

Minister for Housing and Planning

Statement of Reasons for modifications to the draft Tasmanian Planning Policies.

I, Kerry John Vincent, as Minister for Housing and Planning, after considering:

- the recommendations from Tasmanian Planning Commission (TPC) in their report dated 3 June 2024 and provided to me in accordance with section 12F of the *Land Use Planning and Approvals Act 1993* (the Act); and
- further advice from the State Planning Office (SPO) as set out in Table 1 and Table 2 below,

provide the following response to the TPC's recommendations as being the reasons why I have modified the draft TPPs, including the evidence that I have based my reasons on.

Glossary of Abbreviations

Act	–	means the <i>Land Use Planning and Approval Act 1993</i> .
LPS	–	means Local Provisions Schedule.
RLUS	–	means regional land use strategy.
SPO	–	means the State Planning Office.
SPPs	–	means the State Planning Provisions.
TPC	–	means the Tasmanian Planning Commission.
TPPs	–	means the Tasmanian Planning Policies.

Table 1 – TPC recommendations and response to TPC recommendations

This table should be read in conjunction with the TPC's section 12F of the Act Report (3 June 2024)

General Recommendations

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.1	Legislative change be considered that allows for more efficient processes when assessing LPS reviews and amendments (refer to section 34(2A)) – such that once the RLUSs and SPPs have been reviewed (so that they are in conformity with the TPPs) then if the LPS is consistent with them then it is also deemed to be consistent with the TPPs.	<p>Partially agree to recommendation.</p> <p>I support the consideration of a more efficient approach to that described in section 34(2A) of the Act for LPS reviews and amendments.</p> <p>However, it is difficult to commit to that part of the recommendation that suggests that an LPS, complying with a RLUS that conforms with the TPPs, is deemed to be consistent with the TPPs. The reason for this is because of the differing scales that the TPPs are implemented into the RLUS and the LPSs. The RLUS delivers regional strategic land use outcomes as compared to local outcomes delivered through an LPS, including an amendment to an LPS.</p> <p>A comparison can be drawn with State Policies. A RLUS is required to be consistent with State Policies. An LPS or LPS amendment that complies with a RLUS also needs to demonstrate consistency with a State Policy. The reason for this is because the policies are being applied for different purposes and at different scales. The application of the TPPs to an LPS should be the same consistent with the intent of section 34(2A) of the Acts.</p>

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		<p>There are strategies within the TPPs that allow for a more detailed planning response through an LPS amendment than what would be expected to be delivered through a RLUS. One such example is strategy 4 of clause 4.8.3 which provides for precinct planning to promote collaborations between industry, science, research and education institutions to promote learning and on the job training and shared access to resources. A Specific Area Plan (SAP) proposing a research and innovation hub that complies with 4.8.3.4, but not specifically identified in the RLUS, may be considered inconsistent with the TPPs if following the approach suggested in the TPC's recommendation.</p> <p>The Government would not want to find itself in a position where an LPS amendment that demonstrates compliance with the TPPs is refused because it is not specifically identified in the RLUS and therefore assessed as being inconsistent with it in accordance with the LPS criteria at section 34(2)(e) of the Act.</p> <p>Another example is strategy 8 of clause 1.1.3 that provides for growth on land that is located outside a settlement boundary identified through the RLUS. Again, the TPC's recommended approach would not allow this growth to occur because it is not identified in the RLUS but may very well comply with the TPPs potentially setting up a conflict within the planning system.</p> <p>I expect that supplementary implementation advice provided by the SPO and the TPC will assist users of the TPPs to determine what strategies have been applied through the RLUS's and what will need to be considered through local strategic planning.</p> <p>This approach partially delivers the outcome recommended by the TPC but allows the specific local application of TPPs where warranted.</p>

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7.2	Guidelines should be developed after the TPPs have been approved to assist in their application within the subsequent reviews of the RLUSs and SPPs.	Agree and supported. The SPO has oversight of the reviews of the RLUSs and SPPs which will appropriate guide implementation of the TPPs.
7.3	Develop processes to implement the specific tasks required by many TPP strategies and which may be carried out at state, regional or local levels. This particularly relates to ongoing data management and its use to support regional planning, code overlays and LPS zoning – also acknowledging that adopting such TPP strategies creates an obligation to resource their implementation. As an example of this, the Department of Natural Resources and Environment should complete the next stage of an upgraded TASVEG, develop a methodology for ranking biodiversity significance, map groundwater recharge areas and further develop the Tasmanian Geoconservation Database.	Agree and supported. These matters will be considered following the implementation of the TPPs.
7.4	Further investigations should be carried out into the development of a methodology to effectively consider the cumulative impact of land use change and development on critical biodiversity values, possibly in conjunction with regular State of Environment reporting, plus the development of a statewide standardised approach in dealing with offsets for the unavoidable loss of biodiversity values.	<p>Agree and supported. As part of the SoE Report recommendations, there are a range of environmental projects being delivered by a range of government departments and partnerships. These programs not only assist to deliver initiatives as recommended by the SoE Report, but more broadly continue to deliver outcomes that protect and enhance Tasmania's natural environment.</p> <p>The Government is delivering a project to enhance the Natural Values Atlas through the Australian Government's Digital Environmental Assessment Program, with \$1.5 million over three years.</p> <p>This will modernise the platform, improve data interoperability, and enable easier access and contribution by users. The project is on track to deliver this work by March 2026.</p>

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7.5	Further investigations should be carried out in reconciling the existing policy statements within the Biodiversity and Agriculture TPPs. In the review of the SPPs, the intent of the Biodiversity and Agriculture Policies will need to be reconciled as the current SPPs exclude the Natural Assets Code from application to the Agriculture Zone.	Agree and supported. This matter will be considered as part of a future review of the SPPs.
7.6	Review the existing housing strategies within the TPPs for agriculture (4.1.3(9)), extractive industries (4.3.3(7)), tourism (4.4.3(5)) and renewable industry (4.5.3(6)) and consider whether they would be more appropriately included within the Settlement (Housing) TPP. This would on the basis that there are common housing issues to be dealt with across these different industries and that they are best not considered in isolation.	<p>Agree and supported.</p> <p>I have reviewed, and considered advice from the SPO, the strategies that relate to the provision of housing for different sectors and have concluded that they are more appropriate to sit within those policies rather than be consolidated because they all address the common issue of housing.</p> <p>The reason for this is because each sector (agriculture, extractive industries, social infrastructure, tourism and renewable energy) all have unique housing issues and therefore unique policy responses to address the issues relevant to that sector.</p> <p>The recommendation has been accepted and determined that the strategies are best placed where they currently sit, and no modification is required to the draft TPPs.</p>
7.7	The language used within the Historic Cultural Heritage TPP should be reviewed to ensure that it is consistent with the terminology in the Burra Charter and with that used currently within heritage planning contexts (examples given were that “preserve” should be “retain” and “restore” should be “conserve”). It is recommended that any necessary changes be made within the TPP and be considered as part of the SPP review (refer to relevant representations for further detail).	<p>The Burra charter includes the following definitions:</p> <p><i>Conservation – means all the processes of looking after a place so as to retain its cultural significance.</i></p> <p><i>Maintenance – means the continuous protective care of a place, and its setting.</i></p> <p><i>Preservation – means maintaining a place in its existing state and retarding deterioration.</i></p>

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		<p><i>Restoration – means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.</i></p> <p>The examples provided in the TPC’s recommendation that “preserve” should be “retain” and “restore” should be “conserve” is inconsistent with the definitions extracted above from the Burra charter.</p> <p>The TPC’s recommendation appears contrary to the Burra charter definitions above. I have therefore determined not to make any modifications in response to this recommendation.</p>
7.8	Investigate any implications of the application of TPPs to decision making for Major Projects as currently required by the Act.	Agree and supported. The TPC will consider this as part of their implementation of the TPPs.

