' with the issues to be considered under this topic to include:

- Bushfire;
- Flooding;
- Landslide;
- Sea level rise, coastal inundation, and erosion;
- Acid sulphate soils; and
- Man-made hazards – emissions, contaminated land, soil quality/risks.

SES suggests the issue named, '*Sea level rise, coastal inundation and erosion*', be renamed to a simpler title, for example, '*Coastal hazards*'.

There is strong agreement in the broader international and national strategic planning frameworks for the consideration of land use planning to address the issue of natural hazards and disaster resilience. This includes the:

- *Sendai Framework for Disaster Risk Reduction 2015-2030*¹ – this framework aims to guide the multi-hazard management of disaster risk in development at all levels as well as within and across all sectors;
- *National Disaster Risk Reduction Framework*² – the strategic context and policy environment described within the strategy provides a clear context for land use planning policy for disaster risk reduction;
- *Profiling Australia's Vulnerability: The interconnected causes and cascading effects of systematic disaster risk*³ – provides a strategic basis for settlement planning that considers multi-hazard risk assessment, with a base premise that hazards lead to disaster where they meet with an exposed and vulnerable society and when the consequences exceed people's capacity to cope;
- *Tasmanian Disaster Resilience Strategy 2020 – 2025*⁴ – this strategy's third goal, **Reducing Disaster Risk, strategy 3.1** provides for addressing vulnerabilities through land use planning schemes, building and other regulations and natural resource management plans; and
- Floodplain Management Australia's *Position Policy – Floodplain Risk Management in Land Use Planning*⁵ – this policy provides the position that the overall approach to addressing flood risk management in the planning system be based on a risk-based approach tailored to meet the social, economic and environmental context of individual floodplains and communities within them. Planning must recognise how climate change is changing the nature and frequency of flooding.

SES supports the notion that the TPP's will need to work together as an **integrated** set of policies as they are implemented through the planning system.

It will be critical to provide clear guidance to support the integrated application of the TPP's to work effectively to avoid confusion, replication, and conflicting outcomes. For example, it is proposed in the scoping paper that the issue of *Coastal processes and landforms* will be nested within the topic of **Environmental Protection**, while *Coastal inundation and coastal erosion* are nested within the topic of **Hazards and risks**. Coastal inundation and coastal erosion are understood to be natural coastal processes that can also be hazards, so there will need to be very clear planning objectives and guidance provided to ensure the application of the TPP's is clear across these two topics.

¹ [United Nations Office for Disaster Risk Reduction 2015](#)

² [Australian Government, 2018 – Department of Home Affairs, National Disaster Risk Reduction Framework](#)

³ [Australian Government 2018 – Department of Home Affairs, Profiling Australia's Vulnerability: The interconnected causes and cascading effects of systematic disaster risk](#)

⁴ [Tasmanian Government, 2019, Department of Premier and Cabinet, Office of Security and Emergency Management, Tasmanian Disaster Resilience Strategy 2020 - 2025](#)

⁵ [Floodplain Management Australia \(FMA\) revised its Policy Position – Floodplain Risk Management in Land Use Planning, in May 2021. The purpose of the policy is to present a concise FMA endorsed position that can be used in advocating best practice about how land use planning should address flood risk management issues.](#)

Do you agree with the scope of the proposed TPP issues?

SES supports the scope of the proposed TPP issues and the way flood and coastal hazards have been nested under the '*Hazards and Risks*' topic.

What other topics and/or issues do you think the TPPs should cover?

There may be gaps in the *Hazards and Risks* topic related to cliff instability, rockfall and debris flow but there would likely be capacity to nest such matters within the existing proposed scope. Geotechnical analysis for the landslide hazard map may already have accounted for these matters to some degree, however, additional analysis at the State level may be required to provide the evidence to plan spatially for such matters.

It might be the right time to evaluate the adequacy of the current building control system to address other issues such as earthquake, heatwave, severe storm, wind, karst systems, riverine erosion and accretion. There may be aspects of these matters that require integration into the TPPs.

Do you agree that climate change should be integrated into all relevant TPPs?

SES supports the notion that climate change be integrated into all relevant TPPs. There are some aspects of climate change that are already integrated into the planning system and are being implemented. For example, coastal hazard planning and consideration of state-wide projections for sea level rise are integrated into the *TPS - State Planning Provisions* and *Local Provisions Schedules* and associated state-wide hazard assessment and spatial analysis.

It is possible that there may be aspects of climate change mitigation that would be better served standing alone and not integrated, for example, state-wide low emissions development strategy, conservation planning, carbon sinks and carbon accounting. However, these matters are outside the scope of the SES portfolio and would be better addressed by the Department of Premier and Cabinet.

Do you think that the proposed template is appropriate and a useful way of providing guidance on what the TPPs should achieve?

SES supports the proposed template but notes that there are some gaps and departures from the concept described on page 7 of the Scoping Paper, in the examples provided in the Appendix.

SES notes that the purpose of the TPPs described on page 7 of the Scoping Paper includes that the TPPs will (in part) – '*provide strategic principles to guide the regional objectives and planning directions within the regional land use strategies*'.

The principles approach proposed in the scoping paper is notionally supported by SES, however a definition of what a strategic principle is, is needed so that clarity and differentiation is provided between 'Strategic Principle' and 'Objective'. For example, a Strategic Principle could be defined and understood to be a fundamental truth that is applicable now and for the foreseeable future, can be applied in any situation and not be changed based on circumstance, with clear line of sight to the objectives of the Resource Management and Planning System of Tasmania. This compares to an Objective that may be changed to reflect a time bound circumstance perhaps through an implementation plan that is intended to mature over time.

For example, with respect to the *Hazards and Risks* topic, a Strategic Principle to guide regional objectives and planning directions might be, *Evidence based planning avoids hazard risk exposure and ensures that existing and future risks to life, private and public property, and infrastructure from natural hazards are addressed.* A regional objective might be, *to use multi-hazard risk assessment and vulnerability analysis to inform settlement and growth plans for the region and provide risk management directions for existing use and development, and guide the location of future use and development.*

Yours sincerely

Andrew Lea ESM
Director



The Salvation Army Australia Territory

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Via email: haveyoursay@justice.tas.gov.au

To Office of the Secretary

The Salvation Army welcomes the opportunity to comment as part of the public consultation process concerning Tasmanian Planning Policies (TPPs), which seek to establish a high-level policy framework for the Tasmanian planning system. In particular, we are keen to ensure that the opportunity is taken-up to include minimum provisions for social and affordable housing within the context of TPPs going forward.

The issues of housing affordability, rising homelessness and the manifestly inadequate supply of social and affordable housing has been well ventilated for many years now, yet continues unabated on a trajectory that will ensure many unfulfilled lives for the foreseeable future. This situation is only exacerbated by COVID-19, adding further stress on families and their financial security.

Every day, The Salvation Army, and many other agencies providing housing and homelessness services, are supporting increasing numbers of families and individuals who are either already experiencing homelessness, or who are struggling to maintain housing due to the lack of affordable housing options. As this situation continues to worsen, it is evident that much more needs to be done to ensure issues of affordability are addressed and new pipelines of social and affordable housing are provided to individuals and communities in need.

In the absence of control over macroeconomic levers such as interest rates, minimum wage, income support or taxation, state planning systems can provide a pathway for decisionmakers, investors and developers to enable social and affordable housing to be built in all areas by specifying it as a requirement within TPPs. Such a planning commitment would then encourage development that factors in social and affordable housing, while also specifying the 'gap' where governments, business and communities, are called upon to fill with funding and other subsidies and incentives to build more social and affordable housing.

As the Minister for Local Government and Planning outlines in his Forward to *the Scoping Paper for draft TPPs*, the development of the TPPs provides unique opportunities to integrate other

Founders **William & Catherine Booth**
General **Brian Peddle**

*Wherever there is hardship or injustice, Salvos will live, love and fight
alongside others to transform Australia one life at a time with the love of Jesus*

salvationarmy.org.au

relevant considerations, whether these be principles of climate change adaptation and mitigation, or lessons learnt from COVID-19 as they impact settlement and housing, into Tasmania's land use planning system. This same opportunity presents for making meaningful state-level inroad towards addressing the critical shortfall in social and affordable housing, by explicitly referencing social and affordable housing in TPPs.

This consultation on TPPs represents a significant opportunity for both the Tasmanian Government and the community to enhance their efforts to addressing the availability of social and affordable housing in the state. The Salvation Army encourages stakeholders to consider the potential for how planning frameworks can act as a critical turning point in the way inclusive communities and neighbourhoods can be shaped and developed from the onset.

For further information about The Salvation Army's housing and homelessness services in Tasmania, or to discuss any issues arising from the issues outlined in this letter, please contact Dr. Jed Donoghue, Acting General Manager Homelessness and State Manager, Homelessness & Housing Tasmania

Yours sincerely

Amelia Natoli
Public Relations Manager, Tasmania
The Salvation Army Australia

20 October 2021

The Salvation Army acknowledges the Traditional Owners of the lands and waters throughout Australia.

We pay our respect to Elders and acknowledge their continuing relationship to this land and the ongoing living cultures of Aboriginal and Torres Strait Islander peoples across Australia.

We also acknowledge future aspirations of all First Nations peoples. Through respectful relationships we will work for the mutual flourishing of Aboriginal and Torres Strait Islander Australians and non-Indigenous Australians.

We commit ourselves in prayer and practice to this land of Australia and its people, seeking reconciliation, unity and equity.



From: [Have Your Say](#)
To: [Planning Unit](#)
Subject: FW: Draft Tasmanian Planning Policies
Date: Friday, 22 October 2021 9:58:25 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image005.jpg](#)

From: Ashley Thornton
Sent: Friday, 22 October 2021 9:36 AM
To: Have Your Say <HaveYourSay@justice.tas.gov.au>
Cc: Michael Edrich
Subject: Draft Tasmanian Planning Policies

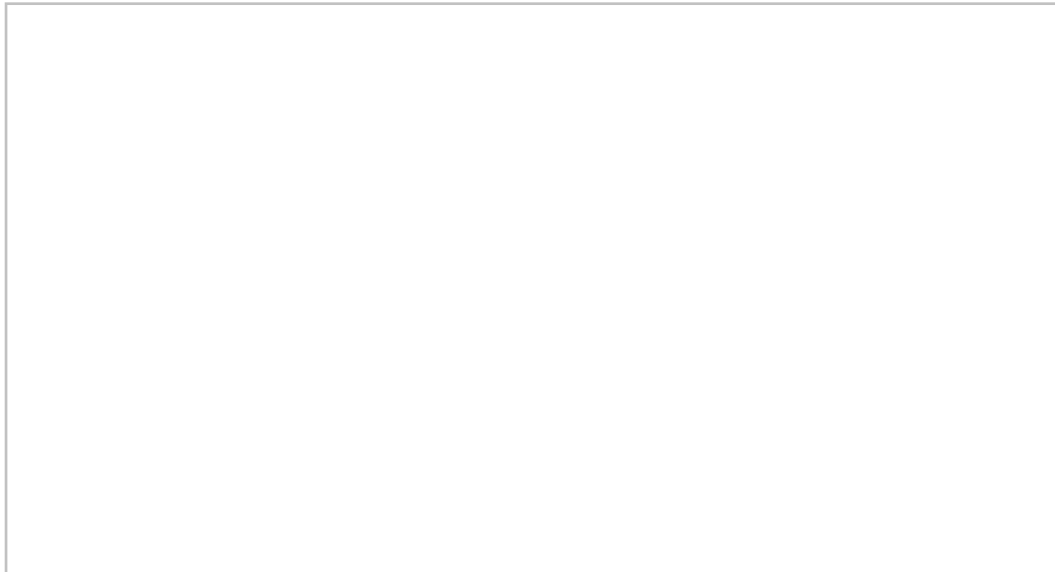
Department of Justice

To whom it may concern,

Please find below a submission on behalf of the Circular Head and Waratah-Wynyard Councils.