Recommended changes to the draft Tasmanian Planning Policies

General Application

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.9	<p>In the second paragraph of the General Application section, modify the following sentence to clarify that the Climate Change Statements are not operative parts of the TPPs, as follows:</p> <p><i>The Foreword, Table of Contents, headings, footnotes and the Policy Context section of each TPP, including the Climate Change Statement, are not intended to have operative effect. These parts or sections....</i></p>	<p>Agree and supported.</p> <p>The TPPs have been modified to state that the Climate Change Statement does not form part of the operative parts of the TPPs in accordance with the TPC’s recommendation. Further modifications have also been made to consolidate the Climate Change Statements into a single statement, with further information provided in separate background documents.</p>

Settlement TPP

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.10	<p>The strategies within the Settlement TPP that directly reference climate change are strategies 1.2.3(7) and 1.6.3(1) and (3). There are also others that allude to it with references to urban consolidation, emissions reduction, energy efficiency, renewable energy and carbon storage. Based on these and the references in the existing Statement, it is recommended that the following be included at the conclusion of the Climate Change Statement for the Settlement TPP. This addition ensures consistency with the other TPP Climate Change Statements.</p> <p><i>The Settlement TPP addresses these issues by:</i></p> <ul style="list-style-type: none"> • <i>supporting infill development and urban consolidation that most efficiently utilises existing infrastructure;</i> • <i>promoting public and active transport that reduces carbon emissions and a reliance on private motor vehicles;</i> • <i>mitigating the impacts of climate change within urban areas by encouraging the provision of green spaces, street plantings, shade and water sensitive urban design;</i> • <i>supporting the most vulnerable within the community by encouraging the provision of accessible services and protecting health and emergency facilities;</i> • <i>supporting urban design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions; and</i> • <i>encouraging subdivision and building design to be climatically responsive and energy efficient.</i> 	<p>In-principle support for this recommendation although I have decided to place the additional text in supporting information given the climate change statements were never operational parts of the TPPs.</p>
7.11	<p>Replace the paragraph under 1.1.1 Application with:</p> <p><i>Applies to existing settlements and land that has been proposed, allocated or identified for future settlement growth, with the exception</i></p>	<p>Agree and supported subject to modification.</p> <p>I have considered the recommendation, and further advice from the SPO, and determined to replace the existing Application</p>

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	<i>of rural residential settlements not included within an urban or settlement growth boundary where that land has been identified for growth at urban densities.</i>	statement at clause 1.1.1 with the following to provide further clarity: <i>Applies to existing settlements and land that has been proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements unless that rural residential settlement, or part of it, has been identified for infill growth at urban densities and included within an urban or settlement growth boundary.</i>
7.12	In order that future settlement growth accords with future planned transport systems, replace strategy 1.1.3(2)(c) with (change underlined): (c) <i>“integrate with existing <u>or planned</u> transport systems”.</i>	Agree and support that the modification assists with delivery the intent of the strategy. Modification made to the draft TPPs in accordance with the TPC’s recommendation.
7.13	Replace strategy 1.1.3(2)(d)(iii) with (change underlined): iii. <i><u>has</u> high environmental or landscape values;</i>	Agree and supported on the basis that the modification improves the drafting of the strategy. Modification made to the draft TPPs in accordance with the TPC’s recommendation.
7.14	Replace the “and” with an “or” at the end of strategy 1.1.3(2)(d)(iv). This appears to be a typo.	Agree and supported. Modification made to the draft TPPs in accordance with the TPC’s recommendation.
7.15	Replace strategy (3) within 1.1.3 with: a) <i>Identify regional settlement hierarchies and allocate growth scenarios to settlements based on:</i> (a) <i>population projections and forecast demographic change;</i>	Agree and support that the modification is a more appropriate way of expressing the original intent of the relevant strategies. Modification made to the draft TPPs in accordance with the TPC’s recommendation.

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	<p>(b) <i>the functional characteristics of the settlement and any specific role it plays in the State or region;</i></p> <p>(c) <i>the social, environmental and economic characteristics of the settlement;</i></p> <p>(d) <i>the availability of goods and services, including social infrastructure, to support the needs of the community;</i></p> <p>(e) <i>access to employment and training opportunities;</i></p> <p>(f) <i>efficient and accessible transport systems; and</i></p> <p>(g) <i>capacity and cost-efficient upgrading of physical infrastructure.</i></p>	
7.16	<p>Replace strategy (4) within 1.1.3 with:</p> <p><i>Support the growth of settlements that is in accordance with their allocated growth scenario.</i></p>	<p>Agree and support that the modification is a more appropriate way of expressing the original intent of the relevant strategies.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>
7.17	<p>Insert an additional factor to be considered within strategy 1.1.3(8) which states:</p> <p><i>whether infill targets have been met and available greenfield sites have been developed within the existing urban or settlement growth boundary;</i></p>	<p>Agree and support subject to modification to provide for a more performance-based response to considering infill targets and availability of greenfield sites.</p> <p>I have determined to add the following criterion after 1.1.3.8(c), which states:</p> <p style="padding-left: 40px;">d) <i>the extent of achieving infill targets and consideration of the release of greenfield sites within the existing urban or settlement growth boundary;</i></p> <p>As a result of the additional criterion, the proceeding criteria be subsequently renumbered.</p>

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7.18	Replace strategy 1.1.3(8)(c) with: <i><u>regional</u> land supply and demand analysis (including infill and greenfield);</i>	Agree and supported subject to modification to provide for specific consideration of both regional and local land supply and demand analysis as shown below: <i><u>regional and local</u> land supply and demand analysis (including infill and greenfield);</i>
7.19	Include the following at the end of strategy 1.1.3(11): <i>including addressing impediments to the development of suitably zoned land (e.g. land banking).</i>	Agree and support that the modification assists with the interpretation and implementation of the strategy. Modification made to the draft TPPs in accordance with the TPC's recommendation.
7.20	Replace strategy 1.2.3(5) with (single change underlined): 5. <i>Provide for connectivity within settlements, especially between residential areas, activity centres and open space networks, through a network of legible, <u>safe</u> and accessible infrastructure dedicated to active transport modes, including end of trip facilities.</i>	Agree and support that the modification assists with the interpretation and implementation of the strategy. Modification made to the draft TPPs in accordance with the TPC's recommendation.
7.21	Review strategy 1.2.3(8) from the perspective that it refers to very broad planning concepts that are open to interpretation and whether it can be made more relevant within the context of the other liveability strategies.	The strategy in question states: <i>'Improve neighbourhood amenity by managing incompatible use and development'</i> As indicated in the TPC's recommendation, this is a broad planning principle that is necessary to consider and provide for a strategic and regulatory response. The TPPs cannot prescribe exactly what this may entail because it depends on what use and development the planning instrument is seeking to manage and the type of neighbourhood amenity being considered.

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		<p>The strategy is an instruction to the SPPs to consider the range of use and development allowed in zones which subsequently may inform use and development standards to manage incompatible use and development to improve the type of amenity facilitated by the intent of the zone.</p> <p>The strategy is also an instruction to the RLUS in terms of strategically considering the application of zoning, including the range of allowable use and development, to provide for improved neighbourhood amenity, whatever that amenity might be.</p> <p>Having reviewed the strategy and its implementation, the detail and relevance to other liveability strategies will be delivered when it is considered in the context of the subordinate planning instruments and applied accordingly.</p> <p>Therefore, I have reviewed the strategy and determined that it should remain unchanged for the reasons outlined above.</p>
7.22	<p>Delete the last part of 1.3.1 Application as there is no reason to preclude the location of social infrastructure within rural residential settlements (e.g. rural fire services), so that 1.3.1 is replaced by:</p> <p><i>Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth.</i></p>	<p>The policy position for excluding rural residential settlements from the application of the Social Infrastructure policy was to manage the expectations of those living in those types of settlements that the Government does not intend to provide the same level of services that would be expected in urban settlements because the cost of servicing is too high relative to the amount of people being serviced.</p> <p>The TPPs define 'social infrastructure' as "means facilities and spaces where the community can access social services. These include emergency and health-related services, education and training, social housing programs, police, courts and other</p>

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		<p>justice and public safety provisions, as well as arts, culture and recreational facilities”</p> <p>The TPC’s recommendation is partially supported in that rural residential settlement should be serviced by the rural fire service however, as drafted the recommendation allows the provision of all types of social infrastructure to service rural residential settlements which is not consistent with Government’s policy position.</p> <p>To address this matter it is recommended that the existing application statement is modified as shown below with the proposed new text shown in underline:</p> <p style="text-align: center;"><i><u>Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements, other than for the provision of social infrastructure that supports the safety of those communities such as rural fire services.</u></i></p> <p>The recommendation is partially accepted and I have modified the draft TPPs in accordance with the discussion above.</p>
7.23	<p>Insert “inclusive” within 1.3.2 Objective so that it becomes:</p> <p style="text-align: center;"><i>To support the provision of adequate, accessible and inclusive social infrastructure</i></p>	<p>Agree and supported on the basis that it helps deliver the policy intent</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>
7.24	<p>Objective 1.4.2 under Settlement Types is too narrow in that different “types” of settlements are not limited by their environmental characteristics – they may be characterised by other features such as their history, culture, infrastructure, architecture, industry, civic role etc and the subsequent strategies deal with matters that go well beyond the</p>	<p>Agree and supported that the TPC’s recommended modification assists to deliver the intent of the policy</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>

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	<p>environmental values of settlements. Delete the word “environmental” so that the objective is:</p> <p><i>To plan for the sustainable use and development of settlements that have particular characteristics or values.</i></p>	
7.25	<p>Correct typos within 1.4.3(2) so that it reads as follows:</p> <p><i>Establish urban or settlement growth boundaries around coastal settlements to ensure that growth in coastal areas is directed to existing settlement areas and prevents linear development along the coast.</i></p>	<p>Agree and support that the modification corrects an error.</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>
7.26	<p>Insert “locally” within strategy 1.6.3(3)(a) so that it reads as follows:</p> <p><i>.... preferably locally native species where appropriate.</i></p>	<p>Agree and supported.</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>
7.27	<p>Insert the following additional policy after 1.6 Design, of the Settlement TPP (noting that strategy 5.1.3(5) is to be deleted):</p> <p>1.7 Development Contributions</p> <p>1.7.1 Application</p> <p><i>Applies to existing settlements and new areas of settlement growth.</i></p> <p>1.7.2 Objective</p> <p><i>To support the equitable sharing of costs between developers and the wider community associated with the provision of new, or upgraded, infrastructure to service growth.</i></p> <p>1.7.3 Strategy</p> <p><i>Facilitate development contributions that are fair, reasonable and transparent that apply to new use and development to support the effective provision of public infrastructure including, but not limited</i></p>	<p>The intent of the TPC’s recommendation is supported subject to minor modification as shown below to clarify that the strategy only applies where development contributions are applied as follows:</p> <p><u><i>Where Facilitate development contributions are applied that are fair, reasonable and transparent that apply to new use and development, they are fair, reasonable and transparent to support the effective provision of public infrastructure such as, including, but not limited to, stormwater, roads, footpaths, public amenities, reticulated services and public open space.</i></u></p>

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	<i>to, stormwater, roads, footpaths, public amenities, reticulated services and public open space.</i>	

Environmental Values TPP

Background regarding the use of the term ‘avoid’

The following provides background context and to address numerous recommendations by the TPC that follow in the table below that seek to strengthen the draft TPP policy setting by replacing leading verbs with ‘avoid’.

The use of ‘avoid’ in policy has been interpreted as absolute, meaning that the policy is applied as a direction rather than an aspirational statement guiding an outcome. The TPPs typically use a verb at the beginning of each strategy to help set the direction of that strategy in response to achieving the objective. These are mostly encouraging verbs that help the strategies work towards the aspirational outcomes expressed through the objective. The TPPs are an expression of policy, they are not typically intended to be definitive in the way a regulatory planning instrument works.

The leading verb used in the structure of the strategies reflects the policy intent. The TPPs minimise the use of such verbs such as ‘avoid’, ‘ensure’, ‘require’ and ‘protect’ because of fears that, as in circumstances in the past, they will be applied as an absolute direction when that is not the policy intent.

There are deliberate and very considered occasions when, for example, ‘avoid’ is used, however in such cases there is an alternate approach provided giving an option where it can be demonstrated that the strategy can be met.

While this concept is acknowledged in the TPC’s recommendation at 7.39, other recommendations of the TPC introduce ‘avoid’ to strengthen the policy without providing for alternate approaches and in doing so risks the policy being interpreted as a conclusive and definitive outcome which is not the intent of the policy as drafted.

For the reasons outlined above, I do not accept strengthening the TPPs strategies by replacing the leading verb with ‘avoid’ as recommended in several instances by the Commission.

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.28	<p>Strategy 2.1.3(2) prioritises social and economic values over environmental values when there should be a more equal balance as articulated within the RMPS objectives. It is therefore necessary to delete the first part of the strategy, so that it reads as follows:</p> <p><i>Avoid designating land for purposes that will require land clearance in areas identified as having high biodiversity values.</i></p>	<p>The draft strategy subject to this recommendation states:</p> <p><i>Unless there are significant social or economic benefits, avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.</i></p> <p>The TPC's recommendation is to remove the 'significant social or economic benefit' test and the removal of the quantifying statement applying the avoidance to 'substantial' areas of land clearance.</p> <p>See my comments above regarding my concerns with the use and interpretation of 'avoid' in the TPPs and why I have chosen to disregard recommendations to replace leading verbs with 'avoid'</p> <p>My concerns are that, as recommended by the TPC, the redrafting of the strategy would not allow land having high value biodiversity to be designated for any purpose that allows land clearance even if it was providing a significant public benefit or where it only required a small amount of land clearance.</p> <p>The strategy, as originally drafted, is to provide a balanced approach where the decision maker can consider the amount of land to be cleared, and therefore the loss of high biodiversity values, against the public benefit of the use and development that contributed to that loss. The strategy should not sterilise land that might be suitable for use and development where the loss of high biodiversity value is minimal and can be managed or offset (in accordance with subsequent strategies) where that use and development provides a greater public benefit than the environmental values being lost.</p> <p>Another issue with the TPC's proposed change to the policy setting of this strategy is that the methodology for determining biodiversity</p>

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		<p>values is yet to be finalised so we do not know the extent of land containing 'high biodiversity values' and therefore the extent of land that would be sterilised from development as a result of the TPC's recommended modification.</p> <p>To address the TPC's issue of 'prioritising social and economic values over environmental values' I have included an environmental benefit test. This is to address situations where the loss of a small amount of high biodiversity value might be acceptable to protect a large area of medium biodiversity values. The strategy is modified (as shown by underline) as below:</p> <p><i>Unless there are significant social, <u>environmental</u> or economic benefits, avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.</i></p>
7.29	<p>The mention of "offsets" within strategy 2.1.3(5) should be further clarified by adding the additional words as follows (as underlined):</p> <p><i>Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset <u>with measures that will provide a net gain in the resilience and viability of the impacted biodiversity values.</u></i></p>	<p>Offsets operate within a hierarchy of mitigation where the first consideration is whether impacts to biodiversity can be avoided or minimised, followed by remedying of impacts on site, followed by mitigation options within the footprint area of the development and then by offsetting the impacts.</p> <p>Offsetting biodiversity values is a last resort in the mitigation hierarchy because it is difficult to successfully achieve.</p> <p>The additional words proposed by the TPC are unrealistic to achieve in terms of successfully offsetting biodiversity values and in terms of operating the policy through the planning system given the difficulty to monitor and enforce a 'net gain in the resilience and viability of impacted biodiversity values'</p>