Thank you for the opportunity to review the scoping paper for the draft Tasmanian Planning Policies (TPPs). This submission focusses upon the TPP topics and associated Issues. We have compared these issues with the current matters of interest within our communities. We feel that there is a lack of certainty that these matters of interest will be encompassed within the Issues listed. Therefore, we would recommend that the issues become more descriptive, so that there is certainty prior to moving on to the next stage of the project. We don't want to be seen endorsing the Issues, expecting certain matters to be addressed, to then be told latter that those matters are outside the scope of the Issues as listed.

Topical matters in the North-West include wind farms, with many proposed and more likely to come based on state government targets under the Tasmanian Renewable Energy Action Plan. Electricity and energy is listed under the Infrastructure topic, but the terms wind farms or renewable energy are not specifically mentioned. Using the below hierarchy, our community would request direction from the State in a TPP as to what level of supply is required (incorporating the targets), the regional land use strategy would then identify preferred locations/no go areas, and these would then be implemented within the planning schemes using zoning and overlays.



The next topical matter that is emerging in the North0West of the State is fish farming. Agriculture is identified as an issue under the Economic development topic, but aquaculture is not listed. It is recommended that aquaculture also be listed under Economic Development. The phrase “Use and development in the coastal zone” has been used, but it is not clear what this issue is. Is it a pseudonym for aquaculture or fish farms, or is it meant to cover a wider range of competing uses, that will be impacted by coastal processes? Off-shore wind farms, fish farms, wave energy, residential development and agricultural land that will be lost to coastal refugia. A more specific description is required to provide certainty prior to moving to the next stage of TPP development.

An issue that can be addressed by the TPPs is the current restrictive interpretation of the PAL policy, restricting residential development in the rural zones. Under the topic Liveable settlements, we would recommend encouraging development by allowing mixed uses on rural properties to foster more intensive and innovative use of the land (Ag/residential/tourism). Smaller lots (less than 10ha) are being left unused or underutilised. However, a hobby farm is a better use of the land than no farm. Then furthers potential for more agri-tourism, which is action 10 of the State’s Agri-tourism Strategy. Current practice shows that it is often the tree-changers looking for a lifestyle block that are interested in setting up a hobby farm crossed with a farm stay, small café or farm stall, but need to live on the site in which to develop it. While drafters of the SPPs advise that there is the potential to consider such developments is available within the zone codes, decisions from the Tribunal suggest otherwise, and severally restrict this opportunities when in proximity to other primary industries. More flexibility is required within the SPPs to achieve Action 10, and this can start with the TPP.

Finally, it is noted that Aboriginal heritage has been included as an issue, but currently sits outside the Resource Management and Planning System. It is acknowledged that there has been a review of the Aboriginal Heritage Act in which the Councils provided a submission, but have not had an update since the consultation stage. Is this an indication that a decision been made to encompass the Act within the planning system?

Thanks for the opportunity to comment on the draft TPPs. We hope the above requests for clarification and inclusion are considered favourably and reflected in the final scoping paper.

Regards,

Ashley Thornton
MANAGER DEVELOPMENT AND REGULATORY SERVICES
Waratah-Wynyard and Circular Head Councils
6443 8340 (Wynyard)



Waratah-Wynyard and Circular Head Councils take our responsibility to our community seriously. For accurate and up-to-date information regarding the current COVID-19 Pandemic please visit one of the following websites.

Australian Government Coronavirus website at

<https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert>

Tasmanian Department of Health updates are at

https://www.dhhs.tas.gov.au/news/2020/coronavirus_update

From: [Have Your Say](#)
To: [Planning Unit](#)
Subject: FW: Comment on the draft TPP's
Date: Friday, 22 October 2021 10:47:46 AM
Attachments: [image001.jpg](#)
[image002.png](#)

From: Rex Cassidy
Sent: Friday, 22 October 2021 10:26 AM
To: Have Your Say <HaveYourSay@justice.tas.gov.au>
Subject: Comment on the draft TPP's

Dear sir

Thank you for the opportunity to comment on the scope of the draft Tasmanian Planning Policies. Council planning staff have reviewed the documentation provided and discussed same in a Council workshop, inviting comment from our Councillors. From that discussion and review of documents, the following is provided as comments for consideration as part of that process.

Scope and issues - The scope of the Tasmanian Planning Policies and issues raised should be expanded to include a broader range of policies. As the State Planning Provisions have been developed prior to the policies, it is clear that a position has already been taken on certain topics. However, the scope of the planning policies does not necessarily cover the range of topics that have been regulated under the scheme. It is also noted that policies should clearly indicate what is desirable, as well as clearly indicating what is not desirable.

Liveable Settlements – The planning policies should recognize that settlements are unique and sometimes have a distinct character. A policy around the recognition of the individuality of settlements provides the strategic head of power to allow, where appropriate, for local planning to deviate from the State Planning Provisions and provide for a specific character.

Heritage Protection – Heritage protection should be expanded to include specific acknowledgement of Maritime Heritage. George Town in particular has important places of maritime significance. York Cove has significance as a Launceston holiday destination and steamer port. Windmill Point is the site of Patterson's landing and the establishment of the first European settlement in the north, along with some of the first conflicts with the local Aboriginal community. The Low Head Pilot Station remains the oldest continual running Pilot in Australia. Health and wellbeing should be more broadly expanded to include walkability, as well as incorporating things like Covid 19 and other disease control.

Public engagement in Planning – A policy should be included regarding the drafting of planning provisions, particularly Acceptable Solutions, such that they can be clearly understood by the general public and are unequivocal in their intent.

Discretionary Uses – Council's currently struggle with how to assess Discretionary Uses as there is rarely sufficient cause to refuse an application on the basis that it is "simply a bad idea" despite it being at Council's discretion. Policy should provide scope for the extent and intent of the Planning Authority powers, such that it is incorporated into the system with less ambiguity.

Covenants and private planning – Council's are often in conflict with private covenants on existing titles. It is recommended that Policy clearly state the relationship between private covenants and statutory planning. Should the system be supportive of developers using private covenants as a means to undertake private planning and manage the character of residential subdivisions and the Council/State step out of the way? Or should we be endeavouring to halt private planning arrangements and covenants that are in conflict with the statutory planning provisions?

Should climate change be a stand alone policy - Do not agree that Climate Change should not be a stand alone Policy. The policies can accommodate a stand alone policy as well as be incorporated as issues under various relevant topics.

Should covid 19 be a stand alone policy - Covid 19 should not be a stand alone policy or incorporated specifically in other standards. It is reasonable to consider the impact that Covid 19 has had, and develop a broader policy within the Health and Wellbeing banner that considers air quality within buildings, disease control and isolation across a broader range of health risks. The policy should be careful to not result in a mandate to plan as though we are constantly in a pandemic, when (hopefully) we won't be shortly.

Design/Built Environment policy – The current system is lacking in provisions relating specifically to architectural design and the appearance, colours, materials and style of buildings. A policy would be welcome identifying when it is appropriate to consider the individual design of buildings. It may be appropriate for significant buildings in significant areas, such as high-rises in Hobart and Launceston, to include criteria relating specifically to design, as these structures dominate the appearance of the cities. If the policy is that where possible the system should avoid dictating individual design then this should be reflected in policy.

No permit required (NPR) and 'exempt' use and development - A policy regarding how "no permit required" and exempt use and developments are determined is recommended. The SPPs indicate a clear expansion in the scope of use and development that does not require planning approval, but there is no policy that has guided why these exemptions are appropriate. Is it a matter of scale? A matter of consequence? Is it a matter covered by other legislation? Is the exemption as a result of another planning policy? Or as a result of economic prioritization? George Town has identified specific concerns around the impact that high frontage fences are having on the appearance and social interactions within residential areas. An effective policy position has been made within the SPP not to intervene in fencing in certain circumstances. How was this policy arrived at? This form of policy could also be used to establish an appropriate level of interventionism and highlight the desire to be less regulatory. Perhaps a red tape reduction policy.

Approach to drafting planning scheme standards – currently the Acceptable Solutions are based on meeting a particular measurable design standard. They generally are not focused on providing a measurable outcome. This can result in serious disparities where a fully compliant development can result in worse outcomes than a discretionary development. A planning policy around ensuring statutory provisions are outcome based would be welcome.

Positive versus negative policies - Policy can be framed in both the positive and the negative. Policies can identify what the system should accommodate, but they can also provide a clear indication of what the system is not designed for.

Interaction with other legislation – A policy clearly requiring separation between provisions and assessments under the planning system and other legislation is recommended.

Noting that the State Policies are intended to be high level policies, it may be that some of the suggestions above may be better implemented at other levels within the system. Could a policy be put in place requiring decision makers at other levels in the system to formulate policy positions within the context of their own level to result in consistent decision making.

The Template - The template examples appear appropriate, however, it should be ensured that the Objectives of the Policy provide sufficient detail to clearly identify a policy position, not just to raise each issue as a matter to be considered by other decision makers. The level of information included in the Strategy Section is useful.

Please let us know if we can assist further

Kind Regards,

Building Surveyor (BSL cc85X)

Manager

DEVELOPMENT & ENVIRONMENT

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Normal Hours of Work – Tuesday to Friday 8-5

Keep Covid-19 at bay – be safe, maintain social distancing and good hygiene, and be considerate of others





22 October 2021

Mr Brian Risby
Planning Policy Unit
Department of Justice
Via email: planning.unit@justice.tas.gov.au

Dear Mr. Risby,

TASMANIAN PLANNING POLICIES

The Brighton Council (Council) is pleased that the Tasmanian Planning Policies (TPPs) are progressing given their importance in underpinning Tasmania's land use planning system at a critical time in the State's unprecedented growth. We welcome the opportunity to comment on the scoping paper released by the Department of Justice (DOJ).

1. List of topics and issues the TPP will address

Council provides the following comments on the topics and issues provided in the scoping paper. Council's additions are in **red** along with supporting comments.

| TPP Topic | Issues (to be addressed under each TPP Topic) | Comment |
|--------------------------|---|--|
| Environmental Protection | <ul style="list-style-type: none">Biodiversity – flora and fauna habitat protection including cumulative impacts, fragmentation of habitat/ habitat corridors, weed management, fire management.Development in environmentally sensitive areas with high recreation value. | <ul style="list-style-type: none">Offsets to compensate biodiversity impact from the removal, destruction or lopping of native vegetation.Vegetation corridors should be considered. i.e. the establishment, protection, and re-establishment of links between important areas of biodiversity, |

| | | |
|----------------------|--|--|
| | <ul style="list-style-type: none"> • Waterways and wetlands – water quality • Catchment management • Coastal processes and landforms • Applying the precautionary principle • Vegetation retention/ urban forests/ canopy cover. | <p>including through a network of green spaces and large-scale native vegetation corridor projects. There are currently no provisions to establish/ protect wildlife corridors.</p> <ul style="list-style-type: none"> • An acknowledgement that tourism in environmentally sensitive areas must be sustainable. • Vegetation retention/ improvement in urban areas (i.e., climate change, biodiversity, urban heating). |
| Hazards and risks | <ul style="list-style-type: none"> • Natural hazards – bushfire • Flooding • Stormwater management / overland flow paths. • Landslide • Sea level rise coastal inundation and erosion • Acid sulphate soils • Man-made hazards – emissions, contaminated land, soil quality/risks | <ul style="list-style-type: none"> • Acknowledgement of overland flow paths in planning schemes/ regional land use strategies. • A Stormwater Management Code needs to be in planning schemes |
| Economic Development | <ul style="list-style-type: none"> • Industry and business • Tourism • Agriculture • Mining and minerals • Use and development in the coastal zone | <p>TPP's need to address tourism in environmentally sensitive areas.</p> |

| | | |
|----------------------|---|--|
| | <ul style="list-style-type: none"> • Use and development in environmentally sensitive areas. | |
| Liveable Settlements | <ul style="list-style-type: none"> • Planned and contained settlements • Pleasant places to live – amenity and avoiding land use conflicts • Integrating land use and transport • Health and wellbeing – recreation and open space opportunities • Community – health services and education • Housing affordability. • Equitable settlements/ neighborhoods for people with disabilities. • Diverse housing supply. • Building design | <ul style="list-style-type: none"> • Minimum requirements for affordable housing in new housing developments. • It is recommended that affordable housing has its own TPP given the breadth of the issue in Tasmania. • Best practice design standards for affordable/ social housing. • Buildings to reduce emissions and improve amenity. • Regular reviews of key strategic planning documents. • Housing supply needs to be based on up to date and based on best data. • 20-minute neighbourhoods. • Building design is crucial to livable settlements. |

| | | |
|---|--|--|
| Heritage Protection | <ul style="list-style-type: none"> • Aboriginal heritage • Cultural heritage • Landscape heritage – scenic protection, including tourist routes | |
| Infrastructure to support the economy and create liveable communities | <ul style="list-style-type: none"> • Airports / Sea ports / Railways • Roads, car parking, cycleways and walkways • Public transport, including light rail. • Telecommunications • Electricity and energy • Irrigation, water, sewerage and stormwater • Waste management • Greater Hobart transport network | <ul style="list-style-type: none"> • Greater Hobart needs its own TPP to deal with the ongoing traffic congestion issue. • Light rail needs to be specifically mentioned |
| Public engagement in planning processes | <ul style="list-style-type: none"> • Consultation • Strategic planning Ongoing review • Public involvement in planning decisions in protected areas/ environmentally sensitive areas. | Greater participation for people regarding planning in protected areas/ environmentally sensitive areas. |

2. Whether climate change should have its own TPP or be integrated into all relevant TPPs?

After reviewing the previously released consultation draft of the TPPs, Council is concerned that climate change is not as prevalent as it ought to be, having regard to Section 12B (2) of the *Land Use Planning and Approvals Act 1993 (LUPAA)*. If climate change is not to be included as its own TPP, Council recommends that more is done in the TPPs to address climate change, as touched on in the previous section.

3. Other Comments

- i. Whilst it is acknowledged that LUPPA allows a TPP to specify the way in which it can be applied to a scheme or RLUS, it is recommended that careful consideration is given to these instructions as they will be fundamental in whether the policies have any effect in planning decisions.
- ii. Council notes that the current SPPs were developed in a policy vacuum. As a result, the SPPs fail to deliver in several policy areas and planners do not have the tools available to them to deliver outcomes that are consistent with the policies in the current STRLUS or the TPP Scoping Paper. The implications for these policy failings will be realised in the coming years. Council stress the urgency with which the introduction of the TPPs and subsequent review of the RLUS's and SPPs are required and should be a top priority for Government.

Please do not hesitate to contact me on 081 333 3333 if you wish to discuss further.

Yours sincerely,

David Allingham
MANAGER DEVELOPMENT SERVICES

haveyoursay@justice.tas.gov.au

21 October 2021

**Submission from Community Housing Ltd to the Tasmanian
Planning Policies consultation paper**

Community Housing Ltd (CHL) is a community housing provider operating across Tasmania with a large concentration of our Portfolio in the North of Tasmania. We provide low-cost housing to vulnerable Tasmanians with a portfolio of a little of 1700 dwellings made up of properties we manage on behalf of the State, private owners and our own stock.

A crucial purpose of Tasmania's planning system is that all Tasmanians will have adequate and appropriate housing that meets their needs. The existing framework of generic planning for residential settlements does not provide for the category of social and affordable housing, which is an essential piece of our diverse housing mix. If social and affordable housing is included in the *Tasmanian Planning Policies*, then Tasmania will have the vital planning mechanisms to ensure everyone can have the home they need.

Social and affordable housing is vital, because it provides safe and stable homes for our clients. CHL housing services provides people with housing security and personal safety which creates the stability they need to improve other outcomes in their lives and enables them to contribute to cohesive, thriving communities. This stability underpins the following key enablers,

- Health
 - The provision of stable housing reduces factors contributing to poor health and provides an opportunity for people to better manage and improve their emotional, physical and mental health.
- Education
 - The provision of stable housing provides people with the ability to support their children to participate in school life, to experience educational success for themselves, and to have the skills and confidence to manage everyday life.

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- Economic Participation
 - The provision of stable housing enables people to improve their financial capacity and increases their opportunity to participate in the economy.
- Empowerment
 - The provision of stable housing contributes to people feeling more in control of their life circumstances which enables them to contribute to cohesive, thriving communities.
- Livability
 - The provision of stable housing enables people to access and participate in services and local amenities, which contributes to cohesive, thriving communities.
- Social Cohesion
 - The provision of stable housing provides people with an opportunity to establish positive relationships in the community, reduce loneliness and build strong families, which contributes to cohesive, thriving communities.

For example: A grandmother and her grandson have recently benefitted from social and affordable housing. Since he was 14 days old the grandmother had been carer to her 7-year-old grandson, who has cerebral palsy. He was abandoned by his mother at 5 days old until Child protection services placed him in her care.

They lived in a private rental in a rural setting in the Tasmanian midlands. She would drive one hour each way to take her grandson to a specialist school for treatments (physio etc) and would sit in the car for 6 hours then pick him up and drive back. They lived in a rundown home with only a wood heater, so it was cold. The driving was expensive and tiring. It was cold in the winter and hot in the summer. The fog and ice made conditions dangerous. The child cannot walk or talk and needs all his needs attended to by his grandmother. The cold and dusty environment plus the daily grind impacted both their health. The grandmother was given notice to move because the house they rented was required to house a farm hand.

The grandmother was always tired and lived in a state of constant anxiety. All her time was consumed by the needs of her grandson, so had no time for herself and no respite or opportunity to recuperate. She moved into a local women's shelter with her grandson in Launceston. This was comfortable but did not meet their needs and not a sustainable solution.

Community Housing Ltd offered her a house in Ravenswood which she describes as heaven. Since moving in they have both seen a significant improvement in their health and emotional wellbeing. She is sleeping better and not as tired all the time. Her stress

has eased as well as that of her grandson. She has greater peace of mind now that help is closer at hand. They are now able to spend their limited income more beneficially since the significant reduction in fuel and maintenance costs related to their travel to access the supports require.

In a recent conversation with one of our team she said *"I have friends and a social life now, mostly freedom, that is what is important, I can go and do the things I want to when I want to. Now he is in better health and grandmother is too. Her sons have noticed that she is more calm. Her brother commented recently how good she looks. The family don't worry so much now because she is not driving all the time."*

She expressed relief and independence *"I am in paradise! Stress has gone, help is close and I think it has extended my life expectancy. I think I would die sooner if I was still in the old house. People notice I have a new energy; I'm going out more (socialising) because I want too."*

The Tasmanian Planning Policies Scoping Paper does not mention social and affordable housing.

We recommend that:

- social and affordable housing is recognised in the *Tasmanian Planning Policies* as a **topic** in its own right under the **Liveable Settlements** heading
- short stay accommodation is added as an **issue** in the **Economic Development** section

Social and affordable housing are described in the *Tasmanian Affordable Housing Strategy 2015-25*:

Social housing: is a broad term used to capture both housing provided by the government (public housing) and non-government organisations (community housing) with below-market rent prices.

Affordable housing: refers to rental homes or home purchases that are affordable to low income households, meaning that the housing costs are low enough that the household is not in housing stress or crisis.¹

Social and affordable housing is delivered by not-for-profit organisations and the State Government, who provide affordable rental homes for people on lower incomes, using an income-based rent model (no more than 30% of income), CHL tenants currently pay no

¹ https://www.communities.tas.gov.au/_data/assets/pdf_file/0014/30254/AHS_Strategy_Final.pdf

more than 25%. This housing remains as an asset in the social housing system in the long term. To improve the delivery of quality affordable homes on an economic model that is different from mainstream residential development, the *Tasmanian Planning Policies* need to include a specific category for social and affordable housing.

The need for social and affordable homes is increasing across Tasmania, and the waiting list for social housing in Tasmania is growing. As at August 2021, there are 4 367 applications for social housing, and this number keeps going up.²

When securely housed in homes appropriate to their needs, Tasmanians have a greater opportunity for increased economic and social participation. Land use planning is critical to the development and delivery of a diverse range of housing, consistent with the changing needs the Tasmanian community.³

When social and affordable housing is named in the *Tasmanian Planning Policies*, decision-makers and planners will be able to plan appropriately for the housing needs of the whole community, especially people on lower incomes who need affordable rental homes.

While the inclusion of social and affordable housing in the *Tasmanian Planning Policies* is our main priority, we also note the growth in short stay accommodation is one of the factors contributing to the housing crisis in Tasmania. More and more residential properties are converted to short stay accommodation in all regions of Tasmania.⁴ The growth in short stay accommodation means that it will continue to impact current and future housing and community needs. We suggest that it is appropriate to include short stay accommodation in the scope of the *Tasmanian Planning Policies*.

Thank you for the opportunity to contribute to the consultation on the *Tasmanian Planning Policies Scoping Paper*. We urge you to include social and affordable housing in the *Tasmanian Planning Policies* as an essential step towards ensuring that our clients, and all Tasmanians have the homes they need. It will bring a vital planning focus to this essential housing sector.

² https://www.communities.tas.gov.au/housing/tasmanian_affordable_housing_strategy/reporting

³ https://planningreform.tas.gov.au/_data/assets/pdf_file/0003/628239/Tasmanian-Planning-Policies-and-Overview-Consultation-Draft-April-2017.pdf

⁴ <https://cbos.tas.gov.au/topics/housing/short-stay-accommodation-act>

The *Tasmanian Planning Policies Scoping paper* does not mention social and affordable housing. This needs to change. We urge you to update the draft *Tasmanian Planning Policies* to include social and affordable housing.

For further information, please contact me on

Regards

Oscar Norton
State Manager



22 October 2021

Department of Justice
Office of the Secretary
GPO Box 825
HOBART TAS 7001

via email: haveyoursay@justice.tas.gov.au

To the Planning Policy Unit,
Re: Housing and Tasmanian Planning Policies

The Tenants' Union of Tasmania welcomes the opportunity to provide comment on the scope of the Tasmanian Planning Policies (TPPs) which will "provide the first comprehensive, high-level policy framework for the planning system".¹ Our response is focused on the inclusion of social and affordable housing within the TPPs. We also recommend that the potential harmful impacts of the short stay accommodation sector are acknowledged within the TPPs.

The Tenants' Union of Tasmania is a not for profit community organisation offering information, advice and representation to residential tenants. We also offer community legal education and training and advocate for the improvement of residential tenants' rights. We are an incorporated body run by members through an elected Management Committee, and staffed by employees and volunteers.

Despite the Premier's Economic and Social Recovery Advisory Council observing that "Tasmania's housing markets are becoming increasingly dysfunctional"² there is no mention of social and affordable housing in the *Tasmanian Planning Policies Scoping Paper*. As the following overview of renting in Tasmania demonstrates, the failure to better integrate social and affordable housing into our planning system has resulted in skyrocketing rents, housing stress and increasing homelessness.

An Overview of Renting in Tasmania

According to the Australian Bureau of Statistics, there are a growing number of households renting, rising from 27 per cent of the Australian population in 1997/98 to

¹ Department of Justice, 'Scope of the draft Tasmanian Planning Policies'. As found at <https://www.justice.tas.gov.au/community-consultation/consultations/scope-of-the-draft-of-the-tasmanian-planning-policies> (Accessed 21 October 2021).

² Premier's Economic and Social Recovery Advisory Council Final Report (March 2021) at 41. As found at https://www.pesrac.tas.gov.au/data/assets/pdf_file/0011/283196/Final_Report_WCAG2.pdf (Accessed 21 October 2021).



to 32 per cent in 2017/18.³ Whilst Tasmania has historically had a high rate of home ownership, there has been a similar upwards trajectory in households renting, particularly over the last decade.

In raw numbers, the Productivity Commission *Report on Government Services 2019* found that the number of households renting in Tasmania increased by 18 per cent from 45,600 in 2006 to 54,000 in 2016.⁴ In the period 2008-2018 public housing stock dropped from 11,618 to 7,005.⁵ While that has been offset by the growth of the community housing sector, resulting in a net increase of social housing stock,⁶ it has not been proportionate to the growth of the rental market overall.