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		<p>While there is in principle support for offsetting biodiversity values in accordance with the TPC's recommendation, I am of the view that it is unrealistic and unachievable for the planning system to deliver the intent as drafted in the TPC's recommendation.</p> <p>Based on the reasons discussed above, I have modified the strategy to specify that offsets should only be considered after efforts to avoid or minimise impacts have been exhausted consistent with the general offset principles in Appendix 4 of the Guidelines for Natural Values Surveys related to Development Proposals.pdf (nre.tas.gov.au)</p> <p>Strategy 2.1.3(5) is modified as follows:</p> <p><i>Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and if where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised <u>prior to considering and applying offsets.</u></i></p>
7.30	<p>Strategy 2.2.3(2) appears to have a typo with an “and” that should be an “or” as shown as follows (with the change as underlined):</p> <p><i>Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution <u>or</u> would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:</i></p>	<p>Agree and supported as the modification corrects a drafting anomaly and assists with interpretation of the TPPs.</p>
7.31	<p>Subclause (b) within Strategy 2.2.3(2) needs to be qualified to relate to flood mitigation measures that protect existing settlements or communities, as distinct from a proposed development located adjacent</p>	<p>It is not the policy intention to limit the application of flood mitigation measures to protecting existing settlements or communities. For example, flood mitigation measures might be required to protect</p>

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	<p>to a waterway, so that it reads as follows (with the change as underlined):</p> <p><i>is for flood mitigation measures <u>to protect existing settlements or communities</u>;</i></p>	<p>agricultural resources, mining operation or public infrastructure that is not necessarily located within an existing settlement.</p> <p>For these reasons I do not support the TPC's recommendation and no modification will be made to the strategy.</p>
7.32	<p>Subclause (a) in strategy 2.2.3(4) should be amended so that the clearance of native vegetation in and around waterways, wetlands and estuaries should be avoided in the first instance. As it is currently written, some use or development will take place regardless of the native vegetation. It should read as follows (with the change as underlined):</p> <p>(a) <u>avoid</u> the clearance of native vegetation;</p>	<p>As I have already discussed above, the TPC's recommended use of 'avoid' to replace 'minimise' could cause the policy to be interpreted and applied so that no use or develop is to clear native vegetation in or around waterways, wetland and estuaries. This would effectively prohibit public infrastructure and that is why the original policy was to 'minimise' land clearance because I acknowledge that there will be some clearance required.</p> <p>For these reasons I do not support the TPC's recommendation and the original policy setting is retained.</p>
7.33	<p>Subclause (d) in strategy 2.2.3(4) is not sufficiently robust in that "managing" soil erosion might include very minor works that have little effect and that measures should be taken to effectively prevent soil erosion from occurring so that this should read as follows (with the change as underlined):</p> <p>(d) <i>avoid land disturbance and prevent soil erosion and changes in sediment loads entering the water caused by land disturbance;</i></p>	<p>The original drafting actually states:</p> <p>4. <i>Use and development located in, or around, waterways, wetland and estuaries will:</i></p> <p>...</p> <p>(d) <i>avoid land disturbance or manage soil erosion and changes in sediment loads entering the water caused by land disturbance</i></p> <p>(emphasis added)</p> <p>As I have already discussed, the drafting of the TPPs has tried to avoid using 'avoid' but in this instance the policy position is, in the first instance trying to avoid, or, where that cannot be achieved, the strategy allows for the impact associated with the land disturbance to be managed.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		<p>The TPC's proposed drafting to 'avoid land disturbance and prevent soil erosion' is not supported as it would not allow any disturbance, soil erosion or changes in sediment loads entering the water when I consider this is an inevitable side effect of development. The appropriate policy setting is firstly to avoid disturbance, and if that cannot be achieved then manage the associated impacts.</p> <p>For the reasons above, I do not support the TPC's recommendation and the original drafting is retained.</p>
7.34	<p>Amend subclause (e) in strategy 2.2.3(4) so it that provides some additional clarification as follows (change underlined):</p> <p><i>not significantly change the rate and quantity of stormwater <u>(such as by utilising water sensitive urban design techniques)</u> or increase pollutants entering the water; and</i></p>	<p>Agree and supported as the additional words add clarification and additional context to that part of the strategy.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>
7.35	<p>Strategy 2.3.3(1) uses the word "discourage" when it is more appropriate to state that development that would impact on high conservation value geodiversity should be avoided, so that this strategy should read as follows (with the change as underlined):</p> <p><i>Identify and map land containing high conservation value geodiversity and <u>avoid</u> designating land for use and development that will impact those values, including through the modification of natural processes and functions that prevents geological, geomorphological or soil features from evolving naturally, unless the impacts can be managed to support the values.</i></p>	<p>See commentary above. The original drafting deliberately avoided using 'avoid' in the strategies because it has been interpreted in the Tasmanian planning system as being a conclusive and absolute direction that must be followed which I do not necessarily support for the purpose of applying planning policy.</p> <p>Given we do not know the extent of areas containing high conservation value geodiversity and all the impacts of different use and development on them at this stage because it is a relatively new topic being addressed in the planning system, the policy position is to 'discourage' designating for use and development that will impact geodiversity values.</p> <p>For the reasons I have provided above I do not support the TPC's recommendation and the original drafting is retained.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.36	Replace strategy 2.3.3(3) with (change underlined): <i>Encourage integrated management of geodiversity and biodiversity to <u>maintain or</u> enhance ecological processes.</i>	Agree and supported on the basis that it adds clarification to the application of the strategy. Modification made to the draft TPPs in accordance with the TPC's recommendation.
7.37	Replace 2.4.3(3) with (changes underlined): 3. <i>Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:</i> (a) <i>relies specifically on being located within a significant landscape; <u>and</u></i> (b) <i>has overriding social, economic <u>or</u> environmental benefits;</i> <i>and includes specific <u>measures</u> to minimise the impact on the significant landscape.</i>	Partially agree and support the recommendation. The original drafting deliberately places an 'or' between subclauses a) and b) to acknowledge that there may be a reason to locate use and development in significant landscapes which do not necessarily have an overriding community benefit. The impacts associated with this are minimised through the application of that part of the strategies that requires 'and includes specific measures to minimise the impact on the significant landscape'. Therefore, I do not support the replacement of 'or' with 'and'. I do support the recommended modification to replace 'measure' with 'measures' as it addresses a drafting error.

Environmental Hazards TPP

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.38	In response to a submission from Mineral Resources Tasmania (MRT), the SPO has recommended that paragraph 5 of the Policy Context section for the Environmental Hazards TPP be deleted and replacing it with: <i>Planning is one component of an integrated system that operates, in conjunction with others, to reduce the likelihood of impacts arising from natural disasters and reduce the risk of</i>	In principle support for the TPC's recommendation however I have determined that the additional text will form part of guidance or explanatory information that will sit outside of the TPPs.