- Skyrocketing rents

At the same time as there are increasing numbers of households renting in Tasmania, the lack of affordable supply has resulted in skyrocketing rents, particularly in Tasmania's south. For example, over the last five years median rents increased by 46 per cent in Southern Tasmania, 39 per cent in Northern Tasmania and 25 per cent in North-West Tasmania.⁷ As well, the data demonstrates that median rents in Southern Tasmania are 22 per cent higher than in Northern Tasmania, which are in turn 19 per cent higher than in North-West Tasmania.⁸

According to the *Rental Affordability Index* (RAI), a study published bi-annually by National Shelter and SGS Economics & Planning, Greater Hobart is Australia's least affordable metropolitan area relative to income. The RAI found that tenants in Greater Hobart spend around 31 per cent of their income on rent – placing the median tenant in rental stress.⁹ Outside Hobart, regional Tasmania was the most expensive region relative to income in the country.¹⁰

- Housing stress

Since 2007, Anglicare Tasmania has published an annual snapshot of the Tasmanian private rental market to assess whether it is possible for people living

³ Australian Bureau of Statistics, *Housing Occupancy and Costs, 2017-18* (2019). As found at <https://www.abs.gov.au/statistics/people/housing/housing-occupancy-and-costs/latest-release> (Accessed 21 October 2021).

⁴ Productivity Commission, *Report on Government Services 2019*, Tables 2A.25, 2A.27.

⁵ Productivity Commission, *Report on Government Services 2019*, Table 18A.3 and Productivity Commission, *Report on Government Services 2016*, Table 17A.3.

⁶ Ibid.

⁷ Rental Deposit Authority and Tenants' Union of Tasmania, *Tasmanian Rents* (June Quarter 2016-2021). As found at <http://tutas.org.au/wp-content/uploads/2017/05/Tasmanian-Rents-June-2016.pdf> and <http://tutas.org.au/wp-content/uploads/2019/11/RDA-Rent-Stats-June-2021.pdf> (Accessed 21 October 2021).

⁸ Rental Deposit Authority and Tenants' Union of Tasmania, *Tasmanian Rents* (June Quarter 2021).

⁹ National Shelter and SGS Economics & Planning, *Rental Affordability Index* (December 2020) at 40. As found at <https://www.sgsep.com.au/assets/main/Projects/SGS-Economics-and-Planning-RAI-2020-FINAL.pdf> (Accessed 21 October 2021).

¹⁰ National Shelter and SGS Economics & Planning, *Rental Affordability Index* (December 2020) at 44.

on low incomes to afford to rent a home. As part of the research, all properties listed for rent are reviewed on one weekend each year and then assessed as to whether each property is affordable and appropriate for 14 types of households on low incomes.

The most recent *Rental Affordability Snapshot Tasmania 2021* found that the average statewide rental price of \$425.00 per week was unaffordable for anyone in sole receipt of Commonwealth income support¹¹ leading the authors to conclude:¹²

All stakeholders, and all sides of government, agree that affordable housing is one of the most important, and most intractable, issues currently facing Tasmania. To date the State Government has been unable to address the consistent trend seen in the Rental Affordability Snapshot over the past nine years. Without serious action on this topic, we will see more hardship in our community as families struggle to avoid homelessness, and more homelessness itself.

- ***Waitlist for social housing***

Skyrocketing rental prices and the concomitant increase in housing stress has in turn placed a significant strain on Tasmania's social housing system. Over the last five years the waitlist for social housing has increased by 66 per cent from 2625 applicants in 2016/17 to 4367 applicants in August 2021. Over the same five year timeframe, the average wait time for priority applicants has blown out from 48 weeks to 59 weeks, a 23 per cent increase.¹³

- ***Homelessness***

Unsurprisingly, the lack of affordable rental properties in the private rental market and inadequate social housing has resulted in increased homelessness, with a 2019 report recording a 20 per cent increase in the rate of homelessness in Tasmania between 2001 – 2016, including a 54 per cent jump in Hobart.¹⁴ The report noted that Hobart is one of three Australian cities in which “the connection between declining rental affordability and growth in homelessness rates appears to be most striking...”.¹⁵ More recently, it was reported that in 2018-19, Specialist Homelessness Services (SHS) assisted 6,600 people in Tasmania, about the same

¹¹ Anglicare Tasmania, *Rental Affordability Snapshot Tasmania 2021* (April 2021) at 5. As found at <https://www.anglicare-tas.org.au/research/anglicare-tasmania-rental-affordability-snapshot-2021/> (Accessed 21 October 2021).

¹² Anglicare Tasmania, *Rental Affordability Snapshot Tasmania 2021* (April 2021) at 17.

¹³ Department of Health and Human Services, *Annual Report 2017/18* at 39; Department of Communities Tasmania, Housing Dashboard August 2021 at 14-15. As found at https://www.communities.tas.gov.au/_data/assets/pdf_file/0024/188007/Housing-Dashboard-August-2021.pdf (Accessed 21 October 2021).

¹⁴ Australian Housing and Urban Research Institute, *The changing geography of homelessness: a spatial analysis from 2001 to 2016* (May 2019). As found at <https://www.ahuri.edu.au/sites/default/files/migration/documents/AHURI-Final-Report-313-The-changing-geography-of-homelessness-a-spatial-analysis-from-2001-to-2016.pdf> (Accessed 21 October 2021).

¹⁵ Australian Housing and Urban Research Institute, *The changing geography of homelessness: a spatial analysis from 2001 to 2016* (May 2019) at 339.

as the previous year, the majority of whom said they were seeking help because of the “housing crisis”, a figure significantly higher than nationally (54 per cent compared with 37 per cent nationally).¹⁶

Summary

In summary, we strongly believe that the inclusion of social and affordable housing as a Tasmanian Planning Policy will ensure a more integrated approach that focuses on ensuring housing for all. In our opinion, the inclusion of social and affordable housing as a TPP also aligns with the Premier’s Economic and Social Recovery Advisory Council who noted in their final report that “Tasmania needs a comprehensive housing strategy that addresses the complex factors to achieve more sustainable housing outcomes for all Tasmanians”.¹⁷

Recommendation: That social and affordable housing is recognised in the Tasmanian Planning Policies as a **topic** in its own right under the **Liveable Settlements** heading.

The short stay accommodation sector

It is also worth noting that whilst there have been economic benefits to the tourism and hospitality sectors, the short stay accommodation sector has had a detrimental impact on Tasmania’s long-term rental market. According to a report published by the Australian Housing and Urban Research Institute, entire properties that are available to rent as short stay accommodation and available to rent for 60 days or more is equal to twelve percent of the entire private rental market in the Hobart City Council municipality; the highest rate in Australia and one of the highest rates of any capital city anywhere in the world.¹⁸ Unsurprisingly, the proliferation of short stay accommodation properties in the Hobart City Council municipality has seen skyrocketing rents and supply dry up with the AHURI report concluding “even a modest reduction in Airbnb listings (about 17 per cent) is associated with a significant reduction in rents”.¹⁹

The failure to take into account the impacts of the short stay accommodation sector on social and affordable housing has been recognised by a wide variety of persons and organisations:

¹⁶ Australian Government, *Specialist homelessness services 2018-19: Tasmania* (Australian Institute of Health and Welfare: 2019) at 1. As found at https://www.aihw.gov.au/getmedia/562a8e1f-cf37-499f-bb24-10a44c6f5907/TAS_factsheet.pdf.aspx (Accessed 13 November 2020).

¹⁷ Premier’s Economic and Social Recovery Advisory Council Final Report (March 2021) at 41.

¹⁸ The report also found that entire properties that are available to rent as short-term accommodation and available to rent for 60 days or more is equal to eleven percent of the entire private rental market in the Kingborough Council municipality. As found at Australian Housing and Urban Research Institute, *Marginal housing during COVID-19* (December 2020) at 40. As found at <https://www.ahuri.edu.au/sites/default/files/migration/documents/AHURI-Final-Report-348-Marginal-housing-during-COVID-19.pdf> (Accessed 21 October 2021) at 40.

¹⁹ Australian Housing and Urban Research Institute, *Marginal housing during COVID-19* (December 2020) at 40.

- *The Tasmanian Planning Commission has accepted that “the conversion of housing stock to short term visitor accommodation is impacting the availability and affordability” of long-term rentals.*²⁰
- *The CEO of rent.com.au, Greg Bader, is quoted by the Australian Financial Review as saying that it is only logical that the withdrawal of a few hundred properties from the rental market would cause rents to rise in a small market such as Hobart.*²¹
- *Melos Sulicich, the CEO of MyState, Tasmania’s second largest lender, told the same newspaper that the short stay accommodation market was causing a shortage of long-term accommodation.*²²

Summary

The short stay accommodation sector has had a detrimental impact on Tasmania’s long-term rental market. We strongly believe that the sector requires greater regulation. At the very least, the impacts of the short stay accommodation sector should form part of the analysis contained within TPPs.

Recommendation: That the short stay accommodation sector is added as an **issue** in the **Economic Development** section of the TPPs.

If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,

Benedict Bartl
Principal Solicitor
Tenants’ Union of Tasmania

²⁰ Tasmanian Planning Commission, *Exemptions and Standards for Visitor Accommodation in Planning Schemes*, Draft Planning Directive No 6 (2018) at 18.

²¹ Larry Schlesinger, ‘Airbnb driving up Hobart rents, but don’t regulate: rent.com.au CEO’, *Australian Financial Review* (online), 13 June 2018 <https://www.afr.com/real-estate/residential/tasmania/airbnb-driving-up-hobart-rents-but-dont-regulate-rentcomau-ceo-20180613-h11be6> (Accessed 21 October 2021).

²² Larry Schlesinger, ‘Airbnb keeping Hobart housing market ‘robust’: MyState CEO’, *Australian Financial Review* (online), 14 June 2017 <https://www.afr.com/real-estate/commercial/hotels-and-leisure/airbnb-keeping-hobart-housing-market-robust-mystate-ceo-20170608-gwn25f> (Accessed 21 October 2021).



Tuesday, 2 November 2021

Department of Justice
Office of the Secretary
GPO Box 825
HOBART TAS 7001
E:haveyoursay@justice.tas.gov.au

Dear Sir/Madam,

Re: Letter of Response – Tasmanian Planning Policies Scoping Paper

Please see attached TasPorts thoughts on the Tasmanian Planning Policies Scoping Paper. TasPorts welcomes the opportunity to discuss the planning policies further.