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	<p><i>harm caused by these events. For example, the regulation of landslip hazard involves a number of Acts. Landslip hazard areas are defined by hazard overlays in the TPS made under the Act, and by Proclaimed Landslip A and B zones under the Mineral Resources Development Act 1995. Controls on development and building in these identified landslip areas are then imposed under the Building Act 2016, the Building Regulations 2016 and the associated Determinations issued by the Director of Building Control.</i></p> <p><i>The Act also more broadly provides guidance on addressing issues relating to natural and environmental hazards including public health, public safety or other prescribed circumstances. The Environmental Management and Pollution Control Act 1994 includes provisions to protect and enhance the quality of the environment to prevent any adverse impact and maintain environmental quality.</i></p>	
7.39	<p>Combine strategies 3 and 4 of clause 3.1.3 as follows and renumber the subsequent strategies. This is consistent with the approach adopted by other strategies, in that the policy is to firstly avoid, but then if avoidance cannot be achieved use or development may still be possible if the risk can be managed.</p> <p><i>Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks. Where it is not practical to avoid bushfire hazards, use and development is to:</i></p> <p>(a) <i>identify the risk of harm to human life, property and infrastructure caused by bushfire;</i></p>	<p>Agree and supported as it provides a consistent approach to the drafting of the strategies.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	<p>(b) <i>incorporate bushfire protection measures that manage the identified risk and reduce it to within a tolerable level; and</i></p> <p>(c) <i>provide a higher level of risk mitigation for uses deemed to be vulnerable or hazardous.</i></p>	
7.40	<p>Replace strategy 3.3.3(1) with (minor changes to improve phrasing):</p> <p><i>Identify and map land that is vulnerable to flooding based, as a minimum, on a 1% Annual Exceedance Probability (AEP) flood event, or an alternative as determined by State Government for the management of flood risks associated with climate change and other matters.</i></p>	<p>Agree and supported that the revised text assist improves the draft quality subject to the additional modification to include 'as determined by <u>the State Government</u>'.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation as modified above.</p>
7.41	<p>Amend sub-clause (a) in strategy 3.4.3(3) so that it is (change underlined):</p> <p>(a) <i>dependent on a coastal location <u>and the risk can be managed</u>;</i></p>	<p>The management of risk is articulated in the following strategy (3.4.3.4).</p> <p>I consider the TPC's recommended modification is vague in the sense that it does not specify the level of risk that is acceptable and sets up a potential conflict with the following strategy that does express how to manage risk.</p> <p>For the reasons above, I do not support TPC's recommendation and the original drafting is retained.</p>
7.42	<p>Amend sub-clause (b) in strategy 3.4.3(3) so that it is (change underlined):</p> <p>(b) <i>temporary, readily <u>relocatable</u> or able to be abandoned;</i></p>	<p>Agree and supported that the additional text supports the interpretation and application of the strategy.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>

Sustainable Economic Development TPPs

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.43	<p>The following additional text at clause 4.0.1 of the draft TPPs, be included as shown by underline below:</p> <p><i>Tasmania's natural resources underpin our economic prosperity. Our fertile soils, mild climate and reliable rainfall provide opportunities in the agricultural sector while our pristine air quality unique landscapes and ecological diversity attract visitors from around the world. <u>Our geological diversity provides significant opportunities both for the discovery and development of world class mines and for the extraction of materials for development. The minerals sector is a key sector for employment, exports and the supply of primary inputs for the construction and development sectors.</u></i></p> <p><i>Our proximity to Antarctica and the Southern Ocean provides advantages to attract research, accessing and servicing opportunities.</i></p>	<p>In principle support for the TPC's recommendation, however I have determined that the additional text will form part of guidance or explanatory information that will sit outside of the TPPs..</p>
7.44	<p>Correct the typo in the 4.1.2 Objective by replacing "agriculture" with "agricultural" as follows:</p> <p><i>To promote a diverse and highly productive agricultural sector by protecting agricultural land and the resources on which agriculture depends</i></p>	<p>Agree and supported on the basis that the modification is correcting a drafting anomaly.</p>
7.45	<p>In order to reflect current best practice more accurately, replace strategy 4.1.3(1) with (also changes to improve phrasing):</p> <p><i>Identify agricultural land and potential agricultural land by utilising contemporary land and enterprise suitability modelling, land capability data and other contemporary spatial information systems, including consideration of availability of irrigation water, proximity to markets, long term agricultural land use trends and future climate scenarios.</i></p>	<p>The proposed modification fails to deliver the primary policy intent of the strategy which is not just to identify agricultural land and potential agricultural land but rather to identify and map the land capability of agricultural and potential agricultural land.</p> <p>The TPC's recommendation introduced 'proximity to markets' as a consideration of land capability. It is considered that the rating of agricultural land should not be based on proximity but on its inherent capability as it is a limited resource that should be</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		<p>protected irrespective of proximity. For example, King Island has high quality agricultural land but is isolated from markets and would therefore have a lower ranking and a lower level of protection through the application of the policy.</p> <p>While I do not accept the modifications proposed in the TPC's recommendation, I do agree that the drafting of the strategy can be improved. , Therefore I have restructure it to make it clear what elements contribute to determining land capability, by replacing strategy 4.1.3 (1) as follows:</p> <p><i>Identify agricultural land, and potential agricultural land, and apply a contemporary land capability classification mapping system based on land capability data that considers:</i></p> <ul style="list-style-type: none"> <i>a) land and enterprise suitability modelling;</i> <i>b)availability of irrigation water;</i> <i>c)capability of land to sustain long term agricultural uses, including under forecast climate change scenarios; and</i> <i>d)long term agricultural land use trends.</i>
7.46	<p>Replace strategy 4.1.3(10) with (change underlined – to refer to a defined term and to not be limited only to “farm gate markets”):</p> <p><i>Support the retention of small farms close to urban areas and acknowledge the contribution, or potential contribution, that they make in supplying produce <u>to local markets or stores and support agritourism.</u></i></p>	<p>The original strategy states:</p> <p><i>Support the retention of small farms close to urban areas and acknowledge the contribution, or potential contribution, that they make in supplying local produce to farm gate market, agrifood economy and tourism.</i></p> <p>The TPC's recommendation removes the concepts of 'agrifood economy' and 'tourism' and replaces it with 'agritourism' which is defined as:</p> <p><i>means a tourism-related experience that connects agricultural or aquaculture products, people or places with visitors on a farm, including marine farms.</i></p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		<p>Agritourism is more about connecting agricultural products, people or places with visitors visiting the farm. The intention of the strategy in question is about the supply of local produce to local markets to help the agrifood economy and tourists wanting to sample that local produce. It is not about promoting people to visit the farm for a tourism experience but rather about the products being produced locally and supplying local markets that contribute to broader tourism potential and visitor experience of a locality or region.</p> <p>Strategy 8 of the Agricultural policy deals with supporting agritourism on farms.</p> <p>While I do not support replacing ‘agrifood economy and tourism’ with ‘agritourism’, I do support that part of the TPC’s recommendation, to not limit the outcome to ‘farm gate markets’ and replace with ‘local markets’, which is broader and supports produce going to stores, restaurants and farm gate markets.</p> <p>Therefore. I have modified 4.1.3.10 by replacing it as follows:</p> <p><i>Support the retention of small farms close to urban areas and acknowledge the contribution, or potential contribution, that they make in supplying local produce to local markets, the agrifood economy and tourism.</i></p>
7.47	<p>Delete the second part of strategy 4.3.3(3) as it implies that there is to be unfettered access to future mineral resources and is not subject to the qualifications within strategy 4.3.3(5) – so that 4.3.3(3) is:</p> <p><i>Support the long-term viability of existing extractive operations.</i></p>	<p>Agree and supported that the TPC’s recommendation improves the interpretation and application of the strategy.</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>
7.48	<p>Amend strategy 4.3.3(5) so that it is (change underlined):</p> <p><i>Support future mineral extraction on land available for mineral exploration by, prior to designating the land for a purpose that removes</i></p>	<p>Agree and supported that the TPC’s recommendation improves the interpretation and application of the strategy.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	<i>the ability of that land to be used and developed for mineral extraction, considering the following:</i>	Modification made to the draft TPPs in accordance with the TPC's recommendation.
7.49	<p>Replace strategy 4.4.3(4) with:</p> <p><i>Support diverse and innovative tourism experiences that are of a high quality, respect the environment and reflect the uniqueness of Tasmania.</i></p>	<p>This recommendation proposes to remove reference to the 'Tasmanian brand'. Although the TPC does not provide commentary in its report, I am advised that it was the subject of a direction to the SPO to address in a further submission. The direction was:</p> <p><i>How is the "Tasmanian brand" referred to [in] clause 4.4.3.1(f) and 4 ascertained and does it establish or create a perception that certain types of business[es] will receive a more favourable assessment or less objective assessment than those businesses that do not align with or promote the "Tasmanian brand"?</i></p> <p>The Brand Tasmania main objectives are established under the <i>Brand Tasmania Act 2018</i> align well with, and are reasonable considerations for the planning system in strategically considering tourism products.</p> <p>I agree and support the removal of reference to the 'Tasmanian brand' on the basis that the modification to the strategy articulate what the objectives of the Tasmanian brand is trying to achieve.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>
7.50	In order to be consistent with the changes made to strategy 4.4.3(4), delete subclause (f) within strategy 4.4.3(1).	<p>As already determined, strategy 4.4.3(4) has been modified, for reasons discussed above, to remove the concept of the 'Tasmanian brand' and replace it with text that articulates what that brand is.</p> <p>Strategy 4.4.3.1 subclause f) also refers to 'aligning with and promotion of the Tasmanian brand'. The strategy in full states:</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		<p>1. <i>Identify existing and potential key tourism sites or destinations and investigate the role of these sites or destinations from a State, regional and local perspective to help plan where they are best located and how they can be sustainably developed, taking into consideration:</i></p> <ul style="list-style-type: none"> a) <i>visitor demand and forecast trends of visitation across the State;</i> b) <i>existing supply of tourism product, services and infrastructure;</i> c) <i>appropriateness of the scale and nature of the tourism use;</i> d) <i>the impact on the environmental, landscape, intrinsic and local character values of the place;</i> e) <i>the use and development being displaced;</i> f) <i>alignment with and promotion of the Tasmanian brand;</i> g) <i>alignment with regional destination plans supporting the visitor economy;</i> h) <i>the contribution to the local, regional and State economy; and</i> i) <i>integration with the local community.</i>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		<p>While I support the reasons for the removal of reference to the 'Tasmanian brand', I also support the concept of what it represents and that that should still be a policy consideration in strategy 4.4.3.1.</p> <p>For that reason I have determined to modify the TPPs by replacing subclause f) with:</p> <p style="text-align: center;"><i>differentiating and enhancing Tasmania's appeal and competitiveness locally, nationally and internationally</i></p> <p>Reference to furthering 'our brand values' is also stated in strategy 3 of clause 4.8.3. Consistent with my modification above, I have removed reference to 'brand values' and replaced that text with what those brand values are, as follows:</p> <p style="text-align: center;"><i>"... promote Tasmania's assets, facilitates diversification of our economy, makes use of our geographical location and <u>enhances our appeal and competitive advantages</u> further our brand values, by providing planning mechanisms that are adaptive and flexible to respond competitively to opportunities as they arise."</i></p> <p>The modification that I have made to the draft TPPs are based partially on the issues raised by the TPC in its recommendations however I have further modified the strategy to ensure that the Government's policy, as intended in the original drafting, is delivered.</p>
7.51	<p>Replace the beginning of the initial statement of strategy 1 within 4.5.3 with:</p> <p><i>Identify renewable resource areas for the preferred location of renewable energy</i></p>	<p>Agree and supported on the basis that it replaces the text 'identify renewable resource areas to prioritise the location of renewable energy' which is not the correct policy setting. The reason for this is that the policy should identify the 'preferred location' for renewable</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		<p>energy use and development so it can be considered in the context of other competing interests and not prioritised over them.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>
7.52	<p>As "investor interest" is of no relevance to a planning decision, delete sub-clause (c) within strategy 4.5.3(1).</p>	<p>I am of the view that 'Investor interest' is a relevant economic consideration. Although it may not be relevant to a planning decision, it may very well be a relevant strategic planning consideration and inform planning outcomes delivered through the RLUSs.</p> <p>For this reason I do not accept the TPC's recommendation and the original drafting is retained.</p>
7.53	<p>Correct the typos within 4.5.3(3) so that it is:</p> <p>3. <i>Recognise the quality and diversity of Tasmania's renewable energy resources and the role they can play in limiting greenhouse gas emissions and supporting the transition to a national low carbon economy through existing and future interconnection to Tasmania.</i></p>	<p>Agree and supported on the basis that it is correcting a drafting error subject to replacing 'interconnection' with 'interconnections' which is another error.</p>
7.54	<p>Include an additional strategy under section 4.6.3, shown below by <u>underline</u>, and swap the order of original strategies 1 and 2, as follows:</p> <p>4.6.3 Strategies.</p> <ol style="list-style-type: none"> 1. <u>Strategically identify and protect land that is suitable for industrial use and development to meet the needs of future generations.</u> 2. <i>Provide for at least a 15 year supply of industrial land, that is located within urban <u>or settlement</u> growth</i> 	<p>Agree and supported on the basis that it allows identification and protection of industrial land for future generations. I also support the other minor modification recommended by the TPC which brings the strategy into conformity with the drafting styles of other strategies.</p> <p>While I have made modifications to the draft TPPs in accordance with the TPC's recommendation, I have also made other modifications to the Industry policy based on advice from the SPO in response to issues raised applying the strategies to the RLUS.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	<p><i>boundaries, that is based on projected demand to meet the economic needs of Tasmania.</i></p> <p>3. <u>Identify</u> and allocate land within urban <u>or settlement</u> growth boundaries that is suitable for industrial use and development, considering:</p> <ul style="list-style-type: none"> (a) <i>analysis of industrial activities and land supply at a regional or metropolitan level, including existing available land, potential for growth within, or adjacent to, existing centres, and the nature of current and future industrial activities;</i> (b) <i>topography and physical site constraints;</i> (c) <i>compatibility of surrounding land use;</i> (d) <i>provision of adequate buffer areas to separate incompatible uses;</i> (e) <i>access to workforce;</i> (f) <i>supply chain relationships, including freight patterns, and proximity to existing freight networks, including high productivity and key local freight roads;</i> (g) <i>the ability to and cost of, servicing with physical infrastructure; and</i> (h) <i>avoidance of environmental hazards and environmental values.</i> <p>4. <u>Enable</u> industrial use and development, outside urban <u>or settlement</u> growth boundaries, where.....</p>	<p>Those modifications and the reasons that I made those modifications are detailed below in Table 2 at reference SPO 18.</p>

Physical Infrastructure TPP

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.55	<p>Amend strategy 5.1.3(3) to replace the words “growth areas” with “existing settlements” (as shown below by underline). This is because it would be inappropriate to have designated growth areas “where there is no infrastructure, no available infrastructure capacity or no infrastructure solution”. However, there may be existing settlements where this is the situation.</p> <p>3. <i>Where there is no infrastructure, no available infrastructure capacity or no infrastructure solution, promote the most logical and effective solution to deliver services to <u>existing settlements</u> while minimising environmental impacts.</i></p>	<p>The existing strategy states:</p> <p><i>Where there is no infrastructure, no available infrastructure capacity or no non-infrastructure solution, promote the most logical and effective solution to deliver services to growth areas while minimising environmental impacts.</i></p> <p>The intent of the strategy is to provide for the logical and effective roll out of infrastructure where there is no current infrastructure (eg greenfield site). While the TPPs prioritise growth in areas where there is existing infrastructure, they also have to provide for the efficient delivery of infrastructure to those growth areas where there is no current infrastructure.</p> <p>To deliver this intent and to provide additional clarification, I have modified the strategy to specify that the delivery of services is to “growth areas of existing settlements”.</p>
7.56	<p>Delete strategy 5.1.3(5) – noting that an additional strategy has been inserted after 1.6 Design within the Settlement TPP.</p>	<p>Agree and supported on the basis that strategy 5.1.3(5) has been replaced by my modification to include an additional policy for Development contributions after the Desing policy in the Settlement TPP.</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>
7.57	<p>Correct the typo within 5.1.3(7) so that it is:</p> <p><i>Provide for reticulated sewerage at the time of subdivision or require lots, created by the subdivision, to be capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.</i></p>	<p>Agree and supported on the basis that it addresses a drafting anomaly</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>