Yours sincerely

Jarred Moore
General Manager Planning and Development

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| Tasmanian Planning Policy: Infrastructure to support the economy and Create Liveable Communities | |
|---|--|
| Issue: | There is a critical need for enhanced protection of port, freight, and corridor protection as outlined in the National Port and Land Freight Strategy. |
| Objective: | <p>Ports are a pivotal part of the economy, TasPorts encourages the protection of ports and their surrounding infrastructure. Increasing urbanism around waterfront land is placing pressure on Port land. TasPorts would like to see an objective for corridor and port identification, preservation, protection, and future planning to limit urban encroachment around ports. Urban encroachment around ports will severely impact the state's ability to have reliable access to and egress from port infrastructure for both import and export capacities.</p> <p>The clear objective to support an efficient, accessible, and safe transport system through improved integration of land use and transport planning can be supported through the following acknowledgments:</p> <ul style="list-style-type: none"> - Tasmania is a state dependent on maritime trade, as a gateway for goods. - Ports and associated infrastructure are of the utmost economic and social importance to Tasmania, - Recognise the strategic value of operational, non-operational and potential freight corridors to the ongoing safe and efficient operation of the freight network, and; - Encroachment is seen as one of the most important issues facing the logistics sector. |
| Strategies: | <p>Benefits of Protection</p> <p>Strong protection advocacy relates to all ports and supply chain functions. The following strategies will realise freight protection:</p> <p>1.0 Continuing protection of existing and future strategic transport infrastructure corridors and assets (road, rail, ports, air), from encroachment by incompatible land use and development.</p> <p>2.0 Avoid allocating land for sensitive or incompatible uses adjacent or close to major transport corridors and hubs.</p> <p>3.0 Planning for the freight task, for now and the future, including major Tasmanian Ports, freight nodes, intermodal hubs, population, and industrial centres, including logistic service planning for storage and distribution by:</p> <ul style="list-style-type: none"> - Encouraging protection of Ports and their surrounding areas through their separation from other land uses, - Encourage freight and logistic services planning, including storage, distribution and strategic rail freight loading facilities adjacency to existing rail corridors that reinforces the role of the port as a freight and logistics hub, - Ensure that the regional ports at Grassy and Lady Barron are recognised as critical links to the freight supply chains of the Bass Strait Islands, - Ensure sufficient and appropriately sized land parcels are identified and zoned for future industrial, freight and intermodal uses, and are located to maximise access to the strategic freight network, - Protect current and future major intermodal hubs, including the Brighton transport Hub and all ports and airports, from encroachment by incompatible land uses, - Actively engage with port and freight providers to Identify blockages, be it planning, infrastructure or mixed use to assist in efficient port and surrounding infrastructure, and to ensure; |

| | |
|---------------------------|---|
| | <ul style="list-style-type: none"> - Acknowledging the role of ports in Tasmania's resilience through times of crisis - COVID-19 has shown us the importance of the supply chain and tourism to Tasmania. Well planned, efficient, and protected freight corridors, ports and freight nodes throughout history have been a precursor for economic growth and strong economic returns. <p>4.0 Support development that maximises the use of existing transport infrastructure and services.</p> |
| | <p>Benefits of Planning that Protection</p> <p>Tasmanian sea and airports are critical transfer points for the movement of passengers and freight into and out of the state. Strategic principles to guide the development around port infrastructure will assist in:</p> <ul style="list-style-type: none"> - Appropriate adjacent land uses, and buffers will support the safe and efficient operation of Tasmania's major ports and intermodal assets. - Improved land use and environmental outcomes, appropriateness of land uses at and around ports and freight corridors, - Efficiencies in transit of freight, leading to opportunities to manage costs to supplier and end users. - Maintain high levels of travel time reliability, - Ability to facilitate our cities being innovative and productive - Ability to facilitate the reintegration of logistics back into a city - Where protection is planned ..."a whole range of uses which were not only compatible, but which could work alongside each other, and value add to places" (Planning for the Urban freight Revolution pg 25). - Ability to minimise the impacts of freight through the development of high productivity corridors and buffering - In city-based ports, a decrease in need for pedestrian and traffic interactions increasing safety - By planning to protect ports and their surrounding areas, this mandates a clear agenda, whereby land transfers could be undertaken proactively between multiple government entities - Allow freight and logistics to be competitive in a 24/7 nodes of the economy |
| | <p>Detriment of no protection</p> <p>The result of limited or no planning protections for freight and logistics is conflict of use. Conflict of use affects both neighbouring occupants, for a Port this causes inefficient port usage in the following ways:</p> <ul style="list-style-type: none"> - Reduced scope of activities that can be undertaken, - Reduced scale of activities including hours of operations, and volume of throughput, - Limits expansion - Lowers competitiveness/poor productivity of the port - Missed opportunity for investment and co-location of productive enterprises <p>Conflict of use also causes:</p> <ul style="list-style-type: none"> - Misaligned neighbours and hence poor liveability, amenity and enjoyment of use for both those neighbours as simply do not align with the practical reality of use, - Inadequate separation of urban realm from 24/7 port operations <p>Regulatory systems are dealing with the unprecedented demand for land at and around major infrastructure nodes. With consumption predicted to keep increasing, the demand for land around major infrastructure nodes will undoubtedly increase.</p> |
| Implementation Statements | <p><i>TasPorts supports the following implementation methods:</i></p> |

| | |
|---------------------|--|
| | <p><i>Planning schemes to strategically identify and protect ports and eliminate the ability to impinge upon key infrastructure corridors, whereby developments around ports are to:</i></p> <ul style="list-style-type: none"> - Not encroach or impact the ports access and egress to/from port infrastructure - Agree that orientation of areas surrounding Ports is still possible - Agree to be agile in responses, as logistics companies have shown during the COVID-19 pandemic <p><i>A broad view of the issue at hand be taken and engage with other entities such as Infrastructure Australia and align with their identification and response to the issue, as per below:</i></p> <ul style="list-style-type: none"> - Infrastructure Australia also identifies that... “long term precinct and corridor protection as one of the most significant issues across all modes of transport” (National Land Freight Strategy, 2012), which requires a long-term focus. <p><i>Recognise the importance of port infrastructure:</i></p> <p>Tasmania is an Island State, and with freight increasing and growing in volume and type, there needs to be a recognition of the roles</p> <ul style="list-style-type: none"> - Port and Port infrastructure, - Freight Nodes, last mile urban freight connections, storage and; - Infrastructure corridors to and from ports <p>has on all sectors of the Tasmanian economy for imports and exports.</p> <p>COVID has clearly evidenced the importance of the supply chain. Tasmania is experiencing a more and more complicated supply chain and the ability to maintain more inventory locally is a global struggle.</p> |
| Supporting Policies | <ul style="list-style-type: none"> • <i>Tasmanian Trade Strategy 2019-2025</i> • <i>Our Infrastructure Future: 30-Year Infrastructure Strategy</i> • <i>Tasmanian Integrated Freight Strategy</i> • <i>National Freight and Supply Chain Strategy: National Action Plan 2019-2024</i> • <i>Tasmanian Access 2020 Strategy</i> |

From: [Have Your Say](#)
To: [Planning Unit](#)
Subject: FW: Tasmanian Planning Policies
Date: Friday, 22 October 2021 11:56:08 AM

From: NE Bioregional Network
Sent: Friday, 22 October 2021 11:41 AM
To: Have Your Say <HaveYourSay@justice.tas.gov.au>
Subject: Tasmanian Planning Policies

We wish to endorse the submission being put forward by Planning Matters Alliance Tasmania in relation to the proposed Tasmanian Planning Policies.

Regards

Todd Dudley
President
North East Bioregional Network

Phone
Postal address:

Department of Justice
Office of Strategic Legislation and Policy
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HOBART TAS 7001
Web www.justice.tas.gov.au
By email: haveyoursay@justice.tas.gov.au

21 October 2021

To Whom It May Concern,

RE: Scope/Content and Structure of the draft Tasmanian Planning Policies (TPPs)

Enviro-dynamics provides the following submission on the scoping paper for the draft Tasmanian Planning Policies as released by Department of Justice on the 8th September 2021.

We are please to have the opportunity to comment on the content of the TPP's and provided suggestions for additional topics and issues to be addressed under each Topic.

In terms of needs that will be addressed by the TPP's we see the protection and enhancement of the environment as pivotal to Tasmania's future. The state of the environment impacts all aspects of life including health and wellbeing, lifestyle, employment, and economic prosperity. Proving overarching planning policies that prioritise the protection and rehabilitation of environmental values is critical to a sustainable future for the State.

We believe that strong community education and engagement is vital when developing important policies such as this. I would encourage the Tasmanian Government to commit appropriate resources to community consultation and engagement as part of the drafting of the TPPs. Providing a clear explanation of the relationship between the Statewide Planning Provisions (SPPs) and the TPP's is an important part of this community education.

We look forward to participating further in the development of the planning policies.

Regards,

Andy Welling
Director
Enviro-dynamics

Response to Tasmanian Planning Policies Scoping Paper.

Enviro-dynamics is an environmental consultancy that specialise in landscape management. Our focus is to translate science into practical outcomes. Our broad range of skills cover delivery of natural resource management, conservation planning, threatened species recovery, natural values assessments and ecological research and development. We work with a wide range of clients including primary producers, industry, State and local government, NRM organisations, NGOs and private landholders.

We have significant experience with the implementation of the current interim and statewide planning process through our work as environmental consultants and bushfire practitioners. We develop and implement landscape scale planning projects such as catchment management plans, regional weed and disease management plan, rehabilitation and revegetation plans and biosecurity policies.

Through our work within the current parameters of the planning scheme we often see the limitations of planning provisions in terms of providing broad landscape scale outcomes.

While the current planning schemes provide some protection for priority vegetation, threatened species and waterways there tends to be an over emphasis on the protection of listed threatened vegetation communities or? intact waterways and not enough consideration of common vegetation types that are in good condition or degraded land and waterways that can provide critical landscape linkages.

Enviro-dynamics Response to key questions

Enviro-dynamics provides response to the 5 key questions poses by the Scoping paper in relation to the protection and improvement of environmental values.

1. *Do you agree with the scope of proposed TPP topics?*
2. *Do you agree with the scope of the proposed TPP issues?*
3. *What other topics and/or issues do you think the TPPs should cover?*
4. *Do you agree that climate change should be integrated into all relevant TPPs?*
5. *Do you think that the proposed template is appropriate and a useful way of providing guidance on what the TPPs should achieve?*

Do you agree with the Scope for the proposed topics? What other topics do you think the TPPs should cover? (Questions 1 and 3).

The proposed topics provided in the Scoping document include;

- Environmental Protection;
- Hazard and risks;
- Economic Development;
- Liveable Settlements;
- Heritage Protection;
- Infrastructure to support the economy and liveable communities and
- Public engagement in planning process.

These topics are all important and we support their inclusion as TPPs. Many of the topics have a degree of crossover and as such the integration of policies will be required.

We suggest the addition of Environmental Restoration as a TPP topic which can include issues such as improving the degraded waterways, degraded native vegetation (due to weeds, pests and disease), degraded productive land, and creating linkages through the landscape between intact remnant vegetation.

Do you agree with the scope of the proposed TPP issues? What other issues do you think the TPPs should cover? (Questions 2 and 3)

We proposed the following additions to the listed Topics that relate to environmental values.

Environmental Protection TPP

Suggested Additional Issues:

- Biosecurity – weeds, animal disease and pests (links with hazard and risks)
- Air Quality
- Soil Protection
- Waterways and wetlands to include ground water
- Geoconservation
- Maintenance of ecological processes and landscape function

Issues in regard to Environmental Restoration may be included as a separate topic or the issues included under Ecological Protection.

Suggested Issues include:

- Rehabilitation of degraded waterways, native vegetation (due to weeds and disease)
- Rehabilitation of productive land (due to weeds, salinity, erosion etc).
- Climate
- creating linkages through the landscape between intact remnant vegetation Recovery and reintroduction of threatened species.

Hazards and Risks

Weeds, pests disease should be included in this topic or a strong link to the Environmental Protection TPP provided.

Liveable Settlements

Could be expanded to include

- Connection to natural spaces
- Biodiversity in urban areas

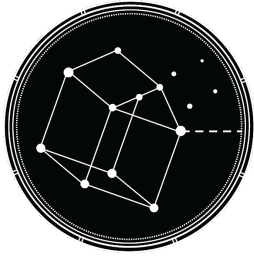
Do you agree that climate change should be integrated into all relevant TPPs? (Question 4).

We strongly agree that climate change impacts, mitigation and adaptation should be integrated into all TPPs and National and International policies and agreements.

Do you think that the proposed template is appropriate and a useful way of providing guidance on what the TPPs should achieve?

We suggest the following additions to the template.

- Ensure there are measurable targets within the Implementation statements.
- Add another component to the template to include monitoring and evaluation of the policies based on the targets outlined



THE CONSTELLATION PROJECT

TOWARDS ENDING HOMELESSNESS IN A GENERATION

Submission from The Constellation Project to the Tasmanian Planning Policies consultation paper

About Constellation and our response

The Constellation Project is a cross-sector collaboration that is working to drive the systems change required to end homelessness in Australia by identifying and accelerating proven solutions to homelessness. Our first fully adopted solution is a co-funding feasibility tool, where work commenced in early 2019 and resulted in a fully implemented version of the tool being co-designed and used by Housing Tasmania by early 2020.

We were founded by the Australian Red Cross, Centre for Social Impact, Mission Australia and PwC Australia. We also receive support from NAB, Minter Ellison and Equity Trustees, CHIA, City futures (UNSW), Griffith University, the University of Western Sydney, Swinburne University, SA Housing Authority and the Fulcrum Agency.

The insights of people with lived experience of homelessness are embedded at every level of the Constellation Project, including participation as co-designers and producers in social labs as well as in executive and advisory roles on the project. We take a similar approach with the unique and urgent housing needs of Aboriginal and Torres Strait Islander peoples. Our First Nations leadership team guides our strategy and delivery and work and we have First Nations led workstreams.

Constellation's initiatives focus on increasing the supply of social and affordable housing. The distinction between housing affordability and affordable housing should be noted in this submission. Where housing affordability considers the general level of housing prices, affordable housing from a Constellation perspective includes all housing that is affordable for low income earners including discount to market rentals and government-subsidised housing for low income earners. There is an absence of policies and programs directly targeted towards increasing the supply of social and affordable rental housing. Moreover, there are various current

policy settings on tax and expenditure which contribute to house price inflation, forming a market which fails to provide affordable housing to low income households. This has left lower income households unable to pay rent or own stable housing, and ineligible or facing lengthy waits to secure social housing.

Our response

The *Tasmanian Planning Policies Scoping Paper* does not mention social and affordable housing.

A crucial purpose of Tasmania's planning system is that all Tasmanians will have adequate and appropriate housing that meets their needs. The existing framework of generic planning for residential settlements does not provide for the category of social and affordable housing, which is an essential piece of our diverse housing mix. If social and affordable housing is included in the *Tasmanian Planning Policies*, then Tasmania will have the vital planning mechanisms to ensure everyone can have the home they need.

We recommend that:

- social and affordable housing is recognised in the *Tasmanian Planning Policies* as a **topic** in its own right under the **Liveable Settlements** heading
- short stay accommodation is added as an **issue** in the **Economic Development** section

Social and affordable housing are described in the *Tasmanian Affordable Housing Strategy 2015-25*:

Social housing: is a broad term used to capture both housing provided by the government (public housing) and non-government organisations (community housing) with below-market rent prices.

Affordable housing: refers to rental homes or home purchases that are affordable to low income households, meaning that the housing costs are low enough that the household is not in housing stress or crisis.¹

Social and affordable housing is delivered by not-for-profit organisations and the State Government, who provide affordable rental homes for people on lower incomes, using an income-based rent model (no more than 30% of income). This housing remains as an asset in the social housing system in the long term. To improve the delivery of quality affordable homes on an economic model that is

¹ https://www.communities.tas.gov.au/_data/assets/pdf_file/0014/30254/AHS_Strategy_Final.pdf

different from mainstream residential development, the *Tasmanian Planning Policies* need to include a specific category for social and affordable housing.

The need for social and affordable homes is increasing across Tasmania, and the waiting list for social housing in Tasmania is growing. As of August 2021, there are 4 367 applications for social housing, and this number keeps going up.²

When securely housed in homes appropriate to their needs, Tasmanians have a greater opportunity for increased economic and social participation. Land use planning is critical to the development and delivery of a diverse range of housing, consistent with the changing needs the Tasmanian community.³

When social and affordable housing is named in the *Tasmanian Planning Policies*, decision-makers and planners will be able to plan appropriately for the housing needs of the whole community, especially people on lower incomes who need affordable rental homes.

While the inclusion of social and affordable housing in the *Tasmanian Planning Policies* is our main priority, we also note the growth in short stay accommodation is one of the factors contributing to the housing crisis in Tasmania. More and more residential properties are converted to short stay accommodation in all regions of Tasmania.⁴ The growth in short stay accommodation means that it will continue to impact current and future housing and community needs. We suggest that it is appropriate to include short stay accommodation in the scope of the *Tasmanian Planning Policies*.

Thank you for the opportunity to contribute to the consultation on the *Tasmanian Planning Policies Scoping Paper*. We urge you to include social and affordable housing in the *Tasmanian Planning Policies* as an essential step towards ensuring all Tasmanians have the homes they need. It will bring a vital planning focus to this essential housing sector.

For further information on this submission and if you would like to discuss our solutions to homelessness please contact:

Jacqui Jones

Executive Director, The Constellation Project

² https://www.communities.tas.gov.au/housing/tasmanian_affordable_housing_strategy/reporting

³ https://planningreform.tas.gov.au/_data/assets/pdf_file/0003/628239/Tasmanian-Planning-Policies-and-Overview-Consultation-Draft-April-2017.pdf

⁴ <https://cbos.tas.gov.au/topics/housing/short-stay-accommodation-act>



Tasmanian Minerals, Manufacturing
& Energy Council

P.O. Box 393
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Phone: 03 6419 4122
Mobile:
Email:
Website: www.tasminerals.com.au

22nd October 2021

Department of Justice

Via email: haveyoursay@justice.tas.gov.au

Dear Sir or Madam,

RE: Tasmanian Planning Policies (TPPs)

The Tasmanian Minerals, Manufacturing and Energy Council (TMEC) welcomes the opportunity afforded it to provide our submission to the Tasmanian Government on their proposed draft Tasmanian Planning Policies (TPPs).

TMEC's membership base represents an important wealth creating sector within the Tasmanian economy. The combined minerals and manufacturing sectors employ 21,000 people. Most of our members are based in regional areas of Tasmania and therefore provide critical employment opportunities away from public funded employers. Minerals exports alone account for 63% of Tasmania's commercial exports and is the foundation stone of many regional communities with 5,600 direct jobs.

Tasmania has a robust and diversified economy which continues to grow with traditional land use, established businesses increasing in size and new businesses all seeking to use and share the available natural resources. Any additions to the economic and social fabric of our communities and regional areas is a continuous balancing act, whereby new businesses should add and not subtract from existing businesses, and this will be a critical factor to success for any resulting land use planning.

The introduction of Tasmanian Planning Policies (TPPs) into the Tasmanian Planning Framework

It is TMEC's understanding the introduction of TPPs into the planning system is intended to provide context for how the various assessment processes are applied, based on Government strategy and policy. TMEC supports the objective of providing developers, supporters, opponents, and planners with guiding principles to inform key elements of a specific development application.

TMEC supports measures to assess the likelihood of a development being supported as early as possible in the process, given the considerable financial and human resources which can be expended in getting a development approved. Implemented well, this change has the potential to address much of the concern expressed by developers where Tasmania suffers from what appears at times to be individual's interpretation of the assessment criteria, which leads to vast discrepancies in what is judged as reasonable. Given the source of most investment capital is from international markets, Tasmania needs to demonstrate it has clear processes which de-risks decisions. Creating the mechanism to ensure there is repeatability such that different people end up making the same broad assessment is a crucial test for this proposed change.

The challenges to balance land use planning

Unfortunately, many industries are already experiencing encroachment or attempts to encroach, and it is critical the Government has clear, robust, and defensible positions to ensure all existing and future land users make decisions to invest and / or to stay without ambiguity.

Arguably attempts by interest groups who have no legal entitlement to impose boundaries are already active in Tasmania and the publicity creates angst for existing land users. The State and Commonwealth have clear processes to establish land use applications and therefore the jurisdiction of any Planning Policies need to be very clear and not add a further layer of complexity to the interpretation currently required to navigate State and Commonwealth approvals.

Environmental Sustainability

Climate Change is an important feature with any planning policies, however, how to incorporate this important consideration remains challenging, particularly against a backdrop of fast moving technological and knowledge changes.

Best practice and lessons from the past suggest introducing a set of criteria which can be applied to analysing the climate change impacts as well as how climate change impacts any proposal. Reducing risk to any development requires the reduction of uncertainty however applying hard and fast criteria which may well change on a yearly basis is fraught with unforeseen risk which can potentially hinder long-term developments even further.

To add to this complex equation, reducing risk to an investment over a 10–20-year lifespan is becoming increasingly challenging, and many investors will be attracted to jurisdictions, which present investors with the most certainty over a long period of time, will remain relatively attractive. Tasmania continues to be attractive as an investment option with relatively low sovereign risk, and we remind the government at all levels of the potential “ripple effects” that legislative change can pose.

Any attempt to set TPPs around issues of significance such as climate change, renewable energy and reducing transport emissions will require extensive consultation (backed by independent research) that will help derive the best outcomes for all parties. We urge government to adopt this approach as a best practice template to ensure land use planning use derives the best outcomes for the Tasmanian economy and environment.

TMEC looks forward to engaging with the Tasmanian Government and other key stakeholders on this important issue for Tasmania.

Yours sincerely,

Ray Mostogl
Chief Executive Officer

Submission regarding the Tasmanian Planning Policies

Department of Justice
Office of Strategic Legislation and Policy
GPO Box 825 HOBART
TAS 7001
To Whom it may concern

The TPP Topics listed in the Scoping Paper, should be an integral part of the planning system. Each of them covers issues which are essential to creating sustainable communities in the State. When each must be considered as part of the approval process for developments, then we will have a positive and comprehensive vision for our urban spaces and the Planning Scheme will not undermine our best options.

As the scoping issues are developed into policies there must be tangible measures for each with effective enforcement penalties. If they are too broad or allow too many interpretations then Tasmanian urban areas will lose their character, while the inhabitants connection to each other and to this place will be severely diminished. Acceptable solutions and performance criteria in the SPA allow too much 'wriggle room' for developers. This must not be repeated with the TPPs.

So far, there is no indication of what would be considered priority issues and values within the TPPs and these will be vital if the Planning Scheme is to create well-planned urban areas that provide the best living conditions for their inhabitants.

The State Planning Act is really a complex set of building instructions rather than a planning scheme. There is not a clear vision for urban areas as their residents wish to see them develop. It is crucial to ensure that any Planning Scheme, allows for appropriate development for the urban spaces we want - not just now, but into the future. The TPP topics and the identified issues should contribute to developing and promoting a positive and comprehensive vision for all Tasmanian landscapes, and ensure that the State Planning Scheme does not undermine the best options.

Economic Development considerations should not carry more weight than Environmental Protections. There is much evidence that industrial scale development destroys the natural environment and is not sustainable for the long term. In other states developers have claimed economic advantages that have failed to materialize to the detriment of urban living.

Infrastructure must be developed with public consultation and not destroy communities or agricultural landscape. Hazards and risks must be given more consideration and weight within the planning system, especially with climate change increasing many natural hazard threats.

All of the TPP issues need to be enforced in conjunction with the State Planning Act. Councils and the Resource Management and Planning Appeal Tribunal should have to consider these issues as part of the planning scheme when assessing development proposals.

Having identified a comprehensive list of TPP topics with a wide range of issues it is essential that they be developed into clear policies informed by expert advice, best practice and cross-referencing. These policies must be a part of the state planning regime and be rigorously enforced.

Please ensure that the Community is made aware of the release of the draft TPP content and implementation statements and given plenty of time to respond.

SUBMITTED BY:

Margaret Taylor

R. J. Scott

Austra Maddox

Are Tasmanian Planning Policies Relevant to the Coming Decades?

Introduction

The Tasmanian Planning System has for many years now been undergoing a tortuous process of ‘reform’. Although reform has been touted as the path to creating a land use planning system that will be simpler, faster and cheaper to operate, long term observers of the evolution of statutory planning instruments in this State could be excused for becoming cynical about progress towards the political aspirations of simplicity, efficiency and cost effectiveness.

What has been achieved since 1993?

1993 marked the introduction of a suite of Acts, collectively described as the Resource Management and Planning System, the RMPS, underpinned by a common set of high level objectives (the Schedule 1 objectives in each of the related Planning Acts) that attempted to give substance to the term ‘sustainable development’. This term came into vogue in the late 1980s through the work of the Brundtland Commission set up by the United Nations. I think the architects of the RMPS envisaged that State Policies on several themes would be crafted to provide a broad, strategic and comprehensive framework for the evolution of statutory land use plans that were consistent across the State.

Consistency would arise, it was thought, through standardised land use definitions, a limited palette of predefined zones, uniform standards for each zone and closely controlled, time-limited administrative processes for planning scheme preparation and implementation. In this way, it would appear, development control would become a simpler, faster process of ‘box ticking’ - based upon clear statements of policy, correct land use classification,

appropriate zone choice, short approval pathways and impartial, apolitical assessment of planning applications against relevant standards.

While these might be laudable aims, in practice the politicians' vision of a 'single planning scheme for Tasmania' has proved to be more elusive and protracted than promised. This could be traced to implementation failures in the following steps.