Cultural Heritage TPP

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.58	<p>In order that the information within the third paragraph of 6.01 Policy Context is more consistent with the Australia ICOMOS (2013) Burra Charter approach it should be replaced with:</p> <p><i>Much historic cultural heritage is visible, known, accepted and valued, and easily identifiable for protection. However much Aboriginal cultural heritage and some historic heritage, primarily archaeological heritage and heritage with social value, is not formally identified until rediscovered, commonly in the course of development preparation. While the significance of visible tangible assets tends to be recognised and valued, lesser-known archaeological values, social values and intangible values associated with cultural heritage also need to be recognised, protected and managed.</i></p>	<p>In principle support for the TPC's recommendation however I have determined that the additional text will form part of guidance or explanatory information that will sit outside of the TPPs.</p>
7.59	<p>After the paragraph in Policy Context for 6.01 ending in "... cultural heritage story." – insert a new paragraph, this being:</p> <p><i>While the development of places listed on the State, National or world heritage registers are dealt with outside of the TPS, there is a role for the RLUSs to consider these places of heritage significance when designating land uses and developing regional policies.</i></p>	<p>As above, in principle support for the TPC's recommendation however I have determined that the additional text will form part of guidance or explanatory information that will sit outside of the TPPs.</p>
7.60	<p>The second last paragraph within 6.01 Policy Context does not refer to the fact that cultural heritage is of fundamental importance in promoting community well-being, particularly when such heritage values are well-recognised and attract people to visit or live in an area. It is therefore recommended that the final sentence in this paragraph be as follows:</p>	<p>As above, in principle support for the TPC's recommendation however I have determined that the additional text will form part of guidance or explanatory information that will sit outside of the TPPs.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	<i>This justifies supporting the protection of these values for community well-being and the benefit of present and future generations.</i>	
7.61	There is a typo in the numbering for the Climate Change Statement. It should be: <i>6.0.2 Climate Change Statement</i>	This recommendation is now irrelevant as I have already decided to remove the Climate Change Statements from each TPP and place a consolidated Climate Change Statement after the General Application and Implementation section of the TPPs.
7.62	The 6.1.2 Objective for Aboriginal Cultural Heritage should also refer to the need to protect cultural landscapes as follows: <i>Support the protection and Aboriginal custodianship of Aboriginal cultural heritage values including places, objects, areas, landscapes and practices.</i>	<p>The TPC recommendation includes listing 'landscapes' as an Aboriginal cultural heritage value which, appears to imply that it then requires consideration under the following strategies where 'Aboriginal cultural heritage values' are mentioned. It is noted that the inclusion of 'landscapes' in the objective of the policy does not sit very well with some of the subsequent strategies that relate to 'places and objects'. It is unclear from the TPC's recommendation if 'landscape' it to be explicitly included in that strategy.</p> <p>While it is acknowledged that there is merit in this recommendation, there needs to be caution in including 'landscapes' in the context of the Aboriginal Cultural Heritage policy. The Government's intention in the proposed new Aboriginal Cultural heritage legislation is to define and refer to 'Aboriginal Cultural Heritage sites', and to avoid referring to 'landscapes'. This is due to the great difficulty of defining the term adequately, and in a manner that provides reasonable certainty to Aboriginal people, regulators and stakeholders.</p> <p>Until such time that there is a more definitive position in terms of the legislation and having an agreed position on defining what an Aboriginal Cultural Heritage landscape means, the inclusion of it in the TPPs presents a risk to their implementation and potentially introduces conflict and uncertainty into the planning system.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		<p>When the review of the Aboriginal Heritage legislation is complete, the TPPs will be reviewed to align with the outcomes of that legislation, which may involve including 'landscapes' in the Aboriginal Cultural Heritage policy of the TPPs.</p> <p>Until that broader issue is resolved I do not support the TPC's recommendation and the original drafting is retained.</p>
7.63	<p>Replace the 6.2.2 Objective with:</p> <p><i>To support the strategic consideration of places listed on State, National and world heritage registers and identification and conservation of significant local historic cultural heritage buildings, part of buildings, infrastructure (for example bridges), places/features, precincts and landscapes and promote sympathetic design solutions and responses that preserve or complement those cultural heritage values and facilitate appropriate adaptive reuse.</i></p>	<p>Agree and supported on the basis that the objective now includes strategic consideration of State, National and world heritage registered sites.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>
7.64	<p>Insert the following new Strategy 2 in 6.2.3 (so that the existing 2 becomes 3 etc):</p> <p><i>Identify sites that have State, National or world heritage significance and consider the impacts on the heritage values of those sites when designating land for a particular purpose.</i></p>	<p>Agree and supported on the basis that the objective now includes strategic consideration of State, National and world heritage registered sites.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>
7.65	<p>Replace strategy 6.2.3(6) with the following, promote it to strategy (2) in the hierarchy and renumber the subsequent strategies within 6.2.3. Changes were made to reflect all categories of Places in a heritage planning context and because "significance" and "value" have the same meaning.</p> <p><i>Encourage the initiation and implementation of heritage surveys to proactively identify and manage historic heritage places and</i></p>	<p>Strategy 6 of clause 6.2.3 states:</p> <p><i>Encourage the initiation and implementation of local heritage surveys to proactively identify and manage historic heritage places of local historic cultural heritage significance and to clearly articulate the heritage values of places and precincts listed as having local historic cultural heritage significance.</i></p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	<p><i>to clearly articulate the heritage of places and precincts listed as having historic cultural heritage significance.</i></p>	<p>The TPC's recommendation is to remove reference to 'local'.</p> <p>The Policy Context section of the Cultural Heritage TPP provided an overview of how cultural heritage is dealt with in the State. It describes that matters of State cultural heritage significance are protected by the <i>Historic Cultural Heritage Act 1995</i>, while matters of local heritage are protected by instruments made under the Act.</p> <p>The reference to 'local heritage surveys' and 'local historic heritage significance' in strategy 6 is a deliberate attempt to make it clear that the strategy only applies to local heritage consistent with the legislative framework responsible for protecting heritage in Tasmania.</p> <p>I do not support the TPC's recommendation as it broadens the scope of the strategy which is inconsistent with the existing statutory framework. The original drafting is retained.</p>
7.66	<p>Replace strategy 6.2.3(7) with the following (for clarity and simplification).</p> <p><i>Encourage the preparation and publishing of conservation policies for heritage precincts, as well as development, in-fill, and pre-development assessment guidelines, that will foster understanding and awareness of the importance of historic cultural heritage and provide greater clarity and consistency in the management of significant heritage values.</i></p>	<p>Agree and supported on the basis that it assists interpretation and implementation of the strategy.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>

Planning Processes TPP

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
7.67	Delete the final paragraph of 7.0.1 Policy Context.	Agree and supported noting that I have already made other modification to the Policy Context sections of the TPPs.
7.68	Delete 7.3 Regulation TPP entirely (see discussion in section 5.9 of this report).	Agree and supported for the reasons the TPC outlined in section 5.9 of its report being that it caused confusion with statutory requirements under the Act and set up perceived conflicts. Modification made to the draft TPPs in accordance with the TPC's recommendation.
7.69	In the definition of 'Agricultural use' in the Glossary, add an 's' after 'animal'.	Agree and supported on the basis that it addresses a drafting anomaly. Modification made to the draft TPPs in accordance with the TPC's recommendation.
7.70	The Tasmanian Housing Strategy combines the two definitions for 'affordable housing' and 'housing stress' within a single definition for 'affordable housing'. Delete the existing definition of 'Housing stress' and replace the existing definition of 'Affordable housing' with the following: Affordable housing – means housing for purchase and rental, including social housing, that is appropriate for the needs of very low-, low- and moderate-income households. Delete definition of 'Housing stress'.	The correct definition for 'affordable housing' in the Tasmanian Housing Strategy, as provided to the TPC in the SPO's response submission dated 5 February 2024, is shown below with the additional text underlined: Affordable housing – means housing for purchase and rental, including social housing, that is appropriate for the needs of very low-, low- and moderate-income households. <u>This is generally understood to mean housing that costs no more than 30 per cent of a household's gross income.</u> The definition of 'Housing stress' has been deleted because the concept is now included in the definition of 'affordable housing' as shown by underlined above.