1. Policies:

At the State level, policy formulation was disjointed, delayed and incomplete. There appeared to be a lack of political will to drive the research and consultation that is required for well-informed policy formulation. The scope of resource planning was fragmented from the outset; forestry, mining and marine farming were excluded and dealt with by separate assessment processes.

In over twenty years only three State Policies eventuated; for coastal development, protection of agricultural land, and protection of water quality. Vital topics such as settlement, demography, transportation, industry location, impacts of climate change, biodiversity, cultural heritage, hazards, infrastructure staging, urban design and inter-agency coordination, were ignored, fragmented or resisted.

Furthermore, the relationships between those aspects of physical land use planning and priority community needs were not explored, particularly in planning for areas of concern such as public health, education, workforce skills, energy supply, information technology, recreation, shelter and human service provision. The opportunity to link strategic planning with then premier Jim Bacon's 'Tasmania Together' process was not appreciated or pursued.

Settlement policy in particular, and its linkages to transport and infrastructure planning, has been neglected. Settlement expansion has occurred, not in a deliberate planned manner, but by default in locations not ruled out by the State Policies on agricultural land and coastal development.

In the absence of comprehensive State policy formulation, regional planning became a belated afterthought to the introduction of the RMPS. Regional planning has had a checkered history in Tasmania, sporadically supported by State governments and municipal authorities. During the preparation of the Tasmanian Planning Scheme provisions, local government authorities (LGAs) were 'nudged' to cooperate. Officer-level discussions among LGAs, the

Tasmanian Planning Commission (TPC) and the Planning Policy Unit led to better policy alignment and consistency in planning scheme provisions within each region. But still, the three regions - collectively the LGAs of the Southern, Northern and Cradle Coast (i.e. North Western) divisions of the State - approached the task of determining land use policy independently and without a guiding State framework, other than the three State Policies noted earlier.

Land use policy remains a contested field, showing tensions between rural and urban communities, between LGAs and State agencies and between powerful developers and opposing community groups. Advocates of a rules-based system of development control, (overseen by an independent statutory authority, the TPC, and an independent appeal body, the Planning Appeal Tribunal) have been disappointed on occasion to see the overriding of trusted statutory processes for assessment and decision making. When tensions about major proposals intensify and spill over into public controversy, such as occurred with the Tamar pulp mill debacle, State governments have tended to resort to special purpose legislation to achieve a politically determined outcome.

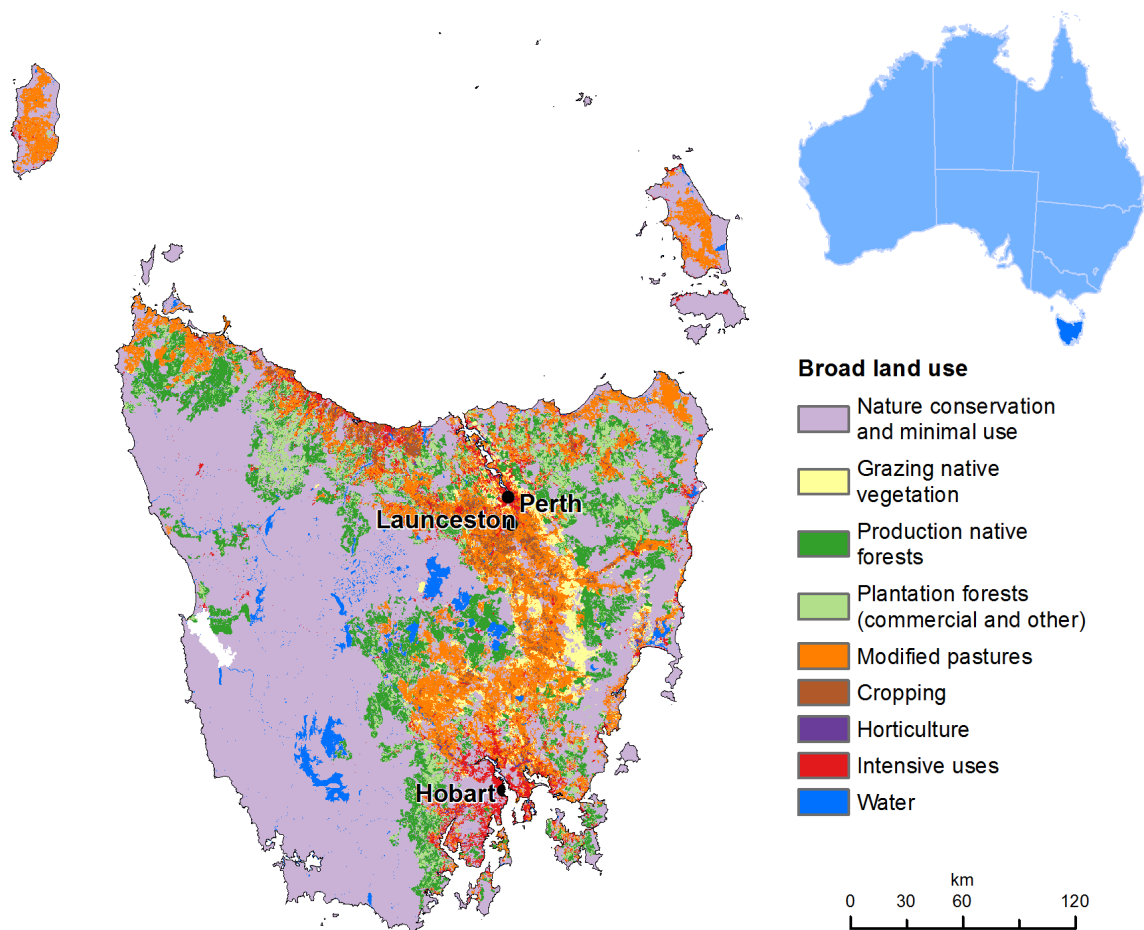
Finally, in 2021, draft Tasmanian Planning Policies (TPPs) have been crafted for discussion but their connection and congruence to the three older State Policies appears obscure. On first appearance the draft TPPs cover a wide field of topics and offer many normative statements of desirable planning practice, in the form of objectives and strategies. They are to become, it seems, one more layer of policy guidance - along with Schedule 1 objectives, State Policies and regional plans - to be navigated by an applicant seeking any amendment to a municipal planning scheme. It also seems likely that the process of justifying (or arguing against) an amendment will call for a considerable volume of background evidence and expert reporting, in order to elaborate on the substance of the TPPs, with concomitant costs and time delays.

One criticism to be made of the suite of TPPs is the absence of ‘grounding’ in the actual socio-physical geography of Tasmania, and the possibly conflicting requirements of different TPPs. There are many land use demands to be made on the State’s limited inventory of usable land, because much of Tasmania is constrained by topography, climate and poor soils. Many types of land use are contemplated but the various future land use demands have not been quantified or specifically located. Pressure points of competition between land uses, for

example between farming and residential expansion on the urban fringe, have not yet been identified.

One example of policy incongruence makes the point; the competition for land between agricultural uses, or conservation status (National Parks and World Heritage uses) or development for industry, commerce, housing, institutional and linear infrastructure purposes.

Figure 1. Land use in Tasmania



Source: ABARES, December 2018 (<https://www.agriculture.gov.au/abares/aclump/land-use/catchment-scale-land-use-of-australia-update-december-2018>)

Broad land use areas reported by ABARES are as follows:

| | | |
|--|---------------|---------|
| Total area of Tasmania | 68401 sq. km. | |
| Nature Conservation | 19400 | (29%) |
| Protected areas and other minimal use. | 13250 | (19.5%) |
| Agriculture | 18900 | (24%) |

In the preamble to the draft Tasmanian Planning Policies on economic development we see;

“The Tasmanian Government is committed to growing Tasmania and its economy. It has set a number of targets with respect to growing our State, including reducing Tasmania’s unemployment rate to the national average, increasing Tasmania’s population to 650 000 by 2050 and securing 1.5 million visitors per year by 2020.

In addition, the Tasmanian Government has identified key reforms and major initiatives to drive economic growth in food and agriculture, tourism, advanced manufacturing, forestry and mining, as well as other sectors of our economy. In recognition of agriculture being a key strength of the Tasmanian economy, the Tasmanian Government has committed to grow the value of the agricultural sector in Tasmania tenfold to \$10 billion by 2050, backed by a long-term Agrivision 2050 Plan.

The Tasmanian planning system supports the delivery of these commitments, by:

-  allocating suitable land for industrial, commercial and business development, close to supporting infrastructure and services;
-  encouraging business growth through the development of activity centres;
-  protecting the State’s agricultural land and supporting sustainable use of agricultural land;
-  enabling the development of a range of tourism experiences, products and services across Tasmania; and
-  protecting important extractive industries from incompatible land uses.”

These stated aspirations prompt the practical questions:

1. How much additional agricultural land is required to generate a 10-fold increase in the value of agricultural production?
2. How much additional serviceable, mainly urban, land is required to accommodate an increased population of 650,000 and 1.5 million visitors by year 2050?
3. Where will these areas actually be located without creating land use conflicts?

The White Paper “Competitiveness of Tasmanian Agriculture for 2050” identified the necessity for intensification of agricultural production but did not spell out where it should occur or how much land would be needed to achieve a 10-fold increase in farm gate value.

“Natural Resources

Tasmania’s pure air, soil and water, relative freedom from pests and diseases and clean energy production provide the building blocks for the state’s primary industries .Tasmania’s agricultural estate was approximately 1 .4 million hectares in 2017-18, representing around 20 per cent of the state’s total land area and comprising 2,235 farms . In order to maximise competitiveness in this relatively small geographical area, it will be necessary to grow both the output and value of agricultural production .

Sustainable intensification will be an important component of growth, particularly in managing limited natural resources and responding to an increasingly variable climate.

A key strategy that encompasses both sustainable intensification and responding to climate variation involves investment in irrigation infrastructure . Fourteen new fully operational schemes have been established by Tasmanian Irrigation, a state-owned company, with a fifteenth due to become operational in 2020.

Availability of water has allowed agri-food businesses to invest with certainty in the production of higher value crops and in protected cropping systems . In 2017-18 while only 8 per cent of land used primarily for agricultural production was irrigated it produced 52 per cent of the gross value ofTasmania’s agriculture .

The need to intensify food production must be balanced with increasing urban and residential development, community preferences and environmental concerns, and be consistent with other policies and legislation on land use.”

(White Paper, p.36)

Tasmania is not a magic ‘cut and come again’ land use pudding! Even if the average productive capacity of every agricultural hectare could be doubled, which is questionable, a ten- fold increase in value of production implies a five-fold increase in the area of the agricultural estate. Where are the extra 5.6 million hectares (56,000 square kilometres) to be found?

Similarly, if a typical gross residential density of 20 persons per hectare is to be aimed for, an additional 130,000 persons would require the allocation of an extra 6500 hectares (65 square kilometres) of residential development by 2050. That is roughly equal to the area of urban Launceston. This estimate does not include the tourism land needed to accommodate 1.5 million visitors per year. Assuming full occupancy of tourist premises and that each tourist stayed for five days, that would be equivalent to the demands of a resident population of $5/365 \times 1,500,000$ or over 20,500 people.

How are these, and other conflicting, quantitative land use demands to be reconciled? The TPPs are silent on this issue.

It is conceivable that the area of agricultural land could be conserved and expanded slightly while still accommodating a growing population, by ‘densifying’ existing settlements, increasing the number of multi-storey residential apartment buildings, and by returning extensive rural-residential areas on the urban fringe to more intensive agricultural production. But such approaches, involving dramatic changes to the landscape and heritage values of urban places, might not be welcomed by Tasmanian residents.

Is it realistic to expect that urban areas across the State can be expanded by 65 square kilometres without impinging on the agricultural estate that borders them? More importantly, if the population growth target is achieved, what policies will determine where the population should be located and in what form of settlement? There are several competing options - low density suburban expansion, even lower density rural-residential living, denser redevelopment of

redundant industrial ‘brownfields’, or the redesign of ageing suburbs with mid-rise town houses or high rise apartments. Does the government have a preferred vision? Or are the choices to be left to the random opportunistic actions of property developers? These are the questions that could be addressed by Tasmanian Planning Policies that were prepared to consider actual locational decisions.