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
		The TPC's recommendation is supported subject to the modification to the definition that I have made as shown above.
7.71	<p>Modify the definition of 'rural residential settlement', as follows:</p> <p><i>Rural residential settlement</i> – means a settlement on an area of land that is characterised by a pattern of development involving residential use on larger lots in a rural or non-urban setting.</p>	Agree and supported on the basis that the modification clarifies the definition of 'Rural residential settlement'.
7.72	<p>Include a definition of 'greenfield sites' (as used in strategy 1.5.3(2)), consistent with that used in the Southern Tasmania Regional Land Use Strategy, which is:</p> <p><i>Greenfield sites</i> – means former agricultural or undeveloped natural land on the periphery of towns and cities that has been identified for urban development.</p>	<p>Agree and support the inclusion of a definition for 'Greenfield sites' subject to minor modifications to include that it relates to a relatively large area and to align with existing terminology used throughout the TPPs as shown by underline below:</p> <p><i>Greenfield sites</i> – means larger areas of mostly former agricultural or undeveloped natural <u>land, including land formerly used for agriculture, usually located on the periphery of settlements</u>, that has been identified for urban growth.</p> <p>I support the TPC's recommendation subject to the additional modifications that I have made to the definition as shown above to assist with interpretation.</p>
7.73	<p>Include the following definitions for 'urban growth boundary' and 'settlement growth boundary' which will allow the RLUS to adopt the terms and apply them in the appropriate context:</p> <p><i>Urban growth boundary</i> – means the spatial extent of growth, as identified on a map, for a metropolitan area or a city and its greater urban area.</p>	<p>Agree and supported on the basis that the objective now includes strategic consideration of State, National and world heritage registered sites.</p> <p>Modification made to the draft TPPs in accordance with the TPC's recommendation.</p>

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	Settlement growth boundary – means the spatial extent of growth, as identified on a map, for a settlement.	
7.74	<p>Include the following definition for ‘very low-, low-, and moderate-income households’ (as referred to in the definition for affordable housing):</p> <p>Very low-, low-, and moderate-income households - means households that are in the three lower quintiles of the Tasmanian income distribution.</p>	<p>Agree and supported on the basis that the objective now includes strategic consideration of State, National and world heritage registered sites.</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>
7.75	Delete definitions for “assisted housing” (term not used within the TPPs), “communal residence” (term not used within the TPPs) and “sensitive use” (already defined within the SPPs).	<p>Agree and support the deletion of “assisted housing” and “communal residence” from the Glossary on the basis that the terms are not used in the TPPs.</p> <p>I do not support the deletion of the definition of “sensitive use” for the reason that it is already defined in the SPPs. The TPPs are the higher order planning instrument and the SPPs are required to be consistent with them.</p> <p>Those applying the TPPs should not be referring to the SPPs for defined terms.</p>
7.76	Include a definition for “urban forest” (used within strategy 1.2.3(7)) as it may be a contested term if subsequently referred to in other planning instruments.	<p>Agree and supported on the basis that it will assist with the implementation of the strategy</p> <p>I have modified the TPPs to include the following definition in the Glossary:</p> <p>Urban forest – means a forest or a collection of trees that grow in or around urban areas.</p>
7.77	Review the existing definition for “circular economy” (used within strategy 4.8.3(5)) as there are other preferred higher-level definitions, such as that applied within the United Nations Sustainable	Agree and support the rationale for the TPC’s recommendation

REF	TPC Recommendation	Response to TPC recommendation and reason for modification to the draft TPPs
	<p>Development Goals (e.g. “a regenerative system in which resource input and waste, emissions, and energy leakages are minimized through long-lasting design, maintenance, repair, reuse, sharing, remanufacturing, refurbishing, and recycling activities”).</p>	<p>The definition of “circular economy” has been reviewed and it is proposed to delete it and replace it with:</p> <p><i>Circular economy</i> – means a regenerative system in which resource input and waste, emissions, and energy leakages are minimised through long-lasting design, maintenance, repair, reuse, sharing, remanufacturing, refurbishing and recycling activities.</p> <p>Modification made to the draft TPPs in accordance with the TPC’s recommendation.</p>

Table 2 - Additional modifications

Ref no	Modification and reason for modification
SPO 1	Acknowledgment of Country in respect for traditional owners of Tasmania has been inserted.
SPO 2	A version control table and Ministerial declaration of the making of the TPPs has been included for tracking purposes and compliance with the Act.
SPO 3	The Foreword has been revised to an introduction to allow the insertion of the Minister's Foreword.
SPO 4	The title of the General Application section has been changed to 'General Application and Implementation' and various minor modifications made to the section to align more closely with the terminology and requirements of the Act.
SPO 5	The header on each page that refers to " <i>Draft Tasmanian Planning Policies</i> " has been replaced with " <i>Tasmanian Planning Policies</i> ".
SPO 6	On the title page, the following text has been deleted " <i>Draft provided to the Tasmanian Planning Commission in accordance with sections 12(3)(a) of the Land Use Planning and Approvals Act 1993</i> ".
SPO 7	The table of contents has been modified to reflect the structure of the final modified TPPs.
SPO 8	Footnote 3 has been deleted because it was for background information for the purpose of exhibition.
SPO 9	Footnote 4 has been deleted because it was for background information for the purpose of exhibition.
SPO 10	Footnote 5 has been deleted because it is now redundant as the definition has been modified.
SPO 11	To reduce the length of the TPPs, consolidate the Climate change statements into a single statement that discusses how the TPPs address climate change. The deleted text will inform an explanatory document that will be prepared following the making of the TPPs.
SPO 12	The policy context statement for each TPP has been summarised to reduce the length of the non-operational text in the TPPs. The full policy context statements have been relocated to an accompanying explanatory document.

Ref no	Modification and reason for modification
SPO 13	<p>In response to initial collaboration with the Regions in interpreting and applying the TPPs, strategy 1 of clause 1.1.3 has been modified, as shown by underline below, to provide greater clarification for implementing the policy intent into the RLUSs.</p> <p>1. Provide for at least a 15 year <u>regional</u> supply of land that is available, identified or allocated, for the community's existing and forecast demand for residential, commercial, industrial, recreational and community land to support the economic, social and environmental functioning of settlements <u>across the region</u>.</p>
SPO 14	<p>At strategy 5 b) of clause 1.4.3 the following superfluous words have been deleted:</p> <p><i>the land is not within an urban growth boundary or settlement growth boundary;</i></p>
SPO 15	<p>The word "the" prior to "Tasmanians" in the objective of the Housing policy at 1.5.2 has been deleted to correct an error.</p>
SPO 16	<p>For consistency with the expression used in the other environmental hazards policies, strategy 1 of 3.2.3 has been modified as follows:</p> <p>1. Identify and map <u>land that is susceptible</u> susceptibility to landslip hazards...</p>
SPO 17	<p>To achieve a consistent policy response for industrial use and development to consider environmental hazards and environmental values strategy 3 subclause h), of 4.6.3 has been modified to include the same text used at the end of strategy 4 as follows:</p> <p><i>h) avoidance of environmental hazards and <u>the impacts on environmental values are avoided or can be appropriately managed</u>.</i></p>
SPO 18	<p>In response to issues with the implementation of the Industry policy (at 4.6) to the review of the RLUSs, strategies 4.6.3 (2) and 4.6.3(3) have been modified to allow industrial land to be located '<i>within urban or settlement growth boundaries, <u>or within close proximity to settlements</u></i>' to acknowledge where separation between conflicting land uses may be required.</p> <p>As a result of the above modification, strategy 4 is also modified to provide additional clarification as follows:</p>

Ref no	Modification and reason for modification
	<p><i>Enable industrial use and development, outside urban or settlement growth boundaries to be located away from settlements, where:</i></p>
SPO 19	<p>To clarify the application of the Growth strategies, the following definition of 'Infill' is included in the Glossary:</p> <p><i>Infill</i> – means the development of smaller vacant or underutilised lots within existing settlements.</p>
SPO 20	<p>Various minor typos and formatting errors have been corrected.</p>