2. The ‘box-ticking’ approach to development assessment:

When faced with a complex question, such as the sequential development of land over time to accommodate disparate, evolving societal needs, it is a common governmental response (at both local and State levels) to set up a set of ‘planning rules’ based on (a) classifying the type of land - its zoning, and (b) classifying the range of activities that can occur in each zone - the defined land uses.

This approach creates two sets of ‘boxes’; big boxes called zones that carve the landscape into large swathes, perhaps designated for residential, commercial, industrial or farming use, for example; and little boxes called parcels or sites, - individually owned titles, which may be developed to accommodate predefined uses, such as various kinds of homes, shops, offices, factories or farms.

The government’s role is to create legal rights for the development and use of each parcel or site. Through the work of its planners, it determines the numbers and kinds of parcels that can be fitted into each zone with a minimum of conflict between neighbouring uses. Simple in theory, difficult in practice.

Real landscapes and real activities are not as simply categorised as planners and political decision makers might wish. The qualities of lands lie on a spectrum of multiple factors affecting its suitability for a chosen purpose.

Similarly, while populations can be assigned to broad demographic groups, the aspirations and activities of individual households or businesses are not easily pigeonholed.

To cope with the inherent variability of land - its topography, geology, soils, vegetation, habitats, heritage, accessibility, serviceability etc - planners must devise complex sets of qualifying or disqualifying factors for various kinds of developments and uses. These factors are often displayed as ‘overlays’ on zoning

plans and written into planning schemes in the form of zone objectives, codes and performance standards to be achieved by applicants for development.

The Launceston Planning Scheme, for example, makes provision for 22 standard zones (although two are not used) of the Tasmanian Planning Scheme. But even this range of zones proved not to be sufficient to cater for local, unique arrangements of land use, and a further 10 Particular Purpose zones were devised to supplement the 22 generic zones.

To cope with the wide range of human activities, reflecting landowners individual needs, capacities and ambitions in different settings, planners categorise those activities into defined ‘use groups’, such as residential, industrial, commercial or recreational.

The use groups may be broad but usually embrace a large number of specifically defined use classes. Clause 4.1 of the Tasmanian Planning Scheme includes more than 60 definitions that relate to ‘use of land for..’, plus a large number of operational or subsidiary definitions.

(Land uses A-B , 11; C-K , 15; L-R , 23; S-Z, 15, by my count)

In just one city, such as Launceston, the number of different ways to arrange several thousand land titles, to accommodate one of dozens of potential land uses in one of the more than twenty zone choices, becomes unimaginably large. And yet even with the wide range of choices available, the planning scheme is frequently amended to enable new combinations of land uses and developments to arise. Since 2015, the Launceston Planning Scheme has been amended 47 times. Seeking an amendment, usually a rezoning, is not a quick, easy or cheap process, neither for the applicant nor the regulating agencies that may or not approve it.

Why are amendments sought by developers? There must be many locations that are suitably zoned already - but not in the developer’s control. The simple answer is that it may be very profitable to change the planning rules that apply to a site. A more valuable land use may be developed; a hotel instead of a grain silo for instance. Or a restrictive performance standard may be relaxed; to allow a 20 storey hotel instead of a 10 storey one. This is not a criticism of developers, just a recognition of how entrepreneurs operate in a capitalist system.

Even to make a planning permit application for a use and development that complies, *prima facie*, with the zone and use class definitions, can become difficult to achieve expeditiously. This is because too often, the many performance

standards that attach to every use or development trigger the exercise of ‘discretion’ to allow a requested variation. It usually requires a Council decision and significant decisions tend not to be made under authority delegated to staff. The exercise of discretion is an appealable process that, if exercised, adds delays and costs. For the regulator, every allowed variation must be legally defensible at appeal, and supportable by expert evidence on the matter to be varied.

For a ‘permitted application’ not involving discretion, the Tasmanian Planning Scheme forces assessors to view applications through the lens of preset standards; a standard building envelope, accommodating a standard use, on a standard block of land in a standard zone. It is a formula for reproducing (you could hardly call it ‘creating’) a bland, urban landscape of ‘cookie cutter’ buildings; a formula that suppresses variation, creativity and innovation. It homes in on individual developments, without lifting its gaze to larger questions of urban form and comprehensive settlement planning.

This rules-based, black letter law, box ticking approach to planning permit assessment focusses on compliance with administrative process and generic standards. It does not encourage a broader and holistic professional judgement about the overall community cost/benefit and strategic planning outcomes. Nor the totality of proposed uses and developments of individual parcels within a wider geographic setting and historical/cultural context.

3. Administrative complexity and ‘band aid’ remedies

The statutory planning framework has lost its way. From its reasonably straightforward beginnings in 1993 it has repeatedly been amended, adding complexity to the processes of planning scheme creation, scheme modification and planning application assessment, until it is now mired in processes that even planners have difficulty following, let alone the long suffering public. The Land Use Planning and Approvals Act 1993 has been amended more than 50 times. This is not the place to delve into the convoluted history of the State’s planning legislation, but the following broad brush overview sets the scene.

Before 1970 there were 49 local government areas, each with one or more planning schemes. The schemes were fairly simple documents of usually just a few pages. Many of them followed a similar format and administrative process, with commonly named zones and use classes. They were not especially prescriptive apart from some basic rules about lot sizes, building setbacks and heights. Although many schemes were derived from a common template, over time they evolved individually, gradually increasing in sophistication, by crafting or borrowing performance standards suited for their local communities under the lightly guiding, but sometimes autocratic hand of the Town and Country Planning Commission. The diverse family of local planning schemes came to be criticised perennially by the development industry for their lack of uniformity, which it was claimed led to confusion, inconsistent outcomes, delays and costly ‘red tape’. It was still possible for Councils to craft a unique local planning scheme for a particular urban area. The Battery Point Planning Scheme, for example, was responsive to community feelings and broke new ground in recognising and protecting built heritage. This suburb had been slated for ‘slum clearance’ and high rise towers by the 1940s ‘Cook Plan’.

1993 marked a watershed with the passing of the Land Use Planning and Approvals Act (LUPAA) and the creation of what is now the Tasmanian Planning Commission. This heralded the search for ‘sustainable development’ and an era of planning reform, seeking clarity, consistency, efficiency and environmental responsibility.

The roadmap for reform was initially promising. Create a common set of generic zones, use definitions and statutory administrative processes for all local governments. Devise statements of goals, objectives and performance standards that could be applied across the whole State (These became the State Planning Provisions, SPPs.) Additionally, allow some scope for local variations to recognise differences in geography, historical use patterns and community preferences (the Local Planning Schedule, LPS). Bring the Crown and State Agencies within the realm of the RMPS and encourage those agencies to codify their requirements within planning schemes.

Fast forward to today. Planning schemes texts have burgeoned in size to several hundred pages requiring close reading. Planning scheme maps show the 22 basic zones, but also a variety of locally unique particular purpose zones plus many layers of overlays. Each overlay may modify the status of use and development on a site, trigger ‘discretion’ or superimposes additional performance requirements.

Likewise, the LUPA Act has become more convoluted and focussed on prescriptive, legal, sometimes repetitious processes, with amendment after amendment trying to cross every T and dot every I. while revisiting and fine tuning what should be a straightforward system of development control.

The challenge of climate change

A recent PIA survey asked how well will the Tasmanian Planning System respond to climate change. I wrote,

“The TPS is not a forward-looking, strategic, proactive, well resourced, holistic system with which to tackle the complex, interlocking forces of climate change. It has become an overly legalistic, bureaucratic, reactive, development control mechanism aimed only at new private development. The laudable Schedule 1 objectives of the component Acts of the original Resource Management and Planning System were never translated into a full suite of strategic State Policies that bound all agencies and encouraged cooperative forward planning at State level. Instead planning effort has been fragmented among Ministries, State agencies and local governments pursuing individual exponential growth agendas, spurred on by a politically influential ‘development industry’.

That industry’s perennial calls for the removal of ‘red tape’ and then ‘green tape’ have backfired because the multiple, simplistic but inconsistent, pre 1993 planning schemes have been replaced by the so-called ‘single planning scheme for Tasmania’ which is far more multilayered, complicated and onerous to navigate. Box ticking legalism has overwhelmed the exercise of broad, considered judgement by forward looking professional planners.

Despite that overarching criticism of the narrow focus of the TPS on development control rather than planning policy, it has some positive aspects, such as the many requirements for expert advice on site hazards that will be exacerbated by climate change, such as wildfires, floods, coastal inundation and

erosion. Also, it picks up on disturbing trends such as species extinctions and biodiversity loss, and attempts to include mechanisms to mitigate those negative consequences of site development and use. But again, this applies in the context of individual rezonings and planning permits rather than a more holistic, coordinated approach to the climate challenge.”

Future directions

The planning reform process over the past years has consumed many years of personal effort by planners, related professionals, policy makers and legislators. Was it all worth it? History will judge. My own intuition is that in the coming decades society will face environmental, social and economic dislocations which will make our current efforts to anticipate the future look like small beer. We should widen our gaze, consider the potential impacts of climate change, extreme weather events, floods and wildfires, population displacement and social inequality, in order to build more resilient and adaptable Tasmanian communities.

Conclusions

In the pursuit of comprehensiveness, planning statutes and planning schemes have become less comprehensible to the general public. But fundamentally they remain documents for development control rather than for forward-looking strategic land use planning. The proposed TPPs, while offering useful guidance to applicants and planning practitioners, will only add to the tangled planning policy framework, if given statutory force.

I think it would be preferable to regard the TPPs as a well articulated set of planning principles to be followed by approval authorities, rather than an additional set of hurdles to be argued over and achieved, in a statutory sense, by applicants for planning permission or scheme amendment.

From: [Have Your Say](#)
To: [Planning Unit](#)
Subject: FW: Scoping Paper of the Draft Tasmanian Planning Policies
Date: Friday, 22 October 2021 2:00:48 PM

From: carrie brink
Sent: Friday, 22 October 2021 1:48 PM
To: Have Your Say <HaveYourSay@justice.tas.gov.au>
Subject: Scoping Paper of the Draft Tasmanian Planning Policies

Dear People,
I have read Planning Matters Alliance Tasmania's submission on the scope and structure of these policies.
I am in agreement with, and fully endorse their submission.
Sincerely,
Caroline Brink.

Office of the Coordinator-General

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22 October 2021

Department of Justice
Office of the Secretary
via email: haveyoursay@justice.tas.gov.au

To Whom it May Concern

Thank you for the opportunity to provide commentary on the Scoping Paper for Draft Tasmanian Planning Policies (TPP).

Industry feedback the Office of the Coordinator-General (OCG) receives indicates some frustration that the Statewide Planning Scheme remains incomplete in terms of implementation resulting in many old Local Government interim-planning schemes remaining in operation and consequent planning inconsistencies across Tasmania.

Whilst there has been progress, there are many councils yet to have their Local Provision Schedules (LPS) finalised and implemented.

Accordingly, the OCG would encourage a focus on finalising the LPS from the remaining councils.

The other area that the OCG has received significant industry feedback on, is the need to reform the three regional land use strategies. In these circumstances, we are concerned with the potential impact of introducing another layer of planning directive through the proposed TPP at this time.

The OCG notes that the centrepiece of the Tasmanian Planning Scheme, the State Planning Provisions, are scheduled for review in 2022 and there remains a considerable timeframe for the 'making' of the Tasmanian Planning Scheme given the current delays in preparation and submission of Local Provisions Schedules to the Tasmanian Planning Commission for assessment.

To this end the OCG is supportive and responsive to the key industry concern in relation to the slow implementation of Tasmanian Planning Scheme and the urgent need to review Regional Land Use Strategies so that planning amendments to existing schemes can be supported by contemporary evidence. The OCG would anticipate that where appropriate, in support of sustainable development, the intent of the draft TPPs could inform those vitally important reviews of the Regional Land Use Strategies.

Yours sincerely

John Perry
Coordinator-